

STAFFORD COUNTY PLANNING COMMISSION

June 13, 2018

The meeting of the Stafford County Planning Commission of Wednesday, June 13, 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, Stacie Stinnette, Mike Zuraf, Brian Geouge

DECLARATIONS OF DISQUALIFICATION

Ms. Vanuch: Now moving onto any declarations of disqualification or disclosure? Anyone have anything? Okay, I will just make one note that I have met with both applicants for item number 1 and item number 3 on the agenda. I typically only like to meet in the public meetings but, because of time sensitivities, I did meet with both applicants. And we'll get more into that in the presentations, but just wanted to let the public know that we did have a couple of meetings on the Kaz Automotive and the 5 Twelve prior to tonight's meeting. Now we're going to move onto the public presentations section of tonight's meeting. But before I open it up to the public, we have a special guest here this evening that's been at these meetings for the last, what, 6 months now that we'd like to honor. So, Connor, if you'd come down to the front with me. So, Connor... can you hear me? Is it working? So, Connor Merk has been part of the YES Program, which is the Youth Engaged in Stafford, and he has given up his Wednesday evenings to join the Planning Commission and many other nights actually, because what we do tonight is often times precursored by a lot of studying and a lot of research on our agenda items that we have in the evening. And Connor's been a true treasure to have on the Planning Commission. He has been such a professional young man. He's been willing and helpful to jump in on many things that we've needed his guidance on. He's never complained about late meetings. I think one time we got out of here almost close to midnight; a couple times actually. He's had some of the largest public hearings the Planning Commission's ever seen and so you got really good experience, I think, in seeing what comes before us. So I really feel confident in our future with young leaders like you. And there's no doubt in my mind that your picture is going to be on that wall one day. So, would you like to share anything about your experience?

Mr. Merk: Yes. So, first I would like to thank the Stafford County Government for creating the YES Program. And it was interesting to see the process of applicants and how it was decided if they would be approved or not. I enjoyed watching the public participating in these meetings and getting involved. So, Stafford County is a growing county but I appreciate how much time, thought, and research is taken into each decision in the Commission. And finally I would like to thank everyone on the Commission for being so welcoming and allowing a student to participate on the Commission. I want to give a special thank you to Ms. Vanuch for keeping me involved and showing such great leadership skills. So, I'm thankful for being a part of this Commission. Thank you.

Ms. Vanuch: Thank you so much. And we do have a special Certificate here for you that the Commission signed, so you can add it to the hundreds of others that I'm sure you already have. But thank you so much.

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Mr. Merk: Thank you.

PUBLIC PRESENTATIONS

Ms. Vanuch: Okay, so now moving onto the public presentations portion of tonight's meeting, so this is where if you'd like to come down and speak on any item other than the Kaz Automotive Expansion, which is our only public hearing for tonight, you can come down to the podium. You'll have 3 minutes to speak. Please state your name, your address, and the district that you reside. When the green light comes on, that'll be your 3-minute time. When the yellow light comes on, you have 1 minute. And when the red light comes on, please cease your comments. Would anyone like to come down? Okay, seeing no one, I'm going to close the public presentations portion of tonight's meeting and move on to item number 1 on the agenda, which is the Reclassification for Kaz Automotive. And I think Mr. Zuraf's going to be presenting this one and you'll be doing item number 1 and 2 since there's a Conditional Use Permit as well, right?

PUBLIC HEARINGS

1. RC17152129; Reclassification - Kaz Automotive Expansion - A proposal to amend proffered conditions on Tax Map Parcel No. 20-6, zoned B-2, Urban Commercial Zoning District, to remove use restrictions on the property to allow for expansion of the existing automobile repair use along with other commercial/office uses totaling up to 37,000 square feet. The site consists of 3.105 acres and is located on the north side of Garrisonville Road, approximately 140 feet west of Meadow Lane, within the Rock Hill Election District. This project is the subject of a concurrent Conditional Use Permit request. **(Time Limit: September 21, 2018)**
2. CUP17152131; Conditional Use Permit - Kaz Automotive Expansion - A request for a Conditional Use Permit to allow an automobile repair use within the HC, Highway Corridor Overlay Zoning District and B-2, Urban Commercial Zoning District on Tax Map Parcel No. 20-6 (Property). The Property consists of 3.105 acres and is located on the north side of Garrisonville Road, approximately 140 feet west of Meadow Lane, within the Rock Hill Election District. This project is the subject of a concurrent zoning reclassification request. **(Time Limit: September 21, 2018)**

Mr. Zuraf: Correct.

Ms. Vanuch: Thanks.

Mr. Zuraf: If I could have the computer please? Good evening members of the Planning Commission and Chairman, Mike Zuraf of the Planning and Zoning Department to present these two items. We have... the application is known as Kaz Automotive Expansion. This includes a reclassification and conditional use permit. So, the specifics on these requests, the reclassification request is to amend proffered conditions to remove use restrictions on Tax Map Parcel No. 20-6 that covers 3.105 acres and zoned B-2, Urban Commercial. On that same property, the conditional use permit request would allow an automobile repair use within the HC, Highway Corridor Overlay Zoning District and B-2 Zoning District. And the applicant is Liana Jones with AMS Real Estate Investment, with Bruce Reese as the engineer assisting with the application. The site is on the north side of Garrisonville Road, approximately 140 feet west of Meadow Lane, and it's highlighted in red in the center of the screen. This is a zoning map of the area. And surrounding the site includes, in yellow, R-1 zoning to the north of the property, and to the south of the property is a combination of R-1 zoned property and B-2, Urban Commercial zoned property. And also then, to the west is B-2 zoned property and to the east is a

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smaller B-1 zoned property. B-1 is Convenience Commercial. Looking at the zoning history on this site, on January 17, 1995, the property was rezoned from R-1, Single-Family Residential to B-2, Urban Commercial, with proffers. The proffers limited the development of the site to no more than 40,000 square feet of office use. This is an image of the original General Development Plan for the site that accompanied the proffers. And to date, no construction activity has occurred on the property. The subject property is currently undeveloped. The property is situated along Garrisonville Road and adjacent to the Meadowlark Subdivision. The Meadowlark Subdivision is generally in this location. Also, adjacent to the property to the west is the existing Kaz Automotive Repair facility, right in this location. And then across the street you have a combination of undeveloped properties here. This is a professional office in this location, and a place of worship in this location. The property includes forested land cover. The site does not include any sensitive environmental resources. The topography on the site is relatively level, sloping gradually from Garrisonville Road down to the lowest point, which is in the northwest corner of the site. As noted, the current proffers do limit the use of the site to office. This would require the current proffers to be amended to fulfill the applicants' plans to expand their business onto this site. I'm going to go through and review the proposed amendment, proffer amendment, so the applicants' going to seek some additional amendments in addition to only the use restriction and square-footage restriction because the proffers do date back to 1995 and have some outdated proffers to them. We did receive a revised version of the proffer statement following the advertisement of the case. There are three new changes which I've highlighted in yellow in the presentation. You did receive both the original version of the proffers that was advertised and then the latest version in your package. So, going through the changes, the first change would delete the use limitations and add a new restriction that's based on vehicle trips. The original proffer amendment... with the original proffer amendment, the uses on the site should not exceed a thousand vehicle trips per day; that's what was originally proposed. With the latest change to the proffers, the applicant's reducing that maximum limit to no more than 441 vehicle trips per day. The current use restrictions of 40,000 square feet of office uses equates to 441 vehicle trips per day. This is based on the ITE manual, the Institute of Traffic Engineers manual, that helps us determine vehicle trips based on uses. Currently, there are no near-term plans for widening improvements to this section of Garrisonville Road. With no near-term improvements, there was a request from members of the Commission to not permit any increase in the number of vehicle trips over what's already approved on the site. The applicant's intending to phase the development of the site, constructing the automobile repair use first. They have no immediate plans for development of the remainder of the site. Looking at how this cap affects the uses, the proposed auto repair use is estimated to generate only 75 vehicle trips per day. With the limitation of 441 vehicle trips, it would permit development on the remainder of the site up to... with up to 366 vehicle trips per day. So, if in the future any new development proposal came in that exceeded the 366 vehicle trips per day, the applicant would have to come back in and seek a proffer amendment before the Commission and Board. So, going through some of the additional changes, the proffer amendment would reference a new General Development Plan, it would require the automotive repair... automobile repair use to be developed in general conformance with the GDP, but then for the remainder of the site require more generalized standards with requiring a 50-foot setback for structures from the residential properties on the remainder of the site. This is an image of the new General Development Plan for the entire commercial development. The location of the automobile motor repair use is located on the western side of the property, in this location. It includes 6 repair bays and a 3,600 square-foot building. The bay doors are located on each side of the building, with the storefront facing Garrisonville Road. The other remaining use... the use on the remaining site shows a 2-story 26,000 square-foot commercial office building. The commercial office building includes a parking lot in front of the building. There's a single full-service access point proposed to serve the site located approximately at the mid-point of the site frontage between the two buildings. That access point is right here. There's a street buffer with a landscaping berm proposed. And then also a transitional buffer from the adjacent residential uses proposed, which includes a reduction of the standard buffer from 50 feet to 25 feet with

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a board-on-board fence. This is something that's permitted in the County's Zoning Ordinance. The next proffer amendment addresses vehicle access. This is another new change. This change would require the single vehicular access point to be completed prior to occupancy of the first use on the property. The proposed new auto repair facility could potentially be developed with access through the existing Kaz Automotive facility since the site is owned by the same entity. This new proffer was added following concerns expressed that the design of the current entrances into the Kaz Automotive are not designed to current standards with limited deceleration lanes off of Garrisonville Road. And additional traffic utilizing these entrances would not be desirable. Although shared access is encouraged in the Highway Corridor, in this case it would be preferable to require a new access point for the new facility that meets current access design requirements. On the next point, there are several proffers that would be deleted that are unnecessary and outdated. This includes a reference to 100-year floodplain that does not exist on the property. There's reference to buffer yard requirements that relate to our old Zoning Ordinance and buffer standards that are outdated and, in some cases, less restrictive than what we currently have. There are also parking lot and street buffer landscaping requirements that are outdated as well in the proffers. And then also requirements for water and sewer utilities that are required anyways under our current Zoning Ordinance, and stormwater management requirements that are more stringent now than what would have been required under the old proffers. So those are all being removed from the new proffer statement. So, the next proffer amendment deals with inter-parcel connections. There would be a requirement for at least one inter-parcel connection to the parcel to the west; that's to the current Kaz Auto facility. On the GDP that I displayed, there were 3 inter-parcel connections shown to the existing auto repair facility. The amended proffer would require at least one of those connections to be made. Staff does believe it's appropriate just to allow for the flexibility and only require one of the connections since the parcel is not that large compared to some other sites, and having at least one connection would be adequate. On the second point, there would be a required dedication of 60 feet of right-of-way from the centerline of Garrisonville Road. The Transportation Plan chapter of the Comp Plan recommends widening of Garrisonville Road to a 6-lane divided facility. There are no immediate plans for widening of this section of Garrisonville Road; however, dedication will help to support future widening and avoid future impacts to future businesses on the site once widening does occur. The proffers would also delete what currently is required... their current principle building material requirements and replace those with requirements that the auto repair facility be constructed in general conformance with these renderings, and require all other buildings to be constructed to match the colors and materials of the automobile repair facility. Staff notes that the features of the proposed building provided in these renderings provide appear to adequately address the design recommendations in the Neighborhood Design Standards Plan, which is an element of the Comp Plan. The applicant worked with the staff to modify the materials and design to help ensure consistency with that Plan. The next amendment would delete the requirements that security lighting during construction will not adversely affect the health, safety, and welfare of nearby residents. Staff saw that proffer as kind of being vague and it didn't really have good measureable enforcement teeth. The lighting standards in the Zoning Ordinance are more comprehensive than back in 1995 and address security and construction lighting. Security lighting standards require lighting to be dimmed after business hours, and all exterior construction lighting shall be full cut-off in directionally shielded fixtures so as to only illuminate the desired objects. On the second point, the proffers would increase the number of free-standing general advertising signs from one to two. There's a likelihood of two separate uses occurring on this site that may want their own signage, as opposed to the original development plan that identified only one office building. Proffers then also would prohibit wall signs on the eastern most side of the... eastern most building adjacent to the residential uses. Wall signage along the top of the building could negatively impact the adjacent residential uses if the building exceeds the height of the transitional buffer. And on the last point, a new proffer would require the hours of operation for all the uses of the sites be limited to 5:00 a.m. to 11:00 p.m., 7 days a week. This proffer was requested due to the proximity of the site to adjacent residential uses in an effort to mitigate any potential noise impacts. The Comp Plan identifies the site within the

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recommended Commercial Corridor and Suburban land use designations. Commercial Corridors are intended to encourage commercial activities where there are adequate transportation facilities to accommodate proposed uses. Suburban areas of the County are areas where suburban scale of development is the most appropriate, and the Comp Plan recommends infill development along commercial corridors. Staff believes the proposed amendments to the proffers maintain the site's consistency with the Comp Plan recommendations. The building is located towards the front of the parcel providing greater setback from the adjacent residences and the proposed proffers intend to minimize any potential visual impacts on the corridor highway and adjacent residents. So, looking at the Conditional Use Permit portion of this request, there are several conditions proposed for the auto repair facility. Point 1, the use is required to occur in the general location shown on the General Development Plan. The next point, the conditions would require all service to be conducted within the designated service bays, and prohibit outside storage of unlicensed vehicles, and limit any outside storage of inoperable or total vehicles onsite to a maximum of 30 days. On point 3, the conditions would require disposal of all petroleum products, antifreeze, and hazardous materials in accordance with state, federal, and local laws. And then also, all stormwater management facilities would be designed to include oil/water separators, which is a standard condition in this type of request for auto repair or auto service. On point 4, the conditions would prohibit outdoor display of automobile parts and limit the outdoor display of tires, portable signage, and carnival style flags, banners, lights, balloons, or windsocks. And then also, an inter-parcel connection would be required to be provided consistent with the proffers that are provided as well. Looking at the evaluation of the overall proposal, there are many positives with this request. It's consistent with the Land Use Plan and Transportation Plan recommendations in the Comp Plan. There's no increase in the development intensity over what's already approved under the current proffers. The use is consistent with established development pattern along Garrisonville Road. The building design incorporates the Neighborhood Design Standards Plan recommendations. New proffers would update outdated development standards. The use sited to minimize impacts to the corridor highway. And then also, proposed conditions would minimize visual impacts and provide environmental and fire safety protections. And staff does not see any apparent negative impacts with this request. Looking at the recommendations, on the zoning reclassification staff would recommend approval of the proffer amendment; that's Ordinance O18-29, with proposed proffers, including the latest modifications that you've already received. And then staff recommends approval of the Conditional Use Permit, R18-161, with the proposed conditions; that would be subject to approval of the concurrent proffer amendment. And I'll take any questions at this time.

Ms. Vanuch: Thank you Mr. Zuraf. Any questions from the Commission? No questions? Oh, Mr. Randall?

Mr. Randall: Quick question. The fence between the location and the residences; what's the height of that fence? Did you tell us already?

Mr. Zuraf: It can be as tall as 8 feet, but... it could actually range from 6 to 8 feet.

Mr. Randall: Okay, but you had no indication of what size they plan to build?

Mr. Zuraf: I think the General Development Plan identified a 6-foot tall fence.

Mr. Randall: Six-foot tall fence.

Mr. Zuraf: Yeah. But there's no restriction from it being up to 8 feet.

Mr. Randall: Okay.

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Ms. Vanuch: Mr. Zuraf, and this may be a question for the applicant, I do know in speaking with them they intended to keep as much traditional natural buffering as possible. So, you're going to have the fence and then you're also going to have 25 feet of buffering around the backside and the side of the property, correct?

Mr. Zuraf: Right. The fence, and most likely the applicant can speak to this, but likely the fence will be right on the property line and then, yeah, the natural trees within that.

Ms. Vanuch: And it's a pretty densely wooded area.

Mr. Zuraf: It is.

Ms. Vanuch: Right now. Okay, awesome. Any other questions? Oh, Mr. Bain?

Mr. Bain: And this is more to the site plan that we just received yesterday. I noticed the fence on the east side where the residents are, it seems to end before it covers the property boundary for lot 1. And I was wondering why? Are they mad at that guy and they want him to be able to see the building?

Mr. Zuraf: That lot 1 is zoned B-1, so that may be why. But when the site plan comes in, the fence may still be required there because the buffer requirements are going to depend on use. And I believe it's a residential use. So, if that is truly a residential use there and there's a reduction in the buffer, the fence is going to be required.

Mr. Bain: Okay, that's good. Again, assuming then that that's going to be residents, they're showing a sign on that eastern side of the property. I hope it's not going to be a lighted sign, or else is it going to be shorter than 6 feet? So if there is a fence it won't glare into the bedroom windows at night, you know.

Mr. Zuraf: Yeah, right now there's no limitation necessarily from that potentially being lit. It very well could be lit, so...

Mr. Bain: It might be something to keep in mind.

Mr. Zuraf: Yes.

Mr. Bain: I don't know how much transitional movement there would be for anybody using the commercial office versus the automotive repair, but there was one area where I thought maybe a crosswalk could be added on the west side of the commercial building towards the back. It looks like there's a sidewalk that would direct people across the access driveway, and so maybe a crosswalk could be added there. And then you mentioned something about the position of the building and that was something that kind of bothered me. Could the building be moved forward and then have parking behind it, and that would get the building a little bit further away from those houses that are on the north property line boundary. It's going to be a 2-story office building and people in that second floor, if it's that close to the property boundary, they could stand there and watch people eat their dinner at night type of thing.

Mr. Zuraf: Right.

Mr. Bain: So it might be something to consider. That was all I had.

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Mr. Zuraf: Okay. Yeah, I guess the idea there is an issue of okay, if the building is moved forward and parking is located behind, there could be a security issue. But then also you then have more vehicles closer to that rear... to the residential uses as opposed to it just being a fire access lane. So, maybe if it is a 2-story office use where there is more circulation around the site and parking around the site, that might be appropriate. But that could be the reason why that is designed that way.

Mr. Bain: Okay. Alright, thank you.

Ms. Vanuch: Any other questions before we bring the applicant up? Okay, would anyone like to come up for the applicant?

Mr. Reese: Madam Chair, members of the Commission, my name is Bruce Reese. I'm with Legacy Engineering and I'm representing the applicant who is here this evening, Liana Jones. The staff report I think says everything we would have wanted to have said, only better. I'm not sure we have a whole lot to add to it. We'd be happy to answer any questions. Just as a little background, they have owned the business for 12 years; it's been in this location since 1980. They expanded it from originally 8 bays to where they have 17 and they just needed more room. So, that's why we're here before you this evening. I'd be happy to answer any questions.

Ms. Vanuch: Does anybody have any questions for Mr. Reese? Mr. Randall?

Mr. Randall: I have a couple questions.

Mr. Reese: Yes sir.

Mr. Randall: Do you expect that there'll be lots of traffic between these two locations, or will it be a you need to get it serviced, you need to drive around the corner and go to that over there? Or will they be walking back and forth, people, so on and so forth?

Mr. Reese: They would like to move the public's access to the business to this location. So, if there's any traffic, it's going to be done typically by an employee. The intent is not to have customers come in and drive back and forth between the two.

Mr. Randall: Ah, so the intent is to make this the general public location.

Mr. Reese: Yes sir.

Mr. Randall: And then pretty much only the employees going back and forth from this location to the other bays.

Mr. Reese: Correct.

Mr. Randall: Okay. Do we... have we talked to the neighbors?

Mr. Reese: We have.

Ms. Vanuch: You stole my question.

Mr. Reese: We have talked to the neighbors, all the ones...

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Mr. Randall: What do they think about it?

Mr. Reese: Well, I think that was probably one of the best marketing aspects we could have gotten out of this because I think they got 3 or 4 extra customers out of their discussion with the neighbors. They had no opposition. They were not able to speak to everybody. They couldn't get ahold of everybody, but of the probably 6 or 7 residential neighbors, they talked to probably 3 or 4 of them -- with no opposition.

Mr. Randall: To that point, I would suggest that, as much as possible, the higher the fence the better. To the point that once you build it at 6-foot and you go back and realize that it's maybe not enough, you're not going to go rebuild it. So maybe the higher fence at the initial point would be.

Mr. Reese: I agree with you completely and the only thing we would say about the fence is that we've got a Small Business Administration loan for this project. And that has a limit. And so we have to be very careful with how we're spending our money. The good news is that there aren't many people in the County that are going to be able to look over a 6-foot fence, and it's what the Code allows to be able to reduce the (inaudible).

Mr. Randall: I understand, I understand. One last thing. The environmental storage -- what's your storage amount on site? Do you have any idea?

Mr. Reese: It would be minimal. I don't know exactly what it is but it would be minimal and there is already an existing environmental storage in place at the current location.

Mr. Randall: So there would be two then? One at the current location and a new one at the new location?

Mr. Reese: Let me kind of direct that to Liana. So there will be two.

Mr. Randall: There will be two?

Mr. Reese: Yes.

Mr. Randall: Okay, alright, thank you.

Ms. Vanuch: Thanks Mr. Randall. Any other questions from the Commission? Okay. Just, before you go, I have a couple things. And these are probably more statements because I met with you and I just want to talk in public about everything we talked about in private.

Mr. Reese: Right.

Ms. Vanuch: So, in the application in the agenda packet there were some proffer amendments and those were based on conversations that we had had. So I did meet with Mrs. Jones toward the facility, walked around, she showed me where everything was going to go. We did talk about some of the traffic concerns and the entryway off of Garrisonville Road, so she... we had a subsequent meeting with you and Mr. Zuraf joined us and we talked about adding that entrance with a turn lane up to VDOT standards as a primary point of entrance to the lot. We also, at that meeting, discussed lowering the gross vehicles per day to match what was currently technically by-right on the property right now down from a thousand to 441. And then we also discussed some hours of operation, specifically for the business of the commercial side since it will be closer to the residences. And Mrs. Jones went ahead and proffered

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those hours of operation, agreed to the inter-parcel connector, and I did just want to point out that she also lowered the amount of business office spaces down from 40,000 square feet to 27,000 square feet. She also did show me the materials and, at that time, I had suggested because it's very, very important to meet or reach out to neighbors and I told her that that would be one of the deal killers today if we had neighbor opposition. So I'm glad to hear, and I do know I got a list of like 12 to 14 people that actually got public notices from the County that we were having a public hearing tonight. So, I just wanted to make sure that I got all that out in the open so everyone knew what we talked about.

Mr. Reese: Thank you ma'am, that's a great summary.

Ms. Vanuch: Alright, great. Alright, any other questions? Alright, well thank you so much.

Mr. Reese: Thank you.

Ms. Vanuch: Okay, since we don't have any other questions, we can go ahead and move onto the public hearing portion. So this is where, if you're here tonight to speak on this reclassification and conditional use permit for Kaz Automotive, you can come down to the podium. You'll have 3 minutes. Please state your name, address, and the district that you reside. When the green light comes on that's when your time starts. When the yellow light comes on you'll have 1 minute. And when the red light comes on your time is expired. Would anyone like to come down and speak? Okay, seeing no one rush the podium, I will close the public hearing for item number 1 and 2 on the agenda and bring it back to the Commission. Commissioners, do we have any other questions for staff or for the applicant before we move forward? No? Alright, so I'm going to pass the baton over to Mr. Apicella.

Mr. Apicella: I have my own spare.

Ms. Vanuch: Oh my goodness! He brought his own from home.

Mr. Apicella: Ms. Vanuch, this is in your district. What would you like to do with regard to the reclassification request?

Ms. Vanuch: Thank you Mr. Apicella. So, I did already kind of state a lot of the things that I discussed with Mrs. Jones and Mr. Reese when we had a meeting. But I did want to also say that it was really great working with you guys. I think you're a great community business. The public does have very positive things to say about your business. And you took all of the suggestions very well and were willing to accommodate with the County. You did bring to my attention one major issue regarding materials. And that is in the Neighborhood Development Standards Plan and in the Comp Plan there are some conflicting information. So I'm going to share that information as we move forward with the Supervisors and see if they can send us down something to take a review and take a look at it regarding the exterior installation and finishing systems and the architectural metal panels. You showed me renderings of what you wanted to build and it actually looked pretty darn good. What you want to build looks good to but it just seems like an unnecessary delay in my opinion, and I think it held you up for about 6 months as you were explaining to me. And so I just want to let you know that we are going to try to do something about that, at least let our Supervisors know. But based on all the things that I already talked about with Mr. Reese and your willingness and accommodations to proffer up all of those different conditions, I'm going to move to approve the RC17152129 Reclassification for Kaz Automotive tonight.

Mr. Apicella: Okay, there's a motion to recommend approval of the reclassification; is there a second?

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Mr. McPherson: I'll second that.

Mr. Randall: Second.

Mr. Apicella: I'm going to pick Mr. McPherson because he's right next to me. Any further comments Ms. Vanuch?

Ms. Vanuch: I think I made them all.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: No thank you.

Mr. Apicella: Anyone else? Okay, seeing no other comments, please cast your vote. The motion carries unanimously, 7 to 0. Ms. Vanuch, what would you like to do with regard to the Conditional Use Permit?

Ms. Vanuch: Okay, so I'd like to make a motion to approve CUP17152131 for Kaz Automotive.

Mr. Apicella: Okay, there's a motion to approve... recommend approval of the Conditional Use Permit; is there a second?

Mr. Randall: I'll second that one.

Mr. Apicella: Okay, I'm going to give it to Mr. Randall. Any further comments Ms. Vanuch?

Ms. Vanuch: No further comments.

Mr. Apicella: Mr. Randall?

Mr. Randall: No further comments, thank you.

Mr. Apicella: Anyone else? Okay, please cast your vote. The motion carries 7-0. Congratulations. I'm going to pass the baton back to you Madam Chairman.

Ms. Vanuch: Thank you Mr. Apicella. Okay, so now moving onto item number 3 on the agenda, which is Unfinished Business, and for this we'll recognize Mr. Brian Geouge.

UNFINISHED BUSINESS

3. 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 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) (Deferred by Applicant to May 23, 2018) (Deferred by Applicant to June 13, 2018)**

Mr. Geouge: Good evening Madam Chairman, members of the Commission. I'm Brian Geouge with the Planning and Zoning Department presenting the 5 Twelve Convenience Store Expansion application.

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Just a quick overview of this request: this is a Conditional Use Permit request to allow for the expansion of a vehicle fuel sales facility in a B-2, Urban Commercial Zoning District and HC, Highway Corridor Overlay District, on parcel 19A-1-42 consisting of 2.47 acres. The application is Nicholas Khatchi and the primary contact has been Jeff Keith with Advanced Engineering; however, Jonelle Cameron with Walsh Colucci, P.C. is here tonight representing the applicant. This is within the Rock Hill Election District. The Planning Commission held a public hearing for this application on March 28th and deferred action to April 25th. The application has been deferred twice since then at the applicant's request to this date. In response to concerns raised at the public hearing, the applicant has revised the GDP, or Generalized Development Plan, and agreed to additional conditions. The revised GDP submitted by the applicant includes the following changes: the fuel tank location has been revised to provide better separation from adjacent residents in response to concerns of gasoline odor. The current fuel tank location is generally here, and that's been shifted up to here. Centerline striping is also shown at the entrance to better delineate travel lanes. This was in response to concerns expressed about conflicts between vehicles entering the site from Garrisonville and exiting. Staff also notes that the current entrance is at the maximum width per VDOT standards, shown as 42 feet. A portion of the existing fence adjacent to the fueling station would now be replaced with this project, and that's shown here and that would be a full replacement of that section of fence, in addition to the new 7-foot fence that extends down to the corner of the property and up the side property line. A new masonry dumpster enclosure is also shown. The current enclosure was just changed to include board on board type facing, so this would be an improvement over that. And we also note that the sidewalk previously shown on Garrisonville has been removed from the GDP. And the condition that requires the construction of the sidewalk has been removed, and this is because the code allows for developers to submit a payment in lieu of constructing the sidewalk in certain situations. So, the revisions were made to give the applicant the option to provide a payment in lieu given that the existing conditions on the site would make construction of the sidewalk very difficult, and to the south there's no developed property to which it would connect to. I just wanted to point out a couple other things that were brought up at the public hearing on this project. Adjacent residents have noted a recent increase in light levels which was believed to be due to a recent replacement of lighting fixtures on the property with LED fixtures. An existing proffer on the property requires that parking lot lighting be directed downward and inward from adjacent uses. Zoning staff visited the staff in May and notified the owner that the lights should be directed more downward to comply with the proffered condition, and a picture was taken from that site visit shown at the top here. Staff was recently notified that the lights have been adjusted and staff visited the site again today to verify and the photo comparison for that is shown at the bottom here. Staff notes that any new lighting proposed within the... or with the fueling station expansion would need to comply to current ordinance requirements for lighting. And those include requiring full cut-off fixtures, and that has to do with the basically the spread of light that comes from the fixture itself. You'll see a picture here and this is what is pretty typical of new lighting in that the fixture is horizontal or at a 90° angle from the pole. There are certain situations where they're angled out a little bit, but the ordinance does allow for that as long as I believe no more than 5% of the light emitted is over the 90° mark.

Mr. English: Mr. Geouge? You guys didn't go out at nighttime for this, did you?

Mr. Geouge: I don't believe staff went out at nighttime, no.

Mr. English: To make sure that it was adjusted right?

Mr. Geouge: No, but that is something that we can do as a follow-up.

Mr. English: Thank you.

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Mr. Geouge: There were also concerns expressed at the public hearing regarding fencing along the rear of the property. An existing proffer on the property requires that a 7-foot high board on board fence be set internal to the rear property line. The existing fence ends at the edge of the fueling area, as you can see here in the top picture. Zoning staff has notified the owner that the fence should extend the full length of the rear property line and that there should be no gap at the bottom of the fence. You can see the gap on the existing fence here. There are also concerns regarding stormwater runoff from the property. At the time of site plan, the applicant would need to bring the site into compliance with current stormwater regulations which may reduce the impacts of stormwater runoff from the property. So, to summarize, revisions to the conditions, conditions have been added which limit fuel sales to between 5:00 a.m. and 11:00 p.m.; limit fuel deliveries to between 7:00 a.m. and 9:00 p.m.; limit construction activity to between 7:00 a.m. and 10:00 p.m.; require fuel tanks to be located as shown on the GDP; require the centerline striping as shown on the GDP; and require the dumpster enclosure to be constructed of brick. Finally, staff is recommending approval of this application with conditions pursuant to R18-70. I'll take any questions.

Mr. English: Mr. Geouge, back on the fence part of it -- when was that, the picture that you took of the fencing, when was that taken? Has that been fixed?

Mr. Geouge: The fence, the photo was taken recently.

Mr. English: So, the gaps have not been fixed?

Mr. Geouge: No, I don't think so.

Mr. English: And the fence has not been extended?

Mr. Geouge: Right.

Mr. English: Okay.

Ms. Vanuch: Mr. Apicella?

Mr. Apicella: Madam Chairman, Brian, you mentioned that the stormwater management issue would be addressed at site plan development and that it might fix the problem. What if it doesn't fix the problem?

Mr. Geouge: I would say with pretty certain that it would help some; I'm not sure to the extent it would help. I know there's different regulations for redevelopment projects as opposed to new projects. I believe with a redevelopment you're only required to address a certain percentage of what the site is already causing as far as runoff is concerned. I'm pretty sure you still have to go through the normal checklist of ensuring that any outfall channels are adequate to receive the water. So, for instance, the ditch that would be receiving all the runoff from the property, there'd be calculations to ensure that that is adequately sized. But beyond that, I'm not sure. I can't give you an answer as to what degree it will help, but I'm pretty sure it will help to some degree, I'm just not sure how.

Mr. Apicella: I recall one of the neighbors directly I want to say behind the property said that his yard gets flooded frequently as a result of what's already there. So, I'm just... and I've had those same issues at my property. So I'm particularly concerned about stormwater runoff on somebody's property and how it negatively impacts them.

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Mr. Geouge: Okay. We can look into that more with our stormwater folks in the department if you'd like.

Mr. Apicella: Thanks.

Ms. Vanuch: Any other questions? I don't have any questions for now. We'll let the applicant come up. Ms. Cameron?

Ms. Cameron: Good evening, my name is Jonelle Cameron from Walsh, Colucci, Lubeley & Walsh, and I am here tonight on behalf of the applicant. Mr. Geouge gave a really good presentation and kind of summary of what we did, so I'll try to be as brief as possible to go through some changes. I did talk to Madam Chairman Vanuch today and after our conversation there were still some concerns that she had that I believe the applicant can address and is willing to condition. So I can walk through those with you guys. This slide here is the slide that represents the difference and changes to the plan based on the input that was received from both the Planning Commission and the citizens. The, again, the underground storage tanks have been relocated to address the concerns regarding odor when the gas tanks come to fill up those storage tanks. So they've been relocated further away from the site in order to address that concern. The applicant also added the demarcation to allow for better ingress and egress from the site to make it clear which side is to enter and which side is to exit. Stormwater management, to address that concern, the new Virginia regulations are a lot more stringent than they were in 2014 and definitely more stringent than they were in 1993 when this site was developed. And one of the things that you're required to do is to reduce your outfall onsite. So, as part of the site plan, the applicant will be doing all of the calculations to make sure that the existing facility can accommodate any additional runoff. And based on the feedback that I've heard, it's been doubtful that it can. So they will be adding underground stormwater management facilities throughout the site and locations that would better help to make sure that the existing runoff does not make the site worse. So, we are confident that with the new regulations, there would be an improvement to the site and to the adjacent owner with the runoff that they're receiving today. The applicant is also willing to a condition that requires the portions of the fence that need to be constructed along this area here. I know that there were concerns about height and somebody had mentioned that maybe somebody had been jumping over the fence. There was an incident where a car backed into the fence and it was kind of leaned over so it wasn't completely 7 feet and that was adjusted, but the applicant is willing to a condition that has that height be 8 feet. There were also landscaping comments that I received from Madam Chairman regarding are there any opportunities in the area to add additional landscaping. This is an already developed site so the limitations are a little bit slim, but there are areas to add additional landscaping in this area here that's not proposed yet.

Ms. Vanuch: Isn't there, really quickly, is there a powerline easement there? Because when were on the site, we did talk about the issues of landscaping where the powerline was.

Ms. Cameron: There is, but you are able to do some low lying shrubs in those areas, and we would work with County staff to make sure that the plantings are approved underneath the overhead utilities. The applicant is also willing to a condition that limits the time of construction. I know that that was a concern for the neighbors. So they would be willing to a condition that limits the construction hours to between 7:00 a.m. and 6:30 p.m. Currently as conditioned it goes until 10:00 p.m. And I think that is all.

Mr. English: Will that be Monday through Friday? The hours for the construction? Monday through Friday?

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Ms. Cameron: We would imagine Monday through Friday. I don't know how many... I know for homes they will construct on Saturday, but if that's a concern from the Planning Commission and something that the Planning Commission wants to recommend that it's Monday through Friday, the applicant is willing to accommodate that request.

Mr. English: Yes.

Ms. Cameron: And I think that's it. I can take any questions. The applicant has just recently hired our firm and I know, unfortunately, I think we're there with a lot of the comments that we received from the community. There is the hundred day time period that you all have to act. The applicant would like a recommendation for approval and is willing to make any other adjustments and condition requests that the Planning Commission requests. If it's a recommendation for denial, we would request a deferral to give us time to work with the community and Commissioner Vanuch to walk through any of the outstanding issues. And we are willing to waive the 100 day time period and do that in writing.

Ms. Vanuch: Thank you. Anybody have any questions? Oh, okay. I saw Mr. Randall first; I looked that way though. Sorry.

Mr. Randall: I have a couple of questions. Welcome to the Planning Commission by the way.

Ms. Cameron: Thank you.

Mr. Randall: I guess I'm concerned about the people behind the location. When they were here, they aren't here today but when they were at the public hearing, they were pretty vocal and pretty adamant about some of the concerns, some of the issues that they'd been having over a long period of time as far as the water runoff, the noise, lights, those types of things. I think you've talked to a couple of those things. I like the 8-foot high fence. I would look at maybe... we saw the picture of the fence that staff presented to us and it looked like it was pretty run down. It looks like it doesn't go to the bottom. It may be that you'll have to extend that fence, a new fence, 8-foot, all the way through the back of the property in order to get it to where it meets the ground and is able to provide what fences are supposed to be doing. I'm also interested in knowing where you would put these underwater storm management locations. The man who mentioned his yard gets flooded on a regular basis and it runs right off the property right through that fence right into his backyard was a concern of mine. So, I'd be interested to know where... more in detail what your plans are concerning that.

Ms. Cameron: I understand that concern. Usually the plan for underwater... or the stormwater management plans are done at site plan and the cost for actual design is a lot of money, thousands of dollars, and the applicant didn't feel comfortable going that far if they weren't sure that they would have an approved site. They would be designed in order to make sure that it clears any existing runoff and then helps with any additional runoff on the site. I know without knowing the location then that doesn't necessarily give you the comfort you're looking for. I would hate to have him show something and guess now, and then during the site plan process other things come up and those locations change. As far as the fence location, we are still working with zoning staff on that. There were a couple of outstanding violations that we jumped on and made sure that those violations had been cured. The fence is the last issue. One of the questions that we have and that we're working through is we would construct the fence now to the end of the property line, but as part of the construction process, that fence may be removed so you're constructing to then have a fence come down for construction and then to have the fence go back up. So, from an economical standpoint, that doesn't necessarily make as much sense, so we're trying to work with County zoning staff now on that last issue; and then also working on the issue of the height of the fence. That fence has been there since the shopping center opened, so if

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you look at various pictures and various angles, it touches the ground. But as erosion happens and rain happens, sometimes the sand goes away. So we're working with the engineer to figure out the best and most efficient to address that fence issue.

Ms. Vanuch: What you just said is the reason I suggested a retaining wall. Because I've gone out there and I've seen the way that the water flows. And it cuts through the gentleman right in the very back, he shows me this ditch and the water cuts through it so hard it's kind of created... it's starting to erode the hill and he had to put rocks -- I'm not going to say where he got them from -- but he had to put rocks into the ditch to try to break it up and it's cutting through and it's eroding the sides of this hill. And my thought is, is I think it's coming from the retaining/retention I guess pool that's on there that catches all the water now and it's just too much with the flow of the road and all the stuff that flows from the road down into the ditch that all of that excess water from the entire site then comes and meets right there and it all flows directly in front of his yard. So that's a huge concern for me.

Ms. Cameron: And our goal -- sorry, I didn't mean to cut you off.

Ms. Vanuch: No, you're fine.

Ms. Cameron: Our goal is to be able to address that issue. So, with the approval of the Conditional Use Permit and the site plan process, to address the stormwater management it would be drawing some of that water that's going there today away to meet the current standards. Without the upgrade and then the new system, it kind of stays the way it is. And trying to figure out a balance on how do we make sure, because I would hate to be the neighbor that has the water in their yard. I live near a detention facility myself so I get it and I understand it. So working with the neighbor but also making sure that the engineer can design something in a way that will help and with the new regulations, we're confident that they will be able to do that.

Ms. Vanuch: And when did you say that the applicant lowered the lights?

Ms. Cameron: Monday.

Ms. Vanuch: Monday? So I drove by on Monday night, and they're still very far outreaching. And I met with residents on Tuesday and they said that the lights were still shining into their bedrooms. So, I'm just curious.

Ms. Cameron: The lights were lowered. They are LED lights, so the difference between the...

Ms. Vanuch: But they're not facing down. They're supposed to face down. They're still facing outward. So, how did they lower them? That picture looked identical.

Ms. Cameron: I have a picture, I didn't update it, but they are, if you go to the site and you're looking underneath them, before the lights were facing more like this and now they are facing downwards. If they're not 90° and that's something we have to look at, they will hire their person to come back out and make them be the 90°. But a lot of it is the LED lights which is I think a difference to the eyes from what they were used to seeing. It's harder and you want to have safety for the residents and then for the community that is going to the shopping center. It's different than the Walmart parking lot lights because they're throughout the parking lot, where these lights are actually at the perimeter of the parking lot. So it's trying to find the balance and lighting the entire site. But we can also look at the level of lighting to see if maybe that could be lowered as well to provide comfort.

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Mr. Bain: Would you be willing to investigate whether cut-off collars could be added to those lights to help reduce the dispersion of the light towards the residential area?

Ms. Cameron: Yes.

Mr. Bain: I think that could help. It looked like the type of light wasn't really intended to focus directly downwards, even if it was pointed down. The bulb almost is at the bottom of the light and it could still spread out. But with the cut-off collar put on it, I think that would eliminate that dispersion towards the houses.

Ms. Vanuch: Mr. English?

Mr. English: Brian, question for you. Have you had Jim go out there and do a lighting study?

Mr. Geouge: We haven't taken light readings.

Mr. English: Could you... maybe that would be something from the Sheriff's Office Crime Prevention aspect of it. He's got a light meter and he could give you a distance from him and his point of view on it. So, that's what I would recommend.

Ms. Vanuch: Mr. Randall?

Mr. Randall: Thanks Madam Chairman. Could you point out where the lights are on your plan? I've driven by a hundred times but I don't have any recollection of where the actual light posts are.

Ms. Cameron: They're not... I don't think they're shown on the plan so I'm going to guess. But they're really at the points here, there's one here, I think there's one here. There's 4 lights on site? Five?

Ms. Vanuch: The corner, to the left. I can tell you. The corner to the left and then 5 spaces up from there. I drive by every night and I have to go like this when I'm driving.

Mr. Randall: Also when you're doing that, could you direct... show me where the lights are pointed?

Mr. Khatchi: There are 5 poles.

Ms. Cameron: They're all pointed towards the parking lot.

Mr. Randall: Towards the parking lot.

Ms. Cameron: Yes.

Mr. Khatchi: Inward and downward. And we did that just this past Monday.

Mr. Randall: So, we're saying that the lights are so high that even though they're pointed downward a little bit, they're showing up over... they're going over the 1-story building into the neighbors' yard. Is that what we're saying?

Mr. Khatchi: Well, we actually talked to the neighbor who lives directly behind the dumpster that did the complaining, and we talked...

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Ms. Vanuch: Can you come up to the mic just so everybody at home... we have a lot of viewers at home that like to watch.

Mr. Khatchi: We talked to him at 4:30 in the morning when we had this done and he was satisfied. And I told him if there's anything else wrong, please, my number's on the building, give me a call. I personally had not heard the phone. So, I'm assuming that has been corrected. Instead of just adjusting the one light that they were complaining about, we adjusted all five poles...

Mr. Randall: So they pointed down a little more.

Mr. Khatchi: ... so they were pointing in a downward and inward motion as I was told to do. So we had that done on every single light.

Mr. Randall: On all the lights.

Mr. Khatchi: On every single one, yes sir.

Mr. Randall: Okay. Thank you.

Ms. Vanuch: Alright, any other questions? Okay, but before you go, I just want to do the same thing I did with Mr. Reese because we did talk.

Ms. Cameron: Absolutely.

Ms. Vanuch: I just want to kind of put it into the record the things that we talked about. So, when you called, we did discuss sort of the process of how things had moved along. So, we had the public hearing on March 28th and then, I don't remember the exact date but it was maybe a week or two after that, I went to the site and you were retained at the point but I met with Mr. Khatchi and his engineer and Mr. Geouge. And we walked the site, we talked about some of the resident concerns from the public hearing, after that I went and talked to the residents to identify what were light issues, what were the drainage issues, what were some of the concerns, and I came up with a list from the residents that I spoke with and provided that to Mr. Geouge, which I also think I read off to you on the phone today. And if everybody will just bear with me. So, the first was a more solid secure no climb border on the back of the property that goes all the way up to where the improvements will be; something thick enough to block sound from car radios, when cars are filling up from the gas station they leave their door open and their radios blasting at night; and they also really wanted it to touch the ground and they wanted to increase the height of the fence to at least 8-foot. We did have some mention of doing some type of a retention wall or something there that would kind of limit the water flowing in to the backs of their property. They had suggested construction hours be limited Monday through Friday from 8:30 a.m. to 5:00 p.m.; that all lights be downward facing cut-off lights like Mr. Bain had suggested to limit the outward flow of the lighting; that the gas tanks be relocated on the property, and when I was there the engineer said they had to be relocated anyway to make room for some of the groundwater management for onsite. And I already mentioned the one resident who had talked about the reservoir fills up and kind of drains into his ditch and being able to mitigate that. I will... we also did talk about the fact that, just like in the last conditional use permit, you saw that there was a fence on the back of the property but she also had a 25-foot buffer for trees to mitigate the impacts to the residences behind. And I'm still very concerned that there's no buffer, there's no room for a buffer, which is why I feel like to mitigate the impacts to the neighbors behind, you kind of need to go above and beyond just a regular old fence because clearly their properties are being impacted as they've mentioned several times, at least to me. And we also did talk about, at that site plan visit, for Mr. Khatchi to do sort of a community

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meeting and kind of work through his ideas and try to get, you know, everybody to a good place with some of the groundwater management. And I will say he's done a great job of, you know, remodeling the face of the property. I think we talked about that today and putting the new signage up. I think it's unfortunate that the lights are not really fixed yet. I drove by it and they're not facing down. I think it's unfortunate, the time that it took to address the lights, and to me they really haven't been addressed. So, I know we did talk about some of that. So, those are sort of some of my notes from the residences. So I really don't have any other questions at this point. Anybody else have any questions? Mr. Apicella?

Mr. Apicella: I'm not sure where we're headed with this, Madam Chairman, but the applicant, through their agent, mentioned some potential CUP changes. Do we want to at least consider those, get those on the docket so to speak?

Ms. Vanuch: Absolutely. So, I don't know... Dan, is the best way to do that for me to make a motion and then run through all the changes?

Mr. Wisniewski: You can do it either way. Probably the most efficient way for the Commission would be to go through them one by one and get agreement amongst the Commissioners... or not.

Ms. Vanuch: Okay. So how about I do this? I'll make a motion and I'll list some and somebody can always do a friendly amendment? Okay. So, thank you so much Ms. Cameron. So, Steven?

Mr. Apicella: So, I don't think you're making a motion per se, you're just going to list the conditions. And then, after you've listed them, then we can take a motion.

Ms. Vanuch: Okay, got it. That sounds easier. Okay, so, I think some of the issues that need to be addressed are the construction hours for the residents from 8:30 to 5:00 on Monday through Friday. Creating a no climb subsequent border wall on the back of the property, 8-foot tall, double-sided to mitigate the noise and some of the groundwater from touching the backs of the property. Facing the lights downward within 30 days if the Board of Supervisors for example approve the CUP, that those lights be fixed -- I think they're required to be fixed already but definitely do that. And addressing what type of landscaping will be at the back of the property where the extension will be. Those are the notes that I have right now. Oh, and a median in the entrance to prohibit cars from driving over the lines. Does anybody have any others?

Mr. Apicella: I thought I heard the applicant say, and I'm not quite sure if it's required under the new regulations, but that they were willing to do an underground stormwater management system. Now, I appreciate the comment that they can't exactly identify where those sites might be, but just the general concept that they're going to do an underground stormwater management system might be helpful as a condition.

Ms. Vanuch: Okay.

Mr. Randall: And Madam Chair, you mentioned the construction hours. Could you go over those again?

Ms. Vanuch: Yes. Monday through Friday, 8:30 to 5:00.

Mr. Randall: I thought it was 7:00 to 6:30.

Ms. Vanuch: No, that's what they're proposing. The residents wanted 8:30 to 5:00.

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Mr. English: In reference to your lighting, you said downwards. My suggestion is that we get somebody from the Sheriff's Office Crime Prevention Unit to give an exact... huh?

Ms. Vanuch: Lumen?

Mr. English: Yeah, a lumen check but just on his... maybe give a written recommendation from him as part of that.

Mr. McPherson: And Madam Chair, regarding the no climb wall, if you said it I missed it; it was also mentioned that it had to go all the way down to the ground.

Ms. Vanuch: Oh, yes, yeah, touch the ground. It's in the current proffers I think that it's supposed to touch the ground, but I think if we're putting on conditions, touch the ground. And in back of the entire property, not just where the expansion is, but the entire property and follow the property line. Any other suggestions? Mr. Randall?

Mr. Randall: No, I have a quick question about the median. It's at 42 feet. Do we want to also condition the size of the median, the exact location of the median? I'm concerned if you put a median there it may reduce the turn lanes significantly enough where there may be issues. So, I don't know without staff making an input whether or not we want to condition a median without knowing exactly the details of where that would be initially. Maybe something we could draw on the plan. I mean, I was good with the line based on the fact that they at least will delineate in and out.

Mr. Apicella: Is that something that could be dealt with at site plan approval?

Mr. Geouge: If I may?

Mr. Randall: Please.

Mr. Geouge: I would say with the median we should probably look at that in a little more detail to make sure there's going to be adequate turning radius for any large trucks, delivery trucks, fuel trucks, whatever...

Mr. Randall: That was my major concern. If you're going to get a 25-foot tanker truck in there, you may not... a median may not sustain that.

Ms. Vanuch: Well, they shouldn't go in that entrance; they should go down to the light and drive through the back, but.

Mr. Randall: I'm not going to condition that, so we may just want to...

Ms. Vanuch: I think we can defer that.

Mr. Randall: ... look at that. I mean, if somebody has a truck and a trailer, again, it may not be feasible to put a median in there.

Mr. Geouge: I'm not sure if there any VDOT requirements relating to the construction of that. That's another thing we'll need to check on.

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Mr. Harvey: Madam Chairman and Mr. Randall, there would be VDOT requirements. So, if the Commission's inclined to have that type of condition, I'd recommend that the condition wording stipulate if permitted by VDOT, that the applicant would install a median. Or, if not permitted by VDOT, then they would provide striping to delineate the lanes.

Ms. Vanuch: Perfect. Awesome. Thank you Mr. Geouge. Mr. Bain?

Mr. Bain: For large trucks it could be a rollover median so that large trucks could go over it but cars would get a big bump. So, something like that could easily be done.

Ms. Vanuch: Alright, anything else? I'll hand it over to you Mr. Apicella.

Mr. Apicella: Thank you Ms. Vanuch. I just want to read through what I think the conditions are.

Ms. Vanuch: Yeah, thank God you wrote it down.

Mr. Apicella: And in no particular order: the applicant will install an underground stormwater management system. The applicant will install an 8-foot tall no climb fence that touches the ground. The applicant will provide additional buffering at the back of the property, as well as the area of the extension. The times of construction shall be limited to 8:30 to 5:00 p.m. Monday through Friday. The applicant will install a median at the entrance subject to VDOT approval; in the absence of such approval, the applicant will provide striping. Lastly, within 30 days of approval, the applicant will ensure that the lights are adjusted to an angle of 90° or less.

Mr. Bain: Question, Mr. Apicella. The... you mentioned buffering at the back of the property. Can you maybe provide a little clarity as to what that means?

Mr. Apicella: Someone's going to have to help me with that because I... I don't know.

Mr. Randall: Correct me if I'm wrong. It'd be in the new area that they're developing. There's some amount of room available for some landscaping, not exactly behind the building because there is no room for that. It would be for the new area between the fence and the actual parking lot.

Mr. Bain: Okay.

Mr. Randall: There'd be some area there for them to develop and for landscaping.

Mr. Bain: Alright, thank you.

Mr. McPherson: Madam Chair, I have a suggestion if I may. When talking about the lighting angles, as Commissioner Bain brought up the angle is less important than I think measuring the actual where the light shines. Something could be angled straight down yet still be shining over the building, like he said, if the lightbulb is positioned; so I think the condition should be less about the angle of the light than where the light shines.

Mr. Apicella: So, again, help me with some verbiage here. What does it need to say?

Ms. Vanuch: I think the current proffers even say downward facing lights that the light doesn't shine out... with no outward shining light. And I think we have our lighting ordinance which Mr. Gavin could tell us what the number is.

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Mr. McPherson: Right. The no outshining is more important than the angle.

Ms. Vanuch: Yeah.

Mr. Apicella: Does staff have a recommendation as to what that condition should say?

Mr. Geouge: Well, as Madam Chairman pointed out, the lighting ordinance currently limits the foot-candles at the property line to I believe half a foot-candle, so that would be I would think a requirement for the entire property, which we can check and verify and make adjustments as needed. And again, the current proffer conditions require that all lighting be directed downward and inward, so we feel like that language is strong enough to require the needed changes to the existing lighting on the site. Now, any new lighting provided, if this were to be approved, would have to meet all the current ordinance requirements being full cut-off lighting, directed downward, and there's also some language in there about glare and minimizing that for adjacent property owners. So I guess to summarize, I think there's enough in the ordinance for us to address those issues, but I'll defer to the Planning Commission.

Mr. Apicella: I think the issue is not so much about the ordinance as much as compliance with the ordinance.

Mr. Geouge: Right.

Mr. Apicella: So, in my mind it's that...

Ms. Vanuch: Because then the CUP will be revoked if...yeah...

Mr. Apicella: ... the ordinance will be... the lighting standards associated with this property will be satisfied no later than 30 days from final CUP approval. Will that work?

Ms. Vanuch: Yeah. Does that change anything? Because he's already required to fix it, so from like a legal standpoint, if we put that in the conditions, does that then give additional time? Because I know the residents are up all night with these lights.

Mr. Wisniewski: The conditions already require the property to be in compliance with all County codes. That would be day one after it's approved. So it wouldn't be additionally helpful to add in a 30 day compliance requirement.

Mr. Geouge: And there is currently a notice of violation on the property, which one of the items that was brought up was the lighting angles. So, we expect that to be addressed as part of that compliance issue.

Ms. Vanuch: Okay. Anything else?

Mr. Apicella: So, I'm going to withdraw that last one associated with the timeframe for the lighting issue.

Ms. Vanuch: Yeah.

Mr. Apicella: Okay. So, do we need to take a motion on adding these specific CUP conditions?

Mr. Wisniewski: I would recommend doing it that way, yes.

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Mr. Apicella: Okay Ms. Vanuch, what would you like to do?

Ms. Vanuch: So I'll motion to add these... so, I guess... hold on. Before I do that, we don't even know if the applicant is accepting these. So we're just motioning to add it but then what if they don't accept it?

Mr. Apicella: These are conditions that we set; they don't have to agree to these conditions. As long as they satisfy our purview, we can impose these conditions. And I didn't hear our counsel say that anything that we said was outside our scope.

Ms. Vanuch: Okay, so the approval... so let's just play this out. So if we add these in there then we vote to approve the CUP, then all these conditions are required otherwise it's denied. Like, if they don't want to do these conditions that we're now adding into the CUP, then it would be denied. I'm not being very articulate with this.

Mr. Wisniewski: They have several options. I do believe that they could withdraw it before it is approved by the Board of Supervisors, or they could simply continue operating as they are under their old conditional use permit and not come into compliance with the new conditions, but also not achieve their expansion -- if that makes sense.

Ms. Vanuch: Okay. Alright, so now that we're all clear, especially me, I will motion to approve that these conditions be added to the conditional use permit that Steven so eloquently listed.

Mr. Apicella: Okay, there's a motion to approve these additional conditions. Is there a second?

Mr. English/Mr. McPherson: Second.

Mr. Apicella: Mr. English, I'll go with you. Any further comments Ms. Vanuch?

Ms. Vanuch: I do have a few comments actually.

Mr. Apicella: Well, this is just on the conditions.

Ms. Vanuch: Okay, alright.

Mr. Apicella: So that's the first thing that we're trying to...

Ms. Vanuch: I'll wait then.

Mr. Apicella: So no further comment on the additional conditions?

Ms. Vanuch: No I don't.

Mr. Apicella: Mr. English?

Mr. English: No.

Mr. Apicella: Anyone else? Okay, please vote on these additional conditions. Okay, the motion carries 7-0. Ms. Vanuch, again, this item is in your district. What would you like to do?

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Ms. Vanuch: So this is a really tough one for me. You know, I met with the applicant, I met with the residents, and I think it's unfortunate that it's taken this long to get to this point. I wish that the applicant would have reached out to the neighbors earlier and had a community meeting liked we talked about after March 28th to address some of these concerns. I wish that the applicant would have addressed in a much more timely manner the proffer violations, especially the lights. I know when I was there, there were comments made that the residents should just get a fence of their own to help with the water or they could get black-out blinds, and that's just... that's not being a good neighbor and that's unfortunate. You know, when I look at the criteria for consideration of a CUP, it's very clear to me what I have to do. So, in the conditions, it says that the use shall be in harmony with uses permitted by-right in the zoning district, but not adversely affect the use of adjacent properties. I think the groundwater issues, the noise, the additional traffic, the lighting, and the gas smells are impacting the properties behind. It also says that the location and height of buildings, walls, fences, etcetera, should not discourage appropriate development or use of the adjacent land and the buildings and impair their value. I do think the lack of the height of the fence, the dilapidated materials, the lack of landscaping is impairing the value and in hindering the property behind them. The use shall not adversely affect the health and safety of persons residing or working in the vicinity. I think that the lights are definitely impacting the safety of the residents behind them. And it shouldn't be detrimental to the public welfare of (inaudible) properties or improvements to the neighborhood. And I think that the groundwater is truly a big concern, and I don't think there's anywhere to put the water; I really don't. I think it's just going to all flow to the retention tank that's going to fall into... it'll go underground but then it'll all lead to the outlay of the already existing pool there that goes into the drain. It would be my hope that the motion that we just made will all be very seriously considered before it gets to the Supervisors. So, I'm honestly going to make a motion to deny the conditional use permit this evening on this 5 Twelve Expansion.

Mr. Apicella: Okay, there's a motion for... recommending denial of this CUP. Is there a second?

Mr. English: I'll second it just to get a vote.

Mr. Apicella: Okay. Any further comments Ms. Vanuch?

Ms. Vanuch: I think I made most of the comments. I just really hope that the applicant, you know, takes these residents' issues very seriously.

Mr. Apicella: Thank you Ms. Vanuch. Mr. English?

Mr. English: I... kind of what she said. You should be good neighbors and you should have probably have met with those neighbors and had a community meeting to try to iron these things out so we wouldn't have got to the problem where we are right now, so I'm going to vote to deny with Crystal.

Mr. Apicella: Thank you Mr. English. Anyone else?

Mr. Randall: Yeah, I have a couple, thank you.

Mr. Apicella: Mr. Randall?

Mr. Randall: I guess to this point I'm kind of torn as well. I look at the neighbors, we've talked to the neighbors, we've heard the neighbors many a time speak up here to this, and I think a year from now, if this is denied and the existence of the expansion doesn't happen, that the owners continue to deal with the same thing they're dealing with right now. There's going to be no change, there's going to be no

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stormwater management, there's going to be no change to the fence, there's going to be no... yeah, the lighting they're in violation so they'll change the lighting a little bit, but there will be no more additions. And so, to some extent, I look at this CUP as an opportunity for us to have them fix some of those things so that a year from now the owners are satisfied with a better stormwater management process, they have the fence, they have the lighting fixed, they don't have any runoff in their back yard. And I think to that extent it may improve their value of their land. Now, is there a problem with the delay that we've had fixing some of these things? Yes. Is there a problem with the fact that we have a violation on the lighting that's a simple matter of hiring somebody to come up and move the lights and we had to get to this point? Yes, there is. So, I'm kind of torn in the fact that status quo means the neighbors continue to deal with what they're dealing with. This gives us, to some extent, another bite at the apple to have them fix some of these things long term. So, to that end, I don't know but I think I'm going to approve it because I think that it gives us the opportunity to fix the things that are broken now. And that if we disapprove it and we stay status quo, those neighbors still have the same problems they have now and they will continue for the next 20 years. So, thank you.

Mr. Apicella: Any other comments? Mr. Bain?

Mr. Bain: I have kind of a question regarding the stormwater. The way we've added the stormwater issue to the conditional use permit, if it's not proven to staff at the site development time that they can achieve the benefit and reduction of the stormwater problem, what happens? If staff says no, what you're proposing with underground storage or anything else, it's not going to work, does it end there? I'm just not sure where it would go.

Mr. Apicella: I'm going to need a little help from counsel in terms of getting a question answered when we have a motion on the floor.

Mr. Wisniewski: Well, on the parliamentary question, I think that can be answered at any time. A legal question can be answered at any time. That's a complicated stormwater management question, and I couldn't tell you how much water could be moved off this property by one means or another. I know that if they cannot meet the conditions, for whatever reason that is, than obviously they cannot expand this use. And if it's because there's no feasibility with whatever they're stormwater... specifically, an underground stormwater management facility, then that would again defeat their ability to meet the conditions it seems like. That's the best answer I can give you.

Mr. Bain: That's perfect, thank you.

Mr. Apicella: Any further comments Mr. Bain?

Mr. Bain: No, thank you.

Mr. Apicella: Mr. McPherson, I thought you were going to press the button. Did you have any comments?

Mr. McPherson: I was just going to say that I appreciate Commissioner Randall's comments, and I kind of, like he had said, I'm torn both ways. But I think we do have opportunities here and I hope the applicant notes that this is an opportunity that needs to be grabbed and settled and be a good neighbor once and for all, depending on either way this goes.

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Mr. Apicella: Thank you Mr. McPherson. One more time, anybody else? Okay, there's a motion recommending denial. Please cast your vote. Okay, the motion fails 4 to 3 (*Randall, Bain, McPherson, Apicella opposed*). Is there a substitute motion or an alternative motion?

Ms. Vanuch: I don't have one.

Mr. Apicella: Okay, for those who voted against the motion, do you have an alternative motion?

Mr. Wisniewski: I recommend, given that we are up against a deadline, to make a motion to dispose of the matter one way or the other, otherwise the matter is deemed approved. Yes and it would be unclear at that point as to what exactly is approved, what version of the conditions. So I recommend making a clear motion with the conditions that will be included.

Mr. Apicella: Okay, so again we've already had a motion to deny the CUP; the other alternative motion would be a recommendation to approve the CUP with the additional conditions. Just offering that up; I can't make a motion since I'm the presiding officer at the moment.

Mr. Randall: Madam Chair, I'd like to make a motion that we approve CUP17151679 with the listed conditions as we approved...

Ms. Vanuch: Previously.

Mr. Randall: ... previously.

Mr. Apicella: I believe there is one other option, which is given the fact that the applicant's agent said that they were going to authorize a deferral and go beyond the hundred days, that's another option. So, does that change your mind Mr. Randall?

Mr. Randall: No, I'd like to continue with the motion please.

Mr. Apicella: Okay. So, there's a motion to recommend approval of the CUP 5 Twelve Convenience Store Expansion with the additional CUP conditions. Is there a second?

Mr. McPherson: I will second. Do we need to read out the list of CUP additions?

Mr. Wisniewski: I believe the motion was clear enough that it included the extra conditions.

Mr. McPherson: Okay, second stands.

Mr. Apicella: Okay, any further comments Mr. Randall?

Mr. Randall: No thank you.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: No thanks.

Mr. Apicella: Anyone else?

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Ms. Vanuch: I'll make a quick comment. Obviously I'm going to vote against this. I'm hoping though, and I do agree with what Mr. Randall said and I think that those were comments I made in the very first public hearing and to the public, if we don't do anything they get nothing. I'm just not sure about the good faith here and, quite frankly, I don't know that the applicant is going to accept any of these conditions and I don't see how the property is going to meet the groundwater requirements and they're going to have to come back to us for a site departure on landscaping for 25 feet anyway. So, I just don't... I don't know how this is going to become a viable project, to be totally honest. And they're required to fix the fence and the lights which were too big things for the residents. So, anyway, those are my comments.

Mr. Apicella: Okay, last call for any additional comments. Seeing none, please cast your vote. The motion carries 4-3 (*Boswell, Vanuch, English opposed*). Passing the baton back to you Madam Chairman.

NEW BUSINESS

Discuss Cluster Work Session

Ms. Vanuch: Awesome, thanks Mr. Apicella. Alright, now moving on to New Business, which is the discussion around the cluster work session. So, as you guys know, the Board has referred us Phase 3 of the cluster remodification or modification of the cluster ordinance. And it is up to us as to how we want to handle that. Since the Commission had a lot of interest in the subcommittee meeting that was there, we decided to do a full Commission special meeting. And so I wanted to float out some dates that I've already cleared with staff to try to get something on the books. And so I'm going to read out a few dates and then if you guys will just take notes and then tell me whichever one doesn't work and then we can just maybe pick a date and have that be the date that we move forward. So, they're all going to be in August. August 1st? Does that work for everyone?

Mr. McPherson: No.

Ms. Vanuch: No? Who said no?

Mr. McPherson: I did, McPherson.

Ms. Vanuch: Oh, okay. Alright, so we'll take that one off. August 2nd? They're mostly on Wednesdays and Thursdays; I tried to keep it that way.

Mr. Randall: Do anniversaries count?

Ms. Vanuch: You want to not do it? You can say... well, I've got like 8 dates here, so if it's not a good date then no.

Mr. Randall: I'm more than willing but my wife may not be since it's my anniversary.

Ms. Vanuch: So August 2nd is out. Alright, August 8th which is a Wednesday.

Mr. McPherson: Madam Chair, I'm out for the first 2 weeks in August so I will not be available any of those first times.

Ms. Vanuch: Alright, so then we're going to move onto August 22nd.

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Mr. English: I won't be here, I'll be out of town that week.

Ms. Vanuch: Okay, how about the 23rd, Thursday the 23rd? Darrell, are you here then? The whole week? When do you come back?

Mr. English: The 27th.

Ms. Vanuch: Okay, so how about... then that leaves the last 2 dates which is the 29th and the 30th. I wouldn't recommend the 30th just because that's the Thursday right before Memorial [sic] Day, so how about the Wednesday before Memorial Day? Does anybody have any conflicts Wednesday, the 29th? Otherwise, we're going to have to look at another date.

Mr. Randall: The 29th is good.

Ms. Vanuch: The Planning Commission meeting is on the 15th. Okay, Mr. Randall, 29th?

Mr. Randall: I'm good the 29th.

Ms. Vanuch: Does anybody have any conflicts on the 29th? Mr. Apicella, are you good? Alright. Well, there we go, August 29th then; process of elimination, the only date that worked. So, we'll do 6:30 p.m., I think keep it consistent. I know Mr. Apicella gets here by the hair on his chin every Wednesday. So, the other thing that I thought would be really helpful is just kind of talk about the set-up of the meeting while we work on an agenda. And if there's any other things that you guys have thought of or discussed with any of the residents that you'd like to add, but I think I'd like to add a portion to set aside for staff and Commissioners to discuss potential additional changes to the Cluster Ordinance, like road frontage and things that were mentioned in the referral to us. So, if there's anything, any additional language that we would like to update in the Cluster Ordinance, I think it would be really important to add that to the meeting agenda. The second is to determine parameters of meetings for the future, and after the outcome of the meeting do we want to create a subcommittee? Do we want to have additional special meetings? Or do we want to do like create a subcommittee like the Comprehensive Plan did where we have a meeting in the north end of the County, a meeting in the south end, where we look at those changes, get resident input, have some, you know, maps up there for resident input on the policy changes?

Mr. English: Do we discuss that at the work session?

Ms. Vanuch: Yes, yeah, we're going to discuss that at the work session, yep. I'm just saying guidelines... this is the meeting for the meeting. This is just what I wanted to look at... yep, exactly. And then the next is one thing that I really want to do is align the groundwater report. In that report that you guys will see later, there are maps and it shows in the red where there's really bad water table and where there's good water table. So I think it would be really great to kind of create a transparent overlay where we have the groundwater report map on top of the County and then we have the cluster map to determine, okay, well wait a minute, we're encouraging some clusters in areas where we may not have really good well water. So, we may want to look at some of those changes from a policy perspective. And then maybe perhaps work with staff in running some GIS models of maps that could provide some, you know, alternative to us as we look at some of these policy changes that we want to create. Like, if we do determine that there is a portion of let's say Rock Hill in the map that has really terrible groundwater, do we then want to maybe adjust that map to take that part out and add it into a different portion of the map. So, those were my comments, but I'd like to open it up now to anybody else if you

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guys have anything else you'd like to add for that special work session. No? That's it? Okay, cool. Alright...

Mr. Randall: One question; when's our timeline for this again?

Ms. Vanuch: It's a really long time.

Mr. Randall: Is it June of next... do you remember when we were required to present something back to the Board?

Ms. Vanuch: I feel like it's probably earlier than June. It might be like April or May.

Mr. Randall: Okay. Jeff, do you remember?

Ms. Vanuch: I don't remember.

Mr. Harvey: My recollection is within a year.

Ms. Vanuch: Yeah, and I think we got it in April, maybe at the end of April because I think there were two meetings we talked about like we were going to have it on this agenda. And we do encourage... and in that part of the meeting we will have a portion of perhaps some public comment, kind of like we do in the subcommittees where we limit it to a certain amount of time. So, we'll float out some agendas prior to that meeting. Okay, so that's it for New Business. We don't have to take a vote on that or anything, right Dan? Alright. Planning Director's Report.

PLANNING DIRECTOR'S REPORT

- ◆ Bicycle and Pedestrian Facilities Plan Update
- ◆ Groundwater Plan Referral
- ◆ Parking and Drive Aisles Referral
- ◆ Yearly Expenditures
- ◆ 2018 Legislative Agenda
- ◆ Board of Supervisors/Planning Commission Joint Public Hearing for the P-TND Zoning District - July 10, 2018

Mr. Harvey: Well, thank you Madam Chairman. We've got a number of items on the list for today, one of which you mentioned earlier. The Groundwater Management Study for the Piedmont area of the County has been completed. The Board of Supervisors has referred that to the Planning Commission to conduct a public hearing for incorporation into the Comprehensive Plan. I will note, in 2004 the County adopted a Groundwater Management Plan for the entire County. This study focuses on the Piedmont because there's been a lot of recent interest about well yields in the Piedmont area and low well yields. And, as the Chairman said, there are areas in Rock Hill and other parts of the western part of the County that have low well yields. And part of the study shows the map of the geology which reflects those areas. Sometimes the well yield concerns can be exacerbated by density of homes, so that could fall

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back into the discussion about where cluster development may be more appropriate. Overall, the study said that we have more than adequate groundwater capacity for the overall aquifer in the Piedmont beyond our Comp Plan 20-year study horizon. However, there will be some spot areas where you're going to have difficulty because of the low well yields and density of housing. And we can get into it in more detail as we move forward. So, the staff would ask the Commission for some guidance as to whether or not we should authorize a public hearing at this point or would you like to have a briefing first in advance of authorizing a hearing?

Mr. English: I would prefer a briefing first Jeff (*everyone in agreement*).

Mr. Harvey: Thank you. So we'll schedule that in some point in time in the future. And I see I did skip over one item. Brian's going to give the Planning Commission an update of the Bicycle and Pedestrian Facilities Plan that we're working on and its current status.

Mr. Geouge: Good evening again. I just wanted to give you, as Mr. Harvey said, a quick update on our Bicycle/Pedestrian Plan update. Just to refresh everyone, the Board referred Resolution R17-284 to the Planning Commission which requested that they make its recommendation to the Board by the end of June, so this month. Staff has not made as much headway as we had hoped on that. Part of the reason is you've been seeing me here a lot lately on other projects. But we sort of reworked the schedule and that's included as Technical Memorandum #3. And what we're anticipating now is public meetings around August and hopefully a public hearing with the Planning Commission in October, and requesting that the Planning Commission request an extension of that deadline to the end of November to allow time to work in what we need to work in. That being said, there has been progress on the plan. Staff has drafted initial facility route recommendations, which are included in your handout as Attachment 1, as well as facility design guidelines, which are included as Attachment number 2. These materials were shared yesterday with a stakeholder meeting that we put together. We had a really good turnout, a lot of good discussion. And there were some engaged interested citizens that attended, a lot of County departments, as well as representatives from FAMPO and the Potomac Heritage Trail. So we got a lot of good input and we're going to be working that into the facility recommendations and make sure we're capturing everything. We'll also be posting all this on the project web page and, hopefully pretty soon, start thinking about setting up some public meetings. And if there are any questions, I'll be happy to answer.

Mr. Bain: I just had a comment. Looking at your kind of like the detailed map of the southern part of the County, I live off of Camp Selden Road and on any given weekend and a lot of times during the week, there will be 40 to 60 cyclists that come by and go down Belle Plains Road to the end. And they like to do that because there's a really big hill and they can zoom down that hill at 25 miles an hour, but then when they turn around and come back they go at about 4 miles an hour. And these can be draft lines of 15 or 20 people, and for cars to get around them it's very dangerous because there are some curves there. So, I would... I don't know if it's possible but, if there's a way to put a bike path down Belle Plains Road, that would be advisable because it is heavily used and I know that there are some biking clubs in the area that that's one of their main training run routes.

Mr. Geouge: Thank you for the suggestion. Just a quick note, on the maps you may notice one of the symbols is for shoulder improvements and, actually the majority of these larger connector roads that are shown on the arterial map in the rural areas are slated to at some point receive some sort of shoulder upgrade. But, for the purposes of this plan, we're sort of highlighting the ones that we see as higher priority. So we'll definitely take a look at Belles Plain and see about adding that one... Belle Plains, sorry.

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Mr. Randall: Madam Chair, I have a question for him. Brian, is this a zero sum game based on the amount of proposed new improvements? If we add something somewhere, then we're going to take out from someplace else. We determined how much we have, we can afford, how much we're going to be doing over the next 10 years, and the total amounts going to be the same but we just can put something in, take something out.

Mr. Geouge: Not necessarily. I think it would be reasonable to add more facilities. Of course, there's always the consideration of cost, but this is a very long term type plan; it's not something that's going to be achieved in the next 10 or even 20 years. It's going to be incremental over time and it's more of just making sure we identify what we think is appropriate and will accommodate the users and achieve our goals of connecting public facilities and promoting the County. And if the routes are on the plan, then that potentially gives us opportunities to better seek grant funding to construct those routes or, if a development comes in adjacent to one of these routes, we could potentially have a better position of requesting that they construct a portion of it.

Mr. Randall: They build it in accordance with Attachment 2 type of thing?

Mr. Geouge: Right, mm-hmm.

Mr. Randall: Alright, thank you Madam Chair.

Mr. Bain: I will... I'm sorry.

Ms. Vanuch: Mr. Boswell.

Mr. Boswell: I was just going to ask, a lot of this is not going to be done until some of these roads are widened, correct?

Mr. Geouge: Yes, most likely.

Mr. Boswell: Okay, because there's not room... okay.

Ms. Vanuch: Mr. Bain, I'm sorry.

Mr. Bain: I'm sorry. I will just comment. I don't think all of Belle Plains would need a bike path or a widened shoulder, just that hill. So, if that would help in terms of getting it done.

Mr. Geouge: Okay.

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

Ms. Vanuch: Sure.

Mr. McPherson: It's a practical question for Dan. You brought up the point that we should request an extension past June 30th; do we need to do a motion or anything like that since it's just a resolution?

Ms. Vanuch: You told me on Monday we did.

Mr. Wisniewski: I'll stick with my advice on Monday then.

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Ms. Vanuch: Because I have it here, we need to vote.

Mr. Wisniewski: I do recommend the Planning Commission taking an official action.

Ms. Vanuch: Alright. So, thank you very much. Are all the questions done now? Okay, so does anyone want to make a motion on the Bicycle/Pedestrian Facility Plan extension?

Mr. McPherson: Madam Chair, I move that we extend the deadline for the Planning Commission's recommendation to the end of October 2018?

Ms. Vanuch: He said end of November is what he needed.

Mr. McPherson: Pardon, end of November 2018.

Mr. Apicella: And this is a request to the Board, right?

Mr. Randall: Yes, it's a recommendation.

Mr. McPherson: Yes.

Ms. Vanuch: Do we have a second?

Mr. English: I'll second it.

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

Mr. McPherson: No Madam Chair.

Ms. Vanuch: Mr. English?

Mr. English: No.

Ms. Vanuch: Anyone else? Alright, let's vote. Alright, motion passes 7-0. Okay. So, you already did groundwater; Parking and Drive Aisle referral?

Mr. Harvey: Yes, Madam Chairman, at the last Board meeting the Board looked at the Planning Commission's prepared work on Parking and Drive Aisles. They like what they saw. They sent it back to the Commission to start the public hearing process. There were two adjustments that were requested; one was dealing with hotel parking. Supervisor Shelton had recommended that the rate change from 1 space per every 2 beds to 1 space per room. Also, Mr. Coen had requested that the parking space size be increased to 9 feet. So, staff will seek the guidance of the Commission as to how to proceed. Would you like us to make those adjustments and bring it back to the Commission at your next meeting to authorize a hearing, or would you be sufficient to authorize a hearing tonight?

Mr. Apicella: I thought there was another piece to this though, that... didn't we get...?

Mr. Harvey: Oh, yes, yes, yes, thank you.

Ms. Vanuch: Yeah, the Chesapeake Bay.

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Mr. Harvey: Yep. We... since the Commission was working on the changes, we have had an audit by the Department of Conservation and Recreation regarding our Chesapeake Bay Plan and implementation. Their recommendations are that we have in our ordinance additional language that would minimize impervious surface, and their recommendation is that we consider a maximum parking rate for properties. Right now the ordinance is set up that there's a minimum number of parking spaces required. They're suggesting we also have a maximum. So, that would be a change that we'd have to do, and thank you for reminding me. So, staff would request that we can bring it back to your meeting in August with a recommended change to that effect, prior to authorizing a hearing.

From the dais: Do we need a motion?

Mr. Harvey: No, just direction to staff.

Ms. Vanuch: Sounds good to us. I think I hear a lot of yesses, so that works for us.

Mr. Harvey: Thank you. Next item, Madam Chairman, is Yearly Expenditures. You have at your desk a handout which shows that the Commission stayed within spending levels for this year. June 30th is the end of the fiscal year, so we successfully made another year within budget.

Mr. English: Jeff, I've got a question for you in reference to the budget. The books that we get, the magazines that we get, is it possible that if we want to access it online and just stop getting those altogether just to save money?

Mr. Harvey: I can check into that.

Mr. English: Yeah, because I think that if we want to look at it we can and maybe you could send us a link and when the new book comes out we can go there if we want to instead of getting these books.

Mr. Harvey: I will definitely check into that.

Mr. English: Thank you.

Mr. Harvey: You're welcome. The next item on the Planning Director's Report is the 2018 Legislative Agenda. The Board of Supervisors is starting their discussion on Friday about what they may be looking forward to for the 2019 legislature. So, we ask the Commission to consider what you would like to put forward to the Board of Supervisors as far as a recommendation. Included in your handouts was the listing of last year's recommendations. Specifically, they were looking at changes to the legislation regarding preliminary subdivision plans. As you recall in 2014, House Bill 209 was enacted which severely put a limitation on the Planning Commission's ability to require preliminary subdivision plans. Our code prior to that time allowed a requirement for a preliminary subdivision plan for any subdivision exceeding 5 lots. The State Code was modified to no longer allow it except for subdivisions above 50 lots. So that was one of the things the Commission had recommended previously. We have seen, since... in the past year a number of applicants proposing to break their piece of property into two separate subdivisions in order to circumvent the requirement. That was something that the Commission was interested in knowing about and recommending forward again for changing this legislation. Also, last year, the Commission asked for additional limitations for cluster development specifically dealing with stormwater management facilities and other types of open space land. The Commission also asked for information on storm drainage in densely developed areas and wanted to have some considerations for the County and HOA's and private properties to help reduce problems and cost issues to owners.

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And I believe that summarizes last year's recommendations. Are there any new recommendations that the Commission would like us to pass along?

Mr. Apicella: Madam Chairman, I'm curious -- on occasion we would get a summary of the land use related legislation that passed during the last... the most recent session. Was there anything that came out of that session that causes us concern?

Mr. Harvey: The biggest issue from the last session was dealing with the telecommunications industry. They passed a number of changes to the zoning laws that essentially require that the County approve certain smaller scale antennas as a by-right use and place limitations on the timeline which we have to review a permit, and capping the fees for a permit. Certain things like new cell towers would still continue to be reviewed, but the legislation further restricts some of the things that we typically required in conditions for a use permit, such as requiring a security to remove the tower once it's obsolete, setback requirements above and beyond normal building setbacks, and require that they provide space on the towers for County infrastructure. So those are some of the highlights from that code amendment. That was the most significant one that I recall with regard to Planning and Zoning related matters.

Mr. Apicella: So, Madam Chairman, I don't have an issue with the three that are on here, but to the extent that staff, in our County leadership thing, said that a telecommunication issue might want to be addressed, maybe we might want to add an item 4 on the changes or fixes that we think might be appropriate based on what just got passed.

Mr. Harvey: Madam Chairman, Mr. Apicella, just to clarify, would that be to undo what just passed this past year or what would be the change that the Commission would like to advocate for?

Mr. Apicella: Yes. If we think that it's problematic, then I think we ought to point it out. Obviously, we didn't have a full opportunity to lobby for specific changes and, now that it has been passed, I don't know what the implementation timeframe is but maybe we can inform the legislature that there might be some fixes or changes that they might want to consider.

Ms. Vanuch: Is everybody in agreement? Alright.

Mr. Randall: There's one more I'm interested in looking at there's been some... I've heard some rumblings that they're maybe looking at the proffer issue again. Is that something that we want to talk to the Board about in making sure that that's something that we're concerned about and we want to add to this agenda?

Mr. Harvey: Madam Chairman, Mr. Randall, you are correct. The General Assembly does have a study committee that's going to be looking at the proffer legislation this summer due to a lot of feedback and input they received from localities and also starting to hear from developers that the current proffer bill isn't very effective. It's not doing what the developers think it was intended to do, and the County as well. So, not sure what the outcome of that is going to be but if the Commission wants to take up a position, I know Senator Stuart had made a recommendation that we forego with proffers and have impact fees. And the County supported his recommendation in that regard.

Mr. Apicella: I think that's a great idea.

Mr. English: I do too, absolutely.

Mr. Apicella: Because that would cover also by-right as well, right?

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Mr. Harvey: Yes sir.

Mr. Apicella: So, I think to the extent that they're looking at the proffer regime and a way to mitigate infrastructure impacts, that the legislature should also look at broadening the scope of a locality's ability to utilize impact fees as a way to pay for those infrastructure costs.

Mr. Randall: Yes, what he said.

Mr. Harvey: Very good. Any other recommendations?

Mr. McPherson: I just have one question. As we all know, there are some rather significant changes going on and soon to be happening on the I-95 corridor through Stafford down across the Rappahannock. Do we need to... will those changes be addressed if we have to make any adjustments to Zoning Ordinances, Comp Plans, population growth, the calculations; is that something we need to come up with a separate study for you think, because a lot of what we've been working on recently has not taken into account these major, major changes to the traffic flow through Stafford County.

Mr. Harvey: Yes, Mr. McPherson, that would be something we probably will take up at the next iteration of the Comprehensive Plan. The current version is dated from 2016; it's anticipated that the interchange will be open here at exit 140 in July of 2020. And then, I believe the HOT Lanes project will be done in 2022. So, 2021 will be the timeframe when we'd have to have a new Comp Plan. So, it's likely we'll be addressing these very issues with our next version of the Comp Plan, which we'd probably start work in another year, year and a half.

Mr. McPherson: Okay, thank you.

Mr. Apicella: But I think what you're saying, or kind of spring-boarding off of it, and in concert with what I think the GRC was talking about is the way that the Smart Scale Program looks at I-95 and the throughput, it doesn't fairly... I think for example it doesn't look at weekend traffic. So, maybe kind of revisiting the Smart Scale... I mean, I'm not sure if it's a legislative issue and/or an administrative issue in the way that it's implemented. But, again, I recall reading in the paper that our leadership at the County and GWRC, which is representative of all the localities, did not think that the Smart Scale fairly took into account the real volume that hits I-95 and, therefore, we weren't necessarily getting our due in terms of the way that those projects were rank ordered and funded.

Mr. McPherson: Thank you. I hadn't thought about that, but I was just thinking of I-95 in general, so thank you for bringing up that point.

Ms. Vanuch: Alright, moving right along, tugging right along.

Mr. Harvey: Any other recommendations? Thank you. And my final item to discuss is that the Board of Supervisors is going to be taking up an item on their agenda next week to authorize a joint public hearing with the Planning Commission for July 10. And we need to poll the Commission and determine whether or not the Commission will partici... I should say, I'm asking the Commission for a vote as to whether you want to participate in a joint hearing.

Ms. Vanuch: Alright, so we have a motion to participate in the joint public hearing with the Board of Supervisors on July 10th.

Mr. English: So moved. I'm make a motion.

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Ms. Vanuch: Alright, Mr. English, the motion. Do we have a second?

Mr. Randall: I'll second that one.

Ms. Vanuch: Mr. Randall, second. Alright, motion by Mr. English. Any discussion?

Mr. Bain: Yes, question.

Ms. Vanuch: Oh, hang on, hang on. Mr. English any comment? Mr. Randall?

Mr. Randall: No.

Ms. Vanuch: Mr. Bain.

Mr. Bain: I won't be in the country that day so can I still vote yes to have the meeting, or does it matter?

Mr. English: You can still vote.

Mr. Bain: I can still vote, okay. Very good.

Ms. Vanuch: Okay, ready? I wonder how this is going to turn out? Alright, 7-0, the motion passes.

Mr. Harvey: Thank you Madam Chairman. That concludes my report.

Ms. Vanuch: Alright. County Attorney's Report?

COUNTY ATTORNEY'S REPORT

Mr. Wisniewski: Thank you Madam Chairman, I don't have a report today.

Ms. Vanuch: Oh man, you scared me; I thought you did. Alright, Committee Reports. Mr. English, A-1 Uses Subcommittee.

COMMITTEE REPORTS

- A-1 Uses Subcommittee
Update

Mr. English: Yes ma'am. Everybody's got a summary of our meeting. We should have something I think about August to bring back to the Commission as far as to vote on. So, there's some things that we talked about; feedlots, kennels, non-commercial kennels and kennels. So you can just look at your report and if you have any questions just give me a call.

CHAIRMAN'S REPORT

Ms. Vanuch: Awesome. Thank you. Chairman's Report, I have none at this time. TRC has been cancelled for June 27th. We need a motion to approve minutes for April 11th, 25th, 9th, and May 23rd.

OTHER BUSINESS

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4. TRC Information - June 27, 2018 - *Meeting Cancelled*

APPROVAL OF MINUTES

April 11, 2018

Mr. Boswell: So moved.

Ms. Vanuch: So the motion by Mr. Boswell to approve the minutes. Do I have a second?

Mr. Bain: Second.

Ms. Vanuch: Alright, second by Mr. Bain. Any comment Mr. Randall, Mr. Bain?

Mr. Apicella: This is just for the April 11th minutes, right?

Ms. Vanuch: Do we need to do them individually?

Mr. Apicella: Because I have some changes to a couple of them.

Ms. Vanuch: Okay, so we'll do April 11th separately then. April 11th to approve but Mr. Apicella has some changes to make.

Mr. Apicella: Not on April 11th.

Ms. Vanuch: Oh, not on April... okay, so this is just on April 11th then, so we can go ahead and vote for April 11th. Alright, 7-0 motion passes. Okay. Mr. Apicella, do you want... do you have changes for all three of these or...?

Mr. Apicella: I have changes for April 25th and May 9th.

Ms. Vanuch: Okay, so we'll break those out. Alright.

April 25, 2018

Mr. Apicella: So, for the April 25th minutes, on page 14, line 689, please change the word fallible to desirable. On page 45, line 2220, change Oak and wild to Oakenwald, because that's actually the name of the project. And on page 46, line 2269, please change the word discussionary to discretionary. That's it Madam Chairman on that one.

Ms. Vanuch: Alright. Do you want to go ahead and make your changes to May 9th, too, and then we'll do it all together, all three all together?

May 9, 2018

Mr. Apicella: Okay. On the May 9th meeting minutes, on page 9, line 456, where it says inaudible, I'm certain I said highest intensity. On page 10, line 483, where it says 5,000 it should say 500,000, and where it says 36.33 it should say 3633, as in three thousand, six hundred thirty-three. That's it Madam Chairman.

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May 23, 2018

Ms. Vanuch: Okay, do we have a motion to... do we have a motion on the floor? Alright, Mr. Boswell?

Mr. Boswell: So moved.

Ms. Vanuch: Okay, motion to approve April 25th, May 9th and 23rd, with the changes. Do we have a second?

Mr. Randall: I'll second it.

Ms. Vanuch: Mr. Randall. Any discussion Mr. Boswell and Mr. Randall? Anyone else?

Mr. Randall: No.

Ms. Vanuch: Alright, go ahead and vote. The motion passes 7-0. Meeting adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:33 p.m.