

**STAFFORD COUNTY PLANNING COMMISSION**  
**July 18, 2018**

The meeting of the Stafford County Planning Commission of Wednesday, July 18, 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, Andrea Hornung, Susan Blackburn

DECLARATIONS OF DISQUALIFICATION

Ms. Vanuch: Any declarations of disqualification or disclosure this evening?

Mr. Boswell: Madam Chair, I will be not sitting in on item 1.

Ms. Vanuch: Okay, thank you Mr. Boswell.

Mr. Boswell: Recusing myself, that's the word I was looking for.

Ms. Vanuch: Okay. Any others? Okie dokie. And before we move onto Public Presentations, we may like to change our agenda this evening. Do I have any motions to update our agenda?

Mr. Apicella: Madam Chairman, I would like to add an agenda item for a closed hearing at the appropriate place in the meeting, I think after Other Business.

Ms. Vanuch: Okay, we have a motion to add a closed meeting with County Attorney after Other Business on the agenda. Any second?

Mr. Randall: I second that motion.

Ms. Vanuch: Okay. Mr. Apicella, any comment?

Mr. Apicella: No ma'am.

Ms. Vanuch: Mr. Randall, any comment?

Mr. Randall: No.

Ms. Vanuch: Alright, anyone else? Alright, please vote. Okay, motion carries 7-0. So now moving onto Public Presentations, this evening we have a special guest, Mr. Bryon Counsell. He's from County Transportation and he's going to update on the construction project. Please come on down.

PUBLIC PRESENTATIONS

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County Transportation Construction Project Quarterly Update by Bryon Counsell, Deputy Director of Public Works Capital Construction

Mr. Counsell: Madam Chair, thank you very much. My name is Bryon Counsell, Deputy Director of Public Works, in charge of capital projects, transportation, buildings, utilities, things like that. Happy to be before you tonight to give you a quarterly transportation update, although I'm always able to come back and update you guys as you see fit. But, this is a quarterly one and I have a little presentation for you. Transportation projects, as you guys have travelled the County, you probably have seen that the 610 widening has virtually completed. There is some punch list work going on, as well as some additional work on the stormwater management pond. But, for the most part, that project is complete. It has an official completion date of October 2018. The contract did finish most everything early and we're happy with that and satisfied with all the work. But you'll see some crews out there doing some things for the next couple of months, small tasks while they finish out all the work. How do I move this to the next slide? Mike will tell me. Oh, cool, thanks, thanks Mike. Brooke Road - one of the eastern parts of the County, the north/south corridor of Brooke Road that is getting a widening enhancement. If you've driven through there, you can see that the contractors made quite a bit of progress clearing on both sides of the road and on both ends of the bridge. That's going to continue for a couple more weeks and then you'll start to see some grading along with that, on the southern end first, working back towards the north. Belmont-Ferry Farm Trail - that's the portion of the trail that goes from the Route 3 bridge... I'm sorry, from the Falmouth Bottom up to the Route 3 bridge. We have a contractor that's mobilized and getting ready to start on that, so you'll see construction right there along River Road for the next few months. Poplar Road and Mountain View - this is a project just south of the Mountain View intersection with Poplar Road. It's a project that going to try to straighten out one of the bad curves as you approach that intersection. That is out to bid and we hope to get bids in by the end of July. Juggins Road - this is a project to... that's for the new Moncure Elementary School. The last bit of property acquisition has taken place with Perry Farm HOA and we're hoping to advertise that by the end of the year. Right outside our doors here, the Route 1 and Courthouse Road intersection improvements - we've begun right-of-way acquisition, met with most of the property owners. Everybody understands kind of what's going on and we're moving forward with that. The last phase of the Belmont-Ferry Farm Trail that goes from Route 3 intersection... Route 3 up to the Boyhood Home, the alignment is still in progress. We're still working with the Boyhood Home trying to figure out where we're going to terminate that. A final decision has not been made yet. The Board is evaluating two or three alternatives for that. We hope to get that pushed along as quickly as possible. Onville Road sidewalk extension - this is an important sidewalk that has to facilitate pedestrian traffic between Route 610 and I think it's called Garrison Woods I think is the area. There's about 1,100 feet that's already in design; we had to add a little piece that did not get completed with the VDOT project, the intersection project with Onville Road. We have a proposal to do that; we're reviewing that. We should have most of the design done in the fall for a fall advertisement for construction to start in the spring. Ferry Road and Route 3, right there at the railroad tracks and the McDonald's - that is a VDOT administered project and they have that slated to begin for advertisement in November. The big VDOT project you see out there being done by Shirley Construction, the I-95 interchange and the Route 630 widening - that's progressing very nicely. It's still in the utilities and some heavy and some light grading. There's going to be some traffic switches coming up pretty soon, not exactly sure on the dates. But they're running a little bit ahead of schedule. Work is going pretty good. They're doing some utility tie-ins for water and for sewer. But, for the most part, everything is going fairly well there.

Mr. English: Sir?

Mr. Counsell: Yes?

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Mr. English: Back on that last one.

Mr. Counsell: Sure.

Mr. English: Are they going to... you say that's going to open on the 30<sup>th</sup> so that's when the traffic light will be working also? Right there at Wyche Road and Courthouse? I see they've got the traffic light up there but it's just covered. Is that going to be...?

Mr. Counsell: Yes, that light will be operational to facilitate traffic going in and out of the parking lot.

Mr. English: So, to get in and out of that commuter lot, you can only get on through Wyche Road or is it going to be able to access off of Courthouse? Because I see there's a...

Mr. Counsell: There is an access off of Courthouse Road. I'm pretty sure...

Mr. English: Are they going to allow them to that?

Mr. Counsell: The traffic coming off of 630 into the...?

Mr. English: Yeah, right there by the fire department; you know where I'm talking about?

Mr. Counsell: Yes, yes sir.

Mr. English: Are they going to allow them to use that with...?

Mr. Counsell: I haven't heard anything to the contrary.

Mr. English: Don't you think that might be an issue? I don't know if this is your bailiwick or not but I think with that congestion on that curve and all that stuff and they're coming out of that commuter lot, that's going to be a major problem if they allow them to come out. They should at least allow them to come out on Wyche Road in and out instead of off of Courthouse.

Mr. Counsell: That's a good point. I know you drive that all the time and I'm sure you're familiar with some of the traffic scenarios in there. We have a meeting coming up with VDOT on that; I'll be happy to address that and report back to you what I find out.

Mr. English: Yeah, because I think that's going to be a... make sure and I would say come in and out of Wyche Road only till that road gets straightened out.

Mr. Counsell: Okay. I'll look into that and I'll report back to you.

Mr. English: Alright, thank you.

Mr. Counsell: You're welcome. It's the, well, what's going to be the every two year application now for SMART SCALE projects, we have the deadline coming up. We're going to apply for four projects to be submitted for that - Enon Road project, which is going to hopefully facilitate traffic in and out of Stafford High School; Winding Creek Road, facilitate or get rid of or add onto the 630, widening parts of Winding Creek Road they're going to improve there with the VDOT project. It's going to extend those improvements out past... about another half mile. Eskimo Hill Road, right there at the light, that's one of the one's we're hoping to score well on, but VDOT's requirements on what that project needs to

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look like and ours are a little different so we're hoping for the best on that. And then Stefaniga/Mountain View Road intersection, we're hoping for matching funds for that project as well.

Mr. Apicella: I'm sorry to ask you this question, you may or may not be the right person to ask -- we have an agenda item later on during the meeting about our legislative agenda, and one of those items is related to SMART SCALE. And I just want to be sure that we've captured it correctly. Right now, the way it's written is it speaks to the state looking at traffic generation... or we prefer that the state look at traffic generation during the weekend vice the weekday. And I want to be sure that's captured the right way. Is it that we just want them to look at weekend traffic or we want them to look at a combination of weekday and weekend traffic?

Mr. Counsell: Mr. Apicella, I don't have that answer. I don't know what they normally do. I've gotten involved in the construction of this to a pretty good degree, and we're reviewing the applications now for the projects before they're submitted. I don't know what VDOT requires or what they mandate for traffic counting, whether it's on a weekend or weekday.

Mr. Apicella: Well, right now I think it's just focused on weekday, and I think our belief is that that doesn't adequately capture throughput during the weekend as well.

Mr. Counsell: Okay.

Mr. Apicella: And I'm not sure if it's an either/or or a combination of both that we really want them to focus on. So, maybe we'll have that conversation when the item comes up. But I appreciate your insight nonetheless.

Mr. Counsell: But what I will do, and follow-up with Mr. English's request, I will look into that and I'll respond back to you on that as well, based on what I can learn from staff that's been working on that for a number of years.

Mr. McPherson: Madam Chair, I have a question, if I may.

Ms. Vanuch: Mr. McPherson.

Mr. McPherson: I'm not sure if you're the right person to ask, but the Bells Hill Road repair that got washed out, is that still on schedule to get fixed?

Mr. Counsell: It is. We keep up with VDOT and, of course, that's a road closed in Stafford County, there's a lot of interest in that getting going and getting fixed. I did talk to Kyle Bates about a week ago and then I also saw the article in the paper, so that's about the same information. It's a very... it may not look it from the picture, but it is a very difficult project. You've got a lot of fill there and a curvy road that you're going to try to rebuild in bad conditions with quite a lot of constraints. I know they're trying to start that in the next month, and it's going to take two or three months to do according to Kyle. So, I hope that's good information. The sooner, the better; I understand.

Mr. McPherson: No, I understand it's very difficult the way the washout happened, so what the paper said is basically what we're looking at.

Mr. Counsell: Kyle reiterated that to me, yes.

Mr. McPherson: Okay.

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Mr. Counsell: I have one more item that did not make it onto that list by my error. It's the Route 1 improvements at the Crucifix, right up there. VDOT has, just to make sure I get this right, the temporary light, and I know there's a lot of interest with a lot of different people on that, the temporary light is on the schedule to be installed. And I think we're confident to say it'll be done by the end of August, that's what VDOT says. They've missed a couple of deadlines on this, not necessarily their fault. But we've given updates on this and pretty confident and they haven't come true, so I'm hesitant to say definitively, but the... it's looking like by the end of August that should be on there. It's one of the top three projects VDOT has going on with signalization right now, and that's... we're hoping for the best by the end of August. That's all the transportation stuff I have.

Mr. Apicella: I'm sorry Madam Chairman, I have one other one because you mentioned Widewater. So, Widewater State Park -- the state was going to, or maybe they already have, done some work to improve the road leading to the State Park. Do we know if that's happened or when it will happen?

Mr. Counsell: I feel inadequate because I can't answer that for you either, Mr. Apicella. That'd be Raven Road I assume. Raven Road is the road that's going to lead back to that off of Brooke? Is that correct?

Mr. Apicella: No, it's actually...

Mr. Counsell: This is another one?

Mr. Apicella: I think it's a road off of Telegraph; don't hold me to that but I think that's the primary way to get back into the State Park. And there were some issues and concerns about whether that road was sufficient... of sufficient size to handle the potential traffic going into it.

Mr. Counsell: That's a great question. That's something I should know. Again, I'll look into that and I will respond back to you with whatever I find out

Mr. Apicella: I appreciate that, thank you.

Mr. Counsell: Thank you.

Ms. Vanuch: And I have a quick question. When is the road work on Shelton Shop, right by 610, supposed to be finished? They're paving right now; it's a disaster. They do it right in the middle of rush hour, both times of the day.

Mr. Counsell: Is it VDOT maintenance paving?

Ms. Vanuch: Yeah.

Mr. Counsell: They've just milled and paved?

Ms. Vanuch: Yeah.

Mr. Counsell: Boy, you guys are not asking anything that I'm aware...

Ms. Vanuch: It's because I sit in it every day.

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Mr. Counsell: I don't know the answer to that either. I really do apologize. There's some of that... I don't drive that road every day so I can't notice kind of what they're doing and stuff like that. And I don't tackle every topic with Kyle when I talk to him. But, if that's a maintenance project, they're working on it as quickly as they can and under traffic it's difficult as well. But I will... I'll ask Kyle to see what I can find.

Ms. Vanuch: When you talk to Kyle, is there... I know VDOT has certain times their workers have to work. But does it have to be in the middle of rush hour? Like, that just seems like... couldn't they just do it on maybe the weekend because, I mean, or something, nighttime?

Mr. Counsell: There are lots of considerations for that. Those are possibilities. I know they do it on 95 and they do it on some other roads. I don't know their criteria for how they decide whether to do a main thoroughfare like that that is obviously crowded during rush hour.

Ms. Vanuch: Because there no really other way around, so then there's traffic into Park Ridge and all that so.

Mr. Counsell: You're correct, that's true. But I will look into that, too.

Ms. Vanuch: You've got a big to-do list.

Mr. Counsell: I'm happy to do it.

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

Mr. English: I've got one more question. The road at Shelton... I mean, the road at Courthouse and Winding Creek and Mountain View. When is that going to... I know they've started realigning and changed the traffic pattern. When is that going to kind of... when are they going to put a light up there? I don't see where they've even set up a light for that. Is there going to be a light there, I hope?

Mr. Counsell: Just so I understand, you're talking about the intersection with Winding Creek and Route 630?

Mr. English: Winding Creek... Ramoth Church, I'm sorry. Ramoth Church, Winding Creek, and Courthouse, yeah.

Mr. Counsell: Oh, Ramoth Church. Yeah, so I think some of the road improvements have been laid out there and they're getting ready to do that. I don't think a light is going to go up during the first phase. I think, as the road widens, that light will go in, if I understand the sequence of the work.

Mr. English: So they're not going to put anything temporary up there?

Mr. Counsell: Not initially. There may be a temporary light at these... their first phase is just to improve the intersection a little bit to redirect traffic...

Mr. English: Okay.

Mr. Counsell: ... to be opposed from each other, so the opposite roads can see each other. And then I think there is a light during the second or third... there's about eight traffic phases with the project. I think a light comes in at phase two... I mean, phase three or four to help the congestion on that road and

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keep things moving. I don't think you're going to see it for a little bit longer, but there is a permanent light coming.

Mr. English: And they'll have that thing straightened out before the school opens, Colonial Forge opens up, aren't they? Right there where they've got Colonial Forge all tore up and they've only got one entrance?

Mr. Counsell: They're trying, they're trying.

Mr. English: Okay, thanks.

Ms. Vanuch: And your timeline just got two weeks shorter. School starts earlier.

Mr. Counsell: Next year. Hopefully, most of that work should be done by the time school starts next year.

Ms. Vanuch: Anybody else?

Mr. Bain: Well, I have six other...

Ms. Vanuch: Alright, I think you're safe to go now. Thank you so much, it's really helpful.

Mr. Counsell: Thank you guys. And I'll follow-up with that, thank you.

Ms. Vanuch: Excellent, thank you. So, now moving onto the rest of the public presentations, now is the time that anybody in the audience can come down and speak on any item that is not scheduled for public hearing tonight. Tonight we have one public hearing, which is the Conditional Use Permit for Yonus Attai. So, if you're here and you want to talk? Nobody? Okay, so we'll close the Public Presentations portion of tonight's meeting and move onto item number 1 on the agenda, which is the public hearing for the Conditional Use Permit for Mr. Yonus Attai. And for this we recognize Mr. Zuraf.

PUBLIC HEARINGS

1. CUP15150822; Conditional Use Permit - Yonus Attai - A request for a Conditional Use Permit (CUP) to allow motor vehicle sales in the B-2, Urban Commercial, Zoning District on Tax Map Parcel No. 21-54F, consisting of approximately 1.29 acres. The site is located on the west side of Jefferson Davis Highway, approximately 1,400 feet north of Garrisonville Road, within the Aquia Election District. **(Time Limit: October 26, 2018)**

Mr. Zuraf: Good evening Madam Chairman, members of the Commission, Mike Zuraf with the Planning and Zoning Department. This is a Conditional Use Permit for Yonus Attai. The request is a Conditional Use Permit to allow motor vehicle sales use in the B-2, Urban Commercial, Zoning District. The applicant notes that this proposed business would conduct much of its sales via the internet. The inventory would be available to view online and customers often visit the site to look at one vehicle. This, staff believes, would limit the number of customers visiting the business to browse inventory. Regardless, approval of this use permit would not prohibit this business or future motor vehicle sales businesses that might go onto the property from allowing either full retail or online sales or a combination of both. The property is Parcel 21-54F. It covers 1.29 acres. Again, the applicant, Yonus Attai; Bob Goodall is the agent for the applicant. And the site's in the Aquia Election District. The property is located on the west side of Jefferson Davis Highway, approximately 1,400 north of the

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intersection with Garrisonville Road. You can see on this zoning map, the site's highlighted in blue, the surrounding zoning includes B-2 zoned land. The uses include a hotel to the south, mini-storage warehouse to the north, and gas station and convenience center to the east. Looking at the zoning history, the property was originally zoned B-1, General Business, and at some point before 1978 rezoned to B-2, Urban Commercial. There are no proffers on this property. The site's located in the Aquia Business Center. In November of 1988, a site plan for the access road to this site, along with the adjacent vehicle fueling and convenience store, was approved. In August of 1999, then a site plan was approved for an equipment rental facility on this subject property. And that was the original use that occupied the site. Currently, a commercial retail business operates out of the building on this site. The Comprehensive Plan designates the property within the Commercial Corridor and Suburban land use designations. The Comp Plan specifically addresses motor vehicle sales uses. And in the Suburban Land Use district, the Plan addresses vehicle sales and supports this use along Jefferson Davis Highway, near the intersections with Garrisonville Road and another road along Route 1. So, this site is consistent with the location recommendations in the Comprehensive Plan. Looking at the aerial photo, the property is developed with a 9,000 square-foot 2-story building with four service bay doors. There's a single access point into the site off of a private access drive that's shared with the adjacent uses. Paved parking areas are provided along two sides of the building, and a gravel area on the western side of the site. The areas not developed on the site include mature trees. There is a drainage channel that runs across the frontage of the site and underneath the access drive that enters into the property. There are no other sensitive environmental features on this property. This is a view of the building from the site entrance. The General Development Plan utilizes the original site plan that it illustrates the layout of the site. There are no changes proposed to the existing building access or parking areas. The General Development Plan does identify the location of 29 parking spaces. And written into the plan are how those spaces may be used and identifies locations of vehicle display spaces. Vehicle display spaces are highlighted here and in this location along the building, and you also have customer parking designated here and employee parking designated here. And since this is a very busy map, the building is right here. Additional spaces could be added to the gravel area, and then there are spaces within the building for vehicles to be displayed in a showroom area and within service bays within the building.

Mr. Randall: Madam Chair, I have a quick question.

Ms. Vanuch: Sure Mr. Randall.

Mr. Randall: Can you show me the gravel area associated on this map? I hear it talked about a couple of times and I just want to just...

Mr. Zuraf: It's approximately in this area.

Mr. Randall: Okay, is that the full area then...

Mr. Zuraf: It's kind of the back.

Mr. Randall: ... or is it, there looked to me like there were trees that were butted up right against the building when you looked at the...

Ms. Vanuch: So where's the gravel?

Mr. Randall: So if you go back to the other one and you're looking at it from that angle, it looks like...

Mr. Zuraf: Yeah, it's probably like that.



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Mr. Randall: Okay, so it's just not a very large area.

Ms. Vanuch: I have a quick question, too, Mr. Zuraf. On, I know you haven't gotten to the proffers yet, but it says on here all outdoor storage of vehicles for sale shall be limited to the parking spaces within the subject parcel and prohibited from open space areas. So that means they could only have 29 cars on the property at any time?

Mr. Zuraf: There could be more, because there is the space, the area within the building where they could have...

Ms. Vanuch: So, what, three garage doors? Four garage doors?

Mr. Zuraf: I believe the applicant has estimated maybe 10 additional kind of cars within the building.

Ms. Vanuch: So then, where will customers park?

Mr. Zuraf: Well, that's the full number of spaces.

Ms. Vanuch: Just Uber there because you're going to buy a car.

Mr. Zuraf: Well, they've designated... that's the total number of spaces. I mean, they would likely have to have less, fewer cars for display. They would have to leave some spaces available for customers.

Mr. Randall: But the gravel space would be defined as open space?

Mr. Zuraf: No, the gravel area, they could potentially store vehicles...

Mr. Randall: So, what do you define as open space then?

Mr. Zuraf: That would be...

Mr. Randall: That would not be...

Mr. Zuraf: The open space area is...

Mr. Randall: You need another color.

Mr. Zuraf: ... would be here.

Ms. Vanuch: That's where all the trees are, isn't it?

Mr. Randall: That's where all the trees are.

Ms. Vanuch: And then their other proffers are leaving all the vegetation.

Mr. Zuraf: Right. So you have a lot of vegetation around here. There's open space area kind of around here that's kind of a grassed area. So the condition kind of gets to that spot there where, you know, cars can't just be parked up in the grass near the entrance.

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Ms. Vanuch: Yeah. Okay. We'll come back to that one.

Mr. Apicella: Actually I do have a question associated with this.

Ms. Vanuch: Okay.

Mr. Apicella: So, obviously we have parking standards associated with an official parking space. Are there any standards for gravel parking? I mean, you know, could you just stack cars a couple of inches apart if you wanted to on a gravel pad?

Mr. Zuraf: The way our conditions are worded, they still have to have drive aisles available, you know, so they can't just double-stack on gravel. It's no different than if the area was paved.

Mr. Apicella: Okay, thanks.

Ms. Vanuch: And I want to correct my earlier statement. I said proffers and I meant conditions. I do that all the time.

Mr. Zuraf: That's fine.

Ms. Vanuch: Mr. Bain?

Mr. Bain: I was just wondering -- you hadn't mentioned it yet but noted on that drawing is a potential sign.

Mr. Zuraf: Yes.

Mr. Bain: And it's not real clear; I presume that's right along Jeff Davis Highway. And I just wanted to make sure, is that still on the applicant's property or is that in the right-of-way area?

Mr. Zuraf: The potential sign location is right here, if you can see, and that is on the applicant's property. It is not... it's just along the access road.

Mr. Bain: Okay, that's fine.

Ms. Vanuch: Alright, go ahead, I know we derailed you.

Mr. Zuraf: Okay. I think you covered everything.

Ms. Vanuch: The end.

Mr. Zuraf: Yeah. Okay. Going to transportation, this is the shared private access drive looking from the site east towards US Route 1. The use is estimated to generate 291 vehicle trips per day. A transportation impact analysis would not be required since there's fewer than a thousand vehicle trips per day. Also, staff would note the internet focus of the proposed business, so it would likely result in a smaller traffic impact than these estimates, although it wouldn't keep some future business or change in operations to allow and possibly reach that vehicle count. Although the traffic volumes will be relatively low, there are conditions being recommended to ensure the use does not impact the access road into the site. So, those conditions include prohibiting parking along this access road, requiring the installation and maintenance of No Parking signs, and also prohibiting the loading and unloading of

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vehicles being transported to and from the site along the access drive. Also, a concern was expressed regarding the condition of the access road, and a request was made for the access road to be repaired and repaved. The access road has shared maintenance between the subject property, the Hampton Inn, and the fueling station. The applicant has concurred with the proposed condition that they repair and repave the access drive within six months of approval of the use permit. The applicant, then on their own accord, will need to pursue reimbursement by the other properties subject to the maintenance agreement that's in place.

Ms. Vanuch: So, Mr. Zuraf, I guess the County doesn't ever really get in the middle of this and this is the same issue we have when developers come in with HOAs and they say we're going to give the HOA x, y, and z. And we always say look, we can't verify that, validate that, we can't enforce that, or we shouldn't be in the middle of it. So, I'm just a little bit concerned with those two sentences in that condition. To me, it really should just read within six months after the approval of this Conditional Use Permit, the owner will repair, mill, and repave the private access road serving the property. If the private road access serving the property is not completely repaired and paved within six months after approval of this Conditional Use Permit, for whatever reason, then the owner agrees that such non-compliance is willful. I would just strike out those, because it's not really our business how they deal with their road maintenance agreement.

Mr. Zuraf: Okay. And these conditions are conditions that can be imposed by the County. We do try to, though, work with the applicant when we are proposing conditions so they can get a feel.

Ms. Vanuch: And we'll give them a chance. When they come up, we'll give them a chance.

Mr. Zuraf: And they may address that.

Ms. Vanuch: I just wanted to say it before so they could get their response ready. Mr. Randall?

Mr. Randall: I have a question. So, do you know if there's a maintenance agreement now between those three businesses currently there? I mean, it's the same owner, just a different business. Do you know if there's a maintenance agreement currently in place?

Mr. Zuraf: There is a maintenance agreement currently in place.

Mr. Randall: There is?

Mr. Zuraf: Yes.

Mr. Randall: To the point that it's kept that access road in a state of repair, it looks to me like it's in a state of disrepair to some extent. So, does the maintenance agreement work?

Ms. Vanuch: They never do.

Mr. Randall: Well, obviously then it's not an effective... I'm concerned that, you know, at some point in time we can say whatever we want and we're going to mill it and grade it and repave it, but five years from now it could be in the same state as we're looking at right now.

Mr. Zuraf: Well, there's always that potential, but I guess this is an opportunity to kind of at least get things back on track. And then from here on then it is going to be up to the property owners. And in these situations, the County can make the property... you know, if there are complaints about conditions

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of roads, we just kind of let the property owners know what the situation is and encourage them to work on the improvements.

Mr. Randall: That's fine. I'll follow-up in a minute, thank you.

Ms. Vanuch: Go ahead.

Mr. Zuraf: So, I've already mentioned some of the conditions. We have other conditions imposed that are intended to limit the potential impacts regarding there are conditions that would limit overcrowding of vehicles. Conditions here would require outside storage of vehicles for sale be limited to the parking spaces on subject property and prohibited in open space areas. We kind of discussed that. On the second point, screening of the use, a condition would require the existing mature trees that screen the site from Interstate 95 and the adjacent hotel be preserved. On the third point, limiting visual impacts, there would be a condition to require removal of the signage brackets that are on the roof of the building. There's no sign there now, but it would prohibit maybe in the future a new sign being located on top of the roof. And then the fourth point, in the last two points we've discussed regarding access road repair and maintenance and vehicle delivery restrictions. In response to comments from Commissioner McPherson, additional comments are being proposed. You did receive a revised version of the approval resolution tonight, and we have several additional new conditions. A lot of them are highlighted on the last page, page 3 of the resolution. Those include limiting storage of inoperable vehicles to 30 days, requiring disposal of hazardous materials in accordance with the Fire Prevention Code and other applicable regulations, prohibiting outside storage of tires, limiting hours of operation to between 9 a.m. and 6 p.m. Monday through Saturday, limiting refuse collection and deliveries to between 6 a.m. and 10 p.m., and permitting one monument sign requiring the design in accordance with the image that the applicant submitted with their application. There is also... the new resolution does also include slight modifications to some of the existing conditions that we have proposed. Condition 6 and 7, we added some language regarding the paving to clarify that the street will be milled and paved. And then also, for condition 8, clarifying that vehicles can also be driven to the site, because the way it read is it almost sounded like you could only deliver them on trucks and that's not the intent there.

Mr. English: Mike, in reference to that one you just brought up, number 8, you said that they're going to be driving the vehicles in there? They're not going to have a tractor-trailer driving them, like the problems we had on Derrick Lane?

Mr. Zuraf: According to the applicant, they said probably 95% of the cars that they bring to the site are driven there because they're brought over from the auto auction.

Mr. English: Alright.

Mr. Zuraf: But some of them do... are brought in on a flatbed truck or a tow truck.

Mr. English: Wouldn't that cause an issue with the... don't they think it's going to cause an issue with the motel with them bringing them in by tractor-trailer?

Mr. Zuraf: Well, the intent of this is that they have to be just a smaller single-vehicle flatbed truck or a tow truck. So, they cannot bring in... they cannot use a tractor-trailer...

Mr. English: Alright. So then, number 8, can that be limited drivers instead the vehicles shall be driven into the site and not may? Number 8, instead of the vehicles may be driven, I'd like to see that they shall be driven, not may.

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Mr. Zuraf: Okay.

Mr. English: Because that might help with as far as the tractor, you know. It sounds like it's open-ended; they can go ahead and either drive them in or they can bring them in a tractor-trailer is the way I'm kind of getting out of it.

Mr. Zuraf: Okay.

Ms. Vanuch: No, it shall, it will; it's will.

Mr. Apicella: I think you actually need to look at the language in the revised draft. It just says limit delivery of vehicles to single-vehicle flatbed or tow trucks, and vehicles may be driven to the site. So, if a vehicle is operable, and it's for sale and they bought it somewhere at a wholesaler and they're driving it to the site, that's the only way that I see in the conditions.

Mr. English: I just, I don't want them to... my problem, I just don't want to have a Derrick...

Mr. Bain: If they're on a flatbed truck and the truck drives in, instead they're being driven to the site.

Mr. English: Yeah, right. I don't want a Derrick Lane problem again like we had. That's my whole problem. I don't want them to block the... to be blocking up to the hotel and I don't want them blocking up...

Mr. Bain: Can I suggest a change?

Mr. English: Sure.

Mr. Bain: Instead of and vehicles may be driven, say or vehicles may individually be driven to the site.

Mr. English: That'll work, that'll work, yeah. I just feel like we're going to have a Derrick Lane problem here.

Mr. Randall: So, to that point Mike, can you go back to the overhead and show us exactly... I know it mentions in here that there won't be any deliveries, unloading or loading, on the access road; it will be on the property itself. Could you show us where that loading or unloading would be so that we understand that...

Ms. Vanuch: That might be a question for the applicant.

Mr. Randall: Well, again, there may be many of these. We may ask them again, who knows.

Mr. Zuraf: Loading or unloading would be, basically it'd be required...

Mr. Randall: Inside that area, correct?

Mr. Zuraf: Yes.

Mr. Randall: Off the access road.

Mr. Zuraf: Right.

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Mr. Randall: Okay. So...

Mr. Zuraf: So, you know, a tractor-trailer's just not going to work.

Mr. Randall: Right. That's a pretty tight corner for anything larger than a tow truck maybe to get around that.

Mr. English: I just hope they don't use the hotel to make a turnaround.

Mr. Randall: That's... yes, I totally agree, totally agree.

Mr. Bain: Can I ask while that screen is up, it looks to me like there are at least two trailers from tractor-trailers parked in the gravel area. Is that what those are or are they storage buildings?

Mr. Zuraf: I may defer to the applicant on that. Those might be storage containers.

Mr. Bain: Okay. So, somehow they got there, as a tractor-trailer delivery or something. I don't think we want to allow something like that to occur.

Mr. Apicella: While we have this picture up, can you... what is the access road?

Mr. Zuraf: I'm glad this pen works tonight. The access road is basically... this is the full length, but the access then to the applicant's site is this.

Mr. Apicella: So, a dumb question but it kind of relates to the Derrick Lane issue. We had somebody parking vehicles on somebody else's property. Is it clear that that can't happen to this? I see a big parking area, I guess associated with the hotel, obviously it would be an issue between the hotel and this applicant. But, again, I'd be concerned that somehow somebody tries to use their parcel or the adjacent parcel. What is the property next to it, on the other side again? That's a storage?

Several Commissioners: It's a gas station.

Mr. Apicella: A gas station.

Mr. Zuraf: Yeah.

Ms. Vanuch: Doesn't it have like a little strip mall in it too? Like a Hunan Chef or something?

Mr. Zuraf: Right. It's a multi-tenant... this is the Valero and Fas Mart with other uses.

Ms. Vanuch: Do you have another question Mr. Apicella?

Mr. Apicella: No, I guess I'm just commenting and maybe that's not something that we can deal with, but I'm just concerned again that parking may occur on somebody else's property.

Mr. Zuraf: We do have condition 4. It says, vehicles associated with the subject parcel shall be prohibited from parking along the access road serving the site.

Mr. Apicella: Right, the access road but, again, there's other parcels. That's the problem we have with that...

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Ms. Vanuch: And how are you going to stop the customers, right? Because if a customer is driving their car, they may see parking in the hotel and just walk down the access road to the facility. And we can maybe let the applicant handle a couple of these questions, but before you get down from the podium, condition number 14 says the existing vegetation along Interstate 95 and between the building and the adjacent hotel shall be preserved. Is shall a requirement Dan?

Mr. Wisniewski: Shall is a mandatory term.

Ms. Vanuch: Okay. So there's no question they'll be able to remove that to alleviate the buffer. And then, Mike, do you know if there's a light out like right where the green pen is, at the very end of that road onto Jefferson Davis Highway? Is there a light there?

Mr. Zuraf: In this location, no.

Ms. Vanuch: Mm-hmm.

Mr. Zuraf: There's a left turn lane, though, a striped left turn lane in this location for people to turn in.

Ms. Vanuch: So they'll be test driving, probably coming out right, going up to sit at that light and then going down Route 1 or going across four lanes of traffic on Jefferson Davis, to go down, right?

Mr. Zuraf: Yeah, this would be an unsignalized intersection.

Ms. Vanuch: Okay, thank you. Any other questions for Mr. Zuraf?

Mr. Apicella: I'm sorry, Madam Chairman, I do have a couple questions.

Ms. Vanuch: Sure.

Mr. Apicella: There was a lot of correspondence back and forth between staff and the applicant. One of those relates to conditions that were proposed and the applicant, for the most part, I think agreed to all the conditions. So, I'm looking at, in our package, attachment 1, page 12 of 16, condition number 15, which I think is a standard condition we put to almost all business-related CUPs about carnival signs, banners, balloons, etcetera. Do you know why that didn't make it into the list of proposed conditions?

Mr. Zuraf: Yes; because the new signage ordinance actually covers that and it's no longer necessary as a condition.

Mr. Apicella: Okay. And the other thing I would point out, and again in a piece of correspondence, I believe it was the current Supervisor or maybe it was the previous Supervisor and Planning Commissioner who asked about the maximum number of vehicles that could be parked on the site. And I think the response I counted was 56 and then maybe somewhere else it said 60. So, would it be helpful or do you know if the applicant would object to capping the total number of vehicles that could be parked on the site to say 60? I think it would be tough to get 60 but considering that that number has been floated around but seemed reasonable.

Ms. Vanuch: Where did... I'm just curious where the 60 came from, because there's 29 parking spaces, there's a garage. Maybe we could ask Ms. Blackburn on how many parking spaces you get.

Mr. Apicella: So, I'm looking at attachment 1, page 6 of 16. There's an October 22, 2015, letter from

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their attorney. If you count up the number of vehicles at the bottom of that letter, I counted 56. Again, I'm not saying that that's an actual number of vehicles that could be parked there. I'm just saying I think we should cap the number of vehicles, especially since the applicant themselves imposed their own cap of 60, or thereabouts. I think I saw the number 60 somewhere else.

Ms. Vanuch: I would say closer to 30.

Mr. Randall: It breaks it out on page 4. If you go to page 4, it breaks out the number of vehicles that they talk about on that attachment 1, page 4; 29, 12 in the gravel area...

Mr. Apicella: It's 29 already marked spaces, 12 spaces on the gravel area, 10 inside the service bay area, 4 or 5 inside the showroom area. That's 56; somewhere else in the material I saw the number 60, I can't tell you what page it is.

Ms. Vanuch: Well, do we know how many parking spaces have to be reserved for customers based on the parking ordinance? Or do we need to add that in later today?

Mr. Zuraf: Based on the parking ordinance, there... well, I'd have to check on that. For the purposes of the vehicle sales use, they have to have at least 10 spaces designated for vehicles for sale.

Ms. Vanuch: Yeah.

Mr. Zuraf: Other than that, they do have to... you know, the requirement is at least to have enough parking to cover the square footage of the building. And it doesn't get into necessarily having customer parking versus display spaces.

Ms. Vanuch: Three?

Mr. Apicella: Yeah, Mr. McPherson showed me also; it's on attachment 1, page 10. It also refers to an email indicating that there'd be an inventory of 50 or 60 cars. Again, I think that's too much because that doesn't account for... I think the total amount should be 60 or less, including customer parking.

Mr. Randall: So, could you go back to the overhead where you've got all the fancy colors please?

Ms. Vanuch: Hopefully they're still there.

Mr. Randall: Yep, they're still there. So, just so I'm clear, the 29 parking spots that we are talking about include any handicap spots, all the spots to the south, and all the spots to the east, including the customer and including the display spaces and the employee spaces. Is that correct? The 29 is every marked parking spot on the lot.

Mr. Zuraf: Yes. The exterior lot spaces that are marked, yes.

Mr. Randall: That are marked, okay. Alright, so if you take away the customer... and to the Chair's question, we're sure that the customer parking that they've identified meets the intent of our ordinance with the number of spaces that they need?

Mr. Zuraf: The ordinance doesn't necessarily address customer parking versus...

Mr. Randall: So they could literally put cars there as well and only have one or two if they needed to.



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Ms. Vanuch: They're supposed to have 3 cars per thousand square feet.

Mr. Harvey: Madam Chairman and Commissioner Randall...

Mr. Randall: I'm sorry, thank you.

Mr. Harvey: ... with regard to how we would allocate parking for this type of activity, the DMV requires, as Mr. Zuraf said, a minimum of 10 display spaces. So, the rest of the parking would be based on the use of the building. So, if they, for instance, have an auto service portion of it, the code says there has to be 3 parking spaces per service bay. Also, for the office use associated with the dealership, it's parked at 3 spaces per thousand square feet. So we would look at the allocation of the space within the building to determine how many other spaces are required. Those additional spaces cover employees and any customers.

Mr. Randall: So, to follow on with that, so it's a 9,000 square-foot location, 3 per thousand, so it would be...

Ms. Vanuch: Eighteen.

Mr. Randall: Twenty-seven spaces...

Mr. Harvey: It depends on how much of the building is dedicated to the office use versus how much is for the service.

Mr. Randall: Okay, and you'd have to break that out as far as say a four bays, and then you... okay, alright. Probably based on that then my guess is that these 4 or 5 customer spots in the front probably wouldn't be enough. But, okay, thank you; that's very helpful Mr. Harvey.

Mr. Apicella: I didn't hear a final reaction to my suggestion about capping the total number of vehicles.

Ms. Vanuch: I love that idea, but I think I'm struggling with the number, because I want to know, based on this, you know, how many bays do they have; they're required to have 3 per bay because they're going to doing service, and then they have 9,000 square feet of...

Mr. Bain: If I could make a comment.

Ms. Vanuch: Sure.

Mr. Bain: Based on the letter, page 4 of 16 of attachment 1, they've identified that there's 29 spaces marked and that they could get 12 more in the gravel area -- that's 41. I would say make that the maximum number of vehicles that can be on the lot outside of the building. I don't think we care how many vehicles they jam inside the building; it's the visual impact of multiple vehicles outside and we don't want them double-parking or triple-parking because they've got too many cars for sale on the lot. So, I would propose making it 41 or 40, if you want to round it, maximum number of vehicles on the lot at any one time, including customers, employees, and vehicles for sale. If they can get 30 more cars inside the building, that's their business.

Mr. Randall: If I may, Mr. Apicella, I agree that there should be a cap. I'm interested to hear from the applicant before we make a final decision. But I do think there's a number that we need to come up with. I think it's prudent to at least put something on there so that we don't have cars parked. So, I

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think that may be... what I'd like to do is listen to the applicant and then go from there.

Ms. Vanuch: Okay. Alright, thank you Mr. Zuraf.

Mr. Zuraf: I wasn't done with my presentation.

Ms. Vanuch: Oh, you weren't? I'm so sorry! I thought you had so many questions that you were done.

Mr. Randall: No more questions and we'll let you get done and then we'll...

Mr. Zuraf: I'm so excited about finishing this presentation.

Ms. Vanuch: I know!

Mr. Zuraf: We mentioned the signage, additional new signage condition and a new sign. If the applicant installed a sign, it would need to have the general appearance similar to this type of monument sign. Then, the evaluation, there are several positives. It's consistent with the land use recommendations in the Comp Plan for motor vehicle sales uses; consistent with the established development patterns; conditions would help minimize impacts on adjacent properties in the transportation network; and the project will advance needed infrastructure repair, enhancing the overall business center. No apparent negatives. And staff does recommend approval of the application with the new conditions. And on that, if I could go back to condition number 8 that was mentioned earlier, just to clarify what change we kind of agreed to on that. Was it... and I'm going to go ahead and read what I have... limit delivery of vehicles to single vehicle flatbed or tow trucks, and vehicles may be individually driven to the site.

Ms. Vanuch: Sounds right to me.

Mr. Zuraf: Is that... okay. I'm done with my presentation.

Ms. Vanuch: Sorry about that.

Mr. English: I have one question. Mike, is it required to have everybody around there get a letter asking for his conditional use? Like, were they all notified?

Mr. Zuraf: We did notify all adjacent owners.

Mr. English: Did you get any feedback from anybody?

Mr. Zuraf: We did hear from the one adjacent property owner.

Mr. English: Which was?

Mr. Zuraf: The owner of the gas station.

Mr. English: What was their response?

Mr. Zuraf: They were concerned about the condition of the access road and also the potential of vehicles and trucks parking on that access road.

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Mr. English: So, nothing from Hampton Inn? Is it Hampton Inn?

Mr. Zuraf: I did not hear from Hampton Inn.

Mr. English: Okay. Nothing; okay, thank you.

Ms. Vanuch: Thank you. Okay, would the applicant like to come forward?

Mr. Goodall: Good evening. Bob Goodall, counsel for the applicant, Yonus Attai, who's with me. First of all, thanks to Mr. Zuraf for his hard work on this; Mr. McPherson for meeting us on the property. I'm going to try to address your questions. Mr. Randall, there are actually three different owners. It's the Hampton Inn, the Valero and Fas Mart... how do we put this up?

Ms. Vanuch: Can you move the mic down? Yeah.

Mr. Goodall: Okay. So, will this point to things?

Mr. Randall: He may want to draw. You may want to take all that off there.

Mr. Goodall: Here is the Valero and Fas Mart, and on this side is, well, off the map this way is Hampton Inn. The access road is actually on the Valero parcel, it's part of the Valero parcel. It's parcel 3 in this business park, this is 4, we're 5 over here is us. So the conditions include... incidentally, of course, the Valero, each of the Valero and Hampton Inn probably will generate 20 trips per day for each 1 of ours. If you just stood there, as we did, Mr. McPherson was there and watched traffic go by, of course the Valero traffic comes in and off, you know, Route 1 early on and never gets back this far. Hampton Inn is pouring in through this place. They're actually the heaviest users by far on this access road, which is on the Valero parcel. With Mr. English's concern, virtually all the vehicles will be self-drivable or a human driver behind the wheel, but they're operable vehicles that'll come from the Manheim Fredericksburg Auction. So this condition, no possible tractor-trailer; you couldn't get one in there anyhow. In response to Mr. Bain's question, the aerial photo, I'm not sure when it was taken, when we were out at the site there's a dumpster back in the back and the current tenant has brought a big Conex container. That building is stuffed with junk basically; I mean, there must be some kind way to say it, but it's a price liquidators or something. It just hauls in stuff and is open on the weekends and people come in and get whatever they want. So, that's leaving when the tenant leaves. Let's see, what else... Ms. Vanuch had a concern about the language of the condition. We just don't want to agree that we're prohibited from seeking contribution under this maintenance agreement. I can give you a copy of the maintenance agreement. I think Mr. Wisniewski has, or somebody in his office, has vetted... I proposed additional language. I think he edited it to basically say we will lose this condition if the road isn't paved. No matter what else happens in the history of the world, if the road isn't repaved within the 6 months, we lose it; we're just not prohibited from getting the contribution.

Ms. Vanuch: The County doesn't really, you know, have anything to do with that. They can't encourage you to seek payment or prohibit you. But what we can do is ask you to maintain the road or to pave it and bring it up to current standards of drivability as part of the CUP. And I will say that we just approved an automotive repair service Conditional Use Permit expansion, and we had the lady put in a turn lane off of Garrisonville Road. I mean, it wasn't even on her parcel. But because of the traffic influx and she's going to be responsible for maintaining and putting that turn lane in, which I think is going to cost almost a couple hundred thousand dollars. So, I guess in my opinion, I don't care if you go to them and ask for money or not, I guess that's independent of, you know, between the maintenance agreement that you have, but the County has no place in allowing you or disallowing you to ask for the

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money so, to me, that language should not be in there.

Mr. Goodall: I guess I'm asking you to rely on the County Attorney's Office concerning that. I just didn't want the language of the condition to be construed as prohibiting us from getting that contribution. In response to Mr. Randall's question, it's a...

Ms. Vanuch: So, hold on really quickly. Dan, do we need that language in there to prohibit them, or to not prohibit them from asking for money?

Mr. Wisniewski: Madam Chairman, I think the answer there is, from the County's perspective, the language could go either way. You're absolutely correct in that we couldn't enforce the provision requiring them to obtain payment from other neighboring owners, that's why it's stated as a may. But the language here still doesn't allow us; the important is to ensure that that access road is improved. I think what Mr. Goodall's concern is, is if you take out the language concerning contribution by adjacent owners, that might be used against his client in the private matter of obtaining that contribution.

Mr. Goodall: That's exactly right.

Mr. Wisniewski: Whether or not that's a valid argument by the adjacent owners or not I think is a fair question. I think that Mr. Goodall and his client couldn't certainly state that they have the independent agreement -- I haven't seen the terms of that agreement -- but that they have the independent agreement that they're trying to enforce, which would, you know, compel contribution. But my job is to represent the County. So, from the County's perspective, I think the language could come out. I think it was put in there in an effort to try to... as we try to do is work with the applicant on these conditions and try to put conditions in there that protect the County and, to the extent possible, not hurt the applicants.

Mr. Randall: If I could ask a question to follow on that. Does your current maintenance agreement ask for contributions? Do they pool the contributions in order to fix that access road? How exactly does that road get maintained currently with the maintenance agreement in place?

Mr. Goodall: It doesn't very well. I've got a copy of it here. It's a recorded agreement in the County. I'll be glad to give it to you. It was made when... long ago, many years ago, and it's very... it has no specific enforcement terms. It's very generic terms. It says these three parties will contribute... it says will contribute on the ratio of their impervious surface areas; a little bit strange because it doesn't talk about the actual use of the road or the traffic count, just on the ratio of their impervious surface areas. And that's it, you know, you shall do it. So, a year and a half ago the Hampton Inn owner actually called up and was, you know, when we I think initially applied for the Conditional Use Permit and was starting to complain about it, Mr. Attai located him, to Mr. Patel, owner of the Hampton Inn, great let's go fix the road together and when they got the estimates, Mr. Patel backed off and said no, I don't want to do it. So, it doesn't work very well, and our efforts to resort to it may not produce a penny; we just don't want to be foreclosed from turning to the Valero and Hampton Inn, which are really the 90%, you know, users and abusers of this road to ask for contribution under that agreement. Either they'll quickly agree or we certainly won't have a penny within the six months in which we have to pave it all on our own dime. And we're glad to go ahead and do that.

Ms. Vanuch: Mr. Apicella?

Mr. Apicella: Yeah, just a couple of points. The first thing, I'm looking at a letter I think from you, Mr. Goodall, dated April 12, 2018. It's attachment 1, page 6 of 16, and just in shorthand, it says the applicant is willing to be fully committed to pay the entire price to get the job done, if necessary, if the

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CUP is approved. That's a point I would make. And secondly, again, from my vantage point, this is a private matter between the parties associated with the maintenance agreement. I'm not, and I'm going to throw this back over to Jeff or to our attorney, I have not seen such a stipulation in any condition that we've imposed in the past. And, again, I'm a person who doesn't like to set precedent. So, I'd be concerned about putting something in there, again, that we can't enforce, that we can't require, and that ultimately we can't do anything about. So, I appreciate where you're coming from, Madam Chairman; I'm not sure the language is particularly helpful to our purposes.

Ms. Vanuch: Mr. Bain.

Mr. Bain: Yes, a couple of questions or comments. You just mentioned about getting together with the motel to see if the road could be repaired and the motel backed out.

Mr. Goodall: That was about a year and a half ago over some potholes.

Mr. Bain: About a year and a half ago. I don't know the timing, but we did receive this letter from Mr. and Mrs. Hofguard that own the Valero station and they, in the letter indicate that a similar situation occurred and they paid for the repair and Mr. Attai refused to, or has never come up with his share. So, this seems to work both ways. You know, Mr. Attai had an opportunity to be a willing member to that agreement and declined it. I think that agreement, pardon my language, sucks. So, I think...

Mr. Goodall: I didn't draft it, I didn't draft it.

Mr. Bain: I understand. I think with the condition that's in here requiring Mr. Attai to pay for the paving repair is kind of, okay, you're getting back what you... or you're paying now for what you should have paid before. I don't know the details of that, but that's the way it strikes me. The concern I have, you indicate that some vehicles will be brought to the site by tow truck. And yet in some of the documentation, I saw that the type of service that you're preparing or providing onsite was changing tires, doing oil changes. If the car can't be driven to the site, other than maybe a flat tire, what kind of repairs are needed that they have to be towed there?

Mr. Goodall: They don't. I don't want to completely foreclose a vehicle getting there by some other means, but nearly 100% are going to be driven there under their own power. So the only... the condition is, we only work on our own cars. You can't bring your car there and have it repaired. Only cars that are owned by the applicant that are there for resale and be the most minor repair; change the oil, change the tires, change the brake.

Mr. Bain: Okay. The concern I have is that this could turn into a junkyard for cars. This car comes in, it's missing a bumper or has no muffler so it can't be driven, and it sits there for now with a conditional use only 30 days, but that's 30 days of a piece of junk sitting there. I don't want that to happen, and I'm wondering if we should add a condition that the vehicles must be repaired promptly, or something, to keep it from becoming a junkyard.

Mr. Goodall: Well, you have conditions that were I think intended to accomplish that, like all repairs are going to happen inside, there's no outside storage of an inoperable vehicle. You can't put an inoperable vehicle outside this building.

Mr. Bain: Okay.

Ms. Vanuch: I think it says past... for longer than 30 days. An inoperable vehicle...

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Mr. McPherson: It doesn't prohibit outside storage.

Mr. Randall: If you know to go to the new conditions that we were given today, 15, and I'll read it as it's given to us, any outside storage of inoperable or totaled vehicle shall be limited onsite to a maximum of 30 days.

Mr. Goodall: Okay, I see that, yeah.

Mr. Randall: And so, the question then to their point is, if it's only a few inoperable vehicles, could there not be a service bay that would be available for these inoperable vehicles until such time as they are repaired without leaving them outside?

Mr. Goodall: You could shorten it to 5 days.

Mr. Randall: Or make some conditions about shortening the 30 days to a shorter limited amount of time. I agree with you that it doesn't do... it's not practical or a good practice to bring so many inoperable vehicles to your site if you're only going to have very limited repair facilities.

Mr. Goodall: Right.

Mr. Randall: But I question the 30 days.

Mr. Goodall: Make it 5. This was the staff's suggestion; we went along with it but if you want to shorten it, shorten it.

Mr. Randall: Alright. We can definitely...

Mr. Bain: I think 5 is good.

Ms. Vanuch: Five days... 5 and then limit...

Mr. Apicella: Is 5 really... I mean, 5, if they got it on a Saturday and they might not be able to work on it until the following Thursday -- I think that's maybe too short a period of time. I think we need to be reasonable.

Mr. Bain: How about 7 business days.

Mr. Randall: I'm open to reasonableness. I just wasn't sure that 30 days was... would be the appropriate amount, that's all.

Mr. Apicella: Does Mr. Attai have a...

Mr. Randall: A thought to this?

Mr. Apicella: ... based on his experience?

Mr. Bain: How quickly are you repairing the cars?

Mr. Attai: First of all, we're not going to buy a junk car. I've got another dealership. We buy all late model car and don't need a lot of repair. We're not going to deal with the tire; any car need tire we're

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going to send to the tire shop. And I don't remember if we fix any muffler because all the car is almost new and don't need a lot of repair. Just maybe some of them a little brake job and oil change and that's it.

Mr. Apicella: So, again, I think the question is between 1 and 30, 30 being too high, 1 being too low, what is a reasonable amount of time, if we were to put a cap, on the amount of days an inoperable vehicle could be stored onsite?

Mr. Attai: Maybe 1 week, 10 days.

Mr. Bain: Five business days?

Ms. Vanuch: Ten days sound more reasonable.

Mr. Apicella: Ten days sounds reasonable.

Mr. Attai: Yeah.

Ms. Vanuch: I think business days get hard because is it our business days, is it their business days?

Mr. Attai: We open 6 days a week.

Mr. Apicella: Bart, does 10 sound reasonable to you?

Mr. Randall: Ten days is fine.

Ms. Vanuch: Ten days sound more reasonable.

Mr. McPherson: Mr. Attai, I have a question.

Mr. Bain: I wasn't quite finished, I'm sorry.

Mr. McPherson: Oh, my fault.

Mr. Bain: Still my turn. The other condition was that outside storage of tires shall be prohibited.

Mr. Attai: We're not going to deal with the tires.

Mr. Bain: That's fine. I just don't want other parts of cars, again, bumpers or mufflers, to be stored outside or sitting around waiting...

Mr. Attai: We're not going to do bodywork, no bodywork.

Mr. Bain: Okay, can we make that...?

Mr. Attai: If the car needs a bumper, we're going to send direct to the body shop.

Mr. Bain: Okay. Can we make that condition, tires or other automotive... vehicle parts?

Ms. Vanuch: Sure, yeah. We can impose whatever conditions we want.

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Mr. Bain: Okay.

Ms. Vanuch: It's whether or not they want to keep going. I guess since... go ahead, I'm sorry, Mr. Bain are you finished?

Mr. Bain: I think that was it, yes.

Mr. Goodall: Mr. Bain had one more. He was talking about limiting 41 outside spaces, which would be fine.

Ms. Vanuch: So, it's 41... a maximum of 41 cars on the property.

Mr. McPherson: Outside.

Mr. Goodall: Outside.

Ms. Vanuch: Outside.

Mr. Goodall: Yes.

Mr. Randall: And inside, since nobody can see it...

Mr. Attai: Inside we can fit like 30 cars, but we're not going to do that. Maybe like 15 cars.

Mr. Randall: I think 41's too many.

Ms. Vanuch: You think 41's too many?

Mr. Randall: I do. I think we need to talk about it just for a second.

Ms. Vanuch: Okay, so let's table that for one second because I think Mr. McPherson had a question.

Mr. McPherson: My question was exactly what...

Ms. Vanuch: Oh, he brought up, okay, alright then we can move onto the 41 then. So, Mr. Randall?

Mr. Randall: Yeah. Do you have the new proffer... I'm sorry, the new conditions in front of you?

Mr. Goodall: Yes.

Mr. Randall: Okay, I'm looking a little bit about number 8, which we covered in detail, and then number 19. What large trucks... I'm sorry?

Mr. Goodall: Refuse collection?

Mr. Randall: And deliveries by large trucks. What deliveries by large trucks would you infer by that?

Mr. Goodall: None.

Mr. Randall: That would be my point. My guess would be large trucks would be larger than a tow



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truck. And so I understand garbage trucks; those are mandatory obviously. But I would like to just take out deliveries by large trucks. Refuse collection shall be permitted between the hours of 6 and 10.

Mr. Goodall: That's fine.

Mr. Randall: Alright? So we minimize the fact... we understand that there's going to be no large trucks coming in there, that the largest would be...

Ms. Vanuch: Then we need... yeah, we only need to add that because there's nothing that says no deliveries by large vehicles. It's only about bringing in the cars; limit delivery of vehicles.

Mr. Randall: Please.

Mr. Goodall: If we order a part, I don't think we can control the size of the delivery vehicle. But I have a hard time believing somebody's going to send say a small part in a tractor-trailer. But I would think UPS, somebody sending something...

Mr. Randall: Yeah, that would not be my definition of a large truck.

Mr. Goodall: Okay. You're talking about tractor-trailers.

Mr. Randall: I'm talking about a... yes, a tractor-trailer, more than...

Ms. Vanuch: So there should just be a condition that says no tractor-trailer deliveries.

Mr. Randall: Okay, something along those lines.

Mr. Goodall: We would be happy to agree to it. I don't want to lose...

Mr. Randall: I understand, and you're going to order stuff and FedEx, UPS, I don't consider those large trucks. I don't consider those multi-axel trucks that are going to be up and down that road. The road is probably not prepared for several trips every day of large multi-axel trucks.

Mr. Goodall: So, what language would we use?

Mr. Randall: I'm not sure what the proper language would be for that, but...

Mr. Apicella: I thought I heard no tractor-trailer deliveries?

Mr. Randall: If it's as simple as that, then we just say no tractor-trailers; that's fine.

Ms. Vanuch: That's what we did for Dunkin' Donuts on 17, remember?

Mr. Randall: Yeah.

Mr. Goodall: So, Mr. Zuraf is going about what you said, just strike out by large trucks. This number 19 becomes the refuse collection hours.

Mr. Randall: Yes.

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Mr. Zuraf: And deliveries.

Mr. Goodall: Oh, refuse... well, we're not going to deliver refuse. What do you mean?

Mr. Zuraf: Delivery trucks.

Mr. Goodall: Oh, any delivery... okay, so refuse deliveries... refuse collection and other deliveries...

Mr. Randall: And deliveries shall be permitted between the hours.

Mr. Goodall: Yes.

Ms. Vanuch: Of 6 to 10.

Mr. Randall: Alright, then we'll put an additional condition to it that says no tractor-trailers.

Ms. Vanuch: Deliveries. Like condition number 22 for example could be no tractor-trailer deliveries.

Mr. Goodall: That's fine with us. Again...

Mr. Randall: No, these are your conditions, not somebody else's.

Mr. Goodall: I understand.

Mr. Randall: We understand that you are not in control of what somebody sends... if they send you a sparkplug in a tractor-trailer, that's out of your control.

Mr. Goodall: Thank you.

Ms. Vanuch: But, Mr. Randall, you do understand like that if we set that as a condition, that their conditional use permit could be revocable if a tractor-trailer does come to make a delivery.

Mr. Goodall: I would not want that result.

Ms. Vanuch: Yeah. I mean, obviously we'd have to get wind of it but, just knowing that that's, you know...

Mr. Apicella: But to be fair, again, using the Dunkin' Donuts as an example, I don't see how a tractor-trailer could make a delivery on this site. And, we've prohibited in the Dunkin' Donuts situation, tractor-trailers are parking on the access road. So this is basically the same set of circumstances.

Ms. Vanuch: Mm-hmm.

Mr. Bain: But apparently tractor-trailers have access to the site because whatever that structure was on the aerial photograph had to have gotten there by tractor-trailer.

Mr. Apicella: Right, but there were no cars parked there.

Mr. Bain: Yeah, I understand but the fact that they can get onto the site says to me that at some point in time somebody's going to try. Yeah, a good driver could get in there. How about if we word that

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condition, applicant cannot arrange for tractor-trailer deliveries?

Mr. Goodall: That's fine.

Mr. Bain: Or something along that line.

Ms. Vanuch: Is that enforceable Dan?

Mr. Wisniewski: It is technically, Madam Chairman, an enforceable condition, but it would be very difficult to enforce. We'd have to be able to have access to communications between the...

Ms. Vanuch: We could FOIA it -- no, I'm just kidding.

Mr. Randall: Madam Chair, I'd like to withdraw that. I think based on what we talked about, I'm thinking about the fact that have we seen a tractor-trailer in Hampton Inn parking lot? Have they driven up that access road?

Ms. Vanuch: Probably in the middle of the night.

Mr. Randall: Have they made a left-hand turn? Have they gone past this little entrance? And have they parked in the Hampton Inn parking lot?

Mr. English: Well, you've got gas deliveries and they come in on tractor-trailer.

Mr. Randall: I'd like to think that they're not going to get a tractor-trailer that's going to back up into that little parking area that you have. But, if we're talking about the access road, we may be best to leave it alone. I would still like to keep the large trucks out of the 6 to 10, just leave that alone with what we've changed.

Mr. McPherson: Remove that language, number 19?

Mr. Randall: Yes, but I'm thinking that the tractor-trailers may be more problems than it's worth.

Ms. Vanuch: Alright, any other questions? I mean, the 41 max spots. Does anybody else have questions, because I have one more.

Mr. Randall: I have a question about the gravel area. I've seen several places where it seems to be... we go back and forth. Is the gravel allowed? It says only in paved parking spots am I allowed to put cars. And then it also accounts that I can put 12 in the gravel area. I don't expect that you're going to line the gravel area so that it's marked out for cars. Is your intent to pave that area where the gravel is so that you can put cars there as per the conditions that we have?

Mr. Goodall: Yes, except... actually, part of it may be paved already at the south end for the dumpster pad area.

Mr. Randall: It's hard to see on the aerial. Can you point where you think that it's paved already? No, no, on the screen; you can do that on the screen.

Mr. Goodall: Will my finger show up?

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Mr. Randall: Just use the marker.

Mr. Goodall: I think right here there's a paved spot for the dumpster. Maybe it's here; is that it? Look just below, look right there. Isn't that the dumpster pad right there?

Ms. Vanuch: That looks like a concrete pad.

Mr. Goodall: So, everything here could be paved. The other area Mike has put in green could be paved.

Mr. Randall: No, no, I'm just... again, I don't disagree. I'm just looking at condition 3 that talks about all outdoor storage of vehicles for sale shall be limited to the parking spaces within the subject parcel. So it needs to be in a parking space and right now gravel probably wouldn't meet that requirement.

Mr. Goodall: So we would pave...

Mr. Randall: You would need to... if you were intending to use that area for parking spaces, you would need to pave that area and mark it as parking spaces.

Mr. Goodall: Okay, yes.

Mr. Randall: Okay.

Ms. Vanuch: Do we need to make that a condition Mr. Randall? Is that what you're requesting?

Mr. Randall: Well, I think it's pretty clear that the condition says, all vehicles for sale shall be limited to the parking spaces within the subject parcel. We can define parking spaces, paved parking spaces, if you would like to do that. It was clear to me what it meant by number 3. Whatever would be easiest... paved? Okay, so let's add... it will read then, all outdoor storage of vehicles for sale shall be limited to the paved parking spaces within the subject parcel.

Mr. Goodall: Good.

Mr. Apicella: Okay, so again, I'm confused. What happened to the gravel parking?

Mr. Randall: It would be paved in order for them to put parking spa... in order for them to park cars there, it would need to be paved.

Mr. Bain: And striped.

Mr. Randall: Yes, and striped.

Mr. Apicella: Okay.

Ms. Vanuch: Alright, any other questions before I go onto my... I have one last question.

Mr. McPherson: Madam Chair?

Ms. Vanuch: Sure.

Mr. McPherson: Mr. Attai, Mr. Goodall, so we've made quite a few additions/changes to some of the

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conditions; I've been writing them all down. Do you wish to defer this hearing for you to review all the changes that we've talked about?

Ms. Vanuch: And just remember, we still have to have our public hearing part, because we haven't even gotten to that yet.

Mr. McPherson: Right.

Mr. Goodall: He's agreeable to everything he's heard.

Mr. McPherson: Okay.

Ms. Vanuch: Okay. And so, my other... I mentioned this earlier but we haven't addressed it yet. Condition number 6, which is the owner may seek contribution language from the neighbors. Are you guys amendable to removing that middle sentence from where it says the owner and then the last word is obtained?

Mr. Goodall: Could you live with the owner is not prohibited from seeking. We're not prohibited; the condition doesn't prohibit us from getting the contribution.

Mr. Randall: May I suggest some language that we can go in there that maybe lessens the tone?

Ms. Vanuch: You can try.

Mr. Randall: The owner, through the current maintenance agreement, may solicit support from other property owners.

Ms. Vanuch: I just don't think the... I think it goes to the overall issue and my opinion is that we don't have a place or a stake in this game in setting a precedent that we put anything about road maintenance agreements or anything like that in a condition. I think that is between them and I think, at the end of the day, they, you know, you work with your neighbors and you tell them you're doing... you know what I mean?

Mr. Randall: Sure.

Ms. Vanuch: And if they had paid portions of the road maintenance over years and years, I'm sure the neighbors would probably pitch in and repay for that. But remember, you still have the maintenance. So, in 5 years after cars are driving up and down, up and down, it's going to still be dilapidated and then they're all going to have to pay again. So this is just a one-time payment for Mr. Attai to bring the road up to acceptable standards right now. How much have you paid in road maintenance so far? Since ownership of...

Mr. Goodall: Paid 5 to 800 dollars a couple weeks ago.

Mr. Attai: Four hundred seventy dollars like a couple weeks ago.

Ms. Vanuch: And that's it?

Mr. Goodall: We never heard from the Hoffman's, so I'm surprised... they didn't copy us on it and he hadn't heard.

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Mr. Attai: I talked with Mr. Patel and I was ready to... I call the guy, the guy came, and estimate \$44,000 to pave everything. And I was ready to pay more than other people, but they said no, that's too much, too much money.

Ms. Vanuch: Do you have an estimate as to right now?

Mr. Attai: Not right now.

Mr. Goodall: Not with the change. He had a roughly \$45,000 from Findley in Manassas to repave the 245 feet from Route 1 all the way back to his property, and that's what he went back to Mr. Patel with who said gee, he seems pretty steep to me, after having said why don't you contribute, he said great, let's build it. And Mr. Patel said no. But we haven't heard from Hoffman. Everybody may have...

Mr. Bain: Did you contact Hoffman to see if they would contribute?

Mr. Attai: No, no.

Mr. Goodall: We will.

Mr. Bain: Why would you not?

Mr. Goodall: We will. We intend to. We just don't want to be prohibited from doing that.

Mr. McPherson: You'll recall that we did discuss this in detail several times on our site visit on Monday that that is a private agreement between you and the other landowners, and it is my belief as well that this language does not belong in a conditional use permit. We're speaking only about conditions and uses. It's not whether I agree or disagree with your situation, it's just what belongs in the conditional use permit.

Mr. Goodall: So, we would be happy to modify the language. I would like to be on the record as saying I don't construe that as or I don't want to concede or agree that that omitted language now somehow prohibits us from resorting to whatever rights we have, as poor as they may be, under that pre-existing agreement. We will lose this condition if the road isn't paved. That's crystal clear. We've agreed to that over and over and over again, and the County Attorney's actually edited this language to get to what you see. But if that's somehow a roadblock...

Ms. Vanuch: To me it's a deal breaker. But the good news is you're on camera and there are written minutes, so whatever you say is being typed out studiously.

Mr. Goodall: Good. So let it say we're happy to take the language out as long as we all understand, when the County says we're not in the middle, it is not imposing a prohibition against us resorting to whatever rights we may have.

Mr. Attai: Agreed.

Mr. Goodall: Thank you.

Ms. Vanuch: Well, we can't agree, the County. Dan's like no, don't do that! We have no opinion. Okay, so, we're...

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Mr. Goodall: Anything else?

Ms. Vanuch: I think let's open up the public hearing. I don't see anybody in the public but let's just go ahead and let you guys sit down for a minute and open up the public hearing. So now would be the time for anyone to come forward to the podium to speak on the conditional use permit for Mr. Yonus Attai. You have 3 minutes to come down to the podium to speak. When the red light turns on, your time is expired. Anyone willing to come down and speak? Okay, seeing none, I will close the public hearing and bring it back to the Commission. Do we have any additional questions for staff or the applicant post the public hearing? I know we did get a letter; does anybody want to read that letter or comment to the letter just so they know what the concerns were in the letter that we received?

Mr. McPherson: Madam Chair, I'll go ahead and read that letter since this is my district.

Ms. Vanuch: Sure.

Mr. McPherson: So, we did get a letter from Mr. and Mrs. Hoffguard. *We are writing to object to the application made by Mr. Attai and to change the use of this property to a car dealership. Hoffguard, LLC, owns 2983 Jefferson Davis Highway. In the past, our property has been adversely affected by the large trucks and vehicles that Mr. Attai has stored on his facility. In addition, in 2016, the road leading to Mr. Attai's property was in disrepair and we had to take actions to have the road repaired and bear the burden of the cost which Mr. Attai never reimbursed for his portion. We believe that if the application was granted, it would have a significant negative effect on our property, the amount of traffic in and out of the property would cause accelerated deterioration of the road conditions and it would be unfair for us to have to share in the burden of the upkeep of the road. And for these reasons, we object.* And I would like to point I think we have addressed some of these items in our discussions this evening.

Ms. Vanuch: We have, and I think... have you met with the FasMart owners or the hotel owners?

Mr. McPherson: No Madam Chair, I have not.

Ms. Vanuch: Okay. But we know that they were noticed. I'm wondering if you want additional time to go and reach out to them, it'd be great to just hear from them what their thoughts are on all the... because we've made robust changes tonight, to see if we could get, you know, so at least they understand the changes that were made and maybe could be a little more supportive of it and understanding the concerns for Mr. Attai and Mr. Goodall regarding the road maintenance. I just... I feel... I know they said in the letter they couldn't be here so I kind of feel bad that they couldn't be here. And normally these don't move so quickly. So, I don't know, just my thoughts. Mr. Bain, sure.

Mr. Bain: Could I ask either Mr. Goodall or Mr. Attai, in that letter they mentioned that there were large trucks that used that driveway and I guess parked on the site. Are those there because of prior tenants of the property, or were those part of Mr. Attai's operation of the site?

Mr. Goodall: Well, what's been going on for several years is that Mr. Attai has been seeking County approval to use this site for the proposed business that you're now hearing about. But, since that wasn't forthcoming, he leased it to a tenant who's use was permitted by-right in this zone, and I suspect whatever the Hoffguards are talking about are delivery trucks to this tenant who has this...

Mr. Bain: Okay, that's what I was wondering.

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Mr. Goodall: ... thing that they do on weekends, the Price Cutter Discount thing, whatever.

Mr. Bain: So, based on the conditions that we've talked about tonight, the probability of large trucks using that road for Mr. Attai's purposes would be very limited, very limited.

Mr. Goodall: It's going to be near zero.

Mr. Bain: Alright.

Mr. Goodall: Those are trucks serving the current tenant; that lease ends in February. We can hardly wait to end it.

Mr. Bain: Alright, thank you.

Ms. Vanuch: Before you go, I think some of us might still have questions. You said something that kind of made my ears perk up a little bit. You said that you had been seeking a conditional use permit for this proposed use for years, and it wasn't forthcoming. So, what does that mean?

Mr. Goodall: We applied in 2015. The then Supervisor for the district simply said, I don't like this use, and that was all we heard. So we simply deferred and waited, and Ms. Shelton's now the Supervisor and is willing to... met with us and is willing to entertain it progressing on its merits under the Comprehensive Plan and Zoning Ordinance, for which we are thankful. It was under Mr. Milde while Mr. Milde was a Supervisor for the district. So we simply waited.

Ms. Vanuch: And were there any reasons given, that the traffic, the road maintenance...

Mr. Goodall: No. No. He didn't like the idea of additional auto dealerships in the area.

Ms. Vanuch: And I saw a letter to Ms. Bailey. Did you ever meet with Ms. Bailey in the past?

Mr. Goodall: We did. We met with her right after the application was filed. She was kind enough to meet us at the site. We went over it, had brief correspondence, and then just put it into orbit, you know circling the airport waiting, since Mr. Milde was forthright. He said I just oppose it and politically don't want it. And so we waited and Ms. Shelton is now the Supervisor and was... met with us and was glad to entertain it on the merits. So we're glad to have it heard on the merits. We're glad we have a staff report that has all positive conditions and no negative conditions and recommends approval.

Ms. Vanuch: Gotcha. Any other questions?

Mr. Randall: Could you tell me what the overall square footage is? Nine thousand square feet?

Mr. Goodall: I think that's the building.

Mr. Randall: That's the building, I'm sorry. The office space that you're talking about, that's the farthest to the west. How much is that... how much office space? Two thousand, three thousand square feet? Do you know offhand?

Mr. Goodall: The office space is upstairs, it's on the second floor. I think that's 3,000, I think. So, by far... the Commissioner of Revenue has a drawing of this thing, I'm not sure I have it with me unless it's in the package. So, the service bay area is by far the largest, and that's on the left or west end.



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That's by far the largest space.

Mr. Randall: So, the area underneath is the showroom then?

Mr. Goodall: The showroom.

Mr. Randall: Is that the showroom?

Mr. Goodall: Yes. And the offices are above it.

Mr. Randall: The offices are above it. Okay.

Ms. Vanuch: Mr. Randall, I'm just going to circle back with one of the comments you made earlier. You had said you wanted to come back to the 41 outside cars stored. Did you... are you okay with the 41 being stored, limiting it to 41 outside? But I can't remember if you had an issue with the number 41.

Mr. Randall: I did. I think...

Mr. Goodall: I thought it was total spaces outside. So we have to get customers and employees there too. That's the total outside spaces.

Mr. Randall: Right.

Ms. Vanuch: Is 29?

Mr. Goodall: No, no, the 41 if you pave, the most spaces you could put outside, not just display, total. So you've got to get customers and employees in there too.

Mr. Bain: Yeah, but I think that's limited to the total number of vehicles outside.

Mr. Goodall: Yes.

Mr. Bain: I would say 29 on existing pavement and 12 or however many that you get on the gravel, I think that's what we said. But they had to be paved parking spaces.

Mr. Goodall: Right.

Mr. Bain: In number 3, that really doesn't set a number but it says that it's got to be paved, in which case they have to be striped according to County code and that would probably limit them to 41.

Mr. Randall: Yes.

Mr. Bain: Is that okay?

Mr. Randall: I would agree with that.

Ms. Vanuch: Do they have to be striped, Jeff?

Mr. Harvey: Madam Chairman, in order to be classified as a parking space, yes they'd have to be striped.

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Ms. Vanuch: Okay. Alright, any other questions? No? Alright, thank you so much.

Mr. Goodall: Thank you.

Ms. Vanuch: Alright, so I'm going to bring it back to the Commission. Mr. McPherson, this is in your district, so the floor is yours.

Mr. McPherson: Thank you Madam Chair. I'm going to make a motion. I move that we approve, recommend approval of Conditional Use Permit 15150822 in Resolution 18-186 with the following changes to the conditions that were delivered earlier, and I will read them out. From condition number 6 we will remove what I call extraneous language about reimbursement from other property owners and leave the language just to talk about repair of the roadway. For condition number 8, vehicles, we add the word individually; vehicles individually may be driven to the site. We'll be limiting parking to 41 vehicles outside of the building. Condition number 15, we're going to change 30 days to 10 days for inoperable vehicles outside. Condition 17, we're going to add not only tires outside, but other vehicle parts. Condition number 19, we're going to remove the language, by large trucks, since that is not needed. And then condition number 3, we're going to add the word paved to parking areas. And Madam Chair, that ends my motion and the changes. Thank you.

Ms. Vanuch: Alright, thank you. Is there a second?

Mr. Apicella: I'll second, Madam Chair.

Ms. Vanuch: So, a motion by Mr. McPherson, seconded by Mr. Apicella. Mr. McPherson, any additional comments?

Mr. McPherson: Just brief Madam Chair. I did meet with the applicants onsite Monday and we talked a lot of the conditions and just based on the merits, I think that this use for this space is well within the... set forth in the conditional use permit.

Ms. Vanuch: Thank you. Mr. Apicella?

Mr. Apicella: I would just add that with the additional conditions that have been incorporated, I think we've addressed the concerns that were mentioned, at least by the person who submitted a negative comment and generally any other issues that might arise with those additional conditions.

Ms. Vanuch: Thank you Mr. Apicella. Anyone else like to comment? Mr. Randall?

Mr. Randall: I'd like to make a quick comment. I was torn on this for a long time, from the time I got it to the time we are sitting here, about used car lots. You get a used car lot definition and you get a picture in your mind of what they become, what they are. We can't obviously condition what kind of cars, but I'm going to hold you to the fact that they're going to be late model good used cars that people aren't going to, you know, they're not coming for the 1980 Chevy type thing and that it meets those types of standards so that we don't become other place on 610... or on Jefferson, if you know what I mean. So, that's all I have. Thank you.

Ms. Vanuch: Thank you Mr. Randall. Anyone else like to comment?

Mr. English: Madam Chairman, I'm going to have to vote no against this because I feel like we just went through this with Derrick Lane and we've had issues with them with the tractor-trailers bringing

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the cars in. And I just feel like this is going to be an issue because of the hotel right there. And I just think it's going to be a problem and also just another car lot on Route 1. So I'm going to have to say no to this.

Ms. Vanuch: Thank you Mr. English. Any additional comments? Alright, I am going to make a brief comment. I really do appreciate your amenability and in accepting some of the conditions that we've suggested this evening. And I know Mr. McPherson worked with you guys ahead of time to address some of the issues. I, too, like Mr. Randall have been torn on this and I think for me, I feel like we're moving just a little bit too fast. I don't really like making conditional changes and then... and voting on it right away so we can see it, because sometimes it's better to see the actual final language to understand exactly what we're voting on, to make sure that we didn't miss anything or impose unintended consequences. And for me not being able to hear from the neighbors, you know, other than just that letter and following up with them to ensure that the conditions imposed tonight or edited tonight would address their concerns of the issues that they've had previously. So, I am going to join Mr. English and vote no just because I think we're moving a little bit too fast. If I had a little more time to kind of digest it, my vote may be different. But I'm not sure that that matters. You may have enough support, I don't know, but I just want to make sure we don't create any unintended consequences in any of the things we've done tonight. So, that's my big issue. Thanks. Alright, go ahead and vote. Alright, the motion carries 4-2 with 1 abstention or recusal; Mr. Boswell is absent. Thank you guys. Okay, so this evening there is no Unfinished Business, so we can move onto New Business, which is the Piedmont Groundwater Plan presentation, which we will recognize Mr. Zuraf for this.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

2. Piedmont Groundwater Plan - Consider authorizing a public hearing to amend the Comprehensive Plan to incorporate the Groundwater Resources Evaluation for the Piedmont Aquifer (Piedmont Evaluation) as a component to the Groundwater Management Plan Element of the Comprehensive Plan. **(Time Limit: September 3, 2018)**

Mr. Zuraf: Good evening again, Madam Chairman, members of the Commission. Mike Zuraf with the Planning and Zoning Department. This item is a consideration of the Comprehensive Plan amendment, specifically a Groundwater Resource Evaluation for the Piedmont Aquifer, otherwise referred to as the Piedmont Plan. So, the request tonight, or the consideration is for the Planning Commission to authorize a public hearing to amend the Comp Plan to incorporate the Piedmont Plan as a component of the Groundwater Management Plan Element of the Comp Plan. The Piedmont Plan is focused on the Piedmont Aquifer portion of Stafford County. This map helps to define the area. The map identifies the two primary physiographic regions, or geologic zones in the County; the Piedmont Province and Coastal Plain Province, also referred to as aquifers. The zones are divided by the fall line which generally runs north/south in the vicinity of Interstate 95. The Piedmont Aquifer consists of hard resistant igneous rock. Groundwater flow is affected by fractures in the rock formations, and at various locations and depths. In the Coastal Plain, this consists of more sand and gravel consistency, and what you get is a more consistent groundwater table. As a result, water wells are more reliable in the Coastal Plain than you find in the Piedmont Aquifer. The study further subdivides the Piedmont Aquifer into Geologic Units – as the type and characteristic of rocks across the region varies slightly. This map helps to further define the affected areas of this plan. This overlays the Urban Service Area from the Comp Plan. That's identified with the pink hatching. These areas are planned to be served by public water. In

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addition, the study area excludes Quantico Marine Corps Base. So, the evaluation is focused on the remaining area in light brown where the majority of wells exist and future wells are planned. So, for some history, in 2005 the first Groundwater Management Plan was adopted. The impetus for that plan was the experience of prolonged drought conditions. During 2001 and 2002, at the time there were a number of domestic wells that experienced low or no water yield conditions. The study evaluated wells across the County at that time as part of this plan, in both the Piedmont and Coastal Plain. The plan document concluded that there was adequate groundwater capacity for the future planned growth in the County. Strategies were recommended for protection of the aquifer recharge area, which basically follows along the fall line. So now, fast forward to 2017 -- there were concerns expressed in Hartwood and Rock Hill or no or low yield conditions again and existing wells being impacted by new adjacent developments. Both the Hartwood and Rock Hill Election Districts are comprised of a majority of the Piedmont Aquifer located outside of the Urban Service Area. Since 2005, there has been a substantial amount of development of new homes with private wells in the Piedmont Aquifer. The Board of Supervisors had concerns about the sustainability of the groundwater supply in the aquifer and authorized development of the new Groundwater Evaluation. The plan was prepared by geotechnical consultant, ECS Mid-Atlantic. So, the plan has several findings; I'll go through those. The Piedmont Aquifer has a capacity for 6,500 new household wells. This would be without causing significant negative impacts to the Piedmont areas hydrologic system. The Comp Plan project is for 200 new dwelling units per year outside of the Urban Service Area; most of these homes withdrawing groundwater from private wells. The 200 new dwelling units does include all the areas in the County outside of the Urban Service Area in both the Piedmont and Coastal Plain Aquifers. The 200 dwelling units per year do amount to 3,600 total units during the planning horizon of the Comprehensive Plan out to year 2036. As a result, the groundwater aquifer capacity for the Piedmont would be adequate over the next 18 years of projected growth. The low yielding wells still have been observed through the evaluation of well records that were cataloged and mapped and the study correlated low yields with the varying geologic rock strata for this Piedmont area. And also, it was identified the newer wells do have a slightly higher yield than older wells that were drilled prior to the year 2000; finding that increased well development generally does not adversely impact recently installed wells.

Mr. Randall: Mr. Zuraf, I have a question for you. Is there an analogy or comparison between the... how deep those wells are and whether or not we're digging deeper wells since 2000 and prior to 2000?

Mr. Zuraf: They talked a little bit about that. I believe it was, and correct me if I'm wrong Mr. Harvey, but the wells that were dug deeper were basically in situations where they had to go deeper to find adequate water. Wells that were not dug as deep generally were...

Mr. Randall: Are the ones that didn't have problems?

Mr. Zuraf: ... they had enough because they didn't have to go to the deeper depths.

Mr. Harvey: And, Commissioner Randall, part of the depth of wells is a function of what the production of that well is, because state health department requirements are that a well must produce a minimum of 3 gallons per minute of water supply. In order to have storage for that 3 gallons per minute, often times the well would be driven deeper so there's water storage within that well itself that could be pumped out to meet that requirement. Otherwise, the homeowner would have to put in a water storage tank within their house.

Mr. Randall: Okay. No, I was just wondering if the low yielding wells were seen to be the ones that weren't drilled as deep; that's all I was wondering if there was an analogy to that. Thank you.

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Mr. Zuraf: And then the report does classify well yield potential for each of the geologic units, and they define it as low, moderate, or high yield situations. This map is included in the plan; it identifies the classifications. It does overlay roadways onto the map in order for the public to gain a better understanding of the situation in their specific location of concern. This was one of the recommendations that came out of a town hall meeting that was conducted by the Supervisors regarding this issue and this study. The plan notes that these yield classifications are averages across each of these geologic units, and it does not guarantee that you're going to specifically get that type of yield because there are variations that likely exist within each of the areas.

Mr. Apicella: Mike, I'm sorry, can I take you back? I apologize. The version of the plan that I have is dated February 2<sup>nd</sup>, and the staff report refers to a recommendation being made to incorporate an additional map of the low yield well areas with roadways superimposed on them. Is that this map in front of us?

Mr. Zuraf: That's this map, yes.

Mr. Apicella: Where is it in the document?

Mr. Zuraf: I think it's the very last, one of the very last pages. It was added at the end.

Mr. Apicella: So, if somebody were looking for it online, can you cite a page number?

Mr. Zuraf: One second...

Mr. Apicella: I mean, I think it's important information.

Mr. Zuraf: Yes. Attachment 1, page 319 of 319.

Mr. Apicella: So it is the actual very last page.

Mr. Zuraf: Yes.

Mr. Apicella: Okay, thanks.

Mr. Zuraf: The plan does include some recommendations or suggested best management practices. It talks about establishment of groundwater monitoring wells. Using monitoring wells to measure long-term groundwater levels is identified as an effective way to kind of differentiate short-term kind of fluctuations of conditions like drought from overall long-term trends. The report does identify potential sites within the County where wells might be located and provide some estimated costs and information regarding installation and ongoing data collection costs if the County was to kind of pursue this type of effort. The sites they identified were available kind of public sites; school sites or parks where these wells could potentially be located. Also, the plan does provide some information provided on hydrologic testing standards and groundwater regulations. These have been adopted by several counties in the Piedmont region as a specific land use tool. It provides a kind of a higher level of evaluation of the groundwater situation prior to residential development occurring. And staff does recommend authorizing a public hearing for August 15<sup>th</sup>. The time limit for a recommendation, because it's a Comp Plan Amendment, would be September 3<sup>rd</sup>, so you do have only one more meeting to have your public hearing on this issue.

Ms. Vanuch: Thank you Mr. Zuraf. Any questions?

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Mr. Bain: I had a question.

Ms. Vanuch: Sure, Mr. Bain.

Mr. Bain: They said in the report about the maximum safe yield calculations estimated that an additional 6,500 households, beyond what exists, could withdraw groundwater at a typical residential usage rate without causing significant negative impacts. How did they evaluate the location of the 6,500? Were they looking at it evenly spread across the Piedmont region? Or did they use the Comprehensive Plan to identify areas of higher density versus lower density?

Mr. Zuraf: I'd have to look into that.

Mr. Harvey: Madam Chairman and Commissioner Bain, as part of the analysis, the consultant did an overall water budget and looked at what the overall water budget could yield. There's no relationship between the location of what those... where those future wells would be. That's one of the areas of concern, and you read in the report, of the areas identified on the map as you recall they were in red which had low well yields, there are significant concerns, especially up in the Rock Hill area around Lake Arrowhead and in those neighborhoods in that vicinity. Because the density of homes and the overall tightness of the rock that leads to the low well yields it could be potentially exacerbating some of the problems. So, a lot of this Comp Plan document is information for future decision-making by future prospective home builders and citizens of the County, but it does not provide any specific guarantees that there's going to be adequate water in a specific location.

Mr. Bain: The reason I'm raising the question, obviously we've been talking about cluster developments. And whether it's a cluster development or a large development with a Homeowner's Association and private community wells, they're going to be drawing much larger amounts of water from the aquifer and could experience severe low yield or no yield conditions just because of their own use. Is there any way that the County could require some type of analysis by developers prior to approving a development plan that the developer has to prove that there would be sufficient yield for whatever development they're proposing.

Mr. Zuraf: Yeah, that would actually be through the measure that I mentioned, the kind of establishment of hydrologic testing standards as an actual requirement, possibly in the Subdivision Ordinance.

Mr. Bain: Okay. I thought that was just testing that the County would do. But you're saying that that would actually be part of the development requirement...

Mr. Zuraf: That would be something that would be imposed on a development to evaluate the site up front.

Ms. Vanuch: It's a recommendation though, right, not a requirement.

Mr. Zuraf: Yeah, yeah.

Mr. Bain: That would be excellent.

Mr. Zuraf: But if it became part of the Ordinance, it could potentially be a requirement.

Ms. Vanuch: In the Cluster Ordinance, is that what you're talking about?

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Mr. Zuraf: Through any... whether it's cluster or conventional.

Ms. Vanuch: Write that down for August 29<sup>th</sup>.

Mr. Bain: Thank you.

Ms. Vanuch: Okay. Mr. Apicella?

Mr. Apicella: Aside from the point that Mr. Bain just reinforced about the 6,500 number being, I'll call it non-problematic although some may see it differently depending on where they're having their house built. The other big conclusion I thought I read here was, and it's a general statement, it may not apply in all cases, but that newer wells tend to be less problematic than older wells. Is that a correct statement?

Mr. Zuraf: Yes.

Mr. Apicella: With regard to the referral, were we given any ability to make any changes or is this ultimately an up or down vote post the public hearing?

Mr. Harvey: Madam Chairman and Commissioner Apicella, the Resolution that the Board passed did not allow for changes to the document. It requests the Commission to hold your hearing and make recommendations.

Mr. Apicella: Well, let me ask a technical question. If we recommended a page be moved to somewhere else in the document, would that be outside the scope or something that we would have to just make as a general recommendation that the Board could act on when it considers the matter?

Mr. Harvey: Madam Chairman, Commissioner Apicella, that would be part of the Planning Commission's recommendation.

Mr. Apicella: Okay. I'll just put out there, I think this low yield well map is pretty important and to put it at the back-end probably doesn't... does not... may not as well serve perspective builders and buyers going forward. So that would be something I'd put as a placeholder or something we might want to talk about.

Mr. Harvey: And Commissioner Apicella, for your information, that map exists elsewhere in the document, but the reason why staff put it at the end is because it was asked that we put roads on that document. And when you compare it with the other map that's already in as a listed figure, it got to be awkward as far as formatting. Because you'd have the exact same map side by side; the only difference is one has roads on it and one doesn't.

Mr. Apicella: Yeah, but the roads kind of give you a sense of where things are.

Mr. Harvey: Yes.

Mr. Apicella: I don't have the two in front of me, but I'm sort of thinking out loud that if I were buying somewhere and I was going along a road and someone was building over there, and I see a little dot that says this might be problematic, it might you know cause me to do a little bit more investigation. So, that road... that information I think might be helpful to somebody. I'm just throwing it out there. I know it's not something we'll deal with today, maybe as part of our recommendation.

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Mr. Zuraf: Probably a recommendation to replace the map with a version with the roads, if everything else is the same.

Mr. Apicella: Right and put it in a prominent place where folks can easily find it.

Ms. Vanuch: And that won't impact -- Dan, this is a question for you -- the advertising a public hearing if we vote to send this forward tonight.

Mr. Wisniewski: Madam Chairman, there would be no impact.

Ms. Vanuch: Alright, any other questions for Mr. Zuraf? Remember, we're just voting this to go to public hearing.

Mr. Apicella: I do have a related question.

Ms. Vanuch: Sure.

Mr. Apicella: If... would we still be in compliance or is there a way that we could schedule this for our meeting, when is it, August 28<sup>th</sup> or August 29<sup>th</sup>...

Ms. Vanuch: The 29<sup>th</sup> I think.

Mr. Apicella: ... in lieu of our next regularly scheduled business meeting? That would still be prior to September 3<sup>rd</sup>. Is that permissible?

Mr. Harvey: Yes sir.

Mr. Apicella: So, I throw that out there as an option.

Ms. Vanuch: I like it. Are you going to make a motion to send this to public hearing on August 29<sup>th</sup>?

Mr. Apicella: Okay. Madam Chairman, I'll make a motion to send the document forward to public hearing to be heard at the August 29<sup>th</sup> currently scheduled Planning Commission meeting.

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

Mr. Bain: Second.

Ms. Vanuch: So, a motion by Mr. Apicella, second by Mr. Bain. Mr. Apicella, any comment?

Mr. Apicella: No ma'am.

Ms. Vanuch: Bain?

Mr. Bain: No.

Ms. Vanuch: Anyone else? Alright, go ahead and vote. Are you getting used to not voting Mr. Boswell? Alright, the motion carries 7-0. Now, moving onto item number 3 on the agenda, Amendment to the Zoning Ordinance for required loading spaces and required parking spaces. For this we recognize Ms. Andrea Hornung. I like your suit this evening.



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3. Amendment to the Zoning Ordinance - Proposed Ordinance O18-02 would amend the Zoning Ordinance, Stafford County Code, Sec. 28-102, "Off-Street Parking," and Table 7.1, "Required Parking Spaces" and repeal Table 7.3, "Required Loading Spaces" regarding Parking Space Requirements. **(Time Limit: September 21, 2018)**

Ms. Hornung: Thank you Madam Chairman. Thank you, and members of the Commission. Not to reiterate a lot of the items that you've already seen before, but basically the parking and drive aisle ordinance for repealing the loading space table and amending the 7.1 parking table, that was sent to you by the Board of Supervisors to request the Planning Commission to schedule a public hearing. And out of the Board's meeting a few things came up that they recommended be considered. One item was Supervisor Shelton asked that the number of parking spaces for hotels and motels be revised for 1 space per room, which that basically puts it back to the original. So, in the staff report, you'll see that there's a minor table in there to show you what was requested by the committee of 1 per 2 beds, and then it was revised and changed back to 1 space per room. None of the loading spaces were affected at all throughout all this. And then Supervisor Coen also recommended that the minimum parking space size is revised to 9 by 20. Now, in consideration of that, the County also received a letter from the Virginia Department of Environmental Quality in which when they were looking at the Chesapeake Bay Program, they noticed that... they looked at certain projects as well within the County. And their recommendation was to reduce impervious surface. And some of the options to accept that, to reduce impervious surface in the County, would be to revise the parking spaces. And some of the items that staff came up with were to revise parking space size. Now, although Mr. Coen recommended 9 by 20 spaces, you could possibly accomplish both of those by doing a percentage, creating a percentage of small... standard parking spaces, compact car parking spaces, and then larger vehicle parking spaces. And in a calculation that staff completed, we looked at a hundred spaces. Obviously, some of this will not work for a site like you just saw that might have 40 spaces. So it would only work for maybe more than a hundred or maybe even larger, like some other projects that we have going on where there's 800 spaces. So, the calculation for different percentages could save up to 2 spaces or 3 spaces if your requirement is... your minimum requirement for the site is a hundred spaces. Another...

Mr. Apicella: Do we know why Mr. Coen asked for the 9 by 20 versus the 8 by 18? What's the...?

Ms. Hornung: To accommodate larger vehicles because we're seeing SUVs in addition to other types of larger vehicles that once you have the larger doors, and it's just a larger vehicle in a parking space. And if you have an...

Mr. Apicella: I mean, I think it's a fair point. I see that at the VRE where I see the large trucks going outside both the front and the back-end of a space. But not every... I mean, it would be way too large for you know the average size car. So, I appreciate what staff's recommending. My only concern is what staff's recommended, it's not necessarily based on anything that you've seen, it's just something you've kind of threw out there as a possibility. It could be that you know maybe you want 20% or 25% for large vehicles, or 10%. We don't really know because we're not... we weren't provided any examples. Is that a fair statement?

Ms. Hornung: Well, the information that's in the staff report is not necessarily a recommendation for staff, it's information provided to you based on the comments from the Board of Supervisors and their recommendations and then some other...

Mr. Apicella: That's not what I mean. So, I'm talking about the percentage ratio that was recommended by staff. I think it was -- I don't have it in front of me -- I think you maybe mentioned 15% large vehicles and... I don't have it in front of me. There was a ratio that was recommended, but

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I'm saying there was... it was not based on a specific set of examples, it was just a hypothetical to get us talking about it.

Ms. Hornung: Correct. The hypothetical, because if the DEQ letter to the County recommended reducing impervious surface, there's got to be some other ideas that the County needs to look at; how do we accomplish reducing impervious surface. One idea is to reduce... to attack... to deal with parking spaces. So either you revise the parking space requirement and look at different sizes for larger... larger developments that will require a significant number of parking spaces, or you could also require maximum parking spaces. Now, in staff's research with that and also to clarify what's in the staff report, we did receive some examples from Arlington and Alexandria that looked at parking spaces. But truly only the City of Alexandria outlined a procedure for maximizing their parking spaces. So, in the one, I believe it was Attachment 3, in that one document it actually combines the City of Alexandria information as well as the Arlington County. Arlington County has some information on parking spaces but only the City of Alexandria discusses assigning a maximum parking space requirement to their developments. You also have another document that was presented to you this evening that was found as staff went to the internet. And it discussed different areas in the continental United States that offers maximum parking spaces. The only one obviously was the City of Alexandria and Montgomery County. They did have information on requiring maximum parking spaces. Also, on the reverse side, the other localities are Chicago in Illinois, Boston in Massachusetts, and San Francisco, California. So those are some larger cities that did provide maximum parking spaces. That's an option. Also, another option would be pervious pavement. Now staff did find a number of documents on the internet that we have but we did not provide all of those to you because this is part of a talking point as well. But there are options for pervious pavement. But we have some areas in the County that pervious or permeable pavement does not work in a high traffic parking area.

Ms. Vanuch: Would the Chipotle original parking lot be an example of pervious pavement, where they didn't pave it all the way in the beginning? It was just grass and mud.

Ms. Hornung: Which one?

Ms. Vanuch: The Marketplace.

Mr. Harvey: Madam Chairman, in that particular case, they used what we would call grass rings or other types of ideas for allowing for infiltration. Unfortunately, grass won't grow in a high traffic area and that's where that system failed. There's also pervious pavement that's actually somewhat like concrete, but allows the rainwater to soak in, and they usually have an underlayment of gravel or some other pervious material that allows the water to infiltrate into the ground. Currently, our code does not allow for pervious pavement to count towards parking requirements. It specifically says it's got to be asphalt or concrete. So, one option that staff can recommend is that we include in our code a provision that we allow pervious pavement subject to agent approval. In other words, the site plan agent, which is currently myself acting on behalf of the County Administrator, could determine that pervious pavement could be allowed in certain circumstances. As we know, with high traffic areas, as Ms. Hornung was saying, and we've experienced in that one instance, they don't work very well for pervious pavement where you have a lot of vehicle traffic, or truck traffic.

Ms. Vanuch: And I have seen those YouTube videos of the pavement where the water just gushes, it goes right through and it drains, and they talk about putting those in like high flood areas because the water can just kind of soak right through versus tearing through the pavement. But anyway. Mr. Bain, did you have a question?

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Mr. Bain: Well, I think we're sort of talking about two different things, parking space sizes and impervious cover. And I wanted to get back and just make a comment about parking space sizes. I've been involved in some projects that tried to do that, had compact cars areas and then regular cars, and they tend to work all right during low use times. But during high use times, like around the holidays, they'll park a bus in those compact spaces and there's just no control of it. You have very little opportunity because the person comes, parks, and leaves their car; if the parking attendant comes and says well that shouldn't be there, there's no way to get them to move it. So, I think having various sizes, while it's a nice idea, it's just not very effective.

Ms. Vanuch: I agree. In kind of moving with the DEQ recommendations, I understand how important that is and I saw the report; they had several different recommendations. I just am not sure how that's going to reduce impervious cover unless we're to build structures upwards, like vertical structures. Or we put in something that said if you're going to cover x amount of space, like if you're going to have more than 1,500 spaces, then you have to go through an additional level of approval to determine the appropriateness of those space, you know what I mean? So then they can work with us to determine how we reduce those DEQ issues on impervious cover. I don't know... I don't even know if we can do that. I just don't want to jump the gun and say, you know, I feel like if you make one space bigger for a Tahoe and then a space smaller for a previous, it kind of equals out to be almost the same thing.

Ms. Hornung: That would only work when it's larger... a larger quantity of spaces, because obviously, if it's smaller, it's not going to work. If it's a project... well, we did a hundred. And we used a percentage and that's how we came up with... we save two spaces or we save three spaces. And that might be negligible on a hundred spaces, but if you multiply that by 10, it might work. But then you also have the option, not only the percentages, the maximum units, the pervious pavers, but then you also have the opportunity that if they exceed the minimum requirements and they want more parking, I'm not sure but you could also put a requirement for having structured spaces, whether it be underneath the building or you have parking decks. We haven't seen anybody in the Commonwealth of Virginia that requires that, that if you exceed the minimum requirement that you have to build a structured parking facility. The only thing we found was they talked about facilities in general; surface parking and tiered parking. And if you do this then you can do this, or if you're near a metro stop then you have shared parking. And so, they had different scenarios but nobody... we didn't find anywhere that specified that if you exceeded the minimum parking requirements, you had to build a parking deck. We did not find any information related to that.

Ms. Vanuch: Well, and I think here in Stafford, a lot of the developers actually come to minimize their parking. So, I think, in a way, the parking ordinance kind of does already limit impervious cover by recommending how many space... kind of giving them a guidelines, and in certain areas we allow exceptions when they come to us, just like we just did with P-TND, for example, to reduce that pervious... or impervious cover to be more in line with the DEQ recommendation. This is just a really hard one to sort of follow.

Mr. Apicella: Madam Chairman, just kind of spring boarding off of that, so what DEQ has come forward with I think is very laudable. But it's not a mandatory requirement. It's not something we're being forced to do. It's a recommendation. Is that correct?

Mr. Harvey: Madam Chairman and Commissioner Apicella, that is correct. DEQ said we need to address these issues; they didn't say how. They gave us the latitude on how to deal with them and we can choose a menu of options. So, these were some of the talking points that staff pointed out as areas where we could go. We're not limited to that. One of the things, too, to note, looking at our parking space sizes, it's similar to our parking table in that it sets a minimum threshold. So, for instance, our

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ordinance says the minimum parking space size is 8½ feet wide by 18 feet long, but that doesn't prohibit a developer from building a 9 by 20 space. They could do that all day long if they want to based on our current code.

Mr. Apicella: Right. But, again, the bottom line is, if we... the other thing I would point out is, based on your research thus far, putting aside the outside of Virginia examples you provided, I think we ought to just... one in New York City and one in San Francisco, in terms of Virginia you've only had one locality, it was a city that had some...

Ms. Vanuch: And their parking stinks.

Mr. Apicella: ... some maximum levels identified although when I looked at it, I really couldn't find any rhyme nor reason to how they got to the maximum number. There wasn't some, you know, uniform ratio that they used, so I'm just not sure how they arrived at it. And that's what concerns me and that's kind of how I normally do business is I look to see how others, first in our general region, have addressed a specific issue. And then feeling that widening the scope to see other Virginia localities have done. And I don't really see this being an issue throughout the Commonwealth. So, that's kind of the... I'm trying to wrap my head around what they're asking for versus what folks are actually doing, and there doesn't seem to be this drive to establish a maximum number of parking spaces. And then I also ask myself, if I look across Stafford County, are we seeing a lot of places where, hey, this is what we said is the minimum but they're, you know, they're building 150% of what we said should be the minimum. Are we seeing that anywhere in Stafford County?

Ms. Hornung: Most of the time through past experience being employed with the County, the parking requirements, the developers typically want to provide less, because less parking... more parking means less building. So, and in other respects, there are...

Mr. Apicella: In fact, that was a comment you received when you guys were going through this process of...

Ms. Hornung: Correct.

Mr. Apicella: ... looking at parking spaces. Some folks in the development community wanted to reduce it from the minimums we had already in place. Is that correct?

Ms. Hornung: That's correct, yes. We did receive comments that in some uses we had required an excessive amount of parking.

Mr. Apicella: So, again, for me, while I think what DEQ is asking for again is very noble and very laudable, but I think we could be getting ahead of ourselves without having enough information to know what the right ratios are broadly. And even more so, if we start looking specifically at, you know, specific uses. So, I'm not quite sure what would happen... I mean, I know the Board asked us to take another look at this, but I'm not sure we're at a point or have enough information, Madam Chairman, to really arrive at maximum parking levels at this point in time.

Ms. Vanuch: No, I agree.

Ms. Hornung: I do want to mention that in Section 28-102, there is a statement in there that does say any parking spaces exceeding the number of required may be designated as compact car spaces with a minimum width of 8 by 15. So, there is that option if they wanted to exceed the minimum requirement,

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they could make those spaces compact cars so that the actual square footage and the size would be less than the 8½ by 18. It would be 8 by 15.

Mr. Randall: Madam Chair?

Ms. Vanuch: Mr. Randall.

Mr. Randall: You know, to go back to your original comment, I, having driven a truck for 25 years, I'm a big believer that most parking spaces aren't designed for anything larger than a standard car, especially as we've gotten farther along and the trucks get bigger and bigger and the cars get bigger and bigger. Try to park in a commuter lot with a couple of trucks next to each other and there's very, very little room to maneuver. I'm a big believer in the larger parking spots. Maybe there's some way we can identify a percentage that says okay, you know, 25/25/50; I don't know how we get to that percentage but I do think there is some merit to the larger size of parking spaces. And I'd like to talk more maybe later, maybe after the public hearing, maybe as to what those percentages would be. But I'm all in favor of looking at raising... increasing the size of those parking spaces.

Ms. Vanuch: So this is a question for you, Dan. Really quickly just to address his concern, if we were to move this to public hearing and then we increased the size of the parking space, are we in an advertisement issue?

Mr. Wisniewski: Madam Chairman, potentially yes. I'd have to see exactly what we have now and what the proposed number would be. My recommendation -- it sounds like there is a lot of variances. The ideas here are how to address this issue. So, I would recommend maybe not advertising the public hearing at this point unless staff feels strongly about the...

Ms. Vanuch: We have to. It's our last meeting before our deadline. The deadline is September 21<sup>st</sup>, and I think if we vote August 29<sup>th</sup>, we don't hit the advertising timeline for the September 12<sup>th</sup> meeting.

Mr. Wisniewski: Madam Chairman, I believe you're correct in I've omitted... I've forgotten the fact that the Planning Commission is planning on cancelling its August 15<sup>th</sup> meeting.

Ms. Vanuch: You ruined my thing in my Chairman's Report.

Mr. Wisniewski: Well, it has to be said then as part of this conversation. I believe that is correct. Your second meeting in September is, Jeff...?

Mr. Harvey: The second meeting in September meeting would be the 26<sup>th</sup>. So the Commission would have to hold its hearing on September 12<sup>th</sup>.

Ms. Vanuch: We could just advertise that the spaces be larger, and then we could always go down. Like, so if we said that the spaces needed to be 9 by 20 or whatever you said it was, we could always reduce that percentage down to 5%, 3%; we can't go up but we can go down.

Mr. Wisniewski: Madam Chairman, I believe that is a correct statement. It would be a less onerous change.

Ms. Vanuch: So that would solve all the problems.

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Mr. Apicella: Well, just kind of a hybrid of that. So, let's just say, hypothetically moving forward we decided to advertise at the larger level, but then decided we wanted to do some ratio where it's 10 or 25% of the spaces are that higher number and the rest are some smaller number. Would that still be in conformance with the advertisement?

Mr. Wisniewski: I think we might have flexibility. If there are certain recognizable alternatives that are in consideration, I think it can be advertised in the alternative to say, you know, this is one option that might be adopted at the hearing, but there's this other option as well.

Mr. Bain: Would you have to specify the option?

Mr. Wisniewski: Yes, you would have to specify to some reasonable degree. You can't... you don't have to forecast the outcome. So, I know that in the past there have been times when even entirely alternative ordinances have been advertised as options.

Mr. Bain: So, we could advertise that we're considering increasing the size to 9 by 20 or using a percentage breakdown to allow for larger, as well as compact, spaces but still maintain the total impervious cover in size.

Mr. Wisniewski: I believe that could be done.

Mr. Apicella: Right, but do we have to specify a percentage on that latter point or can we just broadly say that we're looking at a mix?

Mr. Wisniewski: Not being as familiar as the Planning and Zoning staff with the different percentages and alternatives involved, I do believe that you could... probably the safest way is to stay at a range for a percentage.

Ms. Vanuch: Zero to 100. Okay, thank you.

Mr. Apicella: Mr. Randall, I would just ask as we kind of noodle this a little bit, it would seem to me that there would be a minimum... there should be a floor on the number of spaces to start with if you're going to potentially impose a percentage ratio. So, I think they used a hundred... I don't know if that's the right number or maybe it's 50, but certainly a parking lot with 30 spaces, you know, I think it...

Mr. Randall: I would agree that you would need to have some minimum number of spaces in order for this to be... if we made a percentage. If we made them all the same, all of them 9 by 20, then it would account for any space that's ever been built from here on. If we do a percentage, then we would say, you know, a minimum of 50 lots the following percentages apply.

Ms. Vanuch: Can we also say that the larger spaces have to be closer up? I'm just kidding... because I drive a big car too.

Mr. Randall: I was going to say...

Mr. Apicella: Right next to the front door, except for handicap business.

Mr. Randall: I wasn't going to say that, but I'm all for that then, yes.

Ms. Vanuch: We're going to get stuck way in the back now.

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Mr. Randall: Exactly. Get those compacts... Yes, I would agree that there would need to be some minimum number of spaces in order for those percentages to be applicable. I don't know, do we need to decide that now in order to move this forward?

Mr. Apicella: Yeah. What I'm hearing is we have to move something forward tonight for a public hearing in order to meet the deadline. So, we'd have to come to some finale on what that looks like.

Mr. Randall: Does staff have a recommendation for a number of... a minimum number of parking spaces that these percentages would be applicable?

Ms. Hornung: We only looked at a hundred; we didn't look at 500, we didn't look at a percentage of if the minimum requirement of parking spaces are a hundred, do we... and you want to build 200 parking spaces, do we say if there's a percentage over the minimum requirement, do you go into that scenario where you divide up the percentages? So, there's different ways to look at a percentage of parking spaces; either the percentage for minimum requirements or a percentage for maximum requirements.

Mr. Randall: Right.

Ms. Hornung: So, there's a lot of options that is there for you to decide what you'd like.

Mr. Randall: Thank you, I appreciate that. That helps.

Ms. Hornung: We're open.

Mr. Harvey: Madam Chairman?

Mr. Randall: Here's what I would recommend, if I could. I would recommend, as I think about the different restaurants that I have... restaurants are the first thing that come to mind... I think most of them roughly are in the 35 to 50 range. Especially if you go over to Stafford Marketplace, the restaurants right there. So I would use 50 as a minimum. Anything less than 50... anything more than 50 would need to have some percentage of larger parking spaces.

Ms. Vanuch: I know what you're going to say.

Mr. Apicella: I think... I just tried to kind of discuss this with our County Attorney and the way advertising requirements work is you can't be more restrictive than the advertisement going forward, if you make a final decision. But you can be less restrictive. So, I think if we started with a higher number, say a hundred, and decided that 50 was the floor, that would be...

Mr. Randall: Would that be less restrictive or more restrictive?

Ms. Vanuch: No, think of it the opposite. Because you're saying when you have 50 spaces...

Mr. Apicella: It has less impact.

Mr. Randall: Okay.

Ms. Vanuch: It's the other way around.

Mr. Randall: Okay.

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Mr. Apicella: So, I would suggest a hundred. We'll probably get to 50 or 40, but I'm just saying we would preclude ourselves from going to a higher number if that's where, you know, when we go to a public hearing and people say hey, that's not going to work.

Mr. Randall: I agree. If that's the case, I have to look at it; yes, then let's start with a hundred then and that gives us an option of...

Ms. Hornung: Do you have a breakdown of percentages? If we start with minimum requirement of a hundred spaces for a development...

Mr. Apicella: Same point. I don't think 25 is the right number, but I would start with 25 for large trucks and we'll probably get to a smaller number, probably down to 10 or 15%; but we'd have that flexibility to do it.

Mr. Randall: 25/25/50?

Mr. Apicella: Well, we don't have to do that.

Mr. Randall: Or just 25?

Mr. Apicella: That other part of it deals with DEQ's issue, and I agree with Mr. Bain that they're separate points, right, the size of the space versus DEQ's concern about impervious versus pervious areas. And so I'm not sure we'll be able to deal with DEQ's issue, but I appreciate where Mr. Randall's coming from, especially since I you know use a commuter lot every workday and I see these mega trucks in one and a half spaces basically. And I think it's probably something that we should address because we're probably going to keep having building big trucks and, unless we deal with it, you know, they're going to be occupying more than one space. So, I don't know that we have to deal with the other part. I don't think we have to separate out compact versus standard size spaces. I think if we just dealt with the large trucks...

Mr. Randall: The larger spaces.

Ms. Vanuch: Yeah, the rest stay normal sized, as they are now, and then we're just adding in you know 10, 15% have to be the 9 by 12, which is what...

Mr. Apicella: Well, starting with 25 for the advertisement, but probably getting the 10 or 15%.

Ms. Vanuch: Is that good?

Mr. Randall: Yeah, that's fine.

Ms. Vanuch: Alright. Do you have more to present? I don't want to cut you off like I did Mr. Zuraf.

Ms. Hornung: No, but Susan reminded me -- when we were doing the calculation, we looked at area and the area of the space, which ended up coming down to a two space credit or a three space credit. So, what, 120 square feet? You know, so we used the sizes of an 8½ by 18 and we did that when we looked at if it was a percentage of spaces, how much would you save? And so then, when you break it down from the square feet, it was two spaces or three spaces. But it was based on an area. Does that make sense?



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Ms. Vanuch: It does. Alright, any other questions? Anyone want to move forward with a... yep, go ahead.

Ms. Hornung: No, I was just going to ask you, are we looking at... I got it that we've got a hundred spaces, and is it over the minimum requirement of a hundred spaces or just anything that's required a hundred spaces?

Mr. Randall: A hundred or more.

Ms. Hornung: So, a hundred or more spaces required.

Mr. Apicella: Yeah, any use requiring a hundred or more spaces.

Mr. Bain: I'm still of the opinion that by setting it at a hundred, you can't go down to 50 because that makes it more restrictive.

Mr. Apicella: No, it's less restrictive. It has less of an impact. It's the amount of impact. So, fewer people would be impacted... fewer builders and developers would be impacted if we went from a hundred to 50.

Mr. Wisniewski: Madam Chairman, how about a recommendation that we incorporate into the motion flexibility for staff to advertise to achieve... let's say we get back to our offices and we all have an ah-ha moment and say oh, you know, one of the Commissioner's was right over the other, that we have enough flexibility that we can advertise it to achieve the desired result. I think we understand here what the Planning Commission is shooting for in terms of the number, but the starting point I think is the question. So I think, if the Planning Commission is amenable to that, that would be my recommendation.

Ms. Vanuch: Sounds good. Anybody want to make a motion?

Mr. Apicella: Well, whoever does make the motion, and I'm not prepared to make it, needs to incorporate, number 1, the language that we've already talked about plus the changes recommended by Ms. Shelton, right, as well as this additional set of issues.

Mr. Bain: I would ask first, is this a new motion? Because we had a motion on the table for the meeting date or for airing a public hearing on this.

Ms. Vanuch: No, we haven't made... nobody's made a motion yet.

Mr. Bain: Oh, okay, I'm sorry.

Mr. Apicella: Yeah, we've just got to get to the final package that's going to be put forward to the whatever and whenever the public hearing is held.

Mr. Bain: Alright, then I'll try this. I make a motion that we advertise for the public hearing to be held at the August 29<sup>th</sup> meeting...

Ms. Vanuch: No, September 12<sup>th</sup>.

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Mr. Bain: ... or September 12<sup>th</sup>, okay, meeting of the Planning Commission. And that in the advertisement a description would be provided by staff concerning the possibility for establishing varying parking space sizes to accommodate various size vehicles. Does that cover it Dan?

Ms. Vanuch: And?

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

Ms. Vanuch: Do you have a friendly amendment?

Mr. Bain: What was that? Oh, okay, yes. And the recommendation by Supervisor Shelton to change the space requirements for hotels and motels to one space per room.

Ms. Vanuch: Mr. Harvey?

Mr. Harvey: Madam Chairman and Commissioner Bain, Commissioner, would you be willing to consider staff's suggestion of allowing pervious pavement subject to agent approval?

Mr. Bain: Yes, I would. I will amend my motion to incorporate that.

Mr. Harvey: Thank you.

Ms. Vanuch: Do we have a second?

Mr. English: I'll second it.

Ms. Vanuch: Alright, motion by Commissioner Bain; any comment?

Mr. Bain: No.

Ms. Vanuch: You want to take a stab at that? Mr. English?

Mr. English: No.

Ms. Vanuch: Anyone else?

Mr. Bain: Don't ask me to repeat it.

Ms. Vanuch: Okay. Alright, go ahead and vote. We're sending... this is a motion to send what Mr. Bain just said to public hearing on September 12<sup>th</sup>. Alright, motion carries 7-0. So now, moving onto the Planning Director's Report; Mr. Harvey.

PLANNING DIRECTOR'S REPORT

4. Bicycle and Pedestrian Facilities Plan Extension

Mr. Harvey: Thank you Madam Chairman, the first item is informational. The Board of Supervisors did grant the extension that the Commission asked for to allow staff to further refine the Bicycle and Pedestrian Facilities Plan that we are currently working on. We've had one stakeholders meeting. We want to come back to the stakeholders with a notional map of where the bike and ped routes might be,

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based on their input. And then we would ultimately start the process of getting some more public feedback so we can give the Commission a good document to move forward for public hearing. So, we would like to make progress in that regard. The new deadline would be November of this year, from where the Commission would have to hold its hearing and make a recommendation. Item 5 under Planning Director's Report is the Board referred two new street names to be designated within the Hartwood and Griffis-Widewater Election Districts. Pierce Bailey Court would be located off of Courthouse Road west of Interstate 95 and then Tank Creek Way would be located off of Widewater Road. Both are private roads that have more than two houses on them and have multiple lots. Staff believes they need to be named for public safety reasons and the Board's Community and Economic Development Committee recommended moving forward with those street names.

5. New Street Names: Pierce Bailey Place (off of Courthouse Road) and Tank Creek Way (off of Widewater Road)

Ms. Vanuch: So we need to authorize a public hearing on this?

Mr. Harvey: Yes ma'am.

Ms. Vanuch: Do we have a motion from any...

Mr. Apicella: What's the deadline?

Mr. Harvey: It would be a hundred days from the Board's referral. So you could schedule it for your September meeting.

Mr. Apicella: Right, I'm just trying to ... I'm wondering... I don't know what September 12<sup>th</sup> looks like, so I'm wondering whether the second meeting in September would work.

Ms. Vanuch: Yeah, we've put a couple of things on September 12<sup>th</sup> today, so maybe September 26<sup>th</sup>, as the next meeting. I need a motion from somebody.

Mr. English: I make a...

Mr. Bain: Can I ask question first?

Ms. Vanuch: Oh sure, go ahead.

Mr. Bain: Just to make sure, neither of those street names relate to any existing business along those roads, do they?

Mr. Harvey: Madam Chairman and Commission Bain, there is no relationship to any businesses associated with these street names. The... from my understanding, Peirce Bailey Place is in reference to the names of families that live along that road segment, and then Tank Creek Way is referenced to the fact that one of the large parcels along that private road abuts Tank Creek, which is the northern boundary of the County and Quantico.

Ms. Vanuch: Alright.

Mr. English: Madam Chairman, may I make a motion that we set this for public hearing on September 26<sup>th</sup>.

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Mr. Boswell: Second.

Ms. Vanuch: Motion by Mr. English, second by Mr. Boswell. Any comments Mr. English?

Mr. English: No, that includes both naming of both roads that day.

Ms. Vanuch: Yep.

Mr. English: Okay.

Ms. Vanuch: Mr. Boswell? Anyone else? Go ahead and vote. It's very slow tonight. Alright, motion carries 7-0. Mr. Harvey?

6. 2018 Legislative Agenda - Final

Mr. Harvey: Item 6 is my attempt to have a finalized Legislative Agenda from the Planning Commission. As you recall from the last meeting, the Commission gave me some feedback on adjustments. I've gone ahead and put that together in a final draft form. If there are any additional adjustments I can certainly make those. I have forwarded that onto the County Administrator's Office and it has been forwarded on to the Board's Legislative Committee.

Mrs. Vanuch: Mr. Apicella, I know you had a comment.

Mr. Apicella: Yeah, Madam Chairman. I asked the question earlier during tonight's meeting about whether, I guess it's GWRC and/or FAMPO was pushing for the calculation to be based solely on weekend or both weekday and weekend. So, I would just ask staff to take one more look at that and make sure we've characterized this correctly, consistent with, again what GWRC/FAMPO are also recommending.

Mr. Harvey: Will do.

Ms. Vanuch: Alright. And this is just for our consumption; we don't need to take a vote on this, right Dan?

Mr. Wisniewski: I don't believe there's an action being proposed at this time, but I'll defer to Mr. Harvey.

Mr. Harvey: Madam Chairman, it's up to the pleasure of the Commission whether you want to vote on this or not. I'm taking it as this is the will of the Commission.

Ms. Vanuch: I think we all had some input, I don't think we need to vote. If anybody feels differently. Alright, go ahead.

7. Electronic Agendas

Mr. Harvey: The next item is electronic agendas. And you will find attached a draft of a new format in which we are starting to use with the Board of Supervisors. It's scheduled to go live in August for the first meeting, where we'll use this electronic agenda. Electronic agendas are essentially focused on how staff is preparing its reports and how it's being reviewed internally. So it will all be done in electronic format rather than the current process where we pass around blue folders filled with paper documents

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and draw physically on the paper. This would have everything done in track change format, PDF format, and electronic media. The ultimate product would be posted on the online agendas. As you can see, there's an abbreviated summary sheet which tries to capture the essence of the issue. And then following it would be a background report which gets into a lot of detail like our typical staff reports. So staff wanted to make you, one, aware of the fact that the Board is going in this direction, and two, that staff has been discussing applying this potentially for all Boards and Commission, including the Planning Commission. So if you have any concerns or feedback for staff, please let us know.

Ms. Vanuch: I think we talked about this earlier this week Jeff, but if the Planning Commission wanted to move toward this, do we need to take a vote to be able to accept that?

Mr. Harvey: No Madam Chairman, it would be again sort of the will of the Commission. If the Commission is fine with this, staff will proceed in that manner.

Ms. Vanuch: Does anybody object to the new agenda format?

Mr. Harvey: And Madam Chairman, staff would wait a few months to roll it out after we are convinced that we've got the process down clearly for the Board of Supervisors reports. We'll have to develop a similar internal process for us to prepare the Planning Commission's reports in that manner.

Ms. Vanuch: Okay, thank you. Mr. Bain, did you have a question?

Mr. Bain: Just one -- is it intended that this would be a one page document, or could it extend onto several pages depending on the amount of information that needed to be presented?

Mr. Harvey: Madam Chairman and Commissioner Bain, the intent was that it would be a summary document, so maybe one page or one and a half pages for that initial cover document. And then we will have extensive staff reports with lots of attachments that would go with it. The idea behind it is that with the summary in the front page or front page and a half, you can get the essence of what the issue is and the staff recommendation in a quick view, and then can dive into the details as you look at the attachments.

Mr. Bain: Okay, good. I was just envisioning trying to get some of these things that have come before the Board into a two line statement, to clearly explain what it was. So, as long as it can be more than one page, I think that's a good idea. Thank you.

8. E-commerce Text Amendment

Mr. Harvey: And Madam Chairman, the final item on the agenda for the Planning Director's Report is the E-commerce Text Amendments. As you recall, the Planning Commission had a public hearing to amend the Zoning Ordinance specifically for home based businesses and to accommodate e-commerce. After the Commission took its vote, we went and were preparing an advertisement for the Board of Supervisors. At that point in time, we received legal advice that the uses for home based businesses had changed and we had not covered it in all of our zoning categories. So we needed to go back and redo the advertisement and re-hold the Planning Commission's hearing. So staff would request the Commission authorize us to advertise a new public hearing to cover all of the missing components that we had. Ms. Blackburn also has had one or two observations that she would like to mention to the Commission, if you are so inclined.

Ms. Vanuch: Go ahead Ms. Blackburn.

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Ms. Blackburn: Madam Chairman, Commissioners, yes, in replacing the home business with home business I in our planned unit development districts -- and this should start on page 9 of your ordinance - - I just want you to kind of look at that. For the various things, like the P-TND, in replacing home business with home business 1 it's actually under the conditional use approval. And I know our intentions was that the home business I would be a by-right use in single-family homes. And that works great through R-3, but when we get into these planned unit development types of situations the densities are higher, the lots are smaller, the allow ability of having people come and go to the homes like we did in... like we are proposed in home business I may not be as conducive as in a conventional subdivision. And I wanted you all to see these to make sure it is still the intent of what you wanted it to do. And in the P-TND, it is a conditional use permit. In PD-1 and PD-2, initially it was special exception and if we're going to allow it I would like... I suggest we keep it there, again, where smaller lots, more dense communities, and it just may not be conducive to have people coming and going as much as we designed in the home business I. And the RDA one is also on page 10, was a replacement for in the conditional use. Now, when we got into transfer of development rights, the A-1 and the R-1, it's the same situation. There is no problem with that but again we get into the PD-1, and just a replacement was to be in a special exception. Both in the PD-1, PD-2, and then the P-TND onto page 11 is also in a conditional use permit. And so, I guess I ask if you... how do you want to handle or not change at all, how we allow for the home business I's in these more condensed neighborhoods? And there is no deadline on... in voting on this and I can submit... make some changes to this and let you see that along... so you can just have another look at it. Because this was just...

Mr. Apicella: Can you...

Ms. Blackburn: Yes.

Mr. Apicella: ... remind us what single-family dwelling means versus multi-family dwelling?

Ms. Blackburn: Multi-family dwelling would be... in short, single-family is one house per lot and multi-family would be something according to like an apartment building. Now, we were not allowing home business I's in anything but a single-family home.

Mr. Apicella: Right.

Ms. Blackburn: That was part of the definition. But when you get into some of these condensed areas, it is not the same kind of layout. Lots are smaller, setbacks are closer to the streets, things like this. It just may not be conducive and I want you to be aware of that, just so you know. And it was something we really didn't discuss a lot in the committee meeting. We centered more on a conventional subdivision.

Mr. Apicella: Right, but you go to these, I'll call them unique types of developments...

Ms. Blackburn: Mm hmm.

Mr. Apicella: ... where you usually have a mix of housing.

Ms. Blackburn: Yes.

Mr. Apicella: You may have apartments, ...

Ms. Blackburn: Yes.

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Mr. Apicella: ... townhomes, and single-family dwellings.

Ms. Blackburn: Yes.

Mr. Apicella: So, for the apartments and townhomes, they still wouldn't be able to do home business I...

Ms. Blackburn: Exactly.

Mr. Apicella: ... within...

Ms. Blackburn: Exactly.

Mr. Apicella: ... within the P-TND, PD-1, and PD-2. So, even if you have a single-family home on a smaller lot, I'm still not... I understand what you're saying...

Ms. Blackburn: Mm hmm.

Mr. Apicella: ... but I'm not sure why we would be more restrictive just because they're on a smaller footprint.

Ms. Blackburn: Well, I wanted you to be aware because we did not center on this in the committee meeting, on these more dense types of development. And just so that you would know.

Mr. Apicella: So...

Ms. Blackburn: And if you don't want any changes, that's fine.

Mr. Apicella: So, R-3 is the, before you get to P-TND...

Ms. Blackburn: Mm hmm.

Mr. Apicella: ... is the smallest lot size, right?

Ms. Blackburn: In a conventional, yes.

Mr. Apicella: And what's that size generally?

Ms. Blackburn: For single-family homes, the lot widths are 80 feet and front is 20 feet... front yard setback is 20 feet, rear yard setback is 35, and side is 10.

Mr. Apicella: And can you walk us through the lot sizes... does it stipulate lot sizes for single-family versus multi-family?

Ms. Blackburn: In the R-3?

Mr. Apicella: No, as you go forward to P-TND, PD-1, and PD-2.

Ms. Blackburn: Oh, P-TND gets into various things of transect zones and if you're in a certain transect zone you can have this size and...

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Mr. Apicella: So, what's the smallest size, again for a single-family type home? Or is that discernible?

Ms. Blackburn: I think we've actually just changed one to 40 feet wide in the PD-2. Jeff, what was the amendment we made for the...

Mr. Harvey: Madam Chairman, as Ms. Blackburn is alluding to, last year the Board modified the PD-2 zone to allow a 40-foot wide single-family detached lot.

Ms. Blackburn: Yeah.

Mr. Harvey: And the minimum size for those lots was 4,000 square feet.

Ms. Blackburn: Mm hmm.

Mr. Harvey: Most other zoning categories have a lot size around 6,500 square feet as a minimum.

Ms. Vanuch: Any other questions Mr. Apicella?

Mr. Apicella: I'm just wondering why... let's just say we decided to have a different... that they wouldn't be by-right for example. Why a conditional use permit under P-TND versus a special exception?

Ms. Blackburn: Well, the conditional use permit situation was where it was just actually replaced. It was to replace the home business with home business I, as far as where it was going to be located in the ordinance. And in the P-TND, it happened to be in the conditional use approval section.

Mr. Apicella: Right, but could we not move it to...

Ms. Blackburn: Sure.

Mr. Apicella: ... special exception...

Ms. Blackburn: Sure.

Mr. Apicella: I mean a conditional use permit, that's \$10,000 right there.

Ms. Blackburn: Well, exactly. And so these were the things that in doing this I wanted to make sure that you all were aware of it. And if there were any changes you wanted to make or leave it the way it was. I can provide you more information on this and give you a copy of lot sizes in the various zoning districts if you would like, to go forward.

Ms. Vanuch: I think that would be helpful.

Ms. Blackburn: Okay.

Ms. Vanuch: And there's no time limit on this?

Ms. Blackburn: There's no...

Ms. Vanuch: We have a little bit of time.



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Ms. Blackburn: Yeah, there's no time limit on this.

Ms. Vanuch: Yeah. I think... Mr. Apicella.

Mr. Apicella: Again, I would also ask you to take a look at, you know, not requiring a conditional use permit...

Ms. Blackburn: Oh I agree.

Mr. Apicella: ... because I think that's overly burdensome...

Ms. Blackburn: Yes.

Mr. Apicella: ... for a home business I.

Ms. Blackburn: Yes.

Ms. Vanuch: Alright. Is that all the questions? So we're just going to table this, give Ms. Blackburn some time. How much time do we want to give her?

Ms. Blackburn: I can bring it to the next meeting that you have.

Ms. Vanuch: September 12<sup>th</sup>?

Ms. Blackburn: Sure. Are we having an August one?

Ms. Vanuch: Well, that'll be... I think that's going to be for something different.

Ms. Blackburn: Okay.

Ms. Vanuch: Okay.

Ms. Blackburn: Alright.

Ms. Vanuch: We're going to skip the County Attorney's Report and move into Committee Reports. Dan.

COUNTY ATTORNEY'S REPORT

Mr. Wisniewski: Madam Chairman, I object to that course of proceeding. This is a somewhat an unfortunate report I would think, I don't know for the Planning Commissioners. You know, I think most of you, if not all of you are aware that this is going to be my last meeting with the Planning Commission. I'm going to be leaving the County Attorney's Office in August. My last day will be August 8<sup>th</sup>. I'm going to be joining the City of Chesapeake, City Attorney's Office, in a primarily, I think, litigation roll. So it's going to be kind of evolving; I'm going to be doing some land use and other things like that. So, I just want to take this opportunity to thank everybody on here. It's been a pleasure working with everyone, all the Commissioners, all the County staff members. So thank you.

Ms. Vanuch: Thank you Mr. Wisniewski, it's been a pleasure to have you on the Planning Commission. I was devastated when I found out. I'm very, very sad.

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Mr. English: I've seen you every day and you never said a word to me.

Mr. Apicella: Madam Chairman, can we choose not to accept the County Attorney's Report?

Ms. Vanuch: I think that we should do that. And I also think we should have our 15<sup>th</sup> meeting cancelled and moved to August 8<sup>th</sup> and make him come to it.

Mr. Wisniewski: I'll have to talk with HR about what time of day the business day ends.

Ms. Vanuch: Alright, we're going to do it on the 7<sup>th</sup> then. Alright, thank you Dan. Moving on to Committee Reports, Mr. English you have A-1?

COMMITTEE REPORTS

- A-1 Uses Subcommittee  
*Update at August 15, 2018 meeting*

Mr. English: Yeah, and I need to change that date to September the 12<sup>th</sup>, Susan.

Ms. Vanuch: So we are going to have a packet before the 12<sup>th</sup> to review?

Mr. English: We should, yeah.

Ms. Vanuch: And we can get this off the agenda?

Mr. English: Yes.

Ms. Vanuch: Alright, perfect. Okay, so for the Chairman's Report, I am suggesting to the Commission a consideration for a motion to cancel the August 15<sup>th</sup> meeting and to change the August 29<sup>th</sup> meeting from a work session to a special meeting to accommodate the public hearing that was voted on tonight to move toward the 29<sup>th</sup>. Does anybody want to make a motion for that?

Mr. Boswell: So moved.

Mr. Vanuch: Alright, so Mr. Boswell makes the motion. Any seconds?

Mr. Randall: I'll second that.

Ms. Vanuch: Mr. Randall makes the second. Any comment from anyone? Alright, go ahead and vote. I know, it's very slow tonight. Okay, motion carries 7-0. So, that brings us into Other Business, which is a TRC information meeting on August 8<sup>th</sup> for the Griffis-Widewater Election District for the Reserve at Woodstock. And now, based on our modified agenda, I would like to ask for a motion to go into closed session.

CHAIRMAN'S REPORT

OTHER BUSINESS

9. TRC Information - August 8, 2018
  - ⊛ Reserve at Woodstock - Griffis-Widewater Election District

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Mr. Apicella: Madam Chairman, I move to approve a Resolution authorizing a closed meeting. Whereas, the Commission desires to hold a closed meeting for consultation with legal counsel and briefing by staff members regarding the Department of Justice's investigation which is a specific legal matter requiring the provision of legal advice by counsel, and whereas, pursuant to Virginia Code Section 2.2-3711(A)(8), such discussion may occur in closed meeting. Now, therefore, be it resolved, that the Stafford County Planning Commission, on this 18<sup>th</sup> day of July, 2018, does hereby authorize discussion of this above matter in closed meeting.

Ms. Vanuch: Do we have a second?

Mr. McPherson: I second.

Ms. Vanuch: Alright. Motion by Mr. Apicella, second by Mr. McPherson. Any comment? Anyone, okay. Everybody vote. Alright, motion carries 7-0. We will be back shortly.

*Closed Meeting from 9:20 p.m. to 9:40 p.m.*

Ms. Vanuch: Okay, would anyone like to certify closed session?

Mr. Apicella: Madam Chairman, I'd like to make a motion to certify our closed session, CM18-04A.

Ms. Vanuch: Do we have a second?

Mr. Bain: Second.

Ms. Vanuch: Okay, motion by Mr. Apicella, second by Mr. Bain. Any comments gentlemen?

Mr. Apicella: No ma'am.

Ms. Vanuch: Any other ones? Alright, go ahead a vote for certification of the closed session. Alright, motion carries 7-0. The last action item this evening, approval of the June 13<sup>th</sup> minutes.

**APPROVAL OF MINUTES**

*June 13, 2018*

Mr. Boswell: So moved.

Ms. Vanuch: Alright, motion by Mr. Boswell, do I have a second?

Mr. McPherson: Madam, I have a correction.

Ms. Vanuch: Oh, okay. Do we just take the correction before... because we had a motion and a second.

Mr. Boswell: I'll (inaudible, microphone not on) my motion.

Ms. Vanuch: Okay.

Mr. Wisniewski: I think the proper form would be to maybe make a friendly amendment to the motion.

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Ms. Vanuch: Yeah, so make a friendly amendment to the motion with your corrections.

Mr. McPherson: I'd like to make a friendly amendment to the motion. Line 912 of the minutes attributes those comments to Mr. Randall. Those were in fact made by myself, Commissioner McPherson. I understand we do look a lot alike, same hair style and all, but they were me.

Mr. Boswell: He just talks so much they just figured....

Mr. McPherson: And that's all I have to amend. Thank you.

Ms. Vanuch: Alright, so motion to approve the minutes with the friendly amendment by Commissioner McPherson on his edits. So, we had a motion by Mr. Boswell, who did we have a second by? Mr. Randall, alright. Go ahead and vote... or any comments? Okay, go ahead a vote. Alright, motion carries 7-0. Meeting adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:42 p.m.