

STAFFORD COUNTY PLANNING COMMISSION
September 25, 2019

The meeting of the Stafford County Planning Commission of Wednesday, September 25, 2019, 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, Lauren Lucian, Mike Zuraf, Brian Geouge, Denise Knighting

DECLARATIONS OF DISQUALIFICATION

Ms. Vanuch: Thank you Commissioner English. Any declarations of disqualification or disclosure that anyone would like to talk about?

Mr. Bain: Yes, Madam Chairman, I would like it to be known that I have had meetings with the applicant for the Vistas at Ferry Farm and his attorney, and with citizens of the townhouse subdivision across the street from that.

Ms. Vanuch: Okay, thank you Commissioner Bain. Anyone else?

Mr. McPherson: Madam Chair, I don't have any disqualifications but I would like to make a motion. I move that we move items 3 and 4, regarding the Wawa Tech Parkway Proffer Amendment and Conditional Use Permit to the top of the agenda and make them items 1 and 2.

Ms. Vanuch: Okay, we have a motion by Commissioner McPherson to reorganize the agenda. Any other... any seconds?

Mr. English: I second it.

Ms. Vanuch: Okay, any discussion?

Mr. English: No ma'am.

Ms. Vanuch: Okay, go ahead and vote. Tally the vote. The motion carries 6-0 (Mr. Apicella absent).

PUBLIC PRESENTATIONS

Ms. Vanuch: Alright, now we move on to the public presentations portion of this evenings meeting. If you are here to speak about anything other than the Vistas at Ferry Farm or the Wawa Tech Parkway, now is your chance to come down to the podium. You will have 3 minutes to address the Commission. Please state your name, your address, and the district that you reside. When the red light comes on, please conclude your comments. Anyone want to come down? Okay, seeing none, I will close the public presentations portion and open up the first item on the agenda, which is now the reclassification of the Wawa Tech Parkway Proffer Amendment. And for this we recognize Mr. Brian Geouge. And you are going to be jointly presenting items number 1 and 2, which is 3 and 4 on the agenda, which is a conditional permit use too, right?

PUBLIC HEARINGS

1. RC18152428; Reclassification - Vistas at Ferry Farm - A proposed reclassification, with proffers, from the A-1, Agricultural Zoning District to the R-5, Age-Restricted Housing Zoning District to allow for the development of up to 170 age-restricted multi-family dwelling units on Tax Map Parcel Nos. 54-79, 54-79A, 54-80, 54-80A, and 54-81 (Property). The Property consists of 7.118 acres, located on the south side of Kings Highway and north side of Naomi Road, within the George Washington Election District. **(Time Limit: October 18, 2019) (History: July 10, 2019 Public Hearing Continued to August 14, 2019) (Public Hearing Continued to September 25, 2019)**

2. CUP18152429; Conditional Use Permit - Vistas at Ferry Farm - A request for a conditional use permit (CUP) to allow increased residential density of up to 24.0 dwelling units per acre in the R-5, Age-Restricted Housing Zoning District on Tax Map Parcel Nos. 54-79, 54-79A, 54-80, 54-80A, and 54-81 (Property). The increased residential density would allow up to 170 age-restricted multi-family dwelling units. The Property consists of 7.118 acres, located on the south side of Kings Highway and north side of Naomi Road, within the George Washington Election District. **(Time Limit: October 18, 2019) (History: July 10, 2019 Public Hearing Continued to August 14, 2019) (Public Hearing Continued to September 25, 2019)**

Discussed after items 3 and 4

3. RC19152788; Reclassification - Wawa Tech Parkway Proffer Amendment - A proposal to amend proffered conditions on 6.05 acres zoned B-2, Urban Commercial, to modify the originally approved development plan to allow vehicle fuel sales and a convenience store, on Tax Map Parcel Nos. 19U-5 and 19-57B (Property). A portion of the Property is subject to a concurrent conditional use permit request. The Property is located on the northeast corner of the intersection of Garrisonville Road and Tech Parkway, within the Rock Hill Election District. **(Time Limit: January 3, 2020)**

4. CUP19152741; Conditional Use Permit - Wawa Tech Parkway - A request for a conditional use permit (CUP) to allow vehicle fuel sales in the B-2, Urban Commercial Zoning District on Tax Map Parcel No. 19U-5 and a portion of 19-57B (Property). The Property consists of 3.11 acres, and is located on the northeast corner of the intersection of Garrisonville Road and Tech Parkway, within the Rock Hill Election District. The Property is subject to a concurrent proffer amendment request. **(Time Limit: January 3, 2020)**

Mr. Geouge: That is correct.

Ms. Vanuch: Okay, thank you.

Mr. Geouge: Good evening Madam Chairman, members of the Commission. Brian Geouge with Planning and Zoning. The applications before you include a request for a proffer amendment in the B-2 Zoning District and a request for a conditional use permit to allow vehicle fuel sales. Both of these requests are to allow a convenience store with fuel sales on parcels 19U-5 and 19-57B. The site area for the reclassification or proffer amendment is 6.05 acres. For the conditional use permit it is 3.11 acres. The applicant is Net Lease Development, LLC, represented by Charlie Payne. This is in the Rock Hill District. The property is located at the northeast corner of the intersection of Garrisonville Road and Tech Parkway and Furnace Road. Tech Parkway is a little difficult to see here, so I will

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highlight that in red. The two parcels subject to the proffer amendment are shown in blue outline and hash. The fuel sales CUP would apply to a portion of this area, shown in black outline. The area is zoned B-2, and surrounded by an A-1 zoned residence and vacant property to the east and north; B-3 zoned office uses to the west and also a B-2 zoned multi-tenant commercial building to the west. And to the south A-1 zoned residential use and a B-2 zoned convenience store with fuel sales. The property is not located within the Highway Corridor Overlay Zoning District, which is shown in the purple here. The HCOD follows the south side of Garrisonville Road, through this area and it stops at Furnace Road. The current B-2, Urban Commercial zoning and associated proffers on the property were established in 2008. The current proffers on the property limit commercial retail and office to 60,000 square feet; regulate building height and architectural treatment; require construction of sidewalks; require inter-parcel connection to the property to the east, which is shown here; and require substantial conformance with the GDP. The GDP, as shown here, depicted a bank adjacent to Garrisonville Road and a 44,590 square-foot 2-story office building at the back of the property. The primary purpose for the proffer amendment request is to establish a new GDP which reflects a convenience store with fuel sales in place of the bank use. Here is an aerial view of the property. It's primarily wooded and it is developed with one single-family dwelling located in the northeast corner, shown here. This home was constructed in the 1967 and is currently unoccupied. The driveway for the home is accessed directly from Garrisonville Road, and runs along the eastern property line.

Ms. Vanuch: Mr. Geouge, really quickly, how will that road be impacted by this change?

Mr. Geouge: The driveway?

Ms. Vanuch: Yeah, I'm sorry, driveway.

Mr. Geouge: So, the applicant is proposing to demolish the home as part of this development. So basically that driveway will be replaced with their side entrance for the...

Ms. Vanuch: And so the property that's behind the blue shading, where the proposed Wawa is going to go, will be landlocked?

Mr. Geouge: This property back here?

Ms. Vanuch: Yep.

Mr. Geouge: They do have... they could access via Tech Parkway.

Ms. Vanuch: Do they have a driveway off of there? I drove there, I didn't see one.

Mr. Geouge: It is undeveloped. I don't know that there is necessarily a driveway to it. There could be one through this property here, I don't recall.

Ms. Vanuch: There isn't, it's just one driveway.

Mr. Geouge: Okay. So, they could access through Tech Parkway or we will have to look and see if there is any existing access easements.

Ms. Vanuch: Okay.

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Mr. Geouge: I don't recall any shown on the GDP, but perhaps the applicant can shed some light on that.

Ms. Vanuch: Okay.

Mr. Bain: Going back to your... the location map in the handout, it looks like there's actually an adjacent parcel there between that parcel and Tech Parkway. And if you look on this slide that you have displayed, there is a white line there just to the north of the blue parcel boundary. That is actually a property line I believe.

Mr. Geouge: This one? Which white line are you referring to?

Mr. Bain: Right at the top.

Mr. Geouge: This, up here?

Mr. Bain: Yes, that... according to your general...

Mr. Geouge: Yes.

Mr. Bain: ... location map, which may or may not be accurate, that appears to be part... a property boundary between the adjoining parcel. So this parcel would not have access then. Or does not...

Mr. Geouge: I know...

Mr. Bain: ... unless they are owned by the same person.

Mr. Geouge: Tech Park...

Mr. Bain: That doesn't really impact this development, but it's just curious.

Mr. Geouge: Okay.

Mr. Bain: Because it's landlocked either way.

Mr. Geouge: That would be something that they would have to deal with at site plan, if it is in fact an access issue. They would need to grant that access. The property slopes down gradually from west to east, and does not include any sensitive environmental resources. The GDP submitted by the applicant illustrates the proposed layout of uses on the property. This image is oriented such that west is up. The applicant proposes to adjust the boundary of the two parcels comprising the property such that Parcel 19U-5, which is the one fronting Garrisonville Road, would increase from 1.6 to 3.11 acres, and Parcel 19-57B, at the rear, would decrease from 4.5 to 3 acres. The portion of the property fronting Garrisonville Road would be developed with a roughly 6,000 square-foot Wawa convenience store, and a vehicle fueling station would be located in between the store and Garrisonville Road. The fueling station would consist of a single canopy and 20 fueling positions. In-ground fuel tanks would be located directly adjacent to the fueling area in the southwest corner of the property. And a loading zone would be provided on the east side of the building. And an enclosed dumpster would be located at the back right corner, shown here. The GDP also indicates a 29,750 square-foot 2-story office or retail building to the rear of the property behind the convenience store. This is in contrast to the 44,590

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square-foot 2-story office building depicted in this location on the 2008 GDP. On Garrisonville Road, the existing right turn lane, serving Tech Parkway, would be extended as shown here. And this would serve a right-in only entrance. A full movement entrance would also be provided on Tech Parkway in the location of the existing median break. Consistent with the current approved proffers, the applicant is proposing to accommodate a future inter-parcel connection to the property to the east, and that is shown here. And as recommended in the Traffic Impact Analysis, the applicant would restripe the buffer lane on northbound Furnace Road, as shown here, and this would be to provide a dedicated left turn lane. So, right now, it's a combined left through lane and then you have the free-flowing right turn lane. This would add a dedicated left, so you would keep also the left through combined lane as well. Six-foot wide sidewalks are proposed along the property's Garrisonville Road frontage and along Tech Parkway up to the site entrance. Connections would be provided between the sidewalks along these roads and the proposed uses; one of those connections is shown here. The applicant has also retained a proffer requiring sidewalk connections within the right turn lane island at the intersection of Garrisonville Road and Tech Parkway. A location is shown here, so currently there is a crosswalk across Garrisonville Road with a pedestrian signal. But it goes to a curb cut here, that's not actually with sidewalks to the other curb cuts located on this island. So the developer would connect these with sidewalks.

Ms. Vanuch: Brian, really quick, is there going to be a crosswalk added across Tech Parkway?

Mr. Geouge: In this location here?

Ms. Vanuch: Yeah, all the way over to the other side of Tech Parkway?

Mr. Randall: All the way across the road.

Mr. Geouge: Across here?

Ms. Vanuch: Yeah.

Mr. Geouge: Yes, there is a...

Ms. Vanuch: Okay.

Mr. Geouge: ... currently.

Ms. Vanuch: There is no hashing.

Mr. Geouge: Transitional buffers... one other thing I forgot to mention, the developer would also provide a crosswalk across Tech Parkway here, which would connect to the existing sidewalks that run along the west side of Tech Parkway. Transitional buffers are proposed between the two proposed uses on the property, as shown in this area. Some of these buffer widths are proposed to be reduced through the use of a 6-foot height opaque fence, as allowed by the Design and Construction Standards Manual. A proposed proffer would require that the site be developed in general conformance with the GDP. The Comprehensive Plan designates this property within a Commercial Node and Suburban land use designations. Staff finds that the proposal is consistent with Comp Plan recommendations and policies, and would be compatible with existing and future planned uses in the area. Additionally, the sidewalks proposed with the development are consistent with the recommendations of the recently adopted Bicycle and Pedestrian Facilities Plan element of the Comprehensive Plan. On the

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transportation, a Traffic Impact Analysis was required with this application due to the increased trips generated from the proposed convenience store and fuel sales compared to the previously proposed bank. The TIA evaluated two intersections on Garrisonville Road, the first at Furnace Road and Tech Parkway and the other at Keystone Drive. The current proposed development would generate, as far as new trips, 1,962 vehicles per day, 277 during AM peak hour and 208 during the PM peak hour. This table here shows a comparison...

Mr. Bain: I'm sorry, excuse me. Is that for both the fuel sales and convenience store and the office building, or just the fuel sales?

Mr. Geouge: That's for both.

Mr. Bain: For both. Okay, thank you.

Mr. Geouge: For new trips, so that excludes pass by trips.

Mr. Bain: Thank you.

Mr. Geouge: The table here shows a comparison of no-build conditions and this is for the Garrisonville Road/Furnace Road/Tech Parkway intersection. This compares no-build conditions in year 2021 with build conditions in 2021. The build conditions do include the mitigation, which includes that additional left turn lane on Furnace Road. As you can see here, during the AM peak hour overall the level of service degrades slightly from a B to C, it's a difference of about... an average of five seconds. And during the PM peak hour it actually improves overall from a D to a C, a difference of about two seconds or so. The improvements include the site entrances, the extension of turn lane on Garrisonville Road, and that additional left turn on Furnace Road. And the TIA shows that there are no significant impacts on Keystone Drive intersection. The applicant did provide renderings of the proposed buildings or building shown here. Only renderings of the Wawa were provided, not of the retail office building to the back of the property. However, the proffers would limit the types of materials that can be used for that office building. And it would require that the architecture be compatible with the North Stafford Center existing office buildings. Staff does find that the proposed architecture for the Wawa is consistent with the Neighborhood Design Standards. The proposed proffer revisions would reference the revised GDP. It would reduce the permitted maximum commercial retail and office development from 60,000 square-foot to 45,000. It would require demolition of the existing buildings prior to issuance of first development permit on the property. It would require the construction of 6-foot width sidewalks along Garrisonville Road, Tech Parkway, and within the right turn lane island; require that a crosswalk be provided across Tech Parkway, as I indicated earlier; require entrances and turn lane as shown on the GDP; and require creation of a new northbound left turn lane on Furnace Road. The proposed CUP conditions would require the development of the convenience store to be in conformance with the GDP with no more than 20 fueling positions; require the underground fuel tanks to be located generally as shown on the GDP; and require that a minimum of 50% evergreens be used within transitional buffers. And also require a 6-foot tall opaque fence adjacent to any residential use and it would restrict illuminated signage on the eastern façade of the building and fueling canopy until such time as the adjacent properties are developed with commercial uses. And require sidewalks as shown on the GDP, with connections to the proposed building. Staff notes the positives are this is consistent with the land use recommendations in the Comp Plan, including the Bicycle and Pedestrian Facilities Plan recommendations; consistent with the established development patterns. Proffers and CUP conditions will help mitigate impacts on the transportation network and adjacent properties. Architectural treatment is consistent with the

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Neighborhood Design Standards Plan. And we do not note any negative aspects. We are recommending approval of the reclassification with proffers pursuant to Ordinance O19-47 and recommending approval of the conditional use permit with conditions pursuant to R19-296. And that concludes my presentation.

Ms. Vanuch: Thank you Mr. Geouge. Any questions from the Commission?

Mr. McPherson: I have one quick question.

Ms. Vanuch: Yep, go ahead.

Mr. McPherson: So, regarding the buffering between the one residence to the east, they are going from a bank to a Wawa and so they talk about the evergreens and the opaque fence. However, there is noise involved as well. Wawa's and fueling and gas stations are a lot more noisier than banks. Are there going to be any ways to mitigate the noise to that property to the east?

Ms. Vanuch: Let me chime in there because I'm pretty sure that that house is vacant. I think it's...

Mr. Geouge: Yes, I think it was sold recently.

Ms. Vanuch: Yeah, it's... yeah, not even really livable.

Mr. McPherson: But it is a residential lot.

Mr. Geouge: Yes. It's a... from what I have heard, I think the intent is to rezone that property...

Ms. Vanuch: Yeah, I would imagine...

Mr. Geouge: ... but I'm not certain. But that is the intent of some of the conditions with providing the 6-foot fence and the mix of evergreens in the transitional buffers, to help kind of reduce those impacts a little, because current proffers don't really get into that. So, we think that will help with that issue some.

Mr. McPherson: Okay, thank you.

Ms. Vanuch: Mr. Randall?

Mr. Randall: I have a couple of questions.

Ms. Vanuch: Oh boy.

Mr. Randall: You mentioned you're going to have a crosswalk across Tech Parkway and then you showed a location on the GDP. Could you pull that up for me?

Mr. Geouge: Sure.

Mr. Randall: So, you mentioned it would be back where the office building would be but there is not going to be one by the gas station?

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Mr. Geouge: Across Tech Parkway, up here?

Mr. Randall: Yes.

Mr. Geouge: Yes, there is one...

Mr. Randall: So, could we add to the proffers that there will be two crosswalks across Tech Parkway? One up near the... Garrisonville Road and one back near the office building. Right now I think it only states...

Ms. Vanuch: One.

Mr. Randall: ... that a crosswalk will be built across Tech Parkway.

Ms. Vanuch: I had the same question.

Mr. Randall: And I think it needs to be clarified that... if there will be one, I would prefer it being up by the... off of Garrisonville Road, by Garrisonville Road. But if you are suggesting that they could possibly put two there, then that would be...

Ms. Vanuch: Yeah. So I think you mentioned there was an existing crosswalk across Tech Parkway now.

Mr. Geouge: Yes.

Ms. Vanuch: From where the Wawa would be to the other side. You also mentioned that there was a crosswalk across Garrisonville Road; however, the button is on the Sheetz side, not the Wawa side. So, how do we get a button added to the Wawa side? Because right now there is nothing to trigger it if you are walking the other direction.

Mr. Geouge: I didn't realize that.

Ms. Vanuch: I just learned it. I texted the owners of the brewery and they said...

Mr. Geouge: Yeah, I am not certain if...

Ms. Vanuch: ... there is definitely no crosswalk.

Mr. Geouge: That may be a VDOT issue of adding that button there.

Ms. Vanuch: Yeah.

Mr. Geouge: But I'm not certain.

Ms. Vanuch: Yeah. It's just ironic, so. To me that would be kind of a... like that's a big deal. We need to...

Mr. Bain: That would be between VDOT and the developer then, or is that...

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Mr. English: *Inaudible, microphone not on.*

Ms. Vanuch: Well, we need to make sure because the Vista... like off Furnace Road is about 700 houses and those kids all walk to Sheetz and Wal-Mart now, and there is no sidewalk. There has to be a feasible crosswalk, both directions across Garrisonville Road.

Mr. Geouge: I agree. I will defer to the applicant...

Ms. Vanuch: Okay.

Mr. Geouge: ... on the ability to incorporate that.

Mr. Randall: You said there is already a crosswalk on Tech Parkway from the vacant lot to the... across the street.

Mr. Geouge: I'm fairly certain there is...

Ms. Vanuch: Well, if there's not maybe they could make sure that they put it in there. Because it's kind... it's very walkable right there.

Mr. Geouge: I'm fairly certain there is some striping here, for a crosswalk. I'm not sure about here through the right turn...

Mr. Randall: The right turn.

Mr. Geouge: The channelized right turn.

Mr. Randall: Well, I think we need to proffer that either way that those crosswalks need to be full crosswalks, both across Garrisonville Road and across Tech Parkway as part of this...

Ms. Vanuch: And I still want to keep the other one because...

Mr. Randall: Right.

Ms. Vanuch: ... as that tenant unit built out...

Mr. Randall: Agreed.

Ms. Vanuch: ... the one at the mid-way point at Tech Parkway.

Mr. Randall: Right. Do you know if they have made any intentions of being able to... are they going to develop both of these properties at the same time? They are going to clear them all, they are going to build them all, they going to parking lot them all, or is this going to be a phased approach?

Mr. Geouge: I'm not sure about the site clearing, it could happen all at once through just an early grading plan. My impression is that the Wawa is going to come first. But I don't know if they are going to go ahead and clear the entire site and prepare it for development or just the portion they need to up here.

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Mr. Randall: Okay. Do we know how much they're going to need to widen Furnace Road in order to get a dedicated left hand turn lane there?

Mr. Geouge: They actually don't need to widen it. There's an existing striped off area...

Mr. Randall: Okay.

Mr. Geouge: ... on Furnace and it was there, I assumed, to accommodate this very turn lane because you also have a signal head that accommodates that turn lane as well, that's existing.

Mr. Randall: Okay. Alright. So, when will that turn lane, according to... in the process of building, when will that turn lane be available to be used? Is there a timing associated with that turn lane and the development of the site?

Mr. Geouge: It would be provided with the development, the initial development of the site. As far as exact timing, such as prior to occupancy permit or something like that...

Mr. Randall: Something along those lines...

Ms. Vanuch: Yeah, usually VDOT makes them...

Mr. Geouge: ... the proffers don't...

Ms. Vanuch: ... put it in before they can start. Yeah.

Mr. Randall: I wasn't sure if that was something we...

Ms. Vanuch: At site plan that's when that's all hashed out.

Mr. Randall: ... acquiesce to VDOT or whether or not we have some say over that.

Mr. Geouge: It's not clearly specified in the proffers, you know, when it needs to be done by, but it would be in conjunction with that initial site plan. So, it would be bonded... a bonded improvement since it is in the right-of-way.

Mr. Randall: Okay.

Ms. Vanuch: Alright, I think... are we done with him?

Mr. Randall: Yeah, I think we're done with him.

Ms. Vanuch: Okay, alright. Thank you Mr. Geouge. Okay, so now we will allow the applicant to come up and give their presentation. Mr. Payne, would you like to come up? I know you're going to have all the questions... all the answers to all the questions.

Mr. Payne: I try and I was writing notes real quick because we were trying to figure out where that second crosswalk was across Tech Park and then the crosswalk across Garrisonville, so we are trying to get our arms around exactly where that is, so we can figure that out too. If we can do it, if it's not an issue or any sort of hindrance from VDOT going across Garrisonville, we can certainly do it. So it's

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not going to be an issue. And we can't have a Wawa without the right turn lane being built before hand, so that will be... that will certainly be built... you are talking about the right turn lane off of Garrisonville?

Mr. Randall: No, I'm talking about the left turn lane off of Furnace Road.

Mr. Payne: Oh, okay. We can...

Mr. Randall: I understand the right turn lane...

Mr. Payne: We can absolutely make that part of the initial... for the initial infrastructure that we put in place. We can certainly identify that.

Mr. Randall: Okay.

Mr. Payne: Not a problem. But we do want to get our arm around the other two pieces...

Ms. Vanuch: Yeah, because...

Mr. Payne: ... because I'm a little confused...

Ms. Vanuch: ...it's very walkable.

Mr. Payne: ... looking at the plat, so I would like to see it.

Ms. Vanuch: It's very walkable and I know Vista Woods calls me monthly wanting sidewalks, so I know they're gonna want a crosswalk there to be able to get to the Wawa.

Mr. Payne: So, you are talking about a crosswalk across Garrisonville Road...

Ms. Vanuch: Yes.

Mr. Payne: ... to...

Ms. Vanuch: From like where...

Mr. Payne: ... Tech Parkway connection?

Ms. Vanuch: Yeah, from like were the Sheetz is...

Mr. Payne: Uh huh.

Ms. Vanuch: ... all the way across to Wawa because a lot of those kids walk out of the ...

Mr. Payne: Okay.

Ms. Vanuch: So you will get a lot more business that way.

Mr. Payne: Is there... is... there is no crosswalk there now? Is that what you're saying?

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Ms. Vanuch: So...

Mr. Payne: Or there one half way?

Ms. Vanuch: There is a crosswalk light, there is no hashing in the street on Garrisonville Road, but there is the button that you can push only on the Sheetz side, but not on the other. So you can get across the street, but you can't get back.

Mr. Payne: So, there is a crosswalk but there is no button on our side is what you are saying.

Ms. Vanuch: That's correct.

Mr. Payne: Gotcha, okay. We will take a look at that.

Ms. Vanuch: At least that is what the brewery owner said.

Mr. Payne: Okay, alright. Sorry for confusion.

Ms. Vanuch: Yep.

Mr. Payne: We just couldn't find it on the plat, so sorry about that. Thank you Chairman, Madam Chairman and other members of the Planning Commission. My name is Charlie Payne with the law firm of Hirschler Fleischer; I represent the applicant. Thank you for your time this evening. We do have a quick PowerPoint and after I get through that I will answer any other questions you may have as well. Just real quick, I will get to that when I get to the GDP about the easement question, to the property to the north. I think there was a question about that property being able to get to 610. Just going to give you a real quick introduction on Wawa and they do have a representative here today. I am sure you all know who Wawa is there are some details here, some specifics I didn't know that I thought were important to provide. They are a privately held company, they sell about 1.9% of their fuel in the U.S. They are ranked Forbes top 25 for private companies, they do hire lots of folks. They have 33,000 associates and 864 stores in four states. They also, as part of their employment process, have a tuition reimbursement program, maxed at \$5,250 annually. They have a college graduate leadership program, medical benefits, wellness programs and top recruitment contributions of an employer, 401K and other of their associates. And they do have a recognition and care program as well. And I am sure you are familiar with the stores, and here is an outside version. We also have obviously proffered our renderings. Wawa is a significant convenience center, it does contribute taxes and jobs to the community. Again there's 2,800 associates across the state, there's 87 stores in the Commonwealth. Wage, corporate, real estate tax revenues are generated from these sites. And as you know Wawa's are very busy. Again Wawa expansion, more jobs and more positive economic benefits. They invest about \$6 million in each store. Every new Wawa takes 6 months to build, they create about 50 to 70 construction jobs as part of process. And each new Wawa does create 50 permanent jobs. Wawa does employ many Virginia based engineers when constructing new stores and obviously they employ locally, the folks who work there and likewise they use local suppliers. They also are very much community involved. They have significant food donation program. In Virginia alone they provided 513,00 pounds of food and 463,00 meals. Local community giving, you will see at the bottom there the Stafford County Volunteer Fire Department was a recipient of their local giving. Just real quick into the application, the property consists, as staff noted and Brian thank you very much for your presentation. It does consist of two parcels, it consist about totaling 6.05 acres, and that's for the total projects, two projects here. One that I have copied, there's a proffer amendment here and there is

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an SUP for the Wawa. It is currently zoned B-2, the purpose of proffer amendment was to make some modifications to the already approved rezoning, which was O08-22 in February of 2008. And also to allow this parcel to be developed as a convenience store and fuel station instead of a bank. So a CUP is required for the vehicle fuel sales. You are very familiar with the area, as I can tell, because you know where the crosswalks are and I don't. It's in the Rock Hill voting district. It's also located at the corner of Garrisonville and Tech Parkway. And we have gone through who the surrounding property owners are. Most of the property zoning around are B-2 and are planned for commercial zoning uses. The Comp Plan, this project as staff noted is consistent with the Comp Plan, it's designated within the Suburban Future Land Use category, it is also in a commercial node and is also within our USA. So here is the GDP, I think there was a question regarding access... was it access... sorry, if there was access... I give up on this. So there was access questions, I guess, from the property to the north trying to get to 610. If there is an easement of record, we can't block access, so that will have to be addressed. The title work that we have done to this point, we are not... there is none that are aware of. So, any sort of development, improvements, infrastructure, etcetera, we cannot block access for anyone who has a recorded easement. I will note that to the east, we have an inter-parcel connection. So I am not sure which property, who owns the property in the back here, to the north. My understanding is it could be the same person who owns property to our east. But there is an inter-parcel connection there, if you can see. You've got to work this thing for me so I can actually mark this (inaudible) get that. I want to get the... I can't get that. I want to mark this area right here and I can't do it.

Mr. Geouge: Is there some tool you have open over there?

Mr. Harvey: (Inaudible).

Mr. Payne: I thought it was me, so. Anyway, so there is an inter-parcel connection there to your east that goes through the site and ends up on Tech Parkway. I don't know if you guys can see that or not, but it runs through the project. Any questions on that access easement issues, while I am here?

Ms. Vanuch: The property owner hasn't reached out to you and they were notified?

Mr. Payne: We met somebody out front this... just a little while ago, and I am not sure if she's here...

(Inaudible from the audience)

Mr. Payne: Is that you.

Ms. Vanuch: Okay. I am sure she will be able to talk when...

Mr. Payne: Yeah. So if there is a recorded easement... I mean one, this property to our north has access immediately to Tech Parkway. We can't land lock... we are not land locking (inaudible)... we can't block access that's of record. So if the issue is can I get north to south, get to 610, we can't block it. That's the legal requirement.

Ms. Vanuch: I'm sorry, because I know a lot of people probably haven't been to these before. So he will give his presentation and then we will open up the public hearing and you'll be able to speak at that time. And then he will be able to address anything that you brought up at that point, okay. Alright, go ahead Mr. Payne.

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Mr. Payne: Yeah, so here are the elevations for the project, which have been proffered. Transportation as noted by staff, access to the project will be a right-in only entrance from Garrisonville and a full movement access at Tech Parkway, as you are aware. The TIA show the development is not anticipated to have any negative impacts on exiting... impact on existing traffic at the location. The TIA did make recommendations for a right turn lane extension of 100 feet and then the existing strip buffer lane on the Furnace Drive will be restriped to provide a northbound left turn, with 200 foot of storage, which will improve that intersection for D to C. So actually those improvement will actually benefit that intersection. No impacts on schools, Fire and Rescue Station 14 is located 1.2 miles to the southeast of the site and will have no impacts on parks. Just real quick the overview of the proffer changes, the commercial building in the back to the north will be 45,000 square feet verses 60. Sidewalk widths are larger from 5 feet to 6. We have also added, as you know, a crosswalk across Tech Parkway. We updated, obviously the uses for the purposes of the project replacing the convenience center with a bank and the office/retail will be in the back. We've added the entrance improvements as we just discussed. I will be happy to answer any questions you have.

Ms. Vanuch: Mr. Randall?

Mr. Randall: We talked about the Tech Parkway crosswalks, right? You're still working on where those crosswalks need to be.

Mr. Payne: We know where one is supposed to be, because that is the one that we are supposed to put in, that is in the proffers. The other one...

Mr. Randall: Which is where? Which is near the back?

Mr. Payne: Which is near the back.

Mr. Randall: Near the back.

Mr. Payne: Right, sort of in the middle, if you will where the office and the Wawa sites.

Mr. Randall: Okay, so that is the only one you are proffering.

Mr. Payne: Right.

Mr. Randall: Correct?

Mr. Payne: Right.

Mr. Randall: Okay.

Mr. Payne: Right, I mean Brian made a comment which surprised us that there is actually one closer up to the intersection, which we don't have shown on our GDP. Is that correct?

Mr. Randall: Well, is there one there or is there or is there a discussion about whether we need to add that one...

Mr. Payne: Is there one there?

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Mr. Randall: ... as part of the proffer.

Mr. Payne: I don't have an aerial. Can we pull up and aerial?

Someone speaking: Inaudible, not into microphone.

Mr. Payne: I don't know, I don't know if it's there or not today. I don't think...

Mr. Randall: Well, if you go back to the aerial that you had... that you showed just a minute ago, maybe you will see the lines. I didn't see anything there, so. If you look up at Tech Parkway it doesn't look like there's any lines on that road.

Ms. Vanuch: There are no lines anywhere.

Mr. Randall: Well, I guess the discussion then is are we okay building that without that crosswalk across the street? And when, if we get sidewalks up there, when will we ever be in a position to put... who will ever be in a position to put a crosswalk at that location if we don't do it now?

Mr. Payne: Right. So two things, one can we put a walk signal on our side to cross to the Sheetz side, let's say and whether we would build a crosswalk, which I am sure we would be open to, which would be further to the south of the site...

Mr. Randall: Yes.

Mr. Payne: ... across to the other side of Tech Parkway. Sure, sure we would. So we can add that as a proffer. I don't think that's going to be a problem for us. Unless my client tells me no.

Ms. Vanuch: Alright, any other questions? Because I'm sure other people have questions.

Mr. Randall: No, let's get the public hearing.

Mr. Vanuch: And then remember we want the public hearing. Go ahead Mr. English.

Mr. English: Mr. Payne?

Mr. Payne: Yes sir.

Mr. English: In reference to, I think Mr. Randall's question, when y'all grade are you going to grade the whole thing out as far as the building behind it?

Mr. Payne: Well, the building behind it will be demoed prior to the issuance...

Mr. English: No, I'm sorry, when you get ready... the two story building that is set for that. Are y'all going to grade the whole thing or are you just going to wait until you get a tenant for that?

Mr. Payne: You know there's two owners here so I don't know what the other owner's plans are. So right now we don't have that...

Mr. English: Understood.

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Mr. Payne: ... planned.

Mr. English: Okay, thank you.

Mr. Payne: But the building in the back will be demoed before we're able to get a permit for the Wawa.

Mr. English: Okay.

Ms. Vanuch: Alright, some things I want you to consider before we open up the public hearing, just my concerns. I know we already discussed proffering the fuel fill-up between outside of the hours between 5 and 9, Wednesday through Sunday. Adding a crosswalk across Garrisonville Road, so that it goes both ways and across at the north part of Tech Parkway there, and the midway, where you are already proffering. And then the trees that you have, it says 50 plant units, 10-foot wide, 50% evergreen. Just making sure that if you are not willing to proffer the hours of fuel fill up that its full blown evergreens just blocking that site line and noise mitigation for the gas fill-ups. And then lastly, I don't know if you can proffer this, but the Wawa off of Route 3, I am just trying to look for a way to set this apart from the Sheetz, has that no ethanol gas, the stuff that you put in lawnmowers and 4-wheelers and you have to drive all the way to Spotsylvania to get it. Is there any way that this Wawa can carry that type of no ethanol gas?

Mr. Payne: What was the first one on time limits? I'm sorry.

Ms. Vanuch: Outside of the hours of 5 to 9, Wednesday through Sunday. So those would be the only times for not getting truck fill-ups.

Mr. Harvey: Madam Chairman?

Ms. Vanuch: Yes.

Mr. Harvey: Just to...

Mr. Payne: 5 p.m. to 9 p.m.?

Mr. Harvey: ... make a clarification, is that fuel deliveries?

Ms. Vanuch: Yes. I'm sorry, fuel deliveries.

Mr. Harvey: Thank you.

Ms. Vanuch: I'm not articulate. Okay, are you good?

Mr. Payne: Thanks.

Ms. Vanuch: Alright, at this point we will open up the public hearing. So, if you are here to speak on either... on the agenda that you have it will be item number 3 and 4, but for this purposes it's item 1 and 2. It's on the proffer amendment and the conditional use permit. You will have 3 minutes to address the Commission. We are not allowed to get into a back and forth conversation, but you can come up, express your concerns, ask your questions and then we will have them answered for you

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after. When the yellow light comes on, you have 60 seconds left. When the red light comes on please conclude your comments and when you come up to the podium, please state your name, address and the district that you reside. Does anybody care to speak? Yep, this is where you come up for the Wawa.

Ms. Birdwell: Hi, my name is Janet Birdwell, I originally owned the property in the back that this Wawa was gonna own... is being at to request to be built on. And I am the person that owns the property in the back and I am worried that it is going to be landlocked. And I wanted to make sure that we have access from the Parkway on to the property.

Ms. Vanuch: From... okay, keep going.

Ms. Birdwell: From the Parkway on to this property that is located in the back. And at the time I sold the property to 610 Investments, back in 2006. And there is supposed to be an easement, there was an agreement that they were going to put in an agreement of an easement and the driveway so I could get back to the back property. So, somewhere out there, there is supposed to be an agreement of an easement. So that is my concern, that I don't not want the property landlocked.

Mr. English: What was your address for this?

Ms. Birdwell: My address was 1170 Garrisonville Road, which is the property that is being request... this request for Wawa going on.

Ms. Vanuch: Okay, is that all?

Ms. Birdwell: Yes.

Ms. Vanuch: Okay, thank you.

Ms. Birdwell: Thank you.

Ms. Vanuch: Would anyone else like to come up and speak on the Wawa? Going once, going twice, okay it looks like nobody chomping at the bit so we are going to go ahead and close the public hearing on this. So, at this point I will let the applicant come back up and address the landlocked issue and any other questions that the Commission might have.

Mr. Payne: I'm sorry Madam Chair, what was your question.

Ms. Vanuch: No, no, no. Her question was the land lock issue. She says at some point in time she believes there was an easement because she was the original property owner for where... the property that you guys are seeking to purchase, that she sold to the Union Bank. And so, she said there is supposed to be an easement and she is very concerned that she will be landlocked on that back parcel.

Mr. Payne: We will talk to her afterwards and get her information and we will confirm with our title work that we did, just to see if there is any. If there is one of record, we have to maintain the easement. We can't unilaterally vacate an easement.

Ms. Vanuch: And so what if there's not?

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Mr. Payne: Like I said, there's access across... we need to find out one, where her property is. It hasn't been real clear to me where it's located.

Ms. Vanuch: Okay.

Mr. Payne: But there is an inter-parcel connection across the property to Tech Parkway. It is my understanding that she owns property to our east and behind us, it what I understand when we were talking in the hallway. So I will get more information from her exactly where her property is and then we will kind of walk through that process. But if there is an easement of record we can't vacate it by ourselves. We have to honor it.

Ms. Vanuch: Mr. Randall?

Mr. Randall: Were you talking about an easement from Garrisonville or Tech Parkway? The easement would probably be from Garrisonville?

Mr. Payne: From what I'm hearing she thinks there is an easement that goes from behind our property to Garrisonville, across the site, from what I'm hearing.

Mr. Randall: Okay.

Mr. Payne: But again I need just... one, to know which parcel she owns and then two, we will be able to determine from our title examination whether that is accurate.

Mr. Randall: Right. Mr. Harvey, would there be any way of being able to document that from the County or being able to look that up in the County records to see?

Mr. Harvey: Commissioner Randall, what Mr. Payne is referring to is looking at the County's land records, what has been recorded in the Courthouse. That would be the only documents the County would have. If there was some other written agreement that was not part of a recorded easement or some other type of mechanism, we wouldn't have access to it.

Mr. Randall: Alright, thank you.

Ms. Vanuch: Do you have any other questions? Anybody else on my right?

Mr. Payne: We will be more than happy to once we do our research to again, I need to sit down with the property owner...

Ms. Vanuch: Yeah.

Mr. Payne: ... to figure out where she lives, where her property is and then confirm whether or not there is an easement of record.

Ms. Vanuch: Do you have any questions on my left? Anybody? Okay, so I gave you I think four things.

Mr. Payne: Right.

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Ms. Vanuch: Where did you guys settle on that? Or do you need more time?

Mr. Payne: Well, I mean there are a couple of things. One, limiting the hours in which they can fuel, bring in fuel for their tanks is going to be very difficult for them because of the fact there is a need on it. So when the store needs it, is when it orders is. So it would put us at a competitive disadvantage if we weren't able to continue that process. So that's a big, big issue for them. Adding more landscaping, we will have to take a look at it and see how that would work. We don't want to block visibility from the site that it also creates a marketing disadvantage; we do have a Sheetz across the street. So, I think the latter part of the landscaping is probably the better opportunity for everybody, but we have got to take a look at it. I just can't shoot from the hip tonight on that one.

Ms. Vanuch: And the crosswalks?

Mr. Payne: They were fine with the crosswalks, we were just looking at it from the aerial, we are just not sure where that crosswalk would go because there's right out, left in and then a right in, so you have to be careful as to where that location is going to be in a safe area. We will get with the County to make sure we can identify...

Ms. Vanuch: Okay.

Mr. English: Mr. Payne on another note, if she said there's a crosswalk, I mean there's a button on the other side where the Sheetz is...

Mr. Payne: Uh huh.

Mr. English: I think that would be VDOT's responsibility to make sure ... I don't know why they wouldn't have put a button on the other side.

Mr. Payne: They may very well. We can figure that out though.

Mr. English: Because that was not smart.

Ms. Vanuch: Yeah.

Mr. Payne: I mean that a different crosswalk.

Ms. Vanuch: Yeah.

Mr. Payne: She's talking about the one that goes across Tech Parkway from our site to the other side.

Mr. English: Right, and I'm talking about the second one...

Mr. Payne: Yeah, yeah, yeah.

Mr. English: That's one too.

Mr. Payne: We will check into that and see if... just simply just ask VDOT for that safety... traffic safety measure.

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Ms. Vanuch: And then no ethanol gas? I mean that might not be a good proffer, because obviously as gas changes we don't want to do, you know, put that in your proffers for 20 years from now, but it would be really great. You can come up. Because I'm going to get another gas station.

Mr. Bush: Madam Chair and members of the Board, my name is Jeb Bell, Real Estate Engineer with Wawa. I am happy to take your questions tonight. I would love to sell e-free here, I just have to do my due diligence and check that we are allowed to. So if we are allowed to I would sign up for that.

Ms. Vanuch: What would prohibit you, I'm just curious.

Mr. Bell: So certain counties don't allow e-free. It's...

Ms. Vanuch: That would be crazy to me.

Mr. Bell: I think it's an environmental.

Mr. English: The airport sells it.

Mr. Bell: Yeah, so like I said...

Ms. Vanuch: Okay.

Mr. Bell: ... if it's allowed...

Ms. Vanuch: And if you're not,

Mr. Bell: ... I hesitate to say.

Ms. Vanuch: ... then come back because we'll fix that.

Mr. Bell: Okay, perfect. Sounds good, thank you.

Ms. Vanuch: Okay.

Talking at the podium, no microphone

Ms. Vanuch: Okay, so Mr. Payne, we are thinking you guys want to hash all of this out, especially with the property owner in the back, over the next couple of weeks and then you can come back to the next Planning Commission meeting. That will still be able to get you to the Board before November. Are you good with that?

Mr. Payne: Thank you Madam Chair, if we can still get to the Board before November 5th? Is that the...

Ms. Vanuch: The 6th, November 5th is Election Day.

Mr. Payne: If we can do that, then yeah, we can wait two weeks and hash out.

Ms. Vanuch: Okay. Mr. Harvey.

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Mr. Harvey: Madam Chairman, the last Board meeting for this year that they will be taking land use issues is October 15th. So, unfortunately we would not have time to schedule it if there is a deferral.

Ms. Vanuch: That's the last they are doing land... they are not even doing it at their end of October meeting? Oh, that is their end of October...

Mr. Harvey: That is their second meeting in October.

Ms. Vanuch: They could waive their by-laws though, right?

Mr. Harvey: If the Board decided to, they could as well. Else wise this item would come back to the Board in January.

Mr. Payne: The Planning Commission could also make recommendations for the matters that you have requested, going forward to the Board. And that would give us some time to figure it out as well.

Ms. Vanuch: Okay, for me the land lock issue is the big one. Because I don't want her to be landlocked, I feel like that's a big deal.

Mr. Payne: You can't legally land lock her.

Ms. Vanuch: Yeah. I'm just worried that the deed probably didn't record it and then, she is kind of stuck with no access.

Mr. Payne: We are showing existing easements across the site like said.

Ms. Vanuch: Okay.

Mr. Payne: But I don't know where... I have to figure out where her property is and whether she is the beneficiary of that. But again, we can't land lock her, I just want to make that real clear.

Ms. Vanuch: Okay. Alright, well thank you.

Mr. Payne: Thank you.

Ms. Vanuch: Is everybody done with their questions? So I am not going to make a motion on it, I will let you guys make a motion, based on that feedback. Go ahead.

Mr. McPherson: Madam Chair, I would like to make a motion...

Mr. Randall: I have a couple of questions.

Ms. Vanuch: Okay.

Mr. Randall: Charlie, I need you back up if you could.

Mr. Payne: We are showing... just so you know, we are showing access from the adjoining property. It could be her.

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Mr. Randall: Okay, alright. I think there's ways to work around that especially if you have to go to the north of the property off of Tech Parkway.

Mr. Payne: Absolutely.

Mr. Randall: Absolutely, there's ways to get back in there.

Mr. Payne: Absolutely.

Mr. Randall: It's just a matter of whether it's from Garrisonville or whether it's off Tech Parkway. So, the only people that are associated or close to this would be across the street and Sheetz or the people across the street in that retail area there.

Mr. Payne: Uh huh, across Tech Parkway.

Mr. Randall: Across Tech Parkway. Obviously we don't want to keep people from knowing that there's a Wawa there, so I think it would be appropriate probably from Garrisonville to leave it where it's at, to leave the buffer where it's at. The concern is those people who are in the retail across Tech Parkway and maybe that's not... the people that are patrons to that location may not want to be a part of gas trucks from 5 to 9, if we can't keep that there. So, I'm not... I don't want to disadvantage Wawa from, first of all once people know there's a Wawa you could put a 10 high foot fence and it would still go. But is there a way we can increase the density of those plants on Tech Parkway, to make more of a buffer from those people who are across the street who are patronizing those developments?

Ms. Vanuch: You can come up and address the Commission.

Mr. Randall: Yeah, absolutely.

Ms. Vanuch: Because we would rather you be on the record anyway.

Mr. Randall: Yeah, I don't want...

Unknown Speaker: I think that makes sense and having visited the area, I think that would be nice for them. I think the right thing to do for those neighbors. We can kind of preserve their quality of experience that they are trying to have for their patrons.

Mr. Randall: They are and that was there concern...

Unknown Speaker: Yeah.

Mr. Randall: ... especially now that they've got an outside dining...

Unknown Speaker: Absolutely.

Mr. Randall: ... an outside area.

Unknown Speaker: Yeah. So I guess we can define exactly the limits of that, but the intent would be to screen kind of, our activities from...

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Mr. Randall: Yes.

Ms. Vanuch: From Tech Parkway.

Unknown Speaker: ... really those tanks.

Ms. Vanuch: Yeah.

Mr. Randall: I don't want a fence, I don't want a big high fence...

Unknown Speaker: Yeah.

Mr. Randall: ... but if we could do something with the landscaping such that...

Mr. Payne: Focuses on their outdoor seating.

Unknown Speaker: Exactly.

Ms. Vanuch: Yeah.

Mr. Randall: Yes, and it would be along that side, the Tech Parkway side. I don't know, Brian, do... is there something we can proffer now? Do we change... only because you know if we are trying to make a decision tonight we probably need to work through some of these things tonight. Is it a increase of density from 50 plant units to 75 plant units, to 100 plant units? Is it to change it from 50% to 75% evergreens? What would be the solution to screening that so that we can put it in the proffers and we can move forward?

Mr. Geouge: Yes Mr. Randall, first I would have to check to see what exactly the planting requirements are. That would be considered a street buffer, I believe, which is less dense than a transitional buffer. But I don't know exactly what the plat unit requirements are off hand, so I would need to look into that and make a recommendation from there. I supposed it could be approached generally to state that you have to provide twice the number of required plant units that would normally be required, or something to that effect.

Mr. Apicella: Madam Chairman?

Ms. Vanuch: Mr. Apicella.

Mr. Apicella: Since there is a CUP, why can't we put provisions in, not necessarily relying on the proffers, but the CUP conditions or a CUP condition.

Ms. Vanuch: Yeah, good idea.

Mr. Randall: I would be, either way.

Ms. Vanuch: Yeah.

Mr. Randall: But is that something that...

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Mr. Geouge: But again, I would have to research that. Like I said if they are comfortable we could put in something to the effect of twice the normal required plant units or something to that effect.

Mr. English: For that one side.

Mr. Randall: Right, for the Tech Parkway side.

Ms. Vanuch: Yes.

Mr. Geouge: With that all on Tech Parkway...

Mr. English: Right, right, right.

Mr. Geouge: ... within that stretch, correct?

Ms. Vanuch: Alright, thanks Mr. Geouge. The applicant, go ahead.

Unknown Speaker: I mean as far as committing to do, I mean I am committing to work with the County staff. I mean if he says and it writes in double the plantings and there is not physically enough space, what are we going to do? Do we have to come back for an amendment to the CUP?

Mr. Randall: So understanding what your engineer said, and I don't have your name sir, I am sorry.

Mr. Ball: Jeb Ball.

Mr. Randall: Okay, understanding that's our goal, where can we work with staff to make sure that goal is met? How do we proffer it such that the goal is met...

Ms. Vanuch: Condition.

Mr. Randall: ... but we maintain the... I can't get 100 units in there or I have to do 70... how do we work this out?

Ms. Vanuch: Mr. Geouge, just give us a sentence.

Mr. Geouge: Mr. Zuraf had a good idea, we could have a condition stating that any outdoor seating area... This use shall be screened from view from any adjacent outdoor seating area. So at such time that that does come in, then that would be required. I suppose it could be a situation where it needs to be added after the fact, I don't know how that would be handled. But, or it could be...

Ms. Vanuch: It's already there.

Mr. Geouge: It could be that it just needs to be screen from view from that use, that commercial building, across Tech Parkway.

Ms. Vanuch: I am comfortable with that and I think they would be too.

Mr. Randall: Okay.

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Ms. Vanuch: I don't think we need to make it more complicated.

Mr. Randall: No I don't...

Ms. Vanuch: I think that that's fine.

Mr. Randall: No, I agree. I just wanted to make sure...

Mr. Bell: Only where the fuel tanks are, right?

Mr. Payne: We are talking about screening from the fuel tank area to the outdoor seating, correct? We are not talking about the entire facility, to make sure we are clear about that.

Ms. Vanuch: Yeah.

Mr. Payne: This is a limited area, right?

Ms. Vanuch: It's just, yeah, where the trucks would pull up to do the fuel.

Mr. Payne: Right.

Ms. Vanuch: That is really it.

Mr. Payne: Right.

Ms. Vanuch: Because it kinda, just the way that it worked out, end up being right across from where they just built and outdoor patio.

Mr. Payne: Right.

Ms. Vanuch: And I think they have intentions of trying to do some type of outdoor fireplace and stuff like that.

Mr. Payne: I mean the tanks don't work on the other side because they you...

Ms. Vanuch: Yeah.

Mr. Payne: ... create a safety problem...

Ms. Vanuch: And they understand that and I think they are very excited about the opportunity and being a good neighbor with you guys. They just, you know, they were there first and wanted to make sure that this didn't have any negative impacts on their business.

Mr. Payne: Okay, just to make sure going forward, it's limited to that particular area.

Ms. Vanuch: Yep.

Mr. Payne: Okay, perfect. Thank you.

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Mr. English: Madam Chairman, I am going to make a motion to that we approve RC19152788, reclassification of Wawa Tech Parkway proffer amendment.

Ms. Vanuch: Okay.

Mr. McPherson: Second.

Ms. Vanuch: So we have a...

Ms. Lucian: Did you want to make that addition a part of your motion?

Ms. Vanuch: So that for the reclassification. So I guess for discussion my question would be the additional proffers regarding crosswalks, they need to be adding in with the reclassification language, don't they?

Mr. English: That's the CUP.

Ms. Vanuch: Or would they be under the CUP?

Mr. Apicella: I think you could probably do it either way, but...

Mr. English: CUP.

Mr. Apicella: ... the easier way to do it, in my opinion would...

Ms. Vanuch: Conditions.

Mr. Apicella: ...be the CUP.

Ms. Vanuch: Okay, got it. So we are good... I think we are clear on the reclassification. Alright so there's a motion on the floor by Commissioner English to approve the reclassification of the Wawa Tech Parkway, RC19152788 and a second by Mr. McPherson. Any discussion Mr. English?

Mr. English: No ma'am.

Ms. Vanuch: Mr. McPherson?

Mr. McPherson: No.

Ms. Vanuch: Any other discussion from anyone else?

Mr. Bain: No.

Ms. Vanuch: Alright, go ahead and cast your votes. Motion carries 7-0. Next item.

Mr. English: Madam Chairman, I would like to make a motion to approve CUP19152741 with the changes that we talked about as far as the landscaping around the fuel area and the crosswalks.

Ms. Vanuch: Okay. I will go over those in a second.

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Mr. Randall: And I will second that motion.

Ms. Vanuch: Okay, so we have a motion by Commissioner English, a second by Commissioner Randall and so the motion just for the record is to approve the Conditional Use Permit for the Wawa Tech Parkway CUP19152741 with the conditions that the gas underground tanks shall be screened from use from any outdoor adjacent seating areas and in addition they will provide crosswalks across the street from Garrisonville Road all the way over to Furnace and then crosswalks throughout Tech Parkway at the north side or the top side along Garrisonville Road and then the midway point on Tech Parkway from their gas station all the way across to where the sidewalks are on Tech Parkway.

Mr. Randall: Madam Chair?

Mr. English: Correct.

Ms. Vanuch: Yeah.

Mr. Randall: Can I make one...

Ms. Vanuch: Of course.

Mr. Randall: Regarding, it not the underground tanks that we want screened, it's the trucks that are delivering gas that we want screened, correct? Wherever those trucks are going to locate it needs to be screened from across the street.

Mr. English: The fuel area.

Mr. Randall: The fuel... right. So I don't want to just be the underground tank...

Ms. Vanuch: So the underground tank fueling area.

Mr. Randall: It should be the whole fueling area, where those tanks... where those trucks are going to be stationed...

Ms. Vanuch: Okay.

Mr. Randall: ... while they are delivering their gas. Should... what I would be clear on.

Mr. English: Where they drop their fuel at.

Mr. Randall: Yes.

Mr. English: Yes.

Ms. Vanuch: Okay. Alright, so motion by Commissioner...

Mr. Geouge: *Inaudible, microphone not on.*

Ms. Vanuch: Yes Mr.... Yeah, go ahead.

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Mr. Geouge: As far as requiring the screening from the adjacent outdoor seating area, that might be problematic if this use develops first and the outdoor seating is not there yet.

Ms. Vanuch: It's already there.

Mr. Geouge: It is already there.

Ms. Vanuch: That's the whole problem with all this. It's already there.

Mr. Geouge: Okay, I thought that was something that was...

Ms. Vanuch: No they just built it.

Mr. Randall: It's not supposition, it entirely there.

Ms. Vanuch: Literally two weeks ago.

Mr. Geouge: Okay, I clear.

Ms. Vanuch: They were like you have got to be kidding.

Mr. Apicella: Madam Chairman, we need to take Brian over for a beer.

Ms. Vanuch: Yeah.

Mr. English: Put another log on the fire.

Ms. Vanuch: So we have a motion by Commissioner English, second by Commissioner Randall. Any discussion Commissioner English?

Mr. English: No ma'am.

Ms. Vanuch: Commissioner Randall?

Mr. Randall: No ma'am.

Ms. Vanuch: Anyone else? Okay, I am just really quickly thank you guys for working with us on this. We are excited to welcome Wawa to the area. What, come on.

Mr. Payne: The screening is across Tech Parkway because Sheetz has outdoor seating areas as well, so I just want to make sure...

Ms. Vanuch: Okay.

Mr. Payne: ... we are clear on that.

Ms. Vanuch: Okay, yeah. We would like to welcome Wawa to the Rock Hill District. Before all of my constituents say just another gas station, I think they should see all the slides that you presented. I think, I am staring at Economic Development back there. We have had many conversations about how

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to bring more businesses to Rock Hill and I do strongly believe that adding these additional uses will strengthen some of the economic viability in the Rock Hill District and help up bring in additional restaurants to the area, where the Neighborhood Wal-Mart is. I did have some reservations about it but it seems like we have been able to work through most of those this evening, so I want to thank you guys for your flexibility and hopefully you will be able to bring that no ethanol gas, so we will be able to capitalize on the fuel tax and all the revenue that your store will be having. And I think making sure that you hire local. And if I could just make one request that you ensure that all of our public servants, police, fire and rescue in uniform get free coffee. Your south... your stores on Route 3 and Butler Road are really good at that. I did a police ride along. But the store on Eustace on 610 did not and I was appalled. But they didn't when I was there. So just make sure, because I want this to be a draw for our fire, rescue and police to make it out to Rock Hill more often. So if you could just make it very clear to your staff. Okay. Alright, everybody ready to vote? Alright, tally the vote. Alright, motion carries 7-0. Thank you. Alright, moving on to items 3 and 4, which are items number 1 and 2 on the agenda, the reclassification at Vistas at Ferry Farm and the Conditional Use Permit Vistas at Ferry Farm. And for this we recognize Mr. Mike Zuraf.

1. RC18152428; Reclassification - Vistas at Ferry Farm
2. CUP18152429; Conditional Use Permit - Vistas at Ferry Farm

Mr. Zuraf: If I could have the computer please. Good evening Madam Chairman and members of the Planning Commission, Mike Zuraf, the Planning and Zoning Department. This is a continued public hearing for the project known as Vistas at Ferry Farm, it's a combination of zoning reclassification and conditional use permit and I'll review both application requests. So, and also part of this I'm gonna go over since it's a continued public hearing, I'm gonna go over some of the same information from the original public hearing. So this is a request to reclassify the property from A-1, Agricultural to the R-5, Age-Restricted Housing Zoning District to develop up to 170 age-restricted, multi-family dwelling units. Under the straight rezoning, that actually would permit only 106 age-restricted units, but the, the additional application, the conditional use permit application would allow an increased residential density of up to 24 units an acre and that would allow the full 170 units that are being requested. The applicant is Doug Janney, Charlie Payne is the agent, and this is in the George Washington District. The original public hearing for this case was held on July 10 and deferred to address concerns raised at that time. This is the location in the zoning map, there are five properties, five parcels subject to the application identified in the blue outline. The overall area covers 7.1 acres, the property is located on the south side of Kings Highway and the north side of Naomi Road. The sites partially wooded, you have Claiborne Run located to the south of the property, the light blue line. There's also a 100 year flood plain associated with Claiborne Run located on a portion of the site. The topography slopes downward from Kings Highway to Naomi Road and there are some pocket wetlands located on the site as well. There are eight single family dwellings located on the site off of Naomi Road. The exact age of the structures are unknown, they're older dwellings and some of the units are occupied and some are not. Other nearby uses include single family residential dwellings along Naomi Road to the south west and townhouse dwellings farther to the south off of Dairy Lane. This is the general development plan, it depicts the layout of the proposed age-restricted, multi-family units. Just a brief summary of the plan, there's a, the primary access to the development is via two entrance points off of Naomi Road, there would be no access directly off of Kings Highway due to the grade differences. The development includes two three story buildings, those are shaded in orange. The proposed 170 dwelling units are equivalent to a density of 23.9 units per acre. As mentioned the concurrent conditional use permit would be required to allow up to that many units. To achieve this density on this site the applicant's proposing underground parking. The three story building height is the

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maximum permitted in the R-5 zoning district. Given the sloping conditions of the site the building will be terraced into the hill and the underground parking will be exposed on the southern side, or Naomi Road side, of the site. Amenities include a pool and clubhouse located generally in between the two buildings. There are new changes to the plan since the initial public hearing. The applicant added a second vehicle access point to the underground parking. That's to the east building in the location of the red circle. And also added a potential alignment to the Belmont Ferry Farm Trail across the frontage of the site, that's the grey shaded line located along Naomi Road. At the last meeting the Commission had a few questions, they questioned if there were any other multi-family residential developments in the County with similar development density. Staff did identify one similar one, the Aquia 15 Apartments in the Town Center at Aquia off of Route 1 up by Garrisonville Road. The apartments, they're on a seven point eight acre portion of a larger 35 acre mixed use development. The project includes 256 apartment units in several four story buildings, there's surface parking in this complex. The immediate 7.8 acre area has a development density of 33 dwelling units per acre. When you account for the larger complex and development complex on the 35 acres, those apartments would equate to seven point three dwelling units per acre density. Staff did realize...

Mr. Bain: Excuse me, Mike?

Mr. Zuraf: Yes.

Mr. Bain: The parking for those apartments, is that going to rely on some of the adjacent parking of the town center then? Because that doesn't look nearly enough... parking.

Mr. Zuraf: No, they had to provide all the required parking and they do provide it.

Mr. Bain: Okay, within the complex?

Mr. Zuraf: Yes.

Mr. Bain: Alright.

Mr. Zuraf: We did also realize another project, the Gardens at Stafford, that is an age-restricted apartment complex, it's out by Mountain View High School and that's on property that was zoned R-3, and that was kind of associated with an overall private partnership development that allowed for the development or the construction of the two schools out there, and that apartment complex is on a 5.1 acre portion of that overall site. They have 150 dwelling units so when you look at that immediate development area that's 29 dwelling units per acre, but when that project in they had counted for the larger overall site. The Commission also requested staff provide more background regarding vehicle trip generation for the age-restricted housing to determine if the traffic counts for residents who may still be working in these independent units are accounted for as opposed to projects that might have more retired occupants. In addition they asked if there were any kind of VDOT studies that evaluated traffic generation from age-restricted communities that might help. In looking at the Institute of Transportation Engineers Manual, what we refer to as the ITE Manual that includes different categories of age-restricted housing types from independent housing to assisted living. The proposed use utilizes senior adult housing attached land use category in estimating the number of trips. Staff does believe the applicant used the appropriate use category. We also talked to VDOT about that and they also felt that that was an appropriate use and that the rates that are included in the ITE Manual are appropriate. Also, we did talk to VDOT staff about any studies, they were not aware of any special studies for age-restricted housing. There was one other similar project where the applicant for the

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Villages at Greenbank, the recent rezoning, they did evaluate the traffic generation from the existing Celebrate at Del Webb development to provide a comparison to the ITE Manual and as part of their traffic analysis they found that the peak hour rates were actually a little bit, slightly below the rates cited in the ITE Manual. Just a quick summary as we were going over this at the last meeting, the applicant's proposing several proffers: that the development would be as depicted in the general development plan, limit the overall number of units to 170 age-restricted multi-family units, architectural design would be in accordance with renderings that they've provided, require specific building materials to ensure fire safety, require cash contributions of \$490 per unit and that's specifically for public safety, require covenants to ensure units are all age-restricted, and require the construction of the clubhouse and swimming pool amenities on the site, limit vehicle access to two entrances off of Naomi Road, establish the maximum building height of three stories, also requiring coordination with VDOT that they need to do to acquire additional right of way to make this project a reality. They did include some new proposed proffers that includes requiring the construction of a portion of the Belmont Ferry Farm Trail across the frontage of the site as I outlined, also allowing the applicant to convert multi-family residential units to condominium units at any time, also limiting the number of vehicles allowed per residential unit to two vehicles per unit, and then also limiting occupancy to no more than two persons residing in any one bedroom unit and no more than three persons residing in any two bedroom unit at any one time. Regarding those last two proffers that I've highlighted in yellow, staff does not recommend the County accept these proffers, they would be difficult for the County to enforce. Also, because of that the presence of the proffers may create unrealistic expectations for residents in the area or in the community or the public in general. In addition, what we didn't include in the staff report, staff was also made aware that the last proffer may be in conflict with the State Code. There's a provision that allows an owner or manager of properties of a dwelling unit to restrict the maximum number of occupants to two persons per bedroom. So, this proffer would, would actually be below that on an average basis.

Mr. Boswell: Mike I have a question for you, if I may. Speaking of the second item, allowing the applicant to convert multi-family residential units to condominium units, based on the laws and standards we have in Stafford County, how would that affect maintaining a property, keeping with any restrictions we have would there be any adverse or positive effects on how the property would be maintained and would the HOA go away? I'm trying to figure out how would that affect the property itself maintenance wise.

Mr. Zuraf: In either situation there's... in my understanding, there's a requirement that they have to have, a property, you know, property maintenance and some sort of management or condo association depending on the specific situation and set up.

Mr. Boswell: Okay, so would this be all units convert to condominiums at the same time or would it be just a handful here and there converting from residential units to condos so we'd have a mix?

Mr. Zuraf: I'd have to defer to the applicant how that might typically work. My guess is it would be done all at once but I don't know, they could probably speak to that a little better, as to how that typically might occur.

Mr. Boswell: Okay, thank you.

Mr. Zuraf: So just touching on the conditional use permit portion of this project, again it's a use permit to increase the residential density up from 15 to 24 units per acre. This again allows an increase of overall units from 106 to 170. The main intent of the use permit, or requiring a use permit for

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increased residential density is to ensure the development occurs in a manner that minimizes negative impacts on residents that are in or adjacent to the site. So, this use permit would allow 64 additional dwelling units in the project. The greatest potential off site impact would be the adjacent, to the adjacent single family residences off of Naomi Road. Staff does note that the shape and conditions of the site require the structures be located to the eastern end of the site oriented more away from the single family residences. This should limit somewhat the visual impacts. Staff notes three story buildings are consistent with the height of other apartment buildings in Stafford and could be permitted without the use permit. As noted the apartments are not permitted to be taller than three stories. Also, several conditions are being recommended to address fire safety which would be reviewed in the proposed conditions. Here are the proposed conditions: you'd have the max limit of number of units, also providing and maintaining an FPA13 commercial fire sprinkler system and stand pipe system for fire protection in all the multi-story buildings, at least one elevator with emergency power basically having a generator provided in each of the buildings, having only non-combustible exterior wall materials around at least the entire first level above grade on each of the buildings, so having stone or brick as opposed to some sort of siding or material that might be more combustible, also an emergency evacuation response plan being prepared and maintained at the complex. So, overall evaluation, kind of reviewed this at the last meeting, there are many positives, it's generally consistent with the land use recommendations in the Comp Plan, except for the issue of the overall land use intensity. There's mitigation of public safety impacts through cash contributions that are considered reasonable. It's consistent with infrastructure phasing policies in the Comp Plan, related to schools, parks, libraries, and transportation. Site design should minimize visual impacts on nearby lower intensity residential uses. The project is designed in a manner to minimize impacts to sensitive environmental resources, the building design is consistent with the architectural design recommendations of the Comp Plan. Also the proposed conditions would help to ensure negative impacts are mitigated. A new positive is that they'd... the proffers would now... on the project would contribute to the potential alignment of the Belmont-Ferry Farm Trail through this area. Negative aspects, the development intensity does exceed maximum density recommendations in the Comp Plan. Proposal is inconsistent with the Comp Plan policies regarding the Dam Break Inundation Zones which discourages development in those zones, it's inconsistent with infrastructure phasing policies related to general government service deficits. Overall staff is generally supportive of both the reclassification and the conditional use permit. There are several positive aspects of the proposal and although the project is in conflict with some of the Comp Plan recommendations, the conditions of the site and surrounding area serve to mitigate the negative impacts. For the conditional use permit, staff support is subject to approval of the zoning reclassification first and that concludes my presentation.

Ms. Vanuch: Thank you Mr. Zuraf, any questions to my left. Mr. Apicella? Oh. Mr. Bain? I thought I saw your green light on that's why...

Mr. Apicella: I have several questions, so you sure you don't wanna go AI? Do you have a picture of the apartment complex in your slide deck?

Mr. Zuraf: Yes.

Mr. Apicella: Okay. Probably should have lead with this question, where do the proffers limit the number of bedroom types?

Mr. Zuraf: Bedroom types?

Mr. Apicella: Right, one bedroom, two bedroom, three bedroom..

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Mr. Zuraf: There are no limitations.

Mr. Apicella: So they could have four bedrooms per apartment in the absence of a proffer limiting it.

Mr. Zuraf: I supposed they could.

Mr. Apicella: Okay, what's the maximum for these apartment structures?

Mr. Zuraf: The... there's no maximum height within the R-5 zoning district...

Mr. Apicella: I'm not asking about the... I'm saying this apartment complex, what is the height of this apartment complex?

Mr. Zuraf: So yeah, the general development plan mentioned 55 feet, I talked to the applicant about that measurement and that number, as it relates to you know you have a, this, it... one side of the building would basically you'd see three stories and then the other side where it goes downhill, the backside, you'd have basically, you'd see the three stories and then a lower level. The side, the side facing Kings Highway, Route 3, you'd see the three stories, that's gonna be approximately 45 feet, according to the applicant. This side that you see, like in this top image, where there's the three stories and then the lower underground parking, where you have kind of four levels, that backside is gonna be approximately 55 feet.

Mr. Apicella: You call a below level parking, I call below structure, underground parking, I call below structure parking, because as I see it, it's above grade, the whole parking area, that level is above grade. Am I correct or incorrect?

Mr. Zuraf: You're not totally incorrect, it's a... one side it is above grade and the other, on the north side it's below grade.

Mr. Apicella: Okay, so this below structure parking was not in the original R-5 concept proposed by the applicant in 2017, is that correct?

Mr. Zuraf: I don't recall if it was or was not.

Mr. Apicella: Yeah, I've looked at the packages, one of the reasons why I asked to see when this came up to the Planning Commission and the Board of Supervisors back in 2017, so there was no underground or below structure parking proposed back then. It does appear when I look at the picture in front of me that it adds another level to the structure, am I incorrect? Regardless of whether we, we can debate as we talk further whether it's a story or not, it does seem to add another level to the structure.

Mr. Zuraf: It adds another level.

Mr. Apicella: Why is it being included now? Why is it necessary?

Mr. Zuraf: I think it's gonna be necessary to provide the amount of parking that would be required to obtain, and also to get to the density that they're seeking, the number of units they're seeking, they need to provide a certain amount of parking and to do so the way they're accommodating the parking is going below grade, below the structure.

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Mr. Apicella: And, more than 50% of that parking is actually gonna be under the building, is that correct?

Mr. Zuraf: Yes.

Mr. Apicella: Do you have the County Code in front of you, can you read the definition of a story to me?

Mr. Zuraf: A story is that portion of a building other than a basement included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, the space between the floor and the ceiling above it.

Mr. Apicella: Would you agree that this parking area is not a basement? I mean you could read the definition of a basement, it's in the code as well I've looked at it.

Mr. Zuraf: Okay basement, I'm gonna go ahead and read it, the space within a building and located partially underground having one half or more of its floor to ceiling height above the average adjoining grade of the building of which it is apart and with the floor to ceiling height of 78 inches or more.

Mr. Apicella: Okay, but even under a layman's perspective, or if we looked in the Webster's Dictionary, one wouldn't consider where you park your car to be a basement, is that a fair or an accurate description of what a basement is compared to parking area?

Mr. Zuraf: I think I'd have to look into the overall issue and I thought about that and....

Mr. Apicella: I actually think it's kind of important and so the reason I'm asking is because given the definition, and I've also looked at the definition of a parking garage which is really temporary parking where cars aren't parked there, you know 24/7 or throughout the week, you can read that definition as well, but I don't think that's really an issue here. So given the definition of a story, and I don't mean a children's story but a story in terms of a building as it's defined in the County Code, why is an entire level of this building that has an end floor and a ceiling not considered a story under the county's definition of a story?

Mr. Zuraf: My understanding is the area where the dwelling units are gonna be at, located, would be considered the three stories and this...

Mr. Apicella: So let me give you a hypothetical, what if they decide to skinny this building down and have three parking levels below the apartments, that would, I mean that would bring the building up to what, 70, 80 feet... potentially? So you could have as many parking levels as you want and still not be considered a story based on what may be the interpretation the county is considering at this point and time, is that fair to say?

Mr. Zuraf: You could.

Mr. Apicella: Is there anything like this in Stafford County where you have a building, a residential building, with all the parking, not all the parking but a significant amount of the parking below the structure? And I'm not talking about a house, I'm talking about an apartment complex. Do we have any apartment complexes in Stafford where this same situation exists?

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Mr. Zuraf: There's a, the apartments in Celebrate Virginia, they do have parking below the structure. It's not the same format as this, it's not common parking spaces all in one, with one travel aisle, there set up are, involves separate parking garages that are underneath the structure and then they... and then from those parking... from those parking garage stalls then there's direct access to the specific units.

Mr. Apicella: Right, but it is a very, in my opinion, a very dissimilar set of circumstances, when you compare the... and I don't know that those apartments necessarily add a story maximum, at least a three story maximum, is that...

Mr. Zuraf: I'd have to go to that, look at that zoning district and they may be more associated with a building height requirement, but I'd have to check.

Mr. Apicella: Madam Chairman, I have more questions but I don't wanna dominate the conversation if someone else wants to step in.

Ms. Vanuch: Okay, so I would say can we take a quick hiatus from these questions because I know we have someone from the Fire Marshal's office here that we requested and I know he probably wants to get home to his family, so if we want to address any fire and rescue questions then I'm gonna ask him to come up at this time and that way we can ask him whatever questions we have for him. Thank you Mr. Zuraf and then we'll probably bring you back up. Come on down. It's Mr. Milliken?

Mr. Milliken: Yes.

Ms. Vanuch: Okay.

Mr. Milliken: Madam Chair, members of the Commission, Andrew Milliken, Fire Protection Engineer. I'm happy to answer any questions you guys have.

Ms. Vanuch: Mr. Bain?

Mr. Bain: Yes sir. The height of buildings, if a fire were to occur on that third floor or fourth floor, would your equipment have any difficulty reaching that height from the adjoining driveway?

Mr. Milliken: No, that... the height that was being discussed here is well within the capabilities of the apparatus. It is also important to note that they are proposing to provide a stand pipe system which is similar to the hose system that can be utilized to fight the fire from within the inside of the building like we would do in a high rise scenario for multi-story.

Mr. Bain: Suppose, just out of dreaming about this or having a nightmare, suppose the fire started in the parking garage, automobile fire, some sort of gas explosions, etcetera, moved on up into the building, would the access to those stand pipes be blocked?

Mr. Milliken: They... well, can't speak directly to your hypothetical but in general the stand pipes would be available in the parking garage as well as those upper floors, so those resources would be available as well as the fire sprinklers that would be above as well as in the parking garage area.

Mr. Bain: My understanding about stand pipes is that they're generally dry, is that true?

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Mr. Milliken: There's a variety of different styles, in this case we would probably, more than likely these would be a wet stand pipe which would have the water readily available.

Mr. Bain: Alright, that's good.

Ms. Vanuch: Where's your closest fire ladder apparatus?

Mr. Milliken: For this location, often we will have mutual aid assistance from the City of Fredericksburg so that is more than likely the closest apparatus. We also have an aerial apparatus at the Berea station, which is not the closest fire station to this location but it's further on down 17.

Ms. Vanuch: And can you remind me if that's staffed volunteer or is that...

Mr. Milliken: That is a career, primarily career station.

Mr. English: But that might become an issue too, when they start working Chatham Bridge, right?

Mr. Milliken: Certainly, absolutely.

Mr. English: Yup, thank you.

Ms. Vanuch: And you know work taking a ladder truck up north.

Mr. Bain: That work would probably be finished before the apartments are occupied.

Ms. Vanuch: Is VDOT doing, because probably not.

Mr. Bain: That's true. Another scenario that occurred to me, hurricane hits, Naomi Road floods, both of the access driveways for this site are within the flood plain boundaries, would your equipment be able to float down the road and then climb up out of the water?

Ms. Vanuch: I didn't know you guys had Humvees, I didn't see those.

Mr. Bain: How would you, how would you...

Mr. Milliken: So we do have resources available for emergencies and flooding situations, conditions, I think I can point to two different components. One is that we also have existing infrastructure in that vicinity of the nursing home that would be of concern if that was the situation so we would have heightened reason to be involved with making sure that we have access not only to this site but also to that resource. But I think primarily that was the reason that we had recommended that they have an emergency plan in place that is a condition as one of those items on the conditional use permit, so that they are able to be self-sustaining for 72 hours. We hope that that would not be the case but that is something that's specifically in the conditional use permit.

Ms. Vanuch: Mr. Apicella, did you have a question.

Mr. Apicella: I do Madam Chairman. I'm not sure Andrew if you can speak to these, but I'm hoping you can. So when the Board approved the new R-5 Zoning District in 2017, two weeks later they clearly indicated they wanted to adopt design standards specifically for senior apartments and

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presumably part of the reason for doing that is because they wanted to address safety issues, and safety issues go beyond to say a fire in my opinion, so have any standards been adopted in relation to senior apartments as far as you know?

Mr. Milliken: I am not aware, I could defer to other county staff if they were aware of anything.

Mr. Apicella: Okay, that notwithstanding, from your experience or your knowledge about the differences between a regular family style apartment and a senior apartment or senior living situation, where obviously you have older folks and one of the primary incidents that happens to older folks is falls. And I think I read in the previous information when this item was considered back in 2017 that while seniors make up 13 % of the population, 30% of the fire and rescue calls are from seniors and a lot of that is because of falls. So, is it fair to say that there are other things that one might need to put into a senior style apartment complex, again where you can't restrict the maximum age, starts at 55 it could get to 75, 85, or older, such things as wider hallways for walkers and wheelchairs and scooters? My dad had a scooter and I gotta tell you, it didn't work very well in the house that they had originally built, also anti slip and fall features such as grab bars and walk in showers or tubs, are those, I don't know everything that needs to be considered, because again to my knowledge we did not develop those standards for senior apartments despite being given that direction from the Board of Supervisors and it was this specific proposal that triggered the call for that, those regulations.

Mr. Milliken: Sure, yeah I am not aware of any current regulations to that effect, certainly you know, taking a look at those hazards, you know, could be, is certainly important. We, from the fire and rescue department did not provide any specifics to that degree or to that level, talking about slips and falls or grab bars, things of that nature. Those are items that would be regulated by the building code, however that's not to say that they would be required of this particular project. In fact, a project such as this that's restricted to 55 and over, from a building code perspective, for the most part meets the standard requirements that would be required of any apartment complex. It does not have a significant amount of increased standards so... I don't know if that answers your question or not.

Mr. Apicella: I think there is a difference but this is one of those situations where I, I think we don't know what we don't know because we haven't been fully informed about what unique sets of circumstances or measures need to be put in place to mitigate the kind of things that could happen in a senior life situation. By my count there could be as many as 250 people per apartment building and the way I came up with that number is, there are 43 one bedrooms with up to two people and 42 two bedrooms which could have up to four people notwithstanding the proffer that was mentioned and now I understand that there is no proffer that limits the number of bedrooms so it could be even more but my real concern is you've got 250 people in an apartment complex where there might be a hazard situation and there's only one required elevator. If you've got a bunch of 70 year olds in an apartment building, is one elevator gonna be enough?

Mr. Milliken: That requirement regarding the elevators, or how many elevators would be required is something that's regulated by the building code, by the Building Official.

Mr. Apicella: So it makes no distinction between regular style apartments and senior apartments?

Mr. Milliken: There, there...

Mr. Apicella: Yeah, I think older folks are gonna be a little less mobile and not able to walk down three flights of stairs necessarily in a situation like that, plus it's gonna be kind of a scary situation

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so... you know if everybody's kind of running out, trying to make their way out of the building, again I'm concerned whether one elevator is really sufficient.

Mr. Milliken: That certainly is, I mean, I can just speak to...

Mr. Apicella: Hey, I'm a senior now too.

Mr. Milliken: As far as adequacy, I mean, the building code, the requirements that we enforce, kind of speak to those minimum levels, there's always an opportunity to ask for above that and to provide that if necessary.

Mr. Apicella: Okay, thanks, thanks for being here tonight, I appreciate it.

Mr. Milliken: Yup.

Ms. Vanuch: I just have one last question, in your opinion is Fire and Rescue fully staffed and capable of handling 170 more additional units down there and not increasing call time and ISO ratings.

Mr. Milliken: Certainly that, any development including this one, would have impact to that and we are not fully staffed 100% of the time, you see that in our monthly reports.

Ms. Vanuch: Okay.

Mr. Milliken: We do the best we very can with what we have.

Ms. Vanuch: Thank you, appreciate it.

Mr. Milliken: Alright, thanks.

Ms. Vanuch: Alright. Mr. Apicella, I know you have more questions for Mr. Zuraf.

Mr. Apicella: I do, I apologize.

Ms. Vanuch: Okay.

Mr. Apicella: Mike, I think you're prepped for this but what's the zoning for the town houses at Shaw Court, I don't remember the exact name of that town house development. Chatham?

Mr. Zuraf: You're referring to Shaw Court neighborhood?

Mr. Apicella: Yes.

Mr. Zuraf: Yeah, the zoning is R-2.

Mr. Apicella: And how many town house units are there.

Mr. Zuraf: There are 72.

Mr. Apicella: And what's the density at Shaw Court?

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Mr. Zuraf: That is 3.4 dwelling units per acre.

Mr. Apicella: Okay is there anything like this proposed apartment complex anywhere nearby that town home development?

Mr. Zuraf: Not in Stafford.

Mr. Apicella: Okay, and at 15 units per acre that would be roughly four and a half times the density of the Chatham town houses is that right?

Mr. Zuraf: Right.

Mr. Apicella: And at 24 units it would be seven times the density at Shaw Court?

Mr. Zuraf: Yes.

Mr. Apicella: You mentioned the Aquia 15 apartments as a comparable; I've got a picture of it here. It's a four story apartment complex; do you know what the height is?

Mr. Zuraf: Yeah, the height of that is... that is 56 feet.

Mr. Apicella: So, this at its max is 55 feet, so at their maxes they're roughly comparable in size, 4-story versus what is so called a 3-story in this case.

Mr. Zuraf: Yes.

Mr. Apicella: And the Aquia 15, that's part of a mixed use development, right?

Mr. Zuraf: Correct.

Mr. Apicella: And there are no mixed use developments near the Vista property, right?

Mr. Zuraf: Right.

Mr. Apicella: And it's also not part of a TGA.

Mr. Zuraf: Correct.

Mr. Apicella: Do we know why the Board decided to limit the number of stories to three for R-5 developments?

Mr. Zuraf: That is just consistent I think with the, my understanding is it's consistent with the Comp Plan recommendation in suburban areas that their not be more than, buildings not be more than three stories tall.

Mr. Apicella: Okay, and what's your sense of the average size of a three story apartment building?

Mr. Zuraf: I think, you know it's gonna more so likely, you know if you had a level, perfect site it would be more like 45 feet in height.

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Mr. Apicella: Okay, could the applicant pursue a lower level of multi-family development on this seven acre parcel?

Mr. Zuraf: They could.

Mr. Apicella: So if they did R-3 for example they could have gotten roughly speaking 49 development units?

Mr. Zuraf: Yes, yes,

Mr. Apicella: Okay and how about commercial rezoning on that particular parcel? I mean there are some other commercial areas close by right?

Mr. Zuraf: Yeah, they could pursue that.

Mr. Apicella: So I'm just gonna ask one last kind of catchall question, sorry, from your perspective given your vast experience here Mike, and knowing what you know about this site itself and I have to use this term, it's got some warts and hairs, it requires several retaining walls right? I think part of the property would be very difficult to build on, is it an optimal site for a senior citizen apartment complex given its location, topography, and other issues such as distance to the closest grocery store, which I think is the Walmart probably a mile or so away, not within walking distance.

Mr. Zuraf: Sure, there's... yes, there's definitely some site challenges with you know the topography but you know the applicant is still gonna have to you know provide the parking, you know make it work with, by by, with the use of the retaining walls and the, as far as the proximity you know, there is you know a trail network coming through that will provide with the future improvements to the Chatham bridge there may be much more pedestrian access to get people down, to downtown Fredericksburg which has a lot of you know shops and restaurants and the grocery store is not that far away either to where the Walmart is.

Mr. Apicella: At 55 I wouldn't want to walk from there to the Walmart...

Mr. Zuraf: Well, I'm not suggesting somebody would walk there, just as far as...

Mr. Apicella: To go back to the notion, it's not a mixed use development, there's no grocery store on site, it's not part of a TGA, it's its own apartment complex unto itself so...

Mr. Zuraf: And again, this is independent senior living so the intent is that the residents here are still mobile, they're you know, some are working, they're driving, so it's not like assisted living where...

Ms. Vanuch: Unlike the ones off Route 17 though. I'm sorry, was that too...

Mr. Apicella: Thank you.

Ms. Vanuch: Alright, thank you, anybody else? I think we're good, yeah, thank you.

Mr. Zuraf: Okay.

Ms. Vanuch: At this point does the applicant want to come up and address the Planning Commission?

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Mr. Payne: Thank you Madam Chair and other members of the Planning Commission. Charlie Payne, I represent the applicant. Commissioner Apicella, I think you have used all of your questions for the rest of the year.

Ms. Vanuch: It's almost December.

Mr. Payne: As always though, I appreciate your input. I appreciate always the Planning Commission's input. So let's kind of start with the big picture why there is a need for senior housing and certainly a need in this particular area of the county. This is not a big development. I know it's big for purposes of folks who have been there, I guess, for a while. I know Chatham's Landing was built in the early 90's. But this is an investment in a... in this particular part of that bottom, in a fairly blighted area and there is a need for senior housing. So the number of units... the greater the number of units the better quality that you can provide, as a facility. I did hear that someone thought the rents were \$1,100 or something. No the rents are \$1,500 for one bedroom and \$1,800 for two. So there's only two sets of bedrooms, one and two. We are certainly happy to proffer that and right now we have them just evenly split at preliminary planning. Public safety and then I want to also just kind of get into the proffers and why we changed them the way we did, and I appreciate the Fire Marshall being here. In fact, the Fire Marshall and my client, and the architect, and the civil engineer and staff met before, well before an application was filed. So we did that to make sure that the Fire Marshall was comfortable with what we were proposing. So, yeah, I know Mr. Apicella doesn't perhaps the building code, but the building code is the building code. And we are following the building code requirements. Same with the Ordinance, (inaudible) be too excited about how the ordinance ended up, and the fact that they didn't have any additional design standards for the facilities, we are following the ordinance. We are not trying get or be cute and we are not trying to get around anything, we are following the requirements of Stafford County as passed. So, it's something I understand the County, the Board of Supervisor encouraging is senior housing. So my client obviously being part of that process, wanted to bring this project to this part of the county. And let me just say this, tourism has been a huge, huge economic development goal for the County. That trail is a big part of that. Having residents to be able to access that trail to go to Ferry Farm or Belmont is a deal and/or into the City. Chatham Bridge is also... when it's redone is one of the main thrusts behind Chatham Bridge improvement is pedestrian access. So all of those things were kind of coming together to make a lot of sense for why this project is being proposed. That's sort of big picture. Also part of that process is you know, how to you guarantee that you are going to have nice amenities on site. Well you've got to have more units and you've got to be able to charge rents that are sufficient enough to pay for them. So it's going to be a nice club house, it's going to be a nice pool and parking. We are over parked, we have 235 parking spaces, we are only required to have one per unit, so we are over parked about 40%. And yeah, on both buildings there's underground parking. It's an amenity, it's a public safety issue as well for seniors, they don't have to get out of their car, they don't have to worry about bad weather and can go directly into the units, into the elevator to get to the units. So, that's a quality piece as much as it is safety piece. And it is allowed, we can do it. It's allowed under the ordinance. So, I know there are some questions about how the stories are measured etcetera. Again, following the ordinance, not trying to be cute here. For the purposes of the proffers, and appreciate staff's input on those, we heard the Planning Commission clearly concerned about how many people may live in the units, how many cars may be driven, so we wanted to limit the number of cars. We are going to limit the number of cars to two per unit. We can do that, in the proffers we can do that and in our restrictive covenants. And then also we wanted to limit the number of people. We don't think... even in a two bedroom that you are going to have four people living there, we think you are going to have two people living there and their families will come visit, their kids will come visit, their grandkids will come visit and they will stay in the other bedroom. We don't foresee kids moving back in with their 60 to 70 year old parents, we just don't foresee that at

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all. And I don't think their parents want to foresee it, which is why they shrunk their footprint, not widened it, right. Shrinking means go away, widening means come visit. So we said let's limit the occupants. And thank you to the County Attorney's office, I learned something today I didn't realize, you couldn't get below a certain number. So, we will follow the law on that regard as well. The trail, which is something that was encouraged for us to provide by the Planning Commission and County staff, we are providing, that's a 500 thousand dollar savings to the county, so that's not small change, that's an important link to the trail as well, so we've proffered that. We have also proffered cash, obviously for our impacts to public safety. Which our analysis was done and agreed by staff, and of course staff also recommended approval for this. So questioning whether or not this is an appropriate place for this development, staff has already made that determination that it is. What else... what else came up here? Just looking at my notes here so forgive me.

Mr. English: What about the elevators Mr. Payne? There's only one elevator for that building.

Mr. Payne: That's right, that is how it's designed right now. And again that is in accordance with the ordinance and building code requirements.

Mr. English: Okay.

Mr. Payne: The height, I think there has been some questions about height, so we've got a transition grade. If you have been to the site you'll notice that it slopes pretty quickly from Route 3 to Naomi Road, so the transition grade drives a lot of that. So, the buildings closer to Route 3 are taller than the ones that are on Naomi Road. So that's the reason for that. But, they are three stories, some of 55 and them some are 45. So that's how that's transitioned. Traffic... traffic questions, again we used the VDOT ITE numbers, this is a mini... because this is only 170 units and generates less than 1,000 trips per day, we are not required to do a TIA but we did do a memorandum on the traffic analysis which basically showed 25 new trips in the morning and 36 in the evening. We don't anticipate a lot of folks working there, it doesn't mean they won't. Since 55 is the minimum age in which you can live there, I am sure some folks may continue to work. We don't see many 55 year olds living there, we see that the average age would probably be anywhere from 65 and 75.

Mr. McPherson: Mr. Payne.

Mr. Payne: Yes.

Mr. McPherson: I am sorry to interrupt you. I would like to bring this up, this has been kinda bothering me for a little bit. I have heard several references to senior living. It is my understanding, and please correct me if I am wrong, that you only need one person age 55 or older to live there and nobody under the age of 18 can live there. So, theoretically you could have a single parent with two college age kids living in one of these apartments. So, how does that classify as senior living? I think that is maybe inaccurate way to classify this.

Mr. Payne: Its age restricted and that's...

Mr. McPherson: That's not senior, there's differences.

Mr. Payne: Okay, well it's age restricted and that's very consistent with senior living. I won't get into the nuisances of it. But the reality is that's codified, that is what State Law... that is how State Law defines. I think the balance there is you have got to be careful, but if you are a housing act about trying

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to limit what that age is higher than 55. So that's why it's at that level. Certainly again, the way this is being designed, the way we envision the covenants for this project, the way we are looking to market people to this site, we don't want to market families, we don't market kids there, that's not going to be the goal. For the conversion for condos, for example, we want that flexibility. Today we can't do condos, you will never get it finances without being able to sell over half of them, that's just not going to happen. If you are familiar, what will happen in Liberty Place in the City of Fredericksburg they had a condo model as well and could not sell them. So it's really difficult to sell them up front. So, the plan is let's start with multi-family leasing and then if the market changes let's convert them to condos. They would be converted all at one time. That conversion would then create a condo association, which is required by Virginia Law, which would then address maintenance and shared cost and all those kind of things. From the beginning we will have a management company that will manage it and they will enforce the restrictive covenants, they will govern pretty much who is living there. From my experience in dealing with these type of housing units, the people who live there actually do a heck of a job of governing what happens on site, so I don't know if that answered your question but I appreciate it, it you know, technically you're correct, but in reality it doesn't always, it doesn't happen that way. Sometimes it does, I'm sure there's exceptions but... we're just following what the state code says the minimum age is. Okay. I think that covered most of the questions, did I miss anything Mr. Apicella, did I miss anything that you had asked, I want to make sure.

Ms. Vanuch: I think we're good and then we'll bring up the public and then we can, we have another bite at the apple after. Let's wait, let's do the public. I know I see a lot of them and they really wanna talk so, okay. Alright, thank you Mr. Payne.

Mr. Payne: Thank you.

Ms. Vanuch: Okay, so at this point we're gonna go ahead and open up the public hearing, thank you guys for waiting two hours, patiently, some of you I know are chomping at the bit, so when you come down to the podium please state your name, address, and the district that you reside which I'm sure most of you are from George Washington. When the green light comes on, you have three minutes to speak, when the yellow light comes on you have one minute, when the red light comes on please conclude your comments and just a reminder we can't answer your questions back and forth while you're at the podium but we can address them all after you're finished. Go ahead.

Ms. Moon: Okay, my name is Amanda Moon, I reside in the George Washington district. Since Mr. Payne had a copy of both my questions he very aptly and you very aptly asked a lot of the questions that we are quite concerned about. Some of the things that he brought up though, one of the things that we are concerned about is Naomi Road is a, is your typical rural road, it is without shoulders, without left turn lanes, has minimal markings, is downhill run that makes a sharp turn under the train bridge, that provides a narrow lane for each direction...

Ms. Vanuch: Really quickly, can you just pull the mic a little closer? There we go.

Ms. Moon: Okay. Alright and it is in no way pedestrian or traffic friendly. Adding a minimum of 170 cars will even make it less so. I appreciate the fact that they're talking about putting the trail through there, sorry to bring up a sore subject, but the thing of it is, is that trail can't go under the bridge, it's not approved to go to Ferry Farm so what is it gonna do, it's gonna dump out right there at the end of Dairy Road. At the end of Dairy Road it's a clear shot to our playground and our common area which we really do not want to be mistaken for a park for trail walkers to be able to come in and be able to use that area, you know it's it would be our responsibility of course to take care of that but it would be

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nice if it were not, you know if the trail were actually going somewhere. And it's very nice that they're talking about putting in sidewalks but I noticed on their plan that the sidewalks don't connect to anything. So they don't go up and connect to the bridge. And they can't go underneath the trail, the railroad bridge because there's not room there. And now they're talking about you know there's two entrances on there, so this becomes a bigger issue since there's no clear plan for the future of the bridge. So, I've heard, and I could be wrong, that the railroad is not going to replace it. The bridge is falling into disrepair so if it's closed or only allows for foot traffic the backups on, for traffic, at Naomi and Kings Highway will be really substantial. So I kind of feel like that there's a lot things, I really appreciate the fact that he addressed the rents, that is something that is different from what I think was said at the last meeting and our concern is the, you know the parking, because if there's not enough parking over there they're gonna try to come and park at our limited parking that we have. So, one of the other things that I find really interesting is the current statistics that I found on the Stafford County demographics website shows that there's only 16.8% of Stafford County population is over 55, 16%. I guess that, that's a huge need for senior. There was no data on how many of those owned homes or who wanted to be renters. If you don't fill these units with people that meet that challenge are you gonna turn around and try to turn it into a Section 8? Those are our big concerns, okay. And, thank you very much for bringing up the fact that it really is four stories and not three stories and when you drive down Naomi Road, which is that really narrow, twisty, turny kind of road there and you're gonna have four stories of these buildings on the right hand side, or left hand side depending on your direction, you're gonna feel like you're driving through a New York canyon. So it's you know, it's really quite a concern, so at the very least we hope that you will not add the 64 units, that you will make them owner occupied, I appreciate limiting the number of occupants, make sure that we have enough parking, improve the road, the bridge, and the stormwater plans, and assure us that it will not become Section 8. Thank you very much for your time.

Ms. Vanuch: Thank you. Anyone else like to come down and address the Commission?

Ms. Wiley: Hi, I'm Connie Wiley, I live in the Chatham Landing townhouses. I've lived there for 23 years which means that I have 23, 22 and a half more years than anybody else in this room, experience living there. I walk on Naomi Road for exercise. Adding up to 340 cars to that narrow lane is a recipe for disaster, when two cars pass each other, they have to slow down. I don't see adding all of these extra cars to that lane and having it be successful. As Amanda pointed out, the trail did, dead ends at Dairy Lane. I just don't see the point of it, but that's another story. The other thing I'm concerned about is that these are four story buildings, I don't care what you say, these are four stories high and if the code says three stories, and again I'm not very familiar with the code, but if the code says three stories than this is obviously, these buildings don't belong. I've lived there 23 years and the road has flooded three times to the point where you have to swim to get through the dip in Naomi. This is not a 100 year flood plain, it is a eight year flood plain. I just, I see that as a public safety issue, especially if the apartments are going to be occupied by elderly people. I have some other issues but I'll leave it at that, thank you.

Ms. Vanuch: Come on down.

Ms. Sable: My name is Pam Sable, I've lived there for 29 years, since it was built. I have seen many floods, there is no way to get in and out. I work for Stafford County, I've been a bus driver for almost 14 years. If they close the Jett side of Naomi, school buses cannot make a right turn onto Route 3 from Naomi. They can only come in that way, they cannot go out to the right. It floods, where they have one section of homes, if I'm not mistaken, is there not a county code that if it is in the 100 year flood plain that it has to have flow through on the bottom level? If they have it as parking and it divided for all

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that height and weight, there can't be flow through. It's in the Chesapeake watershed. There is so much runoff and erosion in that area as it is. The water has nowhere to go but flood because it cannot absorb into the soil. I'm sorry, I'm gonna call them what they are, they're sheisters. It's not for senior living, it's not for 55 and above, they're gonna turn it into a moneymaker, and it's not there. There's gonna be all the cars. You figured almost 500 units, 500 people... their parking isn't... it can't hold all them. They say one car per unit is what they're adding parking for. There's gonna be up to four people living in half of them units, they're gonna need more than one vehicle. Most of the people that are 55 and above still work, I'm 60, I'm raising my grandkids. Half of the seniors in this area have their kids and their grandkids living with them, or a good portion of them, it is so common. Make it part of what it is, but that lower part is in the 100 year flood plain and should not be built on for houses. Thank you.

Ms. Vanuch: Oh, did you state your address?

Ms. Sable: I live in Chatham Landing and it is a nice neighborhood, I don't want it ruined by what they're going to bring in.

Ms. Vanuch: Thank you.

Ms. Sable: Because that bike trail is gonna stop there, of the trail that is in Fredericksburg there is so much crime, I don't want it brought to my neighborhood. It can go a different way. I don't want the crime brought. Thank you.

Ms. Vanuch: Okay, thank you.

Ms. Purdy-Pyron: Hello my name is Valerie Purdy-Pyron. I've lived in Chatham Landing for 14 and a half years. My biggest concern with others is the amount of cars that are gonna be part of this community that they're proposing to put up. Where are these extra cars gonna go? They've made no concessions of fixing any of the roads. For a size of a construction project like this, I assume that there's gonna be lots of damage to the local roads. Plenty of people in our neighborhood still work. We leave early hours to work in DC, some of us come home late at night, Naomi Road is a dark, there's no lighting on Naomi Road. I've not seen anything in there that they're gonna put any lighting on the road, any additional sidewalks, like one of my neighbors said, she walks on that road, the other night I was coming home late at night, I didn't have my high beams on and somebody was walking in the road, I almost hit them because I didn't see them immediately. So, you know, if this plan goes through, would like to see sidewalks, some improvements to the roads, lighting on the roads, and again I just don't see where all of these cars are gonna go to. We barely have enough parking in our neighborhood, if they supposedly have two cars per unit times 170 units, that's 340, there's still 110 parking spots that they've not accounted for. I can't imagine that they have enough room to fit 110 extra parking spots somewhere in that community and like everybody else said, the flooding, I've only seen one flood in the neighborhood and for the whole entire weekend couldn't go anywhere. My husband, who is a law enforcement officer in DC, stayed and worked the whole time in DC because his little car could not get through the neighborhood. So the plans that they're saying they're gonna shore up, add retaining walls, that's gonna add a lot of stress to our neighborhood and to the already overrun creek that often goes way high to the point of almost flooding and that additional stress on that I think will definitely make it flood more than it has before, so thank you for your time.

Ms. Vanuch: Thank you. Anyone else?

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Mr. Freese: Hi my name's George Freese in the Washington District. I'm gonna try to do a little math, I'm not very good, 170 units, two cars per, 340. Only 235 parking spaces. I have three levels to my townhouse. The bottom level is my garage. I live in a three story townhouse. Three levels. Bottom story, garage, they consider it a story. They're proposing four. Everything they seem to propose seems to change and they say one thing and then they say oh well just nothing seems to be adding up very well for this. Really, we're not against the, you know, the construction and stuff, but let's keep it reasonable. The extra 70 they're asking for, it blows all the numbers of everything else kind of out of the water and I don't see how they can really sustain it and have it be you know help our property values. Thank you.

Ms. Vanuch: Thank you. Anyone else? Okay, seeing no one, Mr. Bain would you like to close the public hearing or keep it open?

Mr. Bain: Lets, let's keep it open, please.

Ms. Vanuch: Okay, so we'll keep the public hearing open. And at this point we will bring it back to the Planning Commission to ask any questions for Mr. Payne, the applicant. Yeah, I'll let you respond to their concerns first and then I think Mr. Randall has about a half a dozen for ya.

Mr. Payne: Thank you Madam Chairman, members of the Planning Commission, when you said Mr. Bain, I thought you said Mr. Payne would you like to keep it open, I was trying to sprint to the podium in time to answer your question. As always we appreciate comments from the community. We hope to be a good neighbor, a great neighbor, I want to thank that community for the upkeep and maintenance of those units that were built in the early nineties. They are very nice, so their homeowners association must be working very hard, so that's a compliment to you which attracts other investment and that's one of the reasons why were there, we think that's an area, and I heard some folks say they lived there for 29 years and 22 years and 14 years, it must be a very nice area to live in despite some of the challenges with the floods, they still live there. I also heard someone talk about the fact that their concerned about cars, cause the exercise and walk on the roads, well the trail will eliminate any sort of safety issue, public safety issue and that trail's not our idea the trail, this is a County initiative. This is a really important County initiative, where it stops I have no control of, but I do have control of building it across our property at a savings to the County tax payers. Market, I've heard a lot about the market, you guys may recall that when we came forward to expand the nursing home in Stafford County that we had an opportunity to grab some bids if you will from another planning district here, because we're one of the fastest growing, aging areas, PD-16 is in the entire Commonwealth, so I don't know about the statistics that 16.5% of folks 55 and older live in Stafford, but certainly in this area there is a growing, aging population and the one thing we want with that population to do is age in place, to not go away to be here with their families, not to go to Florida, not to go to South Carolina or wherever they may go. So, there is a market for it, we wouldn't spend 25 million dollars building, this development if there wasn't and proffering all of the quality amenities in building materials and elevations that we are proposing. Parking, we are capped at, you know, obviously you're only required, I think folks maybe misunderstood me, you're only required to have one parking space per unit, there's 170, we've showed 235 so that's 40% over what we're required to do. If there's not enough parking spaces you can't have a car, so at the end of the day it won't be any more than 235 cars on the site, so I just want to make sure that's clear. I think there's some misconceptions. This is not assisted living. This is, as we discussed earlier, a senior living, age-restricted development. These folks would be independent living, we hope they live a long time and stay there a long time, so...

Ms. Vanuch: Just a quick question on that.

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Mr. Payne: Yup.

Ms. Vanuch: So let's say that I have five kids and my mom who's 65 years old rents the apartment. Can I move in there with my five kids?

Mr. Payne: No, they can't be 18 or younger.

Ms. Vanuch: Okay, and that will be in your restricted covenants.

Mr. Payne: I can't hear you sorry, someone's talking over.

Ms. Vanuch: I said is that gonna be in your restricted covenants or what?

Mr. Payne: It's in the proffer statement, that you can't be younger than 18 to live there and...

Ms. Vanuch: And then who, who would actually enforce that?

Mr. Payne: Well the County could enforce it because it'd be a zoning issue but it would also be in our zoning, it also would be in our restrictive covenants as well. I mean, I'm not gonna buy an age-restricted facility if you don't limit the age groups that live there so it's gotta be in our covenant.

Ms. Vanuch: Mr. Harvey?

Mr. Harvey: Madam Chairman, in our zoning definition of retirement housing limits that there be no one under 18 years of age, so it would resolve that concern.

Ms. Vanuch: And so we would strip the conditional use permit if that happened? Like what would our enforcement be, like how would we enforce it?

Mr. Harvey: Under standard zoning enforcement, if we had a complaint that there was an ineligible, people living in dwelling units we would investigate, we do require people that live in a dwelling units to fill out an affidavit form verifying that there are or are not people living in the units that qualify to be there. If we found out somebody wasn't qualified to be there then we'd send a notice of violation to the property owner.

Ms. Vanuch: Is this the same thing as like if there's an unlicensed car in the middle of a yard where we have to go through that whole rigmarole of catching it and then going back and forth in the court system for a year and a half.

Mr. Harvey: Well Madam Chairman, with any zoning violation there is a due process, so in the case of a violation we would send a notice to the owner so if it's rental apartments the owner of the apartment complex would get the violation notice and more than likely they probably have an issue with their tenant. If the violation wasn't abated then we would work through the County Attorney's office to schedule it for court to get it remedied.

Ms. Vanuch: Okay.

Mr. Harvey: The owners also have the ability to appeal to the Board of Zoning Appeals any notice of violation, so that can add time to the process.

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Ms. Vanuch: So it could add two to three years.

Mr. Harvey: Well not that long but it certainly would add time to the process.

Ms. Vanuch: Well you ask some of the people in Rock Hill who have these problems...

Mr. Payne: I don't think that would be an issue because the tenant would be violating the lease agreement and the owner of the apartment complex, the managing company would be able to vacate them quick.

Mr. Randall: In addition to that, would that be the same case if you made it into a condo? Would that be the same requirement?

Mr. Payne: Absolutely.

Mr. Randall: But now you're talking about individual owners and so it definitely at that point in time could take a significantly longer period of time being that you're dealing with individual owners.

Mr. Payne: Condo association could enforce the covenants against that property owner, just like a property manager could.

Mr. Randall: Right, just like my, right, my home owners association can do the same thing but it can be delayed significantly.

Mr. Payne: You can defend, I mean you can go to court and defend yourself but I mean it's a civil case, we're not talking about the government bringing a claim against you, we're talking about private.

Mr. Randall: No, the issue that I would have is, my son and daughter pass away, and I'm now stuck... stuck's the wrong word, I'm now given the opportunity to raise my grandchildren and I'm in this apartment and so the next thing I know I'm getting a violation that says I have to move out of my apartment because now I'm forced to raise my grandchildren, I guess that would be the answer.

Ms. Vanuch: The BZA.

Mr. Randall: Or I could appeal to the BZA and if I appeal to the BZA, they would say probably no, because it violates the covenants or if it is yes, now I'm dealing with school buses, now I'm dealing with school impacts, now I'm dealing all those things. So I'm understanding that we, those would probably be the worst case scenario and the County would probably need to get involved but again as with all things we would probably have to deal with that to some extent.

Mr. Payne: The ultimate hammer is, is that the property owner who is subject to the covenants, the zoning approval, and the CUP is on the hook even though there's a violator they can't get rid of. So this County can withdraw and vacate that Cup approval. I don't have a project. I don't have an operating facility at that point. So I have every incentive to get them out.

Ms. Vanuch: Okay keep going, sorry.

Mr. Payne: I think that's it, unless, I'm happy to answer your questions.

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Ms. Vanuch: Is that it? Alright. You, you have more? Oh, okay. I can't believe it but go ahead.

Mr. Randall: Just a couple of things based on, and I, yeah... you mentioned that there was a breakeven point of good amenities requires this many units, so-so amenities gets you this many units, what is that breakeven point? You said if I wanted great, good amenities I need to have enough units to substantiate the right amount of bringing into the organization and to the association so they can provide good amenities. What is that breakeven point?

Mr. Payne: So, we haven't fully designed the project yet, and we I think we have pretty much an idea what the proffers are gonna be, what sort of in kind in cash proffers are gonna be, what those costs were. We're estimating today's construction costs on what we think to build it out, we haven't, we haven't graded it, we haven't got into any site work, we don't know what we're gonna run into. So at this point in time what were guessimating what would be profitable, not breakeven, but profitable right. We're not, we're in the for profit business, we're not, we're not trying to extract any sort of impact here other than the fact that we want to be able to develop this project in a manner where we can provide a quality return to our residents, so if we're gonna proffer our amenities which are very nice, very high quality and we're gonna include the elevations of this facility, the site is a bit challenging for development as you probably know because it does, it does have a serious slant, I mean transition. So all of those factors taken into account, where do we think it's reasonable to be, we wouldn't ask for the CUP if we didn't think we needed it.

Mr. Randall: So you're saying, you're saying at this point that if we did not allow the CUP and gave you the res- and gave you the by-right at 106 units that it would not be profitable.

Mr. Payne: It would have a significant hit on the quality part.

Mr. Randall: On the quality. You would still probably pursue it but it would just diminish the quality of the amenities?

Mr. Payne: I defer to my client on that question, it may not be 170 that we build out, it may be something less, because again we haven't finally designed this thing. But, you know 106, it doesn't make it a very viable project.

Mr. Randall: And then to your point about parking, will you, do you expect that these will be assigned per unit.

Mr. Payne: Oh yeah, absolutely.

Mr. Randall: Okay, so you'll assign one per unit and then they'll be 65 or 70 that will be open for guests?

Mr. Payne: Guests or others, right.

Mr. Randall: Or others, alright.

Mr. Payne: I mean it just encourages the units to have only one car. Or no car.

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Mr. Randall: Right, I understand that. Recognizing that the age of most of those, so if I was moving in there I would need to understand that my two car family my need to go down to a one car family to move into that location.

Mr. Payne: That's right. So I mean I heard some folks laughing, which is okay, but we're only required to have one car per unit. So we've added 40% more than that to accommodate our development.

Mr. Randall: And I'm glad you brought it up. We're gonna talk about requirements just for a minute. You mentioned that, and I guess I'm talking more about the right thing, not the requirements. I believe based on what Mr. Apicella mentioned before that we are as a County not completely ready for age-restricted housing because we don't have, we assume that the same standards that apply for a regular normal family apartment complex also apply to a senior living apartment complex. Alright, and I would, I would be adamant that those standards shouldn't even be close, that to the point that was made, we would need wider walkways, we would need wider doorways, we would need all the things that would accommodate seniors in their living environment.

Ms. Vanuch: Mr. Randall can you please wrap it up, thank you.

Mr. Randall: I'll wrap it up when my list is done.

Ms. Vanuch: C'mon.

Mr. Randall: Alright so, are we saying that there are no amenities to that level, that the applicant's willing to make for senior living senior living, 65, 75 year olds who are living up there, no anti slip, no something in, no wider tubs, no wider showers, nothing that would accommodate seniors?

Mr. Payne: I would appreciate your comments and your combination question is also a market question. So if we're attracting older residents to our site we want them to be comfortable with the environment they're living in, but as I stated we haven't finally designed the project, so if you ask me to build a wider walkway or hallway, what's the impact on the project in regards to being able to provide all the quality amenities and units etcetera that we want, so it's just it's premature for us to make that determination if we proffer it we put ourselves in a box and then we come back here and ask for a proffer amendment because hey we can't build it without getting rid of some of these requirements, so we're trying to avoid that, quite honestly. But, at the end of the day, we're gonna be marketing to likely folks who are 65 and older, I mean I'm one year away from being 55 and I don't plan on retiring, I've got three young kids, I'll be working til I'm 99 but I just, I just, because we're trying to attract that market I think you're probably going to see the final designs you know more, as you say accommodating design features. But, it'd be difficult to proffer that at this stage without impacting the project. But you make a really good point.

Ms. Vanuch: Okay, thank you. Mr. Bain this is in your district. Thank you Mr. Payne, I think we're good.

Mr. Payne: Sure, thank you.

Ms. Vanuch: Mr. Bain this is in your district, what would you like to do?

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Mr. Bain: It's in my district, I wish it was in the next district. I'm truly not happy with the development as it's currently proposed...

Ms. Lucian: Excuse me, I'm sorry, you guys kept the public hearing open you might want to close it before...

Ms. Vanuch: I know we did, I know.

Ms. Lucian: You guys gonna close it before you make a motion or...

Ms. Vanuch: Not if he makes the motion I think he's gonna make.

Ms. Lucian: Got ya.

Mr. Bain: Very good, very good. I'm not happy with the development as it's proposed, especially with the conditional use permit. The density is just way too high. There are a number of issues that I still have some questions about that I would like to pursue further. Some of the things that were mentioned tonight, the congestion, and the lack of lighting on Naomi Road, the condition of Naomi Road, the trail that is going to dead end at the roadway going into the Chatham Landing area, the parking issues... Even though they're offering more parking I'm concerned because two per unit still exceeds the number of parking spaces they're providing. The issue related to the number of stories, you can argue that several different ways but regardless there's gonna be more cars and more traffic and there's gonna be a road safety issue to concern ourselves. I would really like to take a little more time to evaluate this and get together with County staff to pursue it a little further. So I would like to make a motion to defer to the, would it be the second meeting in November?

Ms. Vanuch: Well the time, I believe the time limit on this is October 18, so you would have to defer it to our first meeting in October.

Mr. Bain: First meeting of October.

Ms. Vanuch: Which would be October 9, no, yeah 9th, yeah, October 9.

Mr. Bain: I will have to do a lot of work between now and October 9, but I would like to try and do that if I could, so that would be my motion.

Ms. Vanuch: Motion on the floor to defer to October 9; do we have a second?

Mr. Boswell: Defer what, which items?

Mr. Bain: Both items.

Ms. Vanuch: Both. Do we have a second?

Mr. English: I'll second it Madam Chairman.

Ms. Vanuch: Okay, so we have a motion and a second; any discussion Mr. Bain?

Mr. Bain: No.

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Ms. Vanuch: Any discussion Mr. English?

Mr. English: No ma'am.

Ms. Vanuch: Anyone else? Alright, go ahead and vote. Tally the vote. Okay motion carries 6-1 (*Ms. Vanuch opposed*). Okay, so that's, oh do we need to do it for both or that carried for both right?

Ms. Lucian: I think you made it clear in the motion.

Ms. Vanuch: Yeah, okay, very good.

Mr. Bain: I would like to just highlight to the citizens here, especially from Chatham Landing, that the public input portion is still open, so if you have additional comments get them to me or to the Planning Commission, either through the County or directly to us. Thank you.

Ms. Vanuch: Thank you. Okay, now we are moving onto item 5 which is already a deferral of the public hearing continued to October 23. There's no unfinished business, so now we're moving onto new business which is the amendment to the Zoning Ordinance for time limits for planning applications and I believe Mr. Harvey's gonna talk about 6 very quickly because I think the notion is that we want to defer this.

5. Amendment to Zoning Ordinance - Proposed Ordinance O19-37 would amend the Zoning Ordinance, Stafford County Code Sec. 28-25, "Definitions of specific terms;" 28-35, "Table of uses and standards;" and Sec. 28-39, "Special regulations;" to allow for the keeping of honeybees (apiaries) within the R-1, Suburban Residential Zoning District and establish regulations regarding the same. **(Time Limit: December 29, 2019) (Public Hearing continued to October 23, 2019)**

UNFINISHED BUSINESS

NONE

NEW BUSINESS

6. Amendment to the Zoning Ordinance - Proposed Ordinance O19-04 would amend the Zoning Ordinance, Stafford County Code Sec. 22-60, "Staff review;" Sec. 22-78, "Review and approval;" Sec. 22-89, "Review and Approval;" Sec. 28-185, "Conditional use permits;" Sec. 28-203, "Submission;" Sec. 28-204, "Review;" Sec. 28-251, "Review procedure;" and Sec. 28-252, "Approval or disapproval generally" to establish a time limit for planning applications and to amend the standard for revocation of a conditional use permit. **(Time Limit: December 20, 2019)**
(Authorize for Public Hearing by: November 13, 2019)
(Potential Public Hearing Date: December 11, 2019)
7. Amendment to the Zoning Ordinance - Proposed Ordinance O19-40 would amend the Zoning Ordinance, Stafford County Code Sec. 28-59, "Highway Corridor Overlay District (HC)" to require turn lanes for new development at site entrances from corridor highways. **(Time Limit: December 20, 2019)**
(Authorize for Public Hearing by: November 13, 2019)

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(Potential Public Hearing Date: December 11, 2019)

Mr. Harvey: Yes Madam Chairman, items 6 and 7 are Zoning Ordinance Amendments that were referred to the Commission by the Board of Supervisors. In reviewing these ordinance amendments, staff believes that we need to make some additional adjustments before the Commission authorizes a public hearing. In particular, with item 6 we're looking at potentially streamlining the ordinance so we are amending fewer sections of the code. And then also with 7 we feel that there's some additional exceptions that need to be considered for the mandatory requirement for turn lanes, specifically in situations where there's not adequate right-of-way or VDOT would prohibit construction of a turn lane. So, those are some additional adds we want to put into those amendments and therefore staff's recommending deferral to your next meeting.

Ms. Vanuch: Do you need a motion on that? I know Ms. Lucian likes us to make motions so...

Ms. Lucian: I like motions, they're always safer so...

Ms. Vanuch: Do... okay, we'll do them separate. Okay, motion to defer item 6 until the next -- do you want the second meeting in October or what?

Mr. Harvey: Just to play it safe that would be wonderful for October 23.

Ms. Vanuch: October 23, motion to defer to October 23.

Mr. Boswell: Defer items 6 and 7 to October 23.

Mr. Harvey: Yes please.

Mr. Boswell: Both items.

Mr. Bain: Second.

Ms. Vanuch: Alright, we have a motion and a second, any discussion? None, okay go ahead and vote. Tally the vote. Okay motion carries 7-0. So, now back to you Mr. Harvey, Planning Director's Report.

PLANNING DIRECTOR'S REPORT

8. Yearly Expenditures

Mr. Harvey: Thank you, the only additional item I have was we included your expenditures for the year, you're within budget.

Ms. Vanuch: Can we get you a raise? We did really good, we're like 10% of our budget or something.

Mr. Harvey: Well, it's only first quarter of the fiscal year so, we're in good shape at this point in time. And that concludes my report, Madam Chairman.

COUNTY ATTORNEY'S REPORT

Ms. Vanuch: Ms. Lucian do you have a County Attorney's report?

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Ms. Lucian: Madam Chairman, Planning Commission, I have no report.

COMMITTEE REPORTS

Ms. Vanuch: Alright, and now we have actually no active subcommittees, this is amazing, I don't have a Chairman's report, just of note TRC is October 9, we have no approval of meeting minutes, meeting adjourned.

CHAIRMAN'S REPORT

OTHER BUSINESS

9. TRC Information - October 9, 2019
 - ◆ Embrey Mill PH I Commercial Apartments - Garrisonville Election District
 - ◆ Embrey Mill PH IIA - Garrisonville Election District

APPROVAL OF MINUTES

NONE

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:55 p.m.