

STAFFORD COUNTY PLANNING COMMISSION

March 11, 2020

The meeting of the Stafford County Planning Commission of Wednesday, March 11, 2020, was called to order at 6:30 p.m. by Chairman Steven Apicella, in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Steven Apicella, Darrell English, Barton Randall, Albert Bain, Kristen Barnes, Dexter Cummings, Fillmore McPherson

MEMBERS ABSENT: NONE

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, LeAnn Ennis, Rebecca Chung - YES Student

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Are there any declarations of disqualification on any agenda item? Okay, thank you. Are there any changes to the agenda? Alright, seeing no changes, I'll open the Public Presentations portion of tonight's meeting. This is an opportunity for the public to address any matter except items scheduled for a public hearing tonight. We only have one item, that's item 1. You may speak for up to 3 minutes. When you come to the podium, please state your name and address. The green light starts the clock; yellow means you have 1 minute remaining; red means you need to wrap up. So, if anyone would like to come forward, please do so now.

PUBLIC PRESENTATIONS

Mr. Christman: Thank you very much. My name is Vivan Christman and I wanted to address an issue that's coming before the Planning board and ask for your consideration, and that is the development that's proposed along Naomi Road. Our... my position is, uh, is very simple and straightforward. We went through this a few months ago and, to the wise... what I felt was the wise decision of this Planning board, the decision was made to reject the development because of life safety issues. And several of my neighbors and I have talked about it and I believe we're of the same mind that we are absolutely enthusiastic about development, but we are absolutely equally adamant about the need to address the life safety issue. Reducing the size of that development a small amount, without addressing the life safety issue, does not resolve the problem. And so I want to go on record and say that I feel that the board needs to make sure that somehow or another this issue is addressed. Without that, I stand in opposition. With it, I am in full support. Thank you for your time.

Mr. Apicella: Thank you sir.

Mr. Christman: Okay, any other comments or questions? Thank you very much for your time.

Mr. Apicella: No sir. Thank you. Anyone else? Okay, seeing no one else, I'll close the Public Presentations portion of the meeting. I believe we have a speaker tonight who will give us an update on current transportation projects; Mr. Bryon Counsell with the County Public Works Department.

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

Mr. Counsell: Thank you Mr. Chairman, members of the Commission. Bryon Counsell, Deputy Director of Public Works. The division I oversee is called Capital Construction, Capital Projects,

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however you want to describe that. For the new members on the Commission, our group manages a lot of the larger construction projects for the County; some of the General Fund projects, some... or all the water and wastewater projects, and all the transportation projects, and occasionally a park project or two. We take it from conception to completion. It's a recent development over the last about year and a half where Public Works was merged with the Utilities Department for several different reasons, but one of the benefits from that came a consistent department, one department, to manage most of the County's construction projects to get some consistency and shared use of different construction talents around the County to bring that all into one house. The Public Works Department used to provide you guys an update; we're going to continue obviously to do that. The Board has gone to some quarterly reports. I'm still happy... my department is still happy to come to you guys once a quarter, once a month if necessary, to provide you guys any information that you need to best make your decisions that you guys have to make when it comes to water and sewer, transportation, and maybe even vertical construction. But tonight, what I have in the packet that I hope you received, is just an idea of what I thought you guys want to know about. That does not mean that the report contains all the things you guys want to know about. At the next meeting, I would like to give you guys a copy of the existing current approved CIP and let you guys dictate what you want to hear about. And that can be back through Planning staff to me or some other mechanism that you guys can relay to me what it is you're interested in learning about that the County has ongoing when it comes to construction. At the end of my presentation here with a few projects, I'm happy to answer any questions that you guys... of projects you know that are going on that I did not include in this report that you'd like to have some information on. And then, I've got some information at the end of this that staff thought was something you guys wanted to get some more information on, so I've included some of that and I can go through that as well. But, unless there's any questions before I start, I'll go ahead and start going through some of the... some of the projects. One of the Park projects, it's kinda between Parks and Transportation, is the Belmont-Ferry Farm Trail Phase 6. This is the section of trail that's...

Mr. Harvey: Computer please.

Mr. Counsell: Oh, I'm sorry... that's gonna extend from the Route 3 and River Road intersection up to right at Naomi... right at Jett Drive which is opposite of Cool Springs across from Route 3. The Board chose to terminate the project there, at least for the time being, so the route that that trail is going to take is gonna go... you may have seen Phase 4 that is complete, so the trail will go under Route 3, come up around the downstream side of Route 3, and join Route 3 and the new bridge that's proposed across Route 3. And then the project will head down what's called Old Dairy Lane. It's an old piece of right-of-way that runs closer to the river than Naomi Drive, and it'll cross under the CSX railroad tracks right there at Naomi Drive and then terminate just up the road by the storage facility there at Jett Drive. That is in VDOT review. Initial submittal has been put into VDOT, they're reviewing that. There's several aspects of that that are a little challenging, especially the CSX crossing. So, that is in VDOT's review. We're reviewing comments and discussing comments about that project now.

Mr. Bain: Excuse me.

Mr. Counsell: Yes sir.

Mr. Bain: The trail under the CSX, is that going to be like a tunnel under it or is it an existing...?

Mr. Counsell: There's an existing 2-barrell tunnel there now.

Mr. Bain: Okay, that's the Naomi Road tunnel or is this a different one?

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Mr. Counsell: It's gonna be a shared... we will... The proposal right now is to share the western side of that tunnel.

Mr. Bain: Okay.

Mr. Counsell: If you're going towards... if you're going away from Route 3, or... towards King George on Naomi Road, it'll be the right side of that tunnel. The proposal right now is to share that with pedestrian and cars, and have a mechanized signal that stops traffic while pedestrians or bicyclers go through there, and then once that has enough time to clear, traffic will be allowed back through there. We know VDOT is concerned about that, and that's one of the main things we're talking about now and how to deal with that. There are no other ways to cross the railroad tracks unless you go under the big bridge down by the river and that has even tougher challenges with that. So, that's... we're at Naomi Road right now for the crossing. We'll see what that's out with our work with VDOT.

Mr. Bain: Thank you.

Mr. Counsell: You're welcome. Brooke Road safety improvements. As you're probably aware, that road is open to traffic. The project is complete. There are a couple little small punch list items on that to remove some gravel and some debris, but otherwise that project is complete. Berea Church Road, this is between Truslow and Route 17. This is a project that's going to alleviate some of the elevation changes and some of the curves and widen the road a little bit. That is... it's in right-of-way acquisition phase; we're starting to... we've identified all the right-of-way we need and we've started the process of acquiring that right-of-way. The intersection right outside our doors here, Route 1 and Courthouse Road, that is in right-of-way acquisition. Actually, it's in utility relocation. We've been acquiring right-of-way for some time; there are about three parcels I think we don't have full rights to. We will likely be making a decision on whether we file for condemnation on those, but right-of-way acquisition is getting ready to start. And in that process, we've got to demolish three buildings for right-of-way... for utility relocation, and I think five or six buildings for the entire project. And I have a picture at the end of your packet there that has a red circle around the buildings that are gonna be demolished. Just so you know, the 7-Eleven is going to be a total take. That is gonna close. We're going to... and demolish that building. We'll demolish the old, umm, the old bank or the old mortuary or whatever it was there most recently. The white buildings that Mr. Jerrell owns, that's going to be part of the project; those will go. The Aquia Medical Center right across Route 1 from where we are will be removed, and the... there's another building... the bank... no, not the drive-through, that's not slated to... we own the entire parcel but as of right now we're not looking to raze it I don't think. The two little buildings, I think the old electronics place down Route 1 south a little ways and then the... I can't remember the name of that building next to the old... the old bank at the corner; those are all scheduled to be removed or razed as part of the project.

Mr. Apicella: Before you go on, so we recently got some information about the proposed Courthouse Town Center. Is this aligned with that proposal? Will there be additional changes required if and when that comes to fruition?

Mr. Counsell: The intersection project is being designed with the Downtown Stafford in mind. We're certainly not anticipating any major changes to the intersection with any of the development that may come from the Downtown Stafford proposal, either the County's solicitation out for development or subsequent, you know, private initiated development. We've been following... we've been working closely with Planning on what's proposed there, what Planning would like to see there. We've tried

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and we think we've succeeded in designing the interchange to where it provides the most access to Downtown Stafford and hopefully will require no changes after development starts. Is that what you...? Okay.

Mr. Cummings: I have a question.

Mr. Counsell: Yes sir.

Mr. Cummings: Is that aligned in terms of timing as well? I'm just...

Mr. Counsell: No sir. The project right now is in utility relocation and we'll be doing that for about another 3 to 6 months. And after that, in the fall we're hoping to start construction on the intersection. The intersection should be well complete, I believe, before much development starts in Downtown Stafford. So, it should... it should be completed well before any significant development occurs there.

Mr. Randall: Bryon, I have a quick question.

Mr. Counsell: Yes sir.

Mr. Randall: How far do we expect to widen Courthouse Road and widen Route 1? And then, how much are we widening it and how far back from the intersection is it gonna be widened?

Mr. Counsell: The limits of the project on Route 1 are from just on the other side of Hope Road; so, the approach to Hope Road coming south will be addressed, as well as the intersection with Bells Hill and Hope Road. And going southward, it'll extend most of the way to in front of the hospital. Yes, it'll align with some of the improvements that the new Hospital Center Boulevard has created there. On Route 1, the limits are much shorter. It'll extend from near where the courthouse facility, the entrance to this facility on Courthouse Road and then not too far past Route 1 going the other direction, because that's already as you know four lanes wide. I can provide the schematic or the drawing that we're using right now; I can provide that back to the Commission if you guys would like to see the exact parameters of that.

Mr. Randall: Maybe just the next time you come.

Mr. Counsell: Okay, sure.

Mr. Randall: Just have maybe something like this that just shows some of the design extensions that you have.

Mr. Counsell: Okay, will do.

Mr. Randall: That would be good.

Mr. Counsell: Will do.

Mr. Cummings: And, if you don't mind...

Mr. Counsell: Yes sir.

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Mr. Cummings: ... would it be okay to also sort of have some discussion next time you come about the coordination that's... the level of coordination that's happening and what changes might be needed? Because I don't have a good sense of, you know, the timing and how everything else is... is lining up, because in my view, in my mind, I'm thinking that they will complete a project and then have to change the configuration. And that's a concern.

Mr. Counsell: Okay, sure. Next one on the list is another Transportation project. It's on Route 1 north, well north of 610 intersection; it's what we call the Route 1/Telegraph/Woodstock intersection. It's a section of Route 1 that's gonna get improved with access control, as well as a little bit of widening and straightening out of a couple of curves there. That's designed to have a safer intersection with Woodstock and Telegraph, as well as widen the road there at Route 1. We're in the VDOT review phase of our first submittal. We're awaiting comments back from VDOT on that project. We think that has a pretty solid design, and that's on a schedule to hopefully start, um, yeah, right-of-way acquisition later this spring. Those were the Transportation projects that we currently have going on. I think that's all of them, so that's an update on all of the... the larger road improvement projects anyway. Now onto a couple water and wastewater projects that I thought would be appropriate. The Lower Accokeek project, which includes a large pump station, a large gravity interceptor, and a large force main. This project is going on kind of at the end of Jumping Branch Road, just south of the courthouse area here on the east side of Route 1. That project is designed to increase the capacity for serving the courthouse area. This project is being done in anticipation of some modest increases in development in the courthouse area through normal or regular and existing zoning, but it's also designed to accommodate whatever happens with Downtown Stafford, the anticipated growth there or the desired growth there. So that project should be able to handle everything that's going to happen in the Downtown Stafford area. That project just recently began. It's two separate projects; the pump station and all the pipe work. It's designed to complete probably in the first or middle part of 2021. A project we call 34205; it's a water transmission line. This is taking water from an existing 30-inch line at the end of Old Forge down in the southeast quadrant of the I-95/17 quadrant and transmits it up to Truslow Road near where the Truslow bridge has recently been removed. That project is a way of continuing our build towards supplying water, large amounts of water to the Centreport area for anticipated growth, as well as a redundancy of moving water north and south, and that enables our water plants to be taken down temporarily for routine maintenance and/or emergency occurrences as they may happen. And that project has just begun; it's not very far into construction yet. The next page is some of the data that I compiled to answer some questions we think the Commission had on the I-95 Fredericksburg Express Lanes Extension. This data comes directly from VDOT's web page to make sure that I don't give you any information that's inconsistent with what they're putting out. Feel free to peruse that. But the... and particularly, the Truslow bridge; as you know, it was removed at the end of January. It's going... it's proposed to be up well before the end of this year. It had about a 9 month duration from its demolition to... or from its taken out of service to when it's going to be reintroduced to service. So that would be fall of this year it should be back up. But right on the heels of that they're gonna take down the American Legion bridge and, as soon as they take that down, about another 9 months, then that road will be back open. So, sometime in 2021 that road, American Legion, will be complete.

Mr. Randall: Alright, are they contingent upon... is one contingent upon the other?

Mr. Counsell: Yes. They will not have them out of service at the same time.

Mr. Randall: Alright.

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Mr. Counsell: That is a very strict milestone or restriction in the VDOT contract with Transurban that they be done absolutely separately. The other one there on the right side of the page is the Chatham Bridge or the Route 3 bridge. That is out to bid right now with VDOT. They anticipate having the bids back in April, early April, and awarding that project in May, or the notice to proceed in May. Once that bridge goes to notice to proceed, they will close that bridge, sometime in May, that's the schedule, and then for about 18 months it will be out of service while the super structure, or the deck, is replaced. As you guys may have heard, there's gonna be a 10-foot wide trail put on there that's gonna connect the Belmont-Ferry Farm Trail with the trails in the city. You may have seen the video that VDOT put out a little while ago to kind of show what that's gonna look like. And there's some other interesting data there regarding that project. And then the last picture there, I think we've already looked at, are the buildings of note for the Route 1/Courthouse Road intersection; the buildings that are gonna be removed. And I'm happy to answer any of your questions.

Mr. Apicella: Any other questions?

Mr. Bain: Just a comment because of what I ran into coming here tonight. I was... took 95 from Route 17 up, got off at 630, and then wanted to get in the left turn lane to come over to Courthouse Road. The traffic for that turn was backed up so far that I could not come off of the ramp when the light turned green, and had to sit there. Now, fortunately, the traffic moved up enough that I was able to get in the lane. But then I sat there for another cycle of the light at the intersection to turn left and noticed that the oncoming traffic at that intersection coming from Route 1 was non-existent. And I'm just wondering if the left turn lights could be put on yellow flash like you see at a lot of intersections to allow traffic to go on and turn left if there's no oncoming traffic. I think that would really improve that situation.

Mr. Counsell: Well, I can't confirm or promise anything on the yellow lights with VDOT, but what I can tell you is that VDOT is aware of that issue and they're transport... or their traffic engineering people are looking at it.

Mr. Bain: Good, good.

Mr. Counsell: Staff... you know, our staff and County staff, as well as Public Works and other County staff, have brought that, if nobody else has, has brought that to VDOT's attention and their traffic engineering is working on it. Because it does seem a little odd that it's going that way.

Mr. English: The lights stay long, too long, way long for that intersection.

Mr. Counsell: You're right.

Mr. McPherson: Along the same lines, there's... some of those, if you're going south on 95 and you want to go west on Courthouse, there's no right turn on red. Is that something to be considered, too? It's very few no right turns on red.

Mr. Counsell: I have not addressed that with VDOT and, quite frankly, I've not been that direction on the new interchange yet. So, I'll have to go look at that and we have regular meetings with VDOT where we bring up issues like this to talk about and we have, you know, coordination with our projects and VDOT, too. So, we have several opportunities to discuss these things with them. So I'll go check that out and we'll sit down with VDOT and see what the story is on that.

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Mr. McPherson: Thank you.

Mr. Counsell: Mm-hmm.

Mr. Randall: When do they expect to be done with that project overall, where they can walk away and be done? There's a lot of paving that still needs to happen, there's a lot of things like that. Do we know when they're gonna call it done?

Mr. Counsell: Are you referring to the I-95/630 interchange?

Mr. Randall: Yeah...

Mr. Counsell: That particular...?

Mr. Randall: That whole interchange, yes.

Mr. Counsell: Okay. I'm not sure the exact completion date. But as you'll notice when you drive on the west side over there, you still see all the construction trailers and there's still some... I think their early fall is the official completion date. I can get back to you with that, but there shouldn't... now that the southbound ramp to westbound and even eastbound, as soon as that... now that that ramp is substantially complete, you won't see many more traffic movements or traffic relocations or anything like that. So, traffic, other than the light things that may need to change, you'll... that traffic is operating the way it's going to be in final form. But there's a lot of cosmetic stuff and some... they're still working on some utility items for the Utility Department for items that are included in their contract they have not completed yet.

Mr. Randall: And we don't know for sure... or, we know for sure and it's not gonna happen that there's gonna be an access from the commuter lots directly onto the interchange?

Mr. Counsell: The plan now is with the Branch/Flat Iron Joint Venture that's doing the express lanes extension, there is going to be a lane from the end of Old Courthouse Road, as it approaches 95, to allow commuter traffic to get on and off the express lanes...

Mr. Randall: Right there.

Mr. Counsell: ... right there, yes.

Mr. Randall: Ah, that would be fantastic.

Mr. Counsell: That's the design that's currently approved.

Mr. Randall: Okay, alright, thank you.

Mr. Harvey: And Commissioner Randall, also, if you've driven down Courthouse Road this week, just past our entrance heading west, you'll notice that there's been additional dirt and grading on the side of the roadway. That's a pedestrian access trail, so that's some of the improvements that are still yet to be completed. That would tie into our Courthouse Road intersection plan for sidewalk. So, eventually, you'll be able to walk from the courthouse all the way over toward... past Colonial Forge High School on those trails.

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Mr. Counsell: That sidewalk was a County project. The County, with the appropriated funding from federal funding for that, we transferred that to VDOT and VDOT, in cooperation with the County, included that in the interchange work for simplistic reasons. And so that's one of the remaining items to be complete.

Mr. Randall: Right. And then one more question if you don't mind. The completion of the commuter lot, that's, what, north of the old Courthouse Road; is that also do be done with this whole project...

Mr. Counsell: Yes.

Mr. Randall: ... so we know that that's gonna be completed as well?

Mr. Counsell: That's correct.

Mr. Randall: Okay, thank you.

Mr. Apicella: I've got a couple questions. The road bond projects that were approved back in November, are those being programmed into the CIP?

Mr. Counsell: As we speak.

Mr. Apicella: Okay, great. And the second thing is, I read an article in the Free Lance-Star about King George taking a different approach in terms of building their new courthouse. It's called CMAR, Construction Manager at Risk. I don't know if that's just confined to buildings. Is there something like that for road projects?

Mr. Counsell: Um, you can do Managers at Risk in almost any type of project. It's really not appropriate for transportation projects; there's a different mechanism for transportation projects and that's the PPTA. I don't know anything that would preclude using Construction Manager at Risk for that, but PPTA would be a better way of taking a lot of the liability off of the locality when it builds that. I'm familiar with what they're proposing to do out there with their courthouse. I've worked in projects that were Construction Manager at Risk previously; there are a lot of benefits, there are some drawbacks. You have to balance those with different aspects of the project, but the PPTA would be a better... a better way of managing that than the CMAR. Currently, Stafford County has not received any PPTAs for its local projects. That doesn't mean we might not in the future with some of the things that we have programmed in the out years. The challenge with doing a PPTA with some of our work is the funding is not available for several years and comes in stages. And it's difficult to do... to sign a contract without the full value of the funds on hand. So, PPTAs are difficult but they are possible. CMAs are probably better for vertical construction as there's really no mechanism other than... there's not PPEATAs for regular vertical construction other than schools. Schools have a specific PPEA available to them. So you create... you allow... you design your building to fit into that Construction Manager at Risk scenario. I don't know if that answered your question.

Mr. Apicella: No, it does. I do appreciate it. Any more questions?

Mr. Cummings: You just, uh, put a whole bunch of them on the table for me. With the one that you said is more accurate for, or more appropriate for construction, road construction...

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Mr. Counsell: For transportation, yes sir.

Mr. Cummings: ... for transportation, can you give me sort of a Reader's Digest version of what that involves in terms of risk?

Mr. Counsell: Sure. A good number of years ago, 25 years ago or so, the state of Virginia fell in line with some of the other states that led the effort to do a public/private partnership between private entities and public... for public projects. What that allows is for a private entity to see a private coming on a public CIP, Capital Improvement Plan, and offer up a proposal. We'll do this work for you in this amount of time for this amount of money. And the locality or the state, it can be all the way up to federal government actually. The entity, the owner, could review that and if it meets all the parameters, the budget requirements, time requirements, and technical requirements, the body can elect to accept that proposal. What that does is that puts the responsibility for design, property acquisition, construction, and close out all on the contractor for a flat fee. It takes the owner... it reduces the owner's necessary involvement to a lot less than it would normally be. The County or the owner would still have a lot of control, but it would come through a process. One of the things, you'd give up some of your control in order to make a... try to make a smoother project and transfer a lot of that liability to the PPTA applicant or to the proposer. One of the... we did do a PPTA recently; the Garrisonville Road widening that was just completed last summer was a PPTA by Branch Highways that did that project in exactly the way we were just saying. They proposed something to us, it met all our criteria, they did it, it was a successful project. But that's kind of what a PPTA is. It's a private driven, publicly funded agreement and process.

Mr. Cummings: Can we get some more information on that at some point?

Mr. Counsell: Sure, yes sir.

Mr. Apicella: Mr. Counsell, I thank you. We do appreciate these quarterly updates; they're very helpful.

Mr. Counsell: Okay, thank you.

Mr. Apicella: Mr. Harvey, I think we're ready to move onto item 1 public hearing.

PUBLIC HEARINGS

1. Amendment to the Subdivision and Zoning Ordinances - Proposed Ordinance O20-13, formerly O19-53, would amend the Subdivision and Zoning Ordinances, Stafford County Code, Sec. 22-5, "Family and minor subdivisions;" Sec. 22-26, "Mutual responsibility;" Sec. 22-60, "Staff review;" Sec. 22-78, "Review and approval;" Sec. 22-89.1, "Revisions to approved plats;" Sec. 28-162, "Review and requirements;" Sec. 28-185, "Conditional use permits;" Sec. 28-204, "Review;" Article XIV, "Site plans;" Sec. 28-251, "Review procedure;" and Sec. 28-252, "Approval or disapproval generally," to establish time limits for planning applications, modify the regulations governing the review processes for planning applications, and to amend the standard for revocation of a conditional use permit. **(Time Limit: March 26, 2020)**

Mr. Harvey: Thank you, Mr. Chairman. If you'd please recognize LeAnn Ennis for the presentation.

Mr. Apicella: Hi Ms. Ennis.

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Ms. Ennis: Mr. Chairman, members of the Commission, item number 1 is the proposed Ordinance for the time limit for... within the Subdivision and Zoning Ordinance. Staff is requesting to consider amending the Subdivision Ordinance, Section 22-5, the Family and minor subdivision; 22-26, which is Mutual responsibility; Section 22-60, which is Staff review; 22-78, Review and approval; Section 22-89, which is Revisions to approved plats; Section 28-162 of the Zoning Ordinance is Review and requirements; Section 28-185 is Conditional use permits; 28-204 is Review for site plans... I mean rezonings; 28-241 is Review procedures; and 28-252 is Approval and disapproval generally. And again, all those are within the Zoning Ordinance. In 2009, the Subdivision Ordinance was modified to establish time limits to review and resubmission of the subdivision and site plan applications. The ordinance was created as part of the process redesign efforts at that time period. The intent of the ordinance was to have the ability to move projects within a timely manner through the review process. Projects were permitted extensions based on certain criteria per the adopted ordinance. The approved ordinance, as it was written, did not apply to all the application types. We have 32 different application types and it only applied to 4. The applicant must... this is the ordinance as it's written... the applicant must resubmit the plan with a comment response prior to 120 days, which is typically from our TRC meeting date. They can seek the first extension without any questions prior to the 120 day resubmission automatically. And this is an automatic extension of 60 days. If the applicant still cannot resubmit through no fault of their own and for no reason cited in the ordinance, that they may ask for 30-day extensions through written notice. And that's either a letter or an email. There are no limits on how many 30-day extensions that can be granted. The time limit and extensions are only granted for preliminary construction site plans. We currently do not have anything in place for plats, grading plans, infrastructures, rezonings, or conditional use permits. We have several projects that have been asked for... have asked for extensions for the last several years every month. They do their due diligence in asking for the extension. They are currently waiting on water and sewer to be extended or a roadway to be constructed or they may be waiting on proffers or rezoning that's in the works, or having to redesign based on comments from staff. All these are reasons that are permitted for the extension for a written request. We have several projects that have been asked for extensions for the last several years every month, like I said before. I think I have the same... yes. Staff is requesting that the proposed ordinance apply to all the applications within the Planning and Zoning Department. This would include rezonings and conditional use permits. An exception to rezonings and CUPs per R16-170 and R19-188, which established a policy aligning... that aligned with the state code where it adopted... where applications must be acted upon within 1 year of filing. An extension may be granted by the Board or the Commission at the time of extension. To extend past the 18 months deadline, the Board must grant an extension. The proposed changes...

Mr. English: LeAnn, LeAnn, I'm sorry.

Ms. Ennis: Yes.

Mr. English: When you say Board, do you mean Planning Commission or Board of Supervisors?

Ms. Ennis: The Planning Commission... umm, the Board or Planning Commission at the... can grant, but to extend past the 18 months it's Board of Supervisors.

Mr. English: Okay.

Ms. Ennis: The proposed changes would require that all plans, plats, and applications for rezonings and CUPs would be required to be approved or denied within 18 months of being filed. There would

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be no limitations on the number of reviews or the maximum time limit specified for plans and plats to be resubmitted correcting all of the identified deficiencies. Currently, we only allows for reviews. They get 2 reviews, a TRC, and a follow-up review, and then the third review we start charging third review fees for all the outstanding comments. And then the fourth one we charge fourth review fees and, if they don't have all the comments addressed, the plan automatically gets kicked out; so they only get four reviews. The proposed ordinance would become effective for all new planning applications submitted after the proposed ordinance is adopted. The proposed ordinance would require all applications for rezonings and CUPs to be approved and denied within 18 months. There would be no limitations on the number of reviews or maximum time limit specified for plans, plats to be resubmitted correcting all the identified deficiencies. The proposed ordinance would become effective for all new and existing plans and applications after the proposed ordinance is adopted. Staff recommends including all existing applications currently on file in the Department. These applications would include all record plats, infrastructures, grading, conditional use permits, and zoning reclassifications. Staff is recommending... recommends adoption of Ordinance O20-13.

Mr. Apicella: Questions for staff?

Mr. Randall: I do. LeAnn, if you go back to the last slide you were just on please. What would you... would you be putting at risk some of those existing applications if we were to include them in this new ordinance? Would there be some that would be, you know... they would be 17 months and they would have a month now to get it approved or denied?

Ms. Ennis: No, we would start it so everybody would start... the way that we want to do it is everybody would start from the time of the adoption and everybody would just start with 18 months.

Mr. Randall: So, you would start the calendar over for all the existing applications you have at an 18 month process.

Ms. Ennis: And they would have 18 months even if they were on their third review. They would have 18 months to get their plan approved and then we're done.

Mr. Randall: Okay, thank you. And the other question I had was, by maximizing the amount of reviews, do you see that as a detriment to your staff and the effort that, you know, some developers could come in and say I need, you know, 24 reviews because I'm only going to do this one comment at a time? Or do you... what was the reason behind cutting it down from four... or maximizing it from four to unlimited?

Ms. Ennis: I'm going to defer that to Jeff because he worked with the guidelines with FABAs on that.

Mr. Harvey: Commissioner Randall, some of the logic behind this is that with... as LeAnn mentioned, for subsequent reviews after the second review, we charge fees. So, we're getting compensated for the work that we put in. Usually people don't like to pay more fees than they have to, so that's sort of the incentive for them to get the plan done correctly. We've run into a number occasions where applicants have been essentially at the fourth review and needed to be approved, and then we're discussing with them whether or not they can be approved or not and have to work around a couple things especially if there's changes that were made because of our initial comments that were more design oriented that weren't just administrative. So, this resolves that issue about putting the pressure on the County to bend... to get somebody through the process and try not to circumvent our ordinance. So this makes it a clear bright line; this is when your deadline is.

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Mr. Randall: Thank you. Does that mean that the fees continue to go up after the fourth and fifth and sixth one?

Ms. Ennis: No, they're all the same.

Mr. Randall: Or are they capped at...?

Ms. Ennis: They're the same fee. And we only charge them for the outstanding reviewers. So, there's not a base fee or anything. But they're, like Jeff said, they're coming in. I just did one plan that got... that he signed yesterday and I had... I had 8 reviewers still outstanding and the engineer had to come and do inserts on like 54 pages. So... because it was signature, because it was the fourth submission, so we had to work with them.

Mr. Randall: Perfect, thank you.

Mr. Apicella: Mr. Bain?

Mr. Bain: Yes. LeAnn, with this they wouldn't have to send you monthly requests for extensions anymore, correct?

Ms. Ennis: Yeah.

Mr. Bain: Hallelujah! Very good.

Ms. Ennis: I'm on like 180 on one.

Mr. Apicella: Okay. I've got a couple questions. So, on page 2 where it says, this shall be effective for all new planning applications submitted after the proposed ordinance is adopted, is that a matter of fact or is that something that is expressed in the ordinance itself?

Ms. Ennis: I think that it's based on...

Mr. Apicella: Yeah, I guess what I'm going to, I didn't see any verbiage in the ordinance itself that this ordinance... these requirements shall become effective upon County approval. And I don't know whether that's required or not.

Mr. Harvey: Mr. Chairman? In the draft ordinance, there's the final provision says, now, therefore, be it further ordained that this ordinance shall become effective immediately for all applications filed after adoption of this ordinance shall become effective and then it leaves the date blank for when the Board adopts it for all applications filed prior to adoption of the ordinance. So, that's getting towards the issue of it becomes effective for everything after the ordinance is adopted and everything that's already been filed prior to this.

Mr. Apicella: Okay. So, that's helpful. So the part where staff is recommending including existing applications without activity, do we need to add that to the end of this now therefore section?

Mr. Harvey: Well, Mr. Chairman, it does talk about and it will be effective for all applications filed prior to adoption of the ordinance. So, it's implied that that's taken care of but maybe it needs to be...

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Mr. Apicella: Well, implied... your view of implied and somebody else's view of implied might be different. I'm just saying if we want to close the loop on that, do we want to be specific?

Ms. Ennis: It says, for all applications filed after adoption of this ordinance and for all applications filed prior to the adoption. So it covers both.

Mr. Apicella: Well, I guess the distinction is, without any activity. Why did... if that was already incorporated, I guess I don't understand why that additional sentence is there; staff recommends including the existing applications without any activity.

Ms. Ennis: I was just... I... that's how I wrote it. I was just expressing that, you know, we have a lot of... we talked about it previously that we have a lot of applications on file.

Mr. Apicella: So, I see our counsel ready to push the button.

Ms. Lucian: Mr. Chairman, I think that the language that's included in the proposed ordinance does as you intend it to.

Mr. Apicella: Okay, I just wanted to be sure.

Ms. Ennis: Thank you.

Mr. Apicella: Any further questions for staff? Alright, seeing none, I'm gonna open the public hearing on this matter. This is an opportunity for the public to comment on this item. Same ground rules as before. Before starting your comments, please state your name and address. The green light starts the clock. Yellow means you have 1 minute remaining. Red means you need to wrap up. So, if anyone would like to speak on this, please come forward now. Okay, seeing no one rush the podium, I'm going to close the public hearing on this matter and bring it back to the Commission for further consideration and action. What is the will of the Commission?

Mr. McPherson: Mr. Chairman, I'd like to make a motion to recommend approval of proposed Ordinance O20-13.

Mr. Apicella: Thank you, Mr. McPherson. Is there a second?

Mr. Randall: I'll second that motion.

Mr. Apicella: Okay. Okay, there's a motion to recommend approval of the proposed ordinance. Mr. McPherson, anything else?

Mr. McPherson: I think it makes a lot of sense having read through it many times. I think it's very good.

Mr. Apicella: Mr. Randall, anything to add?

Mr. Randall: Only that anything we can do to prevent 180 applications for extension would be a good thing. So, I'm good.

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Mr. Apicella: Thank you, Mr. Randall. Anyone else? Okay, seeing no one else, please cast your vote. Motion carries 7-0. Congratulations Ms. Ennis. Okay, next two items, 2 and 3, Retail at Garrisonville, I believe there's a request to... from the applicant and staff to defer this item for a month. Anything to add to that, Mr. Harvey?

UNFINISHED BUSINESS

2. RC19152631; Reclassification - Retail at Garrisonville - A proposed reclassification, with proffers, from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, to allow for the development of a commercial business with a drive-through on Tax Map Parcel No. 20-35A (Property). The Property consists of 0.82 acres and is located on the north side of Garrisonville Road, approximately 230 feet east of Kingsland Drive, within the Griffis-Widewater Election District. **(Time Limit: _____) (History: December 11, 2019 Public Hearing Continued to January 29, 2020) (Deferred on January 29, 2020 to March 11, 2020)**

3. CUP19152632; Conditional Use Permit - Retail at Garrisonville - A request for a conditional use permit (CUP) to allow one single-lane drive-through facility in the B-2, Urban Commercial Zoning District and HC, Highway Corridor Overlay Zoning District, on Tax Map Parcel No. 20-35A (Property). The property consists of 0.82 acres and is located on the north side of Garrisonville Road, approximately 230 feet east of Kingsland Drive, within the Griffis-Widewater Election District. **(Time Limit: _____) (History: December 11, 2019 Public Hearing Continued to January 29, 2020) (Deferred on January 29, 2020 to March 11, 2020)**

Mr. Harvey: Mr. Chairman, VDOT's currently reviewing their revised traffic study to see if it meets application criteria. So, once we get that determination from VDOT and the applicant has addressed VDOT's concerns, then it will be eligible to come back up on the agenda for further discussion.

Mr. Apicella: Thank you, Mr. Harvey. Can you clarify what the time limit would be on this action item?

Mr. Harvey: Mr. Chairman, the time limit right now is unspecified because technically they don't have a complete application since the applicant did not proffer uses that are below the maximum level of traffic volume. That's pursuant to our code. So, the time limit wouldn't start until VDOT has determined their traffic study to be complete and the traffic study incorporates the uses that have the highest traffic volume possible in that zoning district.

Mr. Apicella: Thank you for that clarification, Mr. Harvey. Mr. Cummings, I believe these two items are in your district. What's your say on deferring both of these?

Mr. Cummings: I'd like to make a motion to... I'm comfortable with moving it forward.

Mr. Apicella: So, are we gonna move it forward for a month, month and a half, two months?

Mr. Cummings: No, I think I'll defer to Jeff, Mr. Harvey, on this. You think about a month would do?

Mr. Harvey: Mr. Chairman and Commissioner Cummings, we think that VDOT should be done shortly with its review. We're not certain if they're gonna finalize it and say it meets all the criteria.

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So, staff would request the ability to come back at a future agenda and report back to the Commission as to the status and then determine which meeting would be best for it to appear on the agenda.

Mr. Apicella: Okay, with that in mind though, are we specifically deferring the item or is it technically not in front of us? I'm not really clear if it's not a complete application where it stands.

Mr. Harvey: Well, Mr. Chairman, we're continuing to keep it on the agenda because you've already conducted a hearing and not made a determination of a recommendation positively or negatively on the case. So, we'd like to keep it on the agenda so it does not get left out from future action.

Mr. Apicella: I understand. But I'm just... technically, are we deferring it or it's just gonna come up when it comes up? What action do we need to take on it?

Mr. Harvey: I would recommend the Chairman consider deferring it.

Mr. Apicella: Okay.

Mr. Harvey: Just generally to a later date.

Mr. Apicella: So, Mr. Cummings, would you like to defer for a month?

Mr. Cummings: Yes, I'd like to defer for a month.

Mr. Apicella: Is there a second?

Mr. English: I'll second.

Mr. Apicella: Okay, thank you. Any further comments, Mr. Cummings?

Mr. Cummings: None, thanks.

Mr. Apicella: Any further comments, Mr. English?

Mr. English: No sir, no sir.

Mr. Apicella: Okay, there's a motion to defer until the first meeting in April. Please cast your vote. Okay, motion to defer carries 7-0. Thank you. Onto New Business, item number 4. Mr. Harvey?

4. Amendment to the Subdivision and Zoning Ordinances - Proposed Ordinance O20-07, formerly O19-41, would amend the Subdivision Ordinance, Stafford County Code Sec. 22-4, "Definitions;" Sec. 22-143, "Shape and elongations;" and Sec. 22-146, "Side lot lines;" and the Zoning Ordinance, Stafford County Code Sec. 28-25, "Definitions of specific terms," to amend definitions and requirements relating to lot lines and lot shape configuration. **(Time Limit: April 30, 2020) (History: Deferred on January 8, 2020 to January 29, 2020) (In Subcommittee)**

Mr. Harvey: Thank you, Mr. Chairman. This is an item that's been discussed in committee. We do have the former presentation and, I'm not sure to what extent it's been updated, but would ask if the committee wants to discuss this or would you rather have staff lead the discussion?

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Mr. Apicella: I guess we could start with the subcommittee and if staff has anything to add, that would work. Mr. Fillmore, I believe you are the subcommittee Chairman.

Mr. McPherson: Thank you, Chairman Apicella. So, yes, we had three subcommittee meetings with myself and Mr. Bain and Mrs. Barnes, and we had four or five staff people present at each one and staff did a great job of coming up with recommendations and discussions. And based on past history and, you know, experience I think we've come up with some excellent changes. So, Ms. Ennis, if you don't mind, if you'd like to make a quick presentation of the discussions and then we can... and any questions that can come up. Unless you don't have a presentation I can just continue talking about it.

Ms. Ennis: No, the presentation I was... *inaudible*... just to bring up the dates that we had met and stuff. I mean, do you want me to go over the minutes?

Mr. McPherson: I can do that.

Ms. Ennis: Okay. Hit the highlights of the minutes, where we discuss the need for the proposed ordinance amendments and we discuss the need to allow for exceptions to lot shape, requirements that the lot lines follow, and then we discussed subdividing the lot in the center of another lot, and what waivers would be required and modifications to the current draft. And then we met the other day and we discussed clarification to make sure that you couldn't... on the rear lot lines where they... we changed it, you know, to read a little bit more clearer. And what a parent line was and that was mainly what we... that we talked about in the last one to make sure that, you know, we weren't creating a bigger monster than.

Mr. Apicella: Okay, anything else to add, Mr. McPherson?

Mr. McPherson: That's pretty much it. We did discuss the rear lot lines, parent lines, lot consolidations...

Ms. Ennis: Streams.

Mr. McPherson: ... streams...

Ms. Ennis: Existing lines.

Mr. McPherson: ... existing lines.

Ms. Ennis: Yesterday... I mean when we did talk, we talked about boundary line adjustment and consolidations a little bit more in depth to make sure that we weren't making... making it harder on consolidations and easier for boundary line adjustments. So, we wrote up the language a little bit more clearer I think on that.

Mr. Apicella: Okay, thank you. Mr. Bain, Ms. Barnes, do you have anything to add?

Mr. Bain: I'll just mention that I think the provisions that have been proposed will go a long way to avoid weird shaped lots in the County, and make it a lot easier on staff to evaluate and control future subdivisions. So I think it's going to be a significant benefit.

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Mr. Apicella: Ms. Barnes?

Ms. Barnes: Nothing new. I concur with everything they've said. I think yesterday we fine tuned it I think pretty well, and I think made it as good as it's gonna be.

Ms. Ennis: We made a full circle.

Mr. Apicella: Would that be allowed?

Ms. Ennis: It's a legal lot.

Mr. Apicella: Ms. Ennis, you were kind of the driving force behind this. Do you feel comfortable? Do you feel like it achieves the answer?

Ms. Ennis: I'm really happy.

Mr. Apicella: Okay, well that's important. Okay, thank you very much. So, is there any recommended action that the subcommittee would like to put forward at this point?

Mr. McPherson: Yes, Chairman Apicella, I move that we open the amendment for the Subdivision and Zoning Ordinance as the proposed Ordinance O20-07 for public hearing on the first meeting of April.

Mr. Apicella: Is there a second?

Mr. Bain: I'll second.

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

Mr. McPherson: None.

Mr. Apicella: Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Okay, the only thing I would ask is when the staff report is produced, if you could give us some visuals on what would be allowable and what would not be allowable based on the changes that are here. Is that... is that possible, Ms. Ennis?

Ms. Ennis: Yes.

Mr. Apicella: Alright. So, there's a motion to put this proposed ordinance, the clean version that was put in front of us today, O20-07, to a public hearing at the first meeting in April. Please cast your vote. Okay, try that again. Casting our vote on this action item; please cast your vote.

Videographer from the back of the room: My computer is locked up so you need to do a hand vote.

Mr. Apicella: Okay. Is that permissible? Okay. So, by show of hands, all those in favor please raise your hand. All those opposed. Okay, from my count, the motion carries 7-0. Thank you very much.

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Ms. Ennis: Thank you.

Mr. Apicella: That's the first time I think I've done that in 9 years. Okay, thank you again Ms. Ennis. No New Business. Alright, Planning Director's Report; Mr. Harvey.

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

5. Highway Corridor Overlay District (HCOD) - *BOS Referral*

Mr. Harvey: Mr. Chairman, there's a number of items for the report today. The first item to bring to your attention is the Board of Supervisors referred a proposed amendment to the Highway Corridor Overlay District dealing with turn lanes for entrances back to the Commission. They gave a general referral back. The Board was concerned about the Planning Commission's vote to not support the amendment and felt that it would be advisable for the Commission to reconsider the issue and address the amendment in a way that it felt that it could support it and be good for the community. So, the Board did not give any specific language for the send down or a specific resolution, so staff is interpreting that as the Commission's got broad authority as far as timing, as well as the extent of the amendment to send back to the Board.

Mr. Apicella: So, with that in mind, do you have a timeframe that you think you all would be ready to prepare a staff report?

Mr. Harvey: Mr. Chairman, we do have some draft language that we could provide at the April 8th meeting, if that's so desirable.

Mr. Apicella: Okay, that works for me; how about the rest of the Commission? Alright, so be it.

6. Willow Run

7. Vistas at Ferry Farm

Mr. Harvey: And Mr. Chairman, number 6 and 7 on the agenda, those are zoning reclassification applications that you may recall. The Commission has already voted on both those applications. Recently there was an issue coming before the Board of Supervisors where they were running short of their 1-year time limitation under state code. The applicants, in both cases, have requested time extensions and the Board granted time extensions for up to 90 days. So, these items were sent back to the Commission for additional consideration by the Commission. I will note that right now we don't have any changes proposed with the Willow Run project since the Commission last held its hearing on that case. However, there is new materials for the Vistas at Ferry Farm application, and that was attached to the online packet. Basically, the proposal is to reduce the number of dwelling units from 170 to 134, which results in a density reduction from 23.9 dwelling units per acre to 18.8 dwelling units per acre. The proposal would have no underground parking, there'd be basically one building on one large footprint instead of two buildings. The building height would be remained at... the maximum building height would still be 3 stories; however, they're not building 3-story buildings under this scenario. And then the clubhouse and swimming pool amenities were removed from the

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proffers. I received today an email from the applicant's representative indicating there may be additional changes to be made with regards to that rezoning application. We don't know the extent of those yet and don't know the timing of when those would be received.

Mr. Apicella: So, again, this is kind of a new path for the Planning Commission in terms of getting previously considered rezonings back in front of us with potential changes. Just to clarify, the Commission can choose to hold public hearings on one or both of these if it so chooses?

Mr. Harvey: Yes sir. State code specifies you have at least one hearing. It doesn't say that there's a maximum number that you can hold.

Mr. Apicella: Okay. And again, just to clarify, on the Vistas they have presented something but they're not completely sure that that's the product that they're gonna fully present to us when it's ready to go. It could be that, it could be something else.

Mr. Harvey: Correct.

Mr. Apicella: Okay. I've chatted with Mr. Bain about this and I don't think we can make a decision tonight in the absence of having a complete application, but I think you were interested in holding a public hearing when that happens?

Mr. Bain: Yes, I was. But I would ask Mr. Harvey, do we need to take any action tonight to establish a path to go forward with the public hearing? In other words, set some sort of timeframe for whenever they do submit, because there is an overall timeframe on their application and, you know, I'm concerned that we'd suddenly... they'd submit their revised product and there'd only be 25 days before their application was ended. So, what's that timeframe?

Mr. Harvey: Commissioner Bain, you are correct. Timing will be important because of the 90 day extension also includes a timeframe when the Board of Supervisors has to hold its hearing. So, some of it will be dependent upon when we get what's known as the final information of how they're changing their application. And then also we'll have to verify that those changes are not significant enough to basically require it to be considered a new application and start the process over again. So, staff would recommend that the Commission consider adding this to a future meeting agenda where we can at least explain at the staff level what the applicant is proposing as far as the current modifications. And then we could see if they're proposing additional modifications before we consider authorizing a hearing.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: So, you said this is something that's kind of new, because I'm a little confused. So, if it comes back down to us, this is not starting the whole thing over again with a brand new application. This is just modifying it. So that's my question; when does that modification become so significant that it basically starts everything over?

Mr. Harvey: Mr. Chairman, Commissioner Barnes, that would be a question that staff would have to consult with out attorney on as to whether the changes are significant enough that they've gone past the limits of the initial advertisement and require a re-advertisement and new public hearing.

Mr. Apicella: Mr. Bain, I'm sorry to have cut you off.

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Mr. Bain: No, that's all right. I was gonna suggest possibly that we set a public hearing for that first meeting in April with the caveat that if they do not submit information to you in a timely fashion, that we could delay it to a subsequent meeting. Would that be...?

Mr. Apicella: I think the problem is, if we have a public hearing we have to do a public notice in the paper. And that public notice says here's the parameters of what the public hearing's going to consist of, and we can't really say what those parameters are because we won't have a full package in front of us, so. There's kind of a risk that at the last minute, we'd have to make a decision to cancel that public hearing because things might change significantly. I think what Mr. Harvey suggested is we can at least put it back on the agenda for the 11th, they can give us what information is available at that point in time, but we're not going to be taking... well, we could take an action if we have everything. But if not, we can decide what to do at that point in time.

Mr. Bain: I would agree with that.

Mr. Apicella: So, I'm just gonna pass the baton over to Mr. Randall because he's waiting.

Mr. Randall: So, Mr. Harvey, the 90-day extension expires when?

Mr. Harvey: Commissioner Randall, I don't have that information off the top of my head. I believe it's sometime in early June.

Mr. Randall: So, irregardless of when exactly the date is, we can assume it's sometime in June, that's got to get to us... we have to get a final product from the applicant, we have to do a public hearing, we have to vote, we've got to get it to the Board and they have to do a public hearing and they have to vote on it all in that timeframe between now and June; is that correct?

Mr. Apicella: So, I'm gonna jump in because I kinda feel strongly about this. I think we can choose to do what we choose to do within our... they gave it... remanded to us for 3 months. Whatever action we take in that 3 months is our prerogative. If we're not ready to go or we haven't concluded our business, in our opinion, it would be up to the applicant to go to the Board and as for more time.

Mr. Randall: And that's where I was driving to. I don't want to be held as a Commission because the applicant's delaying a final product to us. I would like to say, applicant, you have as long as you want to give us a final product understanding that staff and the Commission and the Board needs at least 2 months to meet the 90-day requirement. So, if you don't get it to us until May, you can just assume it won't meet the 90-day requirement. And you'll have to go back to the Board for more time. But I would hate to do anything official from here if I don't have a full product from the applicant. It just wastes... that's the wrong word... our time could be better used doing something else besides dealing with something that it could potentially change 2 or 3 or 4 times. So, anyway...

Mr. Bain: I agree, definitely. But we keep it on the agenda for the next meeting.

Mr. Randall: Oh, I'd keep it on the agenda for... we're still there, we're still waiting; we're still there, we're still waiting.

Mr. Bain: Yes, okay.

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Mr. Randall: But I wouldn't have any discussion on it officially until we get a final product and they rubber stamp it and say this is it.

Mr. McPherson: What would we be putting on the agenda? Public hearing?

Mr. Apicella: No, I think just like... *inaudible*... Planning Director's item, there's the next series of bits of information that Mr. Harvey and/or staff can provide, but it wouldn't be ready presumably for public hearing because it wouldn't be advertised for such. So, I don't think we need to take a vote per se. We've already kind of given you marching orders to... *inaudible*... something, a place holder on the next agenda, for the April agenda on this one.

Mr. Harvey: Thank you, Mr. Chairman. And then the final item we had on the Planning Director's Report was that the Planning Commission recently received a request to respond to a survey from George Washington Regional Commission. And the Chairman asked me to give a little bit of explanation to the Planning Commission about the George Washington Regional Commission. GWRC is our Regional Planning District Commission. Throughout the Commonwealth, there's Planning District Commissions for all the major metropolitan areas, and those Planning District Commissions are intended to provide additional staff support and technical assistance to localities, especially the more rural localities that exist in some of these metropolitan areas. In this case, GWRC has been our main group that's assisted in acquiring grants for our Coastal Zone Management Act requirements and keeping us compliant with State Code. And that's the spirit in which the survey is sent out to all the community stakeholders such as the Board of Supervisors, Planning Commission, the Wetlands Board, staff. So, they are seeking just general guidance from the Commission as far as what are your hot button issues for environmental protection and coastal zone issues.

Mr. Apicella: Thank you, Mr. Harvey. And the way I understand it is individually we can submit comments; we don't necessarily have to do it as a full Commission.

Mr. Harvey: That's correct. It's sent to people individually.

Mr. Apicella: Okay. I think you actually do have one more item, Mr. Harvey, and that's the status of the next meeting.

Mr. Harvey: Yes, Mr. Chairman. We have looked at the calendar and it appears that right now we don't have any active business scheduled for our next meeting. So, staff would ask the Commission to consider whether or not you want to cancel the next meeting.

Mr. Apicella: So, is there a begrudging recommendation from the Commission to cancel our next meeting?

Mr. Bain: I make a motion to cancel the next meeting.

Mr. Apicella: Thank you, Mr. Bain. Is there a second?

Ms. Barnes: Second.

Mr. Apicella: Okay. I'm not gonna take any comments on this one. Please cast your vote. Okay, motion to cancel the next meeting carries 7-0. County Attorney's Report; I believe you're gonna speak for the next 30 minutes, right?

COUNTY ATTORNEY'S REPORT

Ms. Lucian: You're right. So, get comfortable. No. Mr. Chairman, Planning Commission, I have no report. Thank you.

COMMITTEE REPORTS

8. Lot Shape Ordinance Subcommittee
Meeting Summary for February 20
March 10 Meeting Summary will be provided at the March 11 Planning Commission meeting

CHAIRMAN'S REPORT

Historical Commission Awards Nominations

Mr. Apicella: Thank you, Ms. Lucian. Okay, Chairman's Report. So I forwarded to you an email that I got from... oh, we already had the Committee Report, so I'm sorry I'm skipping over that. Just for the 5 people watching at home, on our agenda it says Committee Reports and I believe the Lot Line-Lot Shape Committee has concluded its business and is therefore no longer in existence. Congratulations.

Mr. McPherson: Agree.

Mr. Apicella: Okay. Again, moving to Chairman's Report, so again I forwarded you an email, the title of which was 2020 Historic Preservation Awards Nominations. Generally, every year input from the Planning Commission is sought on the various categories. The nominations are due by the 28th. At the time when I sent this out, I thought we were going to be meeting again in late March, but apparently not. So, what I would ask is, if you have any thoughts, if you would send them to... who's the right person, Mr. Harvey?

Mr. Harvey: Mr. Chairman, those comments can be sent to Eva Campbell.

Mr. Apicella: Okay. Please send your comments and recommendations directly to Ms. Campbell and cc: your colleagues before the deadline. Okay, I do have another item. I think everybody's been given a copy of a Board Resolution R17-276, which is from about 2+ years ago. The Board had asked that the Planning Commission work on developing Neighborhood Development Standards for senior apartments. We've had a couple of requests then and since then for senior-type housing. So, what I would like to do is tonight, create a Senior Housing Standards Subcommittee with Mr. Randall chairing that committee, Mr. Cummings, and myself to work on developing associated standards. And I would broad it out to senior housing in general, not just to apartments. To the folks I've just asked, are you okay with serving on that committee?

Mr. Randall/Mr. Cummings: Yes.

Mr. Apicella: I'd like to see what we can do in the next 3 to 4 months and then kind of revisit if we want to spend more time on that. Does that work?

Mr. Cummings: Yes.

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Mr. Apicella: Is everyone okay with that? Alright, thank you very much.

Mr. Bain: Mr. Chairman?

Mr. Apicella: Yes, Mr. Bain.

Mr. Bain: Since we're talking about subcommittees, I wonder if it would be possible to form a subcommittee to look into the issues related to the proposed downzoning or rural zoning that the Board is considering now. I feel that there are a couple of things that need to be investigated. I think we should review the material that's been presented to the Board to better understand the ins and outs and implications, particularly financial, of the proposed action. I think we should look further and in more detail to see what other counties are doing with regards to rural zoning. I think we should consider other alternatives to downzoning. And we may find that other counties have developed more unique approaches that would not penalize existing landowners as the current one would. And also I think we should consider if there are options perhaps for smaller acreage owners rather than just applying it across the board, regardless of whether you own 400 acres or 30 acres.

Mr. Apicella: Okay. Is that permissible, Mr. Harvey? Can we create such a subcommittee?

Mr. Harvey: Mr. Chairman, the Chairman can establish whatever subcommittee you want to do. You can discuss any topics the Commission feels and subcommittee feels is appropriate. Ultimately, you make recommendations to the Board of Supervisors. I would say that the Board of Supervisors is considering on their next agenda as New Business the Healthy Growth Initiative. If they refer proposed ordinances to the Commission, the Commission would have to keep its thoughts focused on what the ordinance is even though the committee may have different ideas.

Mr. Apicella: I appreciate that. That being said, in the past we've been given the opportunity to provide other recommendations, right, which the Board could choose to take or not take, if that's something that you wanted to do, Mr. Bain. And since you recommended it, are you willing to Chair that subcommittee?

Mr. Bain: Oh, I didn't know that was part of it. No, I'd be happy to.

Mr. Apicella: We penalize people that speak up. So, for those folks who just finished the Lot Line Subcommittee and now have some free time, I would ask that you serve on this committee. So, Ms. Barnes and Mr. McPherson, would you serve alongside Mr. Bain?

Ms. Barnes: Three of us again?

Mr. McPherson: Yes.

Mr. Apicella: Three of you again.

Ms. Barnes: Okay, we can do that.

Mr. Apicella: I guess this is probably a significant topic. I know you guys met during the day for the Lot Line Shape Subcommittee; I think probably some of the rest of us might like to sit in on some of

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those meetings if you would consider holding at least some of those meetings in the evening so we can participate?

Mr. Bain: How about really early in the morning?

Mr. Apicella: If it's 5 o'clock in the morning, that might work.

Mr. Bain: Five o'clock? Okay.

Ms. Barnes: Oh, yeah, no.

Mr. Apicella: And just for some context and timeframe, there is a proposal to have a public hearing... a joint public hearing, at least theoretically, in May. Is that kind of the timeline we're targeting to?

Mr. Harvey: Mr. Chairman, that was the discussion at the Board's Retreat. As I mentioned, the item will be brought up for first discussion as New Business at the Board's meeting next Tuesday. Based on the Board's by-laws, items like this come up as New Business and then have to wait until the next meeting to be acted on as Unfinished Business. So, we'll see from next Tuesday whether there'll be any adjustments to what's being presented and discussed with the Board next week. And then, ultimately, if they decide to forward the ordinance to the Commission, that's something they may ask for is a joint hearing.

Mr. Apicella: So, you'll keep the subcommittee... at least the subcommittee posted, if not the full Planning Commission.

Mr. Harvey: Yes sir.

Mr. Apicella: Okay.

Mr. Randall: So, quick question. Some clarification for me. So, when you say Healthy Growth Initiative, you're talking about is downzoning being part of that discussion and part of that ordinance? Or is it, it would be a separate ordinance?

Mr. Harvey: Commissioner Randall, the Board's Strategic Plan has a number of items for Healthy Growth Initiative. One of them was to study the rural density and development in the rural areas. So that's one aspect that'll be coming to the Commission potentially based on Tuesday's discussion. So, it'll be a specific ordinance amendment and Comprehensive Plan amendment if the Board chooses to move that forward.

Mr. Apicella: I would prefer to call this the Rural Zoning Subcommittee, rather than the Downzoning Subcommittee. And, Mr. Harvey, just to be clear... well, I don't want to call it the same thing. I think what I hear Mr. Bain saying is he's looking kind of in a broader context of some other thoughts possibilities associated with rural zoning. You'd be able to provide some staff support to that effort?

Mr. Harvey: Most certainly.

Mr. Apicella: Okay. Thank you very much. Okay, I have no other business under Chairman's Report. TRC - looks like that meeting was cancelled. Wow, not much is going to happen on the 25th. Approval of minutes. Is there a motion to approve the January 29, 2020 minutes?

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OTHER BUSINESS

9. TRC Information - March 25, 2020 - *Cancelled*

APPROVAL OF MINUTES

January 29, 2020

Mr. McPherson: So moved.

Mr. Apicella: Is there a second?

Mr. Bain: Second.

Mr. Apicella: Okay. Cast your vote on the approval of the 29th minutes. Okay, motion to approve the minutes for the 29th are approved. Is there a motion to approve the February 12, 2020 minutes?

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Ms. Barnes: Motion to approve.

Mr. Apicella: Thank you, Ms. Barnes.

Mr. English: Second.

Mr. Apicella: Okay. Motion and second to approve the February 12, 2020 minutes. Please cast your vote. Okay, with no further business before the Planning Commission, I close this hearing... this meeting.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 7:48 p.m.