

STAFFORD COUNTY PLANNING COMMISSION
June 24, 2020

The meeting of the Stafford County Planning Commission of Wednesday, June 24, 2020, was called to order at 4:30 PM by Chairman Steven Apicella, in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center and remote locations throughout the County.

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, Mike Zuraf, Brian Geouge, Denise Knighting

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: This is Steven Apicella, Chairman of the Stafford Planning Commission. I call today's meeting to order. I am participating in today's meeting electronically from a remote location in Stafford under state and local emergency orders, and as electronic media participation is authorized by state statutes, including Virginia State Code Subsection 2.2-3708(2)(a)(1)(a), County Ordinances, and Planning Commission policies and practices. So, to the extent applicable, I would ask my fellow Commissioners to accept my electronic participation today.

Mr. McPherson: Yes.

Mr. Bain: Accepted.

Mr. Apicella: Darrell, you want to call for a vote?

Mr. English: Absolutely. I'll call for a vote. Kristen?

Mr. Apicella: I will do it remotely.

Ms. Barnes: Yes.

Mr. English: Mr. Bain?

Mr. Bain: Yes.

Mr. English: Mr. McPherson?

Mr. McPherson: Yes.

Mr. English: Mr. Cummings?

Mr. Cummings: Yes.

Mr. English: Mr. Randall?

Mr. Randall: Yes.

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Mr. English: And myself. We've got a seven vote.

Mr. Apicella: Steven Apicella votes yes. Okay, I've got a... I appreciate that, everybody. I have two more points to make. So first, when we vote on any items or motions, Commissioners participating in the Board Chambers will cast their votes using their voting devices, and I will cast my vote verbally. And my second point is, if we run into any technical issues, Mr. English will take over as Acting Chairman until the issues can be resolved. Okay, thank you, everybody. Are there any declarations of disqualification on any agenda item? Okay, seeing none, are there any changes to the agenda? Okay, seeing none, I'm gonna open up the Public Presentations portion of tonight's meeting. This is a point in our meeting when members of the public may address any matter they wish to comment on, except the three items scheduled for public hearings today. There'll be a separate opportunity to comment on these public hearing items as they come up. Speakers have up to 3 minutes for their comments. Please state your name and address before you start. The clock starts when the green light appears; yellow means there's 1 minute left; red means you need to wrap up your comments. So, if there's anyone who would like to speak, please come forward. Okay, I don't see anybody from where I'm sitting, so I will close the Public Presentations portion of tonight's meeting and move on to agenda item 1, Red Apple Pediatric. Mr. Harvey.

PUBLIC PRESENTATIONS

PUBLIC HEARINGS

1. RC19152894; Reclassification - Red Apple Pediatric Proffer Amendment - A proposal to amend proffered conditions on Tax Map Parcel No. 19-25B ("Property") to permit redevelopment of the site and expansion of the current medical office use. The Property consists of 0.91 acre zoned SC, Suburban Commercial and is located on the south side of Garrisonville Road, approximately 70 feet east of Vulcan Quarry Road, within the Rock Hill Election District. **(Time Limit: October 2, 2020)**

Mr. Harvey: Thank you, Mr. Chairman. Michael Zuraf from the Planning and Zoning Department will be making this presentation from the ABC Conference Room.

Mr. Zuraf: Good evening members of the Planning Commission, Mr. Chairman. Mike Zuraf with the Planning and Zoning Department. So, I'm here to present the staff report for Red Apple Pediatric Proffer Amendment. So, this request is a request to amend proffered conditions on 0.91 acres on property zoned SC, Suburban Commercial. This would permit redevelopment of the site and expansion of the current medical office use. The parcel is 19-25B in the Rock Hill District. The applicant is Farhang Mojgani and property owner Payam Amirsayafi. So, the site is on the south side of Garrisonville Road, approximately 70 feet east of Vulcan Quarry Road. It's immediately surrounded by A-1 zoned property with single-family residential uses. To the north and west is M-2 zoned property and the access road to the Vulcan Quarry site. Nearby to the east and west along Garrisonville Road are commercially zoned properties with commercial uses. So, in 1998, the property was rezoned from A-1, Agricultural to the current SC zoning district with proffers. The proffers permitted the conversion of the existing dwelling to a sales office. The current proffers on the property require parking to the rear of the structure. There are several access requirements, which I'll review, and requirements for a gravity sewer easement, and fencing requirements. The GDP depicts the existing structure with a parking lot located along the western side of the lot. So, in April 2019, the applicant did submit a site plan to redevelop the site to allow for the extension of the existing Red Apple Pediatric Dental Office. During the site plan review, it was discovered that the proffers existed

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that would not permit the development as proposed. So, the site plan is on hold until the outcome of this proffer amendment request. So, the property is developed, as mentioned, with the medical office use. It's occupying the original structure and there's a parking area located to the rear of the structure. There's a single access point off of Garrisonville Road. The property slopes down gradually from Garrisonville Road across the property. There are no sensitive environmental resources. And to the rear of the parking lot is an open grass area and there are mature trees that line the south and west property lines. So, going through the proffer amendments, the first proffer amendment is to proffer number one. This would modify the General Development Plan for the property to illustrate development of a new building that would replace the existing building and reconfigure internal travelways and parking areas. The General Development Plan submitted with the applicant shows a 6,262 square-foot single story building. The proposed uses are medical and dental clinics and the General Development Plan identifies the potential for the building to be divided into two suites. The customer parking areas will be located along the front and western side of the building, and there's a loading zone to the rear of the building. The property would be accessed by a single entrance in the approximate location of the current entrance. And then there is a raised median in this location along Garrisonville Road which limits the access to right-in/right-out vehicle movements. And there's transitional buffers proposed to the south and east sides of the property that include a six-foot high board-on-board fence. So, the amendments also propose to add in a new proffer, number two, which would require that the building design and materials are consistent with the depicted... with that depicted on the architectural rendering. This rendering reflects the proposed design of the office building as the site is located within the Highway Corridor Overlay. Conformance with the Neighborhood Design Standards Plan will be required. Staff does note that the proposed building design does conform with many of the architectural guidelines of the NDS Plan. The next amendment is proposing to delete a requirement regarding construction of acceleration and deceleration lanes within the right-of-way, leading to and from the entrance of the property. The original proffers required construction of acceleration/deceleration lanes in the event the use or building expanded or substantially was modified. An access management report prepared by the applicant shows that neither an acceleration or deceleration lane is warranted at the proposed entrance. However, the applicant does need to seek and access management exception from having to provide an entry level taper, which the report does identify it as being required. The applicant is unable to provide this due to the proximity of the entrance to DeShields Lane, which is immediately to the West. VDOT is supportive of the exception on the condition that the existing shoulder on Garrisonville Road maintains twelve feet of width. This detail would be required at the site plan stage. Should another more intense use of the site be proposed in the future, the entrance requirements will need to be re-evaluated and modified, if necessary. The next amendment would delete original proffer 4. This is a requirement to restrict access to the property to a shared entrance in the location of DeShields Lane when the adjacent property to the west develops commercially. Staff notes that if the adjacent property does develop commercially, a more desirable access point would be further to the west and would line up with Vulcan Quarry Drive. DeShields Lane is not located in an optimal location. In addition, an optimal entrance farther from the proposed entrance on the site would increase spacing to a more acceptable distance. Some of the other amendments --new proffer 4 would require that any uses on the property should not exceed a thousand vehicle trips per day. The medical/dental office use is estimated to generate up to 152 vehicle trips per day. The GDP identifies that the building will be, as mentioned, divided into two suites. The second user has not been identified, but for planning purposes, medical office use was assumed in both suites in the building. A higher intensity use would likely not be permitted, though, on the site as additional parking would be required, which is not available on the property. Right now they're basically providing the minimum amount of parking that can be required. The applicant did not wish to add a proffer limiting the uses permitted on the property as a result to limit the ultimate impact of a future use on... of a future use on the transportation network. The

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applicant added a proffer that no use of the site will exceed 1,000 vehicle trips per day. If another use on the site was desired that exceeds that, a proffer amendment would need to be... would be required along with a traffic impact analysis. The last amendment proposes to replace the requirement for maintenance of the existing chain fence with a requirement that such fence be replaced with a 6-foot board-on-board fence along the eastern boundary of the property. Staff notes this amendment will enhance the screening from the adjacent properties and help to meet the current buffer requirements. The Comprehensive Plan identifies the site within the Suburban land use designations. Such areas will be primarily residential in nature, but will be complemented by retail and business activities. These areas are intended to serve as infill development in the proximity of the established communities in the northern and southern parts of the county and in close proximity to major existing or planned transportation networks. Development density should not exceed a floor area ratio of 0.4 for non-residential development. The plan also states that commercial uses adjacent to residential uses should not be designed such that the use is integrated into the community. The property is located along Garrisonville Road, which is a 4-lane divided facility in this location. The Comprehensive Plan does not recommend additional widening to Garrisonville Road in this area. The Bicycle and Pedestrian Facilities Plan element of the Comp Plan does recommend sidewalks along the section of Garrisonville Road. No sidewalk is shown on the GDP. Sidewalk is an HCOD requirement and the applicant has the option though to of either constructing the sidewalk or providing a payment for future construction of the sidewalk as part of a larger project. So, looking at the overall evaluation, the proposal is consistent with the land use recommendations in the Comp Plan. It's consistent with the established development pattern along Garrisonville Road. The proposed redevelopment of an aging structure will improve the esthetics of the area. The proffers will help mitigate impacts of the transportation network and adjacent properties. The building design incorporates many of the recommendations in the NDS Plan. The proffer amendments also remove outdated proffers and allow for appropriate redevelopment of the site. Staff does not find any negative aspects. And staff would recommend approval of the application with the proffered conditions pursuant to Ordinance O20-27. And that concludes my staff presentation.

Mr. Apicella: Thank you Mr. Zuraf. Any questions for staff?

Ms. Barnes: I actually have a couple. Hopefully, I think staff will be able to answer this. The... one of the proffers is that the maximum vehicles per day would be a thousand or it would be maxed at that. Are there any businesses that could go in there that would get close to that? Say, a restaurant or any by-right use that would get up to that point?

Mr. Zuraf: Ms. Barnes, yes. That could occur, but that would, I think, require actually that use to occupy the entire building. It would probably require that use to be stand alone, because right now, a different use, like, as I mentioned, a higher intensity use, it would be difficult for that to occupy that 2,000 square-foot remaining suite and still meet parking requirements because they're right now up to they're... they're basically providing the minimum.

Ms. Barnes: Okay, so it sounds like the parking is going to limit that regardless of whether or not they want to put something in there that would have a much bigger traffic impact. That was my main concern with that... that lane. It sounds like with a 12-foot shoulder that that's kind of going to act as a lane and hopefully mitigate any possible traffic impacts. Is that correct?

Mr. Zuraf: Yes, that's the intent to make sure that they have at least 12-foot wide width on that shoulder. That would help to provide a vehicle who is looking to access the site area to slow down safely out of the main travel lanes.

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Ms. Barnes: And just out of curiosity, I noticed that there was a little house that was kind of to the east of it. Does anybody...? What is that little house?

Mr. Zuraf: It is a residential use. I'm not certain if it is currently occupied or not, but is an older residential use.

Ms. Barnes: So, all the residents in the surrounding properties have all been notified and good to go on that.

Mr. Zuraf: Correct.

Mr. Randall: Steven, this is Bart. I have a question.

Mr. Apicella: Okay, please go ahead.

Mr. Randall: Alright. So, this is maybe better for the applicant and I'll... if we can talk to the applicant about it in just a minute. But you mentioned in your presentation, Mr. Zuraf, that we are not able to put an acceleration lane because of the closeness of their entrance to DeShields Lane. Is that correct?

Mr. Zuraf: Well, the...

Mr. Randall: The deceleration lane off of Garrisonville Road, making that right-hand turn into their property, correct?

Mr. Zuraf: The deceleration lane... actually the turning lane report by the applicant determined that a deceleration lane is not required. It's the taper. So, which is, I guess, basically just an area where somebody would... could immediately go from the travel lane right into the... right into the entrance.

Mr. Randall: Right. So, therein lies my problem is that I live right off of Garrisonville, and I've seen the traffic on there. And at any given time that's a problem, you know, having somebody stop, almost come to a complete stop to make that right-hand turn. Most businesses have a secondary access off of a lane. They turn and then they turn into a business. And what you're saying is that because they built their entrance or they want to build their entrance so close to DeShields Lane, no matter what extra use they have for that land, I am not going to ever be able to put a de-acceleration lane because of its closeness to DeShields Lane. Is that correct?

Mr. Zuraf: In the current location, that's correct.

Mr. Randall: So, no matter what they did with it down the road, and we don't know what they're going to do with it 15 years from now, so without completely redesigning that entrance, I... unless I closed completely DeShields Lane and there's probably no effort to do that... no interest to do that... a de-acceleration lane into that property would be pretty much null and void for the duration of the time any business was on that property. Correct?

Mr. Zuraf: I may want to defer that to the engineer for the project because that if the use was going to be... if the entire use was gonna be repurposed and it was a higher intensity use closer up to that thousand trips per day...

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Mr. Randall: Right.

Mr. Zuraf: ... the applicant is gonna have to re-evaluate whether there's a deceleration lane needed. And I would defer to the applicant if that's something that might be possible across, you know, to continue it across where DeShields Lane is.

Mr. Randall: Okay. Because we... I mean, the report said that it would not be available, would not be something we could do it all because of the proximity to DeShields Lane. And so, it would prevent any further talk and discussion, you know. Now, if they moved the entrance down, you know, 50 feet and they made it available for future use, you know, that may be something that we could talk about. The other thing to ask is, is there a reason why we're not promoting an access to the property from DeShields Lane and not directly from Garrisonville? There are many businesses that don't have a direct access off of Garrisonville. They do it off of a side road for many reasons. And I don't know if that's been a discussion that you've had with them or not.

Mr. Zuraf: Well, yeah. So DeShields Lane is an older private lane. It serves about 15 homes to the south of this site. And so they would have to... and I'm not certain if that's been explored by the applicant, but they would have to get access approval from probably all those... all fifteen landowners. And so I don't know if that's been explored.

Mr. Randall: Okay, thank you.

Mr. McPherson: Mike, I have one question for you. Regarding these sidewalk requirements, can you please confirm that the sidewalks are required, but they have the option of either building it now or providing funding for future building? And also, are there sidewalks on either side of this already or it's pretty much unbuilt at this point along that part of Garrisonville?

Mr. Zuraf: Yes. So, yeah, they have the option of either building the sidewalks or providing funding for them to be built. If they provide funding, it goes into a pot of money that can be used for a later time if there's a larger kind of improvement project in the area. And right now, there are no sidewalks on either, in the area, on either side of this property.

Mr. McPherson: Okay. But it has to be one or the other, correct?

Mr. Zuraf: Yes.

Mr. McPherson: Okay, thank you.

Mr. Apicella: Any other questions for staff? Okay. Thank you, Mr. Zuraf. Is the applicant there and would like to present?

Mr. Etemadi: Mr. Chairman, members of the Planning Commission. Good afternoon. My name is Shahriar Etemadi. I'm with SCS Consulting and representing the applicant here. I would like to introduce the owner and our team first. The owner, Dr. Payam Amirsayafi, and Leyla Khalighi. And our civil engineer is Mr. Farhang, Mojgani of Civiland. And our architect is Ms. Cynthia Suarez. Before I begin my presentation, I would like to thank your staff for being very helpful and responsive to us. And I really do appreciate that. We are in agreement with all the recommendations in the staff report. Also, the staff report is done very well and comprehensive. We thought that we can reduce our presentation to about 6 or 7 minutes so we don't take too much of your time and don't repeat what

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Mike has said. We decided... okay, can we go to a slide one, please? Oh, here, I have to use this, correct? Where do I point it? There you go. Okay. This slide shows the regional location of the site. It's on Route 610. And this is a closer look at the site, aerial your view of it. This is the location and existing building that we have onsite. It's 1,564 square feet, which is being used by Dr. Amirsayafi for his practice. Again, Mike did a great job of going through all these proffers. I don't know if I need to summarize this, but of course, the future development is going to be consistent and conforming to the GDP, the building design and materials will be consistent with the elevation, and the renderings that I will be showing you later in the presentation. And the turn lane that we talked about, actually we did the analysis, traffic analysis; we are not required to provide a deceleration lane or acceleration lane, but a taper. And if you go to your staff report, actually, I don't know exactly what the page number is on the staff report, but you can see this graph here. This graph basically shows that what is the... determines if you need this acceleration or deceleration lane or taper. As you can see in the morning, we have probably 15 trips coming in. So, if you compare that to the number of trips that or traffic on the Route 610 going east, we've barely touched that part of the graph that says a taper is required. So, if... if we generated two less trip, I think then there wouldn't be any need for it. Limits of trips total will be not exceed 1,000 vehicle per day. In fact, this building, there will be 4,000 square feet of it used by doctor for his practice and the other 2,000 square feet we did some analysis of what kind of other users can be in that part of the 2,262, actually, the square feet of the building. And we looked at several options of the uses there and see how much traffic will be generated because of that and if we are gonna reach that 1,000 trip that is per day. The most intense use that can be housed there is a day care and, with that, actually I have a table that I, I wanted to show this at the end, but probably this is a good time to discuss it. If you look at this, we have existing building is generating 54 trips a day. If we have 4,000 square feet of practice in the future, that will generate 139 and then if we add every other kind of uses that may be housed in this building, we looked at the medical office, general office, single tenant office, or a daycare, none of them when added to the 4,000 square feet of owners practice, doesn't even come close to 1,000 trips per day. So, we are not going to be able to put a 7-Eleven in the building or, you know, something like that. These are some of the office... I mean, uses that we thought that maybe would go in there. So, going back... sewer easements; right now the County has a forced... forced... I'm sorry, I have to get to my... So, if the County wants to use a gravity line of sewer here, we are prepared to provide the easement and we actually show it on the plan here. Unfortunately, I can't get in there but... so if we look at the southern part, or well, in this picture, to the lower part, you can see the proposed easement that is shown there, and so we are proposing to have that. And also, we have an inter-parcel connection to the east. Another proffer is the fence that is gonna be a 6-foot high board-on-board fence to the east. This is the site plan that we have. As I said, the future development is gonna be consistent with this GDP that you can see here. The site is .9 acres, zoned SC, Suburban Commercial. And the development that we are proposing here is well below the FAR required... allowed, I should say. Our development is .16 versus .4 FAR permitted here. The zone allows for other uses. It's primarily residential uses, but complemented with other neighborhood-oriented uses, including commercial establishment, particularly along the major highways. The development has to be meeting the requirements of Neighborhood Development Standards. I think we are meeting all those requirements. This is the landscape plan. As you can see, it's going to be heavily landscaped all around and for additional screening to the east, which is basically to the southern part or lower part of this picture. There will be a 6-foot high fence, board-on-board fence.

Mr. Randall: Excuse me, sir, can I ask you a quick question about the landscaping?

Mr. Etemadi: Yes, sure.

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Mr. Randall: Are you going to leave as much natural vegetation as possible when you do your construction? Other than obviously what you'll need to build that fence, or are you gonna tear it out... strip it clean and then plant all these plants that you're looking at?

Mr. Etemadi: Well, actually, the site is not very much vegetation except for the southern part is pretty much open, open area. So, some of those trees are gonna stay. of course, we are not going to change those. But for other places that we need additional vegetations, we're going to provide that.

Mr. Randall: Right. So, you'll add to what's existing, you won't...

Mr. Etemadi: Correct.

Mr. Randall: ... take it all down and then... and then replant all the trees and shrubs.

Mr. Etemadi: I, I believe that's the case. Correct? Yes.

Mr. Randall: Okay, perfect. That would be a preferred.

Mr. Etemadi: Yes.

Mr. Randall: Thank you.

Mr. McPherson: I have one question, too, if I may.

Mr. Etemadi: Sure.

Mr. McPherson: The inter-parcel connector that's showing there on the east side, at the bottom with that, was that a requirement or is that something that you're putting in there?

From audience: Requirement.

Mr. Etemadi: Yes, it is required.

Mr. McPherson: So, it's required by our...?

Mr. Etemadi: Correct.

Mr. McPherson: Okay, thank you.

Mr. Apicella: This is the Chairman. I'm sorry if you can't see me at the moment. I'm just gonna ask you if you could wrap up your comments. We've got a time limit...

Mr. Etemadi: Okay.

Mr. Apicella: ... on our meeting tonight. We have to finish up by 7 o'clock.

Mr. Etemadi: Yes. Okay, the next, next to five slides here are basically the renderings and elevation of the buildings. I'm not going to explain to you so if you have any questions, the architect is here to

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help. This is the floor plan. That concludes my presentation. If you have any questions, I'll be happy...

Mr. English: One question, then we move on.

Mr. Etemadi: Yes.

Mr. English: What's the hours of operation? It's not gonna be a... what's the hours?

Mr. Etemadi: Doctor, what is the hours of operation? 8:00 to 5:00.

Mr. English: 8:00 to 5:00. Okay, thank you. That's all.

Mr. Apicella: Questions? Okay, seeing none, thank you sir. I'm going to bring it back to the Commission for further deliberation and action.

Mr. English: Public hearing, Steven. Public comments.

Mr. Apicella: My fault. Okay, I'm going to now open the public hearing on this matter. Again, this is an opportunity for the public to comment on this item. 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. Anyone that would like to come forward, please do so now. Okay, seeing no one, I'm going to wrap up the public comment period and bring it back to the Commission. Ms. Barnes, this is in your district. How would you like to proceed?

Ms. Barnes: I'd like to make a motion to approve RC19152894, Reclassification of Red Apple Pediatric Proffer Amendment.

Mr. McPherson: Second.

Mr. Apicella: Thank you, Ms. Barnes. Was that Fillmore?

Mr. McPherson: Yes.

Mr. Apicella: Okay. So, we have a motion and a second. Any further comments, Ms. Barnes?

Ms. Barnes: No.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: No.

Mr. Apicella: Anyone else?

Mr. Randall: Steven, this is Mr. Randall. I would like to a quick comment.

Mr. Apicella: Okay, please do.

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Mr. Randall: Yeah, I'll be quick, I'm sorry. I'm really concerned about getting into that from Garrisonville, all right. I think at some point in time we're gonna wish we had a de-acceleration lane. And at that point time, it's gonna be too late to change the entrance or to put a de-acceleration lane. You know, the first time somebody gets rear ended and kills a family, we're gonna say, well, maybe we to look at putting in a de-acceleration lane. And we're going to be too close to DeShields and we won't be able to. So, although I'm hesitant to say no, based on what I think will be a great addition, I think that there's some thought and some validity of moving your entrance farther west... farther east so that if a de-acceleration lane becomes practical, becomes necessary due to for whatever happens, we're within the ability for us to do that. Now, I don't know if that means you have to move it 10 feet or have to move at 50 feet, but I think at some point in time, maybe not tomorrow, maybe not next week, we're gonna wish we had the ability and the time... the room to put a de-acceleration lane there. Right? And so, as it is now, we won't be able to. It's not practical. It's not even available... not even have an ability because of the closeness and the proximity to DeShields Lane, all right. And so I think we should put ourselves in the best situation for the County, for the people of the County, for the people that ride Garrisonville, to say at some point in time we may want to. And if we do, we now have the ability to because the entrance has been moved far enough. Now, that will require a little bit of maneuvering. I understand it would require a little bit of movement of parking spots and maybe the building itself. But I think there's some validity in looking at that option so that we have the ability to do that down the road, and we don't find ourselves in a situation where we're hamstrung by DeShields and the proximity. Okay? Alright, thank you.

Mr. Apicella: Thank you, Mr. Randall. Any further comments?

Ms. Barnes: Yeah, just one quick comment. I had very similar concerns, but I think that the shoulder that they're putting in, it's a pretty wide shoulder, and I think that, like Bart said, we may not know what's going to happen in the future, but right now, I think that shoulder really assuaged me with a lot of that fear immediately. I think that at this point that the shoulder is going to be good enough.

Mr. Randall: No doubt. I'm just saying that down the road we won't even have the option. We won't even be... it won't even be available for us to do that, even if we wanted to. And so I'm just trying to keep ourselves from getting behind a rock and not being able to take care of it, that's all.

Mr. Apicella: Okay, last call for comments. Seeing none, please cast your vote on a motion to approve the reclassification. Mr. Apicella votes yes. Motion carries 7-0. Congratulations. Moving on to the next item, Mr. Harvey.

Mr. Randall: Hey, Steven, let's give them a minute to move their presentation boards, please.

2. CUP19153087; Conditional Use Permit - South Campus Academy - A request for a Conditional Use Permit to allow a child care center in the B-3, Office Zoning District, on Tax Map Parcel No. 39-16M (Property). The Property consists of 2.15 acres, and is located on the southwest corner of the intersection of Old Potomac Church Road and South Campus Boulevard, within the Aquia Election District. **(Time Limit: October 2, 2020)**

Mr. Harvey: Mr. Chairman, the next item on the agenda is a public hearing for South Campus Daycare. And Mike Zuraf will also make this presentation.

Mr. Zuraf: Okay, I think it's better. Cross your fingers everyone.

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Mr. Apicella: Thank you.

Mr. Zuraf: Alright, Mike Zuraf with Planning and Zoning again. Mr. Chairman, Commission members, I'm going to present item 2. It's the Conditional Use Permit for South Campus Academy. If I can have the presentation, please. Sorry, we're... Sorry about that, we're figuring things out. So, the presentation here for South Campus Academy Conditional Use Permit. This is a request for a use permit to allow a child care center use in a B-3, Office zoning district. It's on a 2.15-acre parcel in the Aquia District. Timothy Leopold is the applicant with Sherman Patrick serving as the agent. The property is located on the southwest corner of the intersection of Old Potomac Church Road and South Campus Boulevard, approximately 1,500 feet east of Jefferson Davis Highway. The parcel is subject to the conditional use permit request. It's outlined in blue. The property, again, is zoned B-3 without proffers. The surrounding zoning includes B-2 zoning to the east and B-3 surrounding all other sides of the site. Surrounding uses include an office building to the south and west, and the other abutting properties are undeveloped. The property is currently undeveloped and graded out. The property slopes upward at the north and east property lines and does not include any sensitive environmental resources. Curb and gutter construction exist along South Campus Boulevard. The site abuts an office building to the south and west, and is in close proximity to the Stafford Hospital Center, and the Abberly Apartments and then some other single-family dwellings. The General Development Plan submitted by the applicant illustrates the site layout for the child care center use. The proposed use permit conditions require that the site be developed in general conformance with this General Development Plan. It shows a single-story building approximately 10,000 square feet in size. There would be covered outdoor areas shown on the north and east sides of the building. Two playground areas are also shown; the one at the north side of the building and a larger one on the east side of the building. Playground areas are proposed to be screened by a fence with a maximum height of 4 feet. Sidewalk is proposed along the South Campus Boulevard frontage on the property. Currently, the GDP does not show sidewalk along the property frontage of Old Potomac Church Road. The GDP does note that the site plan for the proposed Potomac Church Farms residential subdivision to the south shows road improvements along the property frontage of Old Potomac Church Road, which does include curb, gutter, and sidewalk in this location. Proposed conditions do require that the applicant ensure that such improvements along Old Potomac Church Road shall be constructed prior to the issuance of an occupancy permit for the child care center.

Mr. Bain: Mr. Zuraf, could I interrupt a second?

Mr. Zuraf: Yes.

Mr. Bain: On that site plan, can you please indicate how traffic would access the site? Because it's not clear to me at all.

Mr. Zuraf: There's two different ways to get in. Here's South Campus Boulevard and there's an access road that exists in this location. This goes down to Abberly and then there's an existing access road to the office building. And so they can come in this way and access through the site. The other way in is by Old Potomac Church Road and this other existing access point here. And then they can come in this way.

Mr. Bain: Alright, thank you.

Mr. Zuraf: There are 43 parking spaces proposed be added to the shared parking lot between the site and the existing office building. The proposed conditions require the sidewalk connection be provided

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between the building and the sidewalk in the location that is generally shown on the GDP. So, the proposed condition use permit conditions require the building be constructed in general conformance with these styles and materials depicted on the architectural renderings. Some of the proposed conditions require development to be in conformance with the GDP; require that outdoor play areas are screened with fencing and provide... and provided with trees and/or other shade structures; require that all outdoor play activities are supervised; restrict hours of all outdoor play activities from dusk to dawn; limit student capacity to 200 students; and require sidewalk along both property frontages.

Mr. McPherson: Mike, can I ask you a question please?

Mr. Zuraf: Yes.

Mr. McPherson: If I recall correctly, wouldn't the supervision be by licensed personnel in accordance with Virginia requirements?

Mr. Zuraf: I believe so.

Mr. McPherson: Okay.

Mr. Zuraf: I'll defer to the applicant on that.

Mr. McPherson: Okay.

Mr. Zuraf: The Comprehensive Plan identifies the property within the Courthouse Planning Area, Targeted Residential Growth Area. The more detailed land use concept identifies the property within a mixed use, commercial and residential designation. Targeted Growth Areas are areas in the County where urban or higher density suburban development patterns are most appropriate. Here there is a recommendation to have a minimum floor area ratio of 0.4. This site, the floor area ratio is 0.11, but the requirements to have outdoor play areas, it would be difficult for the daycare building to ever meet the 0.4 FAR requirement on this specific site. Staff does find in general that the proposed use is consistent with the Comp Plan recommendations and policies, specifically the location recommendation. The location of the site within a mixed use designation, nearby Route 1, the presence of accessible commercial and residential properties, and the proposed conditions make this an appropriate use of the property. Looking at the overall evaluation, the proposal is consistent with the land use recommendations in the Comp Plan, consistent with the established and proposed development patterns, the conditional use permit conditions help minimize impacts on adjacent properties, and conditions would ensure that the building is consistent with the architectural recommendations in the NDS Plan. One negative, as mentioned, is the building does not meet the minimum floor area ratio recommendations in the specific area in the Comp Plan. And another positive note that I forgot to mention, the use can provide a valuable service to the area businesses and residents since it is in close proximity to the hospital, apartments, and Germanna offices. And then there is also no other daycare in the immediate area, so this would provide a service to those uses. Staff does recommend approval of the application with conditions pursuant to R20-112. And this completes the staff presentation.

Mr. Apicella: Thank you, Mr. Zuraf. Are there any further questions for staff? Okay, seeing none, would the applicant liked to present?

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Mr. Patrick: Good evening, Mr. Chairman and members of the Commission. Thank you for having this meeting tonight. We know that you're making an extraordinary effort to help the business community keep moving forward under these conditions. The child care business, as you might imagine, has been very heavily impacted by the pandemic.

Mr. Randall: Excuse me, could you introduce yourself?

Mr. Patrick: I'm sorry. I'm Sherman Patrick with Compton and Duling. I'm here this evening representing the Leopold's in this application for South Campus Academy. Thank you for reminding me. So, what I want to do is just take a few minutes of your time to summarize and reiterate a couple of points that the staff has made already, but also to let you know that there's a little area of concern on the part of the applicant that we are hoping that you can help us with. First, the property, of course, is zoned B-3. We have a conditional use permit requirement, which was unknown to us when they started out on this process. It's mentioned in the staff report, I don't know if you caught it or not, but this site was previously planned for a 39,000 square-foot building, 39,500 square-foot office building. A building of that type would have a much greater impact on traffic, and I'll come back to why that's significant in this particular case. But this site is ideally located for child care operations because it is close to the hospital, it's close to Germanna, and it's close to the Abberly multi-family community to the south, and a developing community of single-family dwellings known as Potomac Church Farm. And this 2.15-acre property will house only a 10,000 square-foot building again because of the outdoor play area. The floor area ratio is 0.11 which is very low. On a site this size, you would expect a building probably four times as large, as evidenced by the former site plan that was approved for the site. The parking is well adapted and taken care of. There will be a maximum of 200 students with 30 employees. They hope to be a positive contributor to the amenities that are needed for the community in this area. And with respect to their contribution to the tax revenue for the county, they'll be approaching 500 or half a million dollars in taxable revenue each year. Next slide, please. Actually, I don't know if I can use this or not. Let's see. Oh, a question was raised earlier about the access to the property. You can see in this aerial photograph very clearly the shared inter-parcel connections between this property, the apartment project, and as well as the office building where Germanna is located. So, they're using a series of shared entrances to cut down on the number of entrances along the roads. South Campus Boulevard is designed to be a public right-of-way. It will meet all of the current standards. You'll see a turn lane that's been provided for the shared entrance that is to the left of the screen. Old Potomac Church is an interesting... Old Potomac Church Road is an interesting road. It is very old. It has a prescriptive easement; it's normally referred to as. It is not in the state highway system for maintenance. So, it has a rather special status, even though it has a public right-of-way, because it's been there for a very, very long time, it does not... it is not built to or it was not in the state highway system at this point in time. -The road, however, does have a very good driving surface. And this portion of the road, south of South Campus Boulevard, has very good site distances and meets all safety requirements. This is the General Development Plan for the conditional use permit. The road at the top is South Campus Boulevard. Old Potomac Church Road is to the right. The building is located in the middle. You see there a 10,000 square-foot building highlighted in orange. Outside of that, there are awnings and areas for collecting; that will make more sense to you when I show you the architectural design. And you can see that there's a secure play area for the students to be outdoors. You can see also very well in this exhibit the landscaping which is highlighted with green to make it stand out better. And you can see the shared parking and internal circulation within the site. And this is the architecture of the building, and you can see outlined in red here, the awnings that I mentioned. That will be collecting areas for the students as they come in and out of the facility. It has a school theme to it. I think you'll probably pick up on that. And architecturally, we think it fits into the community. Staff has agreed with that. And this brings us to the question that I have for you about

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condition number 12. Condition number 12 is a little bit of a concern. You see here that the property has 436 feet of frontage along South Campus Boulevard, the road that was just constructed and meets all the current standards. The applicant in this case is going to extend sidewalk along the cross... along that frontage. However, Old Potomac Church Road is about 340 feet of frontage. And you can see it here outlined along this... in this aerial photograph. And some of the concerns that we have is when the applicant first purchased this property, it already had an approved site plan for an office building, which was much larger and a much higher transportation impact. But it did not do improvements that are being requested of this use along Old Potomac Church Road and it feels just a little bit disproportionate to the impacts that this particular use was going to generate. We went through this conditional use permit process. We had a pandemic. Things slowed down. And then we learned of a request to do improvements along this road. And it just doesn't feel like the right fair share for the small use that is going on this property. The Potomac Church Farm that we mentioned earlier, a residential development to the south, which is a very significant traffic generator, is in fact processing at this time a site plan to improve Old Potomac Church Road across this frontage. If we were to also be trying to improve Old Potomac Church Road, there would be difficulties in coordinating between the two engineers, of course, and that is always a complicating factor. But, the fact that the use that is actually generating a use, generating traffic, that is of the magnitude and has the volume of uses that are supportive of that type of cost is already processing the site plan. It seems to us to mean that condition number 12 perhaps could be modified or could be deleted in this particular case. So, what we're going to ask is that you consider, with respect to condition number 12, that the road is not in the state system. It is the improvement we were talking about. It's not like a taper or a turn lane on a busy road like Route 1 or Garrisonville Road. So, this isn't a safety requirement. Old Potomac Church Road has good driving surface. It has good sight distances. So, there also is not a problem with respect to that. The cost of doing that type of improvement, frankly, is just disproportionate to this particular use; not only in its impact, but also in its financial resources.

Mr. McPherson: May I ask you a question? Sorry to interrupt.

Mr. Patrick: Yes, sir.

Mr. McPherson: You're concerned about the sidewalk improvements, not the street improvements, correct?

Mr. Patrick: We're mostly concerned about curb and gutter.

Mr. McPherson: If I remember correctly, and Mr. Zuraf, if you could please chime in, the new subdivision development is required to make those improvements. Correct?

Mr. Patrick: Yes, sir.

Mr. McPherson: Not you.

Mr. Patrick: The condition number 12 actually puts that requirement on this applicant as well.

Mr. English: He was asking about when they do that subdivision, is it on their burden instead of you to do that, not you.

Mr. Patrick: The way that we understand condition number 12, it is a duplication of a burden that has already been assigned to that residential development.

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Mr. McPherson: That was the occupancy permit, correct?

Mr. Patrick: So, we're being hit, we're belt and suspenders. We're the backup for them or something. I'm not sure exactly how to characterize that.

Mr. Apicella: Hey Mike...

Mr. Zuraf: Mr. Chairman?

Mr. Apicella: ... can you chime in on this:

Mr. Zuraf: Mr. Chairman, yes. So, it is kind of written in as a backup. So, if for some reason nothing happens with that residential project and it just stops and doesn't develop, then that ensures that the sidewalk would go in under this project.

Mr. Apicella: When we get to the point that we bring it back to the Commission, you'll give me that verbiage, Mike?

Mr. Zuraf: Sure.

Mr. Patrick: Mr. Chairman, may I make one clarification? It's curb and gutter and sidewalk. And the reason that we're concerned is when you get into curb and gutter, you have to start addressing drainage. And you have to address the location of the edge of the road. So then, if the road alignment is shifting one way or another, a project or a condition, it sounds very, very simple, like providing curb and gutter becomes very complicated and very expensive very quickly. So, with that, we hope this evening that we can receive your recommendation for approval. And we've... staff, we're very happy with staff's recommendations with the exception of condition number 12.

Mr. McPherson: Is it possible for somebody to display condition number 12 in writing on the screen so that we can all see the exact verbiage?

Mr. Cummings: And worst case scenario, what do you think the costs would be? Worst case.

Mr. Patrick: If it were just curb and gutter and sidewalk, the cost would be between \$16,000 and \$18,000. And frankly, our client would be willing to accept that. So, it would be preferential to us to have a specific fair share contribution toward that improvement and make that a condition of the special use permit as opposed to our client being required to ensure an improvement that may lead to much bigger improvements.

Mr. Bain: As you were saying, putting in the curb and gutter just for your site would lead to other requirements for storm drainage. There'd have to be a discharge point for that gutter that would not cause erosion or flooding. So, then you're looking at pipes possibly under Old Potomac Road or other issues. So, it could become a much more extravagant expenditure if it was not coordinated with the adjoining property development.

Mr. Patrick: Yes, sir. That is that is our concern.

Mr. Cummings: That larger cost was what I was aiming at. If you could project what you think that cost might be.

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Mr. English: What would be the high end on it, I think, the worst case scenario would be the high end it would cost you?

Mr. Patrick: The high end? We just don't know, because if you look at the aerial photograph that's still before me, you can see that the office development to our south does not have curb, gutter, and sidewalk either. And it's the curb and gutter, I should be specific to that. So, they don't have curb and gutter. And as Commissioner Bain was saying, when you get to the end, the water has to go somewhere and you have to manage it. And our concern is, is that it could lead to all sorts of things that we can't anticipate right now. We could probably spend tens of thousands of dollars engineering it, and then we have to build it. So, there's a lot of work that would go into it.

Mr. English: Does that answer your question? Okay.

Mr. Apicella: I'm gonna ask Mike again to chime in. Why are we asking for this as even a fallback? What's our standard policy and what happens from your vantage point if it's a fallback it doesn't happen at all.

Mr. Zuraf: So, condition 12 is on the screen. So, you know, the idea here is that, again, it's to... since this is a Targeted Growth Area, the overall intent is it's going to be an area where you're going to have maybe a little more activity, more concentration of development, and the more potential of people walking. This would be the chance... the time to make sure a sidewalk happens, because after the sight is developed, it's going to just be tougher.

Mr. Bain: But are you saying that you would be willing to post a security...

Mr. Patrick: Yes, sir.

Mr. Bain: ... for that amount?

Mr. Patrick: Yes, sir. We're hoping to achieve a fair share contribution, which we've calculated out to be the cost of the curb and gutter and sidewalk. Our engineer gave us the range of 16 to 18 thousand dollars of what those improvements would actually cost. And I think that's probably really what Mike intends is a cost in that range without realizing that it could become a much bigger cost because of other requirements, other engineering requirements.

Mr. English: Would you be... are you finished, Mr. Bain? Would you... did you want to cap that at a certain amount?

Mr. Patrick: Yes, sir. We'd like to cap it at \$16,000.

Mr. English: Okay.

Mr. Randall: Mr. Zuraf, this is...

Mr. Apicella: *Inaudible, being talked over...* Mike, I'm going to ask you to chime in and do you think that amount is reasonable or do you have any concerns with that?

Mr. Zuraf: I cannot answer that question. I would have to look at the details of the cost estimate.

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Mr. McPherson: It's a fair share and accurate, the way of putting things in your opinion, Mr. Zuraf?

Mr. Zuraf: Sorry. Can you repeat that?

Mr. McPherson: Just adding that they would put in their fair share would be, would cover what they need to commit to, correct?

Mr. Zuraf: We might want something more. Maybe based on an engineering estimate reviewed and approved by the County. Something like that.

Mr. Randall: Mr. Chairman, I have a question.

Mr. Apicella: Sure.

Mr. Randall: If you could put the message back on the screen, please. Number 12. Such improvements may be constructed by others and/or a security posted for the construction. When you talk about a fair share, how would your definition of a fair share fit into that sentence?

Mr. Patrick: I thought you were going to ask me a slightly different question. I was all ready to answer that one.

Mr. Randall: I'll get to that question in just a minute.

Mr. Patrick: Okay. I would drop the word ensure because ensure is kind of an awkward word to use there. I would just say the applicant... prior to the occupancy permit of the building, the curb, gutter, and sidewalk shall be constructed or the applicant shall provide it... *inaudible, being talked over...* escrow contribution... *inaudible, being talked over.*

Mr. Randall: Right. The second the sentence, the third line, says "such improvements may be constructed by others and/or a security posted for the construction." So, how does your fair share definition fit into that second sentence?

Mr. Patrick: We establish the amount is what I'm trying to do.

Mr. Randall: Okay.

Mr. Patrick: And the way that we arrived at \$16,000 is we took the bondable costs of constructing sidewalk and the curb and gutter. So, it's physically for what you would normally charge under normal circumstances for building those improvements.

Mr. Randall: Okay.

Mr. Patrick: The problem that we have is that when you start this... when you build a curb, we can't put it where we would normally put it.

Mr. Randall: I recognize Pandora's box in this...

Mr. Patrick: Okay.

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Mr. Randall: ... without a doubt. So, go back one... go back to your site plan, your sight lines of how much footage it is.

Mr. Patrick: Mm-hmm.

Mr. Randall: I think 36 on one side. I think there was 430-something on the other side, correct?

Mr. Patrick: It's 338 on Old Potomac Church.

Mr. Randall: Three thirty-eight and...

Mr. Bain: You are committed to building...

Mr. Randall: ... and 4-something on the other one, right?

Mr. Bain: ... the 436 on South Campus Road.

Mr. Patrick: We are... we are committed.

Mr. Bain: Okay. So, we're only talking about the... inaudible.

Mr. Randall: Okay, so now I'm clear. I wasn't clear on that for sure. So, the 436 is already going to happen. And you're saying that if we were to hire an outside contractor to build curb, gutter, and drainage... curb, gutter, and...

Mr. Bain: Sidewalk.

Mr. Randall: ... sidewalk for the 338 feet, that you're saying we could do it for \$16,000.

Mr. Patrick: Right.

Mr. Randall: Okay. Is that accurate, Mr. Zuraf?

Mr. Zuraf: I can't...

Mr. Randall: So, do we think that's fair enough? Do we think that's fair to the County that \$16,000 would cover curb, sidewalk, and gutter for that 338 feet?

Mr. Zuraf: I can't answer that.

Mr. Randall: Okay, we would need to answer that question in order to know what a reasonable amount of security would be required. You know, I definitely think that if in perfect situation, 16 may be necessary, you know. But we know that you didn't get a lot in a perfect situation. So, we all know that you're going to run into problems building it on your 437 feet, and we're probably going to run into situations on the 338 feet. So, maybe there's a, you know, there's a sixteen thousand in a perfect world and we're going to bump it up by 25% to cover any extemporaneous things to get you to... I think that gets you to twenty thousand, if I do my math right. And so, we can agree on a certain amount of security. I'd be uncomfortable waiving that unless we know exactly what it is that we're going to be

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able to give to the County -- that County is good with that amount -- so that we're clear on are we going to build it, or are we going to give us a check to build it ourselves?

Mr. Bain: Have you submitted an engineer's estimate on that to the County yet?

Mr. Patrick: No, sir, we did not. The cost of just doing the engineering becomes significant. There is already engineering on this road that is under way because of the...

Mr. Bain: No, I'm not asking for the engineering design. I'm asking for the estimate that you came... that you got, the sixteen to eighteen thousand. Has that been submitted to the County officially?

Mr. Patrick: No, sir. Well, I gave them those figures. I gave them a range of 16 to twenty thousand, allowing some for some cost overruns and unexpected requirements. I did not provide them with the engineer's tabulation of those figures.

Mr. Bain: I think that would be helpful and that would provide the County with documentation that they could have their engineering department review and give us some indication as to whether or not it was reasonable.

Mr. Patrick: Yes, sir.

Mr. English: Okay, Steven, go ahead.

Mr. Apicella: Well, we can move on. I mean, I think that's a fair point. You know, we might want to defer, when we bring it back to the Commission, for an estimate that can be validated by staff, if that's the will of the Commission, as an option, if we don't decide to make a decision on it tonight. So, unless there's anything else to talk about it, can we can we move on?

Mr. English: Yeah. Go ahead with the public hearing.

Mr. Apicella: Well, have you finished your presentation, Mr. Patrick?

Mr. Patrick: Yes, sir. I would like to add, though, that we would be happy to do that, provide that type of estimate between now and the Board meeting, if that is an option.

Mr. Apicella: Now in the Board of Supervisors meeting?

Mr. Patrick: Yeah, between the Planning Commission and the Board if the Planning Commission were to pass a resolution saying that it was contingent on us providing an estimate for the... *inaudible, being talked over.*

Mr. Apicella: Yeah, I personally wouldn't be comfortable with that, but I can't speak for the rest of my colleagues. I'd prefer that we see it. I mean, it's a condition that we're going to recommend. I think we'd like to know what the amount is before we pass it on to the Board of Supervisors. Again, that's my view. Any questions for Mr. Patrick?

Mr. Patrick: Thank you.

Mr. Apicella: Mr. McPherson, this is in your district, do you have any questions?

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Mr. English: The public hearing, Steven. Public hearing.

Mr. Apicella: I know. I'm just asking Fillmore if he had any questions.

Mr. McPherson: No questions. No more questions.

Mr. Apicella: Okay, gotcha. Alright, I'm going to open the public hearing. Thank you, Mr. Patrick. I'm open to public hearing on this matter. This is an opportunity for the public to comment on this item. Before starting your comments, please state your name and address. The green light starts the clock. Yellow means there's 1 minute remaining. Red means you need to wrap up. If there's anybody in the chambers who would like to speak, please come forward.

Mr. Shaw: My name is Raymond Shaw. From where they're proposing to put the center, there is to accesses. One will be used all the time and that'll be coming in off 161 or coming off Old Potomac Church Road. Neither one will come only from the south. Any traffic from the south will come in to the center and not from the north, because it doesn't make sense to come from the north to the second entrance. Anyway, Old Potomac Church Road, I've been on there since in the 80s, 1980s, has a... *inaudible*... so far along it and it keeps sinking. Over the years, we put stones in it regularly because it sinks. Now it's sinking with a blacktop road and it's still sinking. So, it's going to be a heck of a problem trying to keep that road maintained and safe for the people on Old Potomac Church Road. I don't think you can do it. I don't think of anything else, but that road's going to costs a lot of money. And that's the road everybody uses now because it's convenient from Stafford and coming from the north; otherwise from the south it's hardly used at all. Thank you.

Mr. Apicella: Is there anybody else who would like to speak? Okay, seeing no one else, I'm going to close a public hearing on this matter and bring it back to the Commission for further consideration. Mr. McPherson, this is in your district; how would you like to proceed?

Mr. McPherson: I just have one comment, before I make a motion, about the floor area ratio not meeting the minimum requirement of 0.4. I think that for a daycare center, 0.11 is perfectly okay, is Mr. Zuraf brought up. They need outside play areas for the kids. This is not an office building, law office, business center. It's a daycare center. So, I do not think the floor area ratio is negative at all, in my opinion. Having said that, I am generally in support of this conditional use permit. However, I recommend deferral until the next July, I think it's the 22nd, Planning Commission meeting, giving the applicant time to provide the information to the staff, as he said. I recommend deferral of CUP19153087, South Campus Academy, until the next Planning Commission meeting in July.

Mr. Bain: Second.

Mr. Apicella: Alright, thank you, Mr. McPherson and Mr. Bain. Any further comment, Mr. McPherson?

Mr. Randall: You want to leave the public hearing open, too.

Mr. McPherson: And leave the public hearing open. Thank you.

Mr. Apicella: Okay. Well, I closed the public hearing. Ms. Lucian, can I reopen the public hearing?

Mr. McPherson: She said yes.

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Mr. Randall: She nodded from the gallery, yes.

Mr. Apicella: Okay. Okay, so there's a motion to defer until the July 22nd meeting and keep the public hearing open. So, I'm going to re-open the public hearing. Any further comments, Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Anyone else?

Mr. English: My question is, in reference to the Potomac Run Road, what the gentleman was talking about in the public hearing, would somebody look at that as far as the sinking of the road and who's going to be responsible for that? I don't know if this is going to be part of this conditional use permit. But if it's going to be used a lot, somebody needs to look into that. So, I think I'd like to add that into that, to have a look at that road, what he's talking about.

Mr. Apicella: Okay. So, I'm going to ask staff to take a look at that and provide their comments in the next staff report when this comes back up in July. Any further comments?

Mr. Randall: Mr. Chairman, this is Bart. I'd like one more comment, please.

Mr. Apicella: Okay.

Mr. Randall: My son lives... used to live in the Abberly Apartments. We made that trip over there to Abberly Apartments. That's a great place. I totally think this is... this is perfect for this little area. Everybody needs it over there. I do disagree a little bit with the comments. I think everybody, even if you're coming from the north, you don't take Old Potomac Church Road. You take that once and then you realize that going by the water tower that that's just hazardous to your car. You go down to the south and take that left in to Abberly Apartments. But I think if we get that information, I think we can move forward. But I think we need that information for all of us to make a final decision. But I love this area. I love the idea of putting something there. I think this is a good benefit.

Mr. Apicella: Thank you, Mr. Randall. Anybody else? Okay. Again, there's a motion to defer this item until the next meeting and keep that Planning Commission meeting open... I'm sorry, the public hearing open. Will everybody please cast your vote. Mr. Apicella votes yes. Motion carries 7-0. Thank you, everybody. Okay, moving on to item number 3.

3. WAI20153327; Departure from Design Standards - Centreport Parkway, Parcel 38-14F - DVA3 - A request for a departure from the Design and Construction Standards for Landscaping, Screening and Buffering (DCSL) Manual on Tax Map Parcel No. 38-14F ("Property"), zoned M-1, Light Industrial. Relief has been requested from DCSL Sec.110.2, "Street Buffers adjacent to Arterial or Collector streets," to allow the applicant to deviate from the required plant type percentages and to allow parallel utility easements within the required planting area for a Street Buffer along Centreport Parkway; and DCSL Sec. 120.1, "Parking Lots, Interior" to allow the applicant to provide less than the required minimum amount of planting area, and to deviate from the placement and spacing requirements for landscape islands. The Property consists of 61.0 acres, located on the south side of Centreport Parkway, approximately 1 mile south of Ramoth Church Road, within the Hartwood Election District. **(Time Limit: August 23, 2020)**

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Mr. Harvey: Mr. Chairman, item number 3 is a request for a Departure from Design Standards for our landscaping pursuant to our Design and Landscaping Standards Manual. Brian Geouge will be making the presentation for staff.

Mr. Geouge: Good afternoon, Mr. Chairman, members of the Commission. I'm Brian Geouge with the Planning and Zoning Department. And could I get the presentation, please? As Mr. Harvey noted, this is a request for a Departure from the Design and Construction Standards for Landscaping, Screening and Buffering Manual, also known as the DCSL, for Section 110, "Buffer yards," and 110.2, "Street buffers adjacent to arterial or collector streets," to deviate from the required plant type percentages and to allow parallel utility easements within the required planting area along Centreport Parkway. The subject parcel is 38-14F consisting of 61 acres. This is in the Hartwood District. There are representatives here from the Engineering Groupe to help answer any technical questions. The applicant is Amanda Henry with Scannell Properties and also Charlie Payne is here representing the applicant. The site is located on the south side of Centreport Parkway, approximately one mile south of Ramoth Church Road. The subject parcel is shown here in red outline. The parcel is currently zoned M-1, Light Industrial. The proffers on this property were removed by the Board in 2015 in order to spur economic development in this area. The site abuts an existing Agricultural A-1 use to the west, vacant M-1 zoned parcels to the east and west, and a vacant M-1 zoned parcel to the north which is currently being developed for a warehouse. The parcel also abuts the southbound lanes of Interstate 95. As shown here, the property has been partially cleared and graded based on an existing plan of development which was approved back in 2016. Several small areas of wetlands are located within the western portion of the site and tie into a larger Resource Protection Area located along the entire western property line. The property is also encumbered with multiple easements, including a variable width sanitary sewer easement shown here in the green dash line, and a 40-foot wide gas pipeline easement, which is not shown on this image, but is located in the northwest and northeast corner of the property. The applicant has indicated that the current approved plan to construct a self-storage and fleet parking facility is intended to be discontinued. At this time, the site is being considered for a potential project to develop 200,000 square-foot warehouse and distribution center for a national retailer. A formal site plan has not yet been submitted, but it's expected to be submitted by the end of the month. The applicant has developed a concept plan shown here depicting the general layout of the proposed use based on the user's minimum parking and location requirements. The development is with a confidential client and would generate more than 200 jobs. Economic Development has been working with the client's representative for this project since February, and the project is subject to a nondisclosure agreement. As part of the proposed site plan, the applicant will be required to provide a landscaped street buffer along the frontage of the property in accordance with Section 28.82 the Zoning Ordinance, which states that buffers be provided in accordance with Section 100 of the DCSL. Section 100.B of the DCSL for buffer yards, which requires that all buffer yards contain a planting mix which consists of 50% large trees, 30% small or understory trees, 10% large shrubs, and 10% small shrubs and ornamental grasses. Section 110.2(2) of the DCSL for Street Buffers adjacent to arterial or collector streets, which requires a 15-foot wide street buffer with 50 plant units per 100 linear feet for all non-residential development; and these areas must be exclusive of all parallel easements. If the applicant is unable to meet the identified plant unit requirements, a Departure from Design Standards is required in accordance with Section 143 of the DCSL. The applicant has requested this departure to permit parallel utility easements within the area of the street buffer along Centreport Parkway due to the location of multiple existing utility easements, which impacts the applicant's ability to meet the specific street buffer requirements, as well as their ability to provide the required planning mix. As both the gas line and sanitary sewer lines are large capacity utilities, relocation is not feasible. The applicant has also indicated that the location of the buffer is also unable to be relocated to avoid these easements, as it would lead to a loss of approximately 80 parking spaces, which is... does not meet the

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user's operational requirements. As an alternative, the applicant has secured letters of authorization from Columbia Gas of Virginia and Stafford County Department of Public Works, which will allow shrubs to be planted within the limits of their respective easements. Also, trees are allowed within the gas easement as long as they're 10 feet away from the line. The applicant proposes to meet the total plant unit requirements for the entire length of the street buffer; however, since the trees are not permitted within the utility easement and portions of the gas easement, the applicant proposes to meet the total plant unit requirements through a use of a modified planting mix, which would reduce the number of trees and allow more shrubs and ornamental grasses in their place. As shown on the street buffer departure exhibit, the site frontage on Centreport Parkway is encumbered by the gas line easement along the northwest and northeast corner, shown in purple, and the sanitary sewer easement along most of the site's frontage shown in pink. Based on this linear distance and the applicant's concept plan, the proposed street buffer must provide a total of 1,326 plant units derived from the mix that was mentioned before of 50% trees, 30% understory trees, 10% shrubs, 10% shrubs and ornamental grasses... or small shrubs rather. This exhibits the applicant's ability to achieve the total of 1,378 plant units, which exceeds the amount required, though it is using an alternative mix of plant types consisting of only 18% large trees, 11% smaller understory trees, 42% large shrubs, and 28% small shrubs and ornamental grasses. This modified mix will be utilized only where the easements are in conflict with the proposed street buffer. Where the proposed buffer is not encumbered by easements, the applicant has indicated that the required plant mix will be provided in those locations. While not included as part of this request for departure, the applicant has also provided this interior parking lot landscaping exhibit to demonstrate their ability to meet the minimum interior parking lot landscape requirements in accordance with Section 120.1 of the DCSL. This section establishes the total amount of required planting area, the required number of plant units and trees, and spacing and location of planting islands. While some minor adjustments may be necessary at the time of site plan development specifically to provide a few additional planting islands that are shown in light blue on this image and relocate or shift the trees to avoid easement conflicts, which are areas circled in dark blue, this exhibit otherwise demonstrates the applicant's ability to meet those interior parking lot requirements. Per Section 140.B of the DCSL, the applicant must demonstrate a hardship for the departure and demonstrate any techniques being provided to accommodate the initial requirements. Based on the current concept plan, staff recognizes the hardship created due to the location of the existing utility easements, as well as the potential impact of the project's design and ultimate feasibility if the location of the street buffer were to be shifted to avoid these easements. As the applicant has secured letters of authorization which allow shrubs to be planted within the limits of the easements and has demonstrated the ability to achieve the total number of required plant units through the use of a modified plant mix, staff feels that the applicant's proposal is an appropriate technique to accommodate the planting requirements to the maximum extent practical. Staff believes the applicant's request meets the requirements for a departure of Section 110.2(2) of the DCSL for street buffer's adjacent to arterial collector streets. If approved, final design landscaping within the street buffer would need to be consistent with the information presented in this application. If the design is not consistent, then a new departure may be required. And that concludes my presentation.

Mr. Apicella: Thank you, Mr. Geouge. I just have a question for you. Is this something that is within the Planning Commission's purview, meaning that it doesn't go onto the Board once we make our decision? Or are we making a recommendation to the Board?

Mr. Geouge: That is correct. You make the final decision on this one.

Mr. Apicella: And just kind of to summarize, because of the easement issue with the different easement holders, the bottom line here is they're substituting medium and small size shrubs for trees

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where they can't put trees again because of the easement holders and their desires not to have trees in those locations. Does that kind of summarize it?

Mr. Geouge: That's a good summarization, yes.

Mr. Apicella: Okay, thanks. Any further questions for staff?

Mr. Bain: Yes sir.

Mr. Apicella: Go ahead, Mr. Bain.

Mr. Bain: Yes, Mr. Zuraf...

Mr. Apicella: Mr. Geouge.

Mr. Bain: Oh, I'm sorry, Mr. Geouge. I forgot who was speaking. The building that is proposed -- we don't have the GDP to determine. Is that going to be a 1-story building do you know?

Mr. Geouge: That will be a 1-story building, yes sir.

Mr. Bain: Alright. The reason I was asking, the street buffers are intended to reduce the visual impact of large buildings. And I can certainly understand the reason for asking for this to change. If it was going to be a 2-story building, I think I would vote against it. But a 1-story building with the trees that they're showing in the parking lot layout, I think it would be adequate buffering from a visual impact. So, that's what I wanted to know. Thank you.

Mr. Apicella: Thank you, Mr. Bain. Any further questions? Okay, seeing none, I'm going to open the public... Oh, I'm sorry. We have an applicant. Would the applicant like to come forward and present their... give their presentation?

Mr. Payne: Mr. Chairman and other members of the Planning Commission, my name is Charlie Payne; I represent the applicant. Hope you're all doing well and safe, albeit we're all at a distance here and it's good to see you. And I hope you're having a nice summer. I think Brian's done a very good job of outlining what the application is and what the purpose is. I'll just reiterate a few points just to re-emphasize the purpose for this request. As staff has noted, this property is zoned M-1. It's off of Centreport Parkway. It's just south of the airport. It's in the Business and Industrial future land use plan of the County. This is something that the County has been encouraging this type of use of distribution and warehousing for some time. This is all coming to fruition here in Stafford County, and it's exciting to see a project of this nature. Of course, we cannot disclose the specific user of this project, but this project will generate significant tax revenue, commercial tax revenue for the County and employment not only direct, but also indirect. Again, the request for departing from the County's design standards in this regard is basically a hardship in regards to the location of both the Columbia Gas utility easement, which I believe is 40 feet and width, and also the County's utility easement. Relocating those would simply not be feasible. But I think the client has done a very good job of accommodating those areas where we can meet the standards and not impact those easements has been very positive. I think in your material, you also have seen the information from specifically from Columbia Gas, which limits the type of plantings we can have near the pipeline, and trees can't be planted within 10 feet. So, that's a very difficult hurdle to overcome without this alternatives plan. I will say time is of the essence for your decision; not that I typically would ask you that, but for this

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particular case, it is. There's a tight timeline on getting the site plan approved and getting it through the County process so we can get it to a finish line. So, with that, as staff have noted, we have our engineering team here. We have a representative of the applicant here as well. And we're happy to answer any questions you may have and appreciate your time this evening.

Mr. Apicella: Thank you, Mr. Payne. Questions for the applicant? Okay, I don't think I see any. So, thank you, applicant. I'm going to go ahead and open up the public hearing on this item. Again, this is an opportunity for the public to comment. Before starting your comments, please state your name and address. The green light starts the clock. Yellow means there's 1 minute remaining. Red means you need to wrap up. So, if anyone is in the chambers who would like to come forward, please do so now. I don't believe I see anybody rushing the podium so I'm going to close the public hearing and bring it back to the Commission. Mr. English, do you have any comments or would you like to make a decision or recommend a decision on this item?

Mr. English: No comments on it. I just want to make a motion to approve WAI20153327, Department from Design Standards.

Mr. McPherson: Second.

Mr. Apicella: Okay. There's a motion and a second to approve the Departure from Design Standards for DVA3 project. Mr. English, any further comments?

Mr. English: Yeah, just one thing. It was WAI and not WA1 on that, so. No, no other comment.

Mr. Apicella: Okay. Mr. McPherson?

Mr. McPherson: No other comments.

Mr. Apicella: Okay, thank you. Anybody else? Okay, so, please cast your vote on the motion to approve. Mr. Apicella votes yes. Okay, motion carries 7-0. Congratulations. Mr. Harvey, next item.

UNFINISHED BUSINESS

4. 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: October 7, 2020) (History: December 11, 2019 Public Hearing Continued to January 29, 2020) (Deferred on January 29, 2020 to March 11, 2020) (Deferred on March 11, 2020 to April 8, 2020) (Deferred to June 24, 2020 due to COVID-19)**
5. 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: October 7, 2020) (History: December 11, 2019**

Public Hearing Continued to January 29, 2020) (Deferred on January 29, 2020 to March 11, 2020) (Deferred on March 11, 2020 to April 8, 2020) (Deferred to June 24, 2020 due to COVID-19)

Mr. Harvey: Mr. Chairman, items 4 and 5 on your agenda for this evening are dealing with the Retail at Garrisonville, a reclassification and a conditional use permit. Brian Geouge will give the staff report.

Mr. Geouge: Good evening again, Mr. Chairman, members of the Commission. I will be presenting these two concurrent requests for a rezoning from R-1, Suburban Residential to B-2, Urban Commercial, and conditional use permit for a commercial business with a drive-through. This is on Assessor's Parcel 20-35A, consisting of 0.82 acre. The applicant is Dr. Amir Alemzadeh and the district is Griffis-Widewater. The Planning Commission first considered this application at a public hearing on December 11, 2019. The Planning Commission suggested that the applicant perform a traffic impact analysis, or TIA, to appropriately determine potential impacts to the transportation network. The applicant has since submitted a TIA and revised the proffers based on the recommendation of the study. The site is located on the north side of Garrisonville Road, east of Kingsland Drive. The subject parcel is outlined here in blue. There are no existing proffers on the property. The site is located within the Highway Corridor Overlay District, which is shown as the blue lines paralleling Garrisonville Road. Surrounding zones include B-1 to the West, R-1 to the north, B-3 to the east, and B-2 to the south across Garrisonville Road. The property is currently developed with one single-family detached home, which was constructed in the 1950s. There is a shed in the rear of the property. The residence is currently unoccupied. The property is partially wooded with no known sensitive environmental resources. Surrounding uses include a variety of commercial uses, including a medical office, a nursery, and there are also single-family homes to the north. The B-3 zoned property of the east is currently undeveloped. The property has been purchased by the prospective developer who also owns the medical office building to the west. The Generalized Development Plan illustrates the site layout for the proposed B-2 commercial use associated with the conditional use permit request. The GDP depicts a single 1,790 square-foot building with one drive-through lane. Parking areas are proposed to the south and east of the building. A loading space is located northeast of the proposed building and an enclosed dumpster is located at the northwest end of the property. No architectural renderings were submitted since a tenant for the proposed use has not been established. Recent revisions to the GDP include the addition of a 100-foot right turn lane and 100-foot right taper to access the shared entrance at Parcel 20-36. And that is the parcel shown here on the west with the current medical office use. This improvement would be constructed at the time in which Parcel 20-35A develops. This improvement was proffered consistent with the recommendations of the TIA. As for the drive-through, the window is located on the west side of the building with a stacking lane circling the northern and western sides of the building, with a bypass lane provided. Vehicles utilizing the drive-through would be required to circle the building in a counterclockwise direction. The proposed proffers do not address the hours of operation. However, hours of operation for a drive-through could be addressed through a CUP condition. A proposed condition of the conditional use permit would require development to be in conformance with the layout shown here. However, a specific use on the property has not been proffered. So, if the ultimate use does not include a drive-through facility, the site layout could be different than what is shown here. A traffic impact analysis was provided which analyzed the impact of traffic based on the highest intensity use, which is a coffee shop with drive-through. The TIA estimated that that use would generate 1,468 vehicles per day. The TIA analyzed the level of service at the site entrance and the Garrisonville Road/Kingsland Drive intersection. Recommendations from the study include the provision of the 100-foot turn lane with the 100-foot taper along Garrisonville Road, and also add addition of striping on Kingsland Drive to better

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separate traffic and turning movements. VDOT has reviewed the TIA and concurred with the findings. The proffers submitted by the applicant would require that the property be accessed by sharing the existing entrance to the west and that such entrance would be converted to a right-in/right-out configuration. Currently, it's a free flow entrance that allows left turns. And that configuration would be consistent with the GDP. Proffers would also require an inter-parcel connection to provide access to both the parcels to the west and the east. It would require a dedication of right-of-way in order to facilitate future construction of a 6-lane divided highway along Garrisonville Road. This stretch of Garrisonville Road is the next up for improvement. The last round of improvements stopped just east of here at Eustice Road. The proffers include that the use will implement the recommended improvements of the TIA, and include the turn lanes, as noted previously, and the additional striping on Kingsland Drive. The proffers would also require construction of a sidewalk generally depicted on the GDP. And that's more so referring to the sidewalk connection to the proposed use from the sidewalk along Garrisonville Road, which is required to be constructed per the requirements of the Highway Corridor District. The proffers would also require a minimum of 50% evergreens in any screening areas. It would prohibit building materials sale, and storage yard and mulch sale as a use on the property. It would prohibit any building on the property from exceeding 40 feet in height. And they would require architectural design of the buildings to include specified materials and coordinated signage and dumpster screening. And those proffered architectural conditions would be consistent with our Neighborhood Design Standards Plan recommendations. The proffers also require removal of the existing resident's well and septic system on the property, and prohibit truck deliveries between the hours of 10:00 p.m. and 6:00 a.m. Staff is proposing several conditions to help offset potential impacts of a drive-through facility for the conditional use permits. And those include that development on the property shall be in general conformance with the GDP; that direct access to the property from Garrisonville Road shall be prohibited and access shall be through the adjoining property as shown on the GDP. Also, the 25-foot width transitional buffer along the northern property line adjoining the residential use must include a minimum of 50% evergreens; and the sidewalk connection, as noted previously in the proffers. And also, a condition that the pickup window will be located on the west side of the building. We felt that would be a better configuration for traffic circulation through the site. And also, a condition requiring the loudspeaker to utilize the automatic volume control system, which would reduce the volume of the speaker based on the level of ambient noise. And a condition requiring that no illuminated signage will be placed on any building façade that faces an adjacent residential use. Staff is supportive of the application with proffered conditions proposed by the applicant. We feel that it's consistent with the Comprehensive Plan recommendations for commercial development. The Comp Plan does identify this as a commercial corridor. Staff suggests that the Planning Commission consider a condition with... which limits hours of operation to reduce potential noise impacts on the nearby residential properties. And that concludes my presentation.

Mr. Apicella: Thank you, Mr. Geouge. Questions for staff? I'm not seeing anybody, so I've got some questions. Just to clarify, Mr. Geouge, they need the reclassification to get the CUP. That's correct, right?

Mr. Geouge: That is correct.

Mr. Apicella: But they do not need to exercise the CUP if they decide not to move forward with a drive-through.

Mr. Geouge: That is correct. If it ultimately develops as a use without a drive-through, then the CUP will not be necessary and the conditions therein could not be enforced.

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Mr. Apicella: Okay. I mean, I think there's some very positive changes with the CUP sans the hours of operation issue. So, I'm gonna focus my questions on the reclassification piece of this. You mentioned, again, that they are not proffering a GDP. So, that site layout could change. They've not proffered maximum traffic count. So, we're not quite sure what the vehicle count could be on that... on that 0.8 acre site. What are the highest and most impactful uses that occur on this parcel, given that they've only proffered out the building materials and storage yard and mulch sales, just two the possible by-right uses in a B-2 district.

Mr. Geouge: If you're referring specifically to by-right uses, I did take a look at that. Car wash is up there, although not nearly as big of a traffic generator as the proposed drive-through use. And also, a restaurant; specifically, a high turnover sit down restaurant generates a fair amount of traffic. And the ITE manual states that that use would generate 315 trips per thousand square feet of floor area. And that's in contrast with the proposed use, which would generate over 800 trips per thousand.

Mr. Apicella: Okay. And so the proffer indicates that no building, so there could be potentially more than one building, but no building will be more than 40 feet. How many stories could you get at 40 feet?

Mr. Geouge: Possibly 3; more likely 2.

Mr. Apicella: Okay. So, with regard to the maximum uses, you believe that the proffered traffic improvements would address those even if they didn't move forward with a drive-through?

Mr. Geouge: Well, there's a lot of uncertainty as far as that goes if it doesn't end up being a use with a drive-through. As you pointed out, there could be different uses, different layouts. Of course, all those different uses have different parking requirements so you may end up with a different size building than what they're proposing here, for instance. So, there are some uncertainties there. We felt that what they analyzed was reasonable in terms of what could actually be developed here. And they did use a very high trip generating use as a basis for their TIA. So, that was definitely a positive. However, if typically, with these rezonings, which are more general in nature, we typically recommend that the applicants consider proffering a maximum vehicle trips per day consistent with their traffic impact analysis.

Mr. Apicella: And they've not done that here.

Mr. Geouge: That is not included in the proffers.

Mr. Apicella: Okay. Are there other... putting aside the traffic issue, are there any of these uses, by-right uses, that just would not fit in this particular area? And I'm just going to use a couple of examples. A hotel or a motel. Would those properly fit into that area?

Mr. Geouge: I don't see as much of a concern with the hotel/motel. They would be limited in height per the proffers and that's a fairly low traffic generating use, although I'm not certain there would be enough space in this particular case to construct a use like that. Some of the higher intensity by-right uses may be things like car wash, which you may have some noise associated with. Also, maybe machinery sales and service, which could potentially generate noise.

Mr. Apicella: Can you help me understand what a medium intensity commercial retail is?

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Mr. Geouge: So, the by-right uses of low intensity commercial retail and medium intensity commercial retail, that basically covers anything that's not specifically listed in the by-right uses. And, as defined in the Zoning Ordinance, a low intensity retail use is something that generates less than 50 vehicle trips per thousand square feet of floor area. For medium intensity, it's a use that generates between 50 and 100 trips per thousand square feet of floor area. And for that, we would refer to the ITE manual to determine if that unlisted use generates that amount of traffic and see if it's a potential by-right use in the B-2 district.

Mr. Apicella: But in terms of a visual, would something like a little be commensurate with a medium intensity commercial retail? Or an Aldi?

Mr. Geouge: Yes, that could be a retail food shop as listed on there as well. So, it depends on how the uses are defined. But that certainly would be a use that's consistent with the B-2 zoning and would not require a conditional use permit.

Mr. Apicella: And what is a wholesale business?

Mr. Geouge: I'm trying to think of some examples. Nothing's coming to mind. I'm not sure; I need to look at... I think I have the zoning ordinance... I can check the definitions of that.

Mr. Apicella: Again, what I'm driving to is where's the nearest residences in relationship to this parcel?

Mr. Geouge: The nearest residence is to the north.

Mr. Apicella: About how far away?

Mr. Geouge: I need to measure, but it's... I would just throw out a guess of maybe a hundred feet.

Mr. Apicella: Okay. And, again, one more question about uses. A funeral home. Does that seem to fit generally with this area?

Mr. Geouge: That kind of use would probably be less conducive to an area like this that has direct access on a major corridor because of the potential high intensity traffic that those uses occasionally have with the demand on parking.

Mr. Apicella: Protocol, if there's a funeral, the folks who are exiting the site would be able to stop traffic in whatever direction was impacted; is that usually how it works? Maybe Darrell can chime in on that.

Mr. English: They usually have a police escort when they do something like that, so that wouldn't be an issue.

Mr. Apicella: Right. But they'd have to stop traffic, right? You're letting all the vehicle traffic come... *inaudible*.

Mr. English: Correct. Yes, they would. Yep.

Mr. Apicella: And this is on Garrisonville Road, right.

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Mr. English: Yep.

Mr. Apicella: Okay. I guess, you know, my concern is we don't know what's going to go here, so we don't know what the true impacts are and we don't know how to mitigate those impacts and the absence of knowing what those uses are, and there's no GDP and there's no maximum vehicle count. So, as you said, there's a lot of uncertainty here. The neighboring site is B-1. So, and it's the same owner who owns this parcel as well as the B-1 parcel. So, at some future date, could the owner merge the two parcels and decide to put something else on the combined site that would fit under the B-1 category without coming back for further review and consideration by the county?

Mr. Geouge: That is a possibility as long as the proffers on both properties are being met with that proposed use.

Mr. Apicella: Okay. So, just getting back to that last question about what is a wholesale business, were you able to find a definition and if I can come up with an example?

Mr. Geouge: The definition is a business is primarily engaged in the selling of merchandise to retailers, to industrial, commercial, institutional or professional and business users.

Mr. Apicella: Okay. I appreciate it, Brian. Thanks for your indulgence. Are there any other questions for staff?

Mr. Bain: Mr. Apicella, just a clarification. When you started your questions, you mentioned if they did not do a drive-through and then it did not require the conditional use permit to be activated, what would happen then? Are they still required to implement all the proffers that are currently listed? Or would there be some change in what they would be required? My primary concern is the turn lane, deceleration lane, and acceleration lane on Garrisonville Road. If they put something other than a drive-through in there, would they still be required to make those improvements at the entrance?

Mr. Geouge: Mr. Bain, those improvements were proffered so they would be applicable regardless of the use that goes on that property. However, the conditional use permit conditions may not be applicable, or would not be applicable rather if there is no drive-through use associated with that ultimate use.

Mr. Bain: Can you clarify what the conditional use permit requirements would be then? What's associated strictly with conditional use as opposed to by-right use under the B-2 category?

Mr. Geouge: Well, in this case, the conditional use permit was for the drive-through facility, which is typically associated with higher traffic generated uses, which necessitates the conditional use permit. And the conditions as staff drafted for that conditional use permit include things like conformance with the GDP. So, if we do end up with a facility with a drive-through, we can be assured that it's going to look generally like the GDP depicts.

Mr. Bain: Alright. I think thank you.

Mr. Apicella: But again, to clarify on the rezoning piece of it, we won't know what the layout is going to be because that's not proffered. Is that correct?

Mr. Geouge: Correct. A specific use on the property was not included in the proffers.

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Mr. Apicella: Nor was the GDP, which again defines the layout of that site.

Mr. Geouge: Yes, the GDP was referenced in the proffers, but only in regards to the location of the access points. So those would be fixed. They would have to access the site by those means, no matter what is developed there. But otherwise, it's fairly open as far as a specific layout internal to the site.

Mr. Apicella: Okay, thanks. Any further questions for staff?

Mr. Randall: Yeah, this is Mr. Randall. I have one quick question. Mr. Geouge, when we talked to them about this previously, and this has been in front of us a couple of times, we had the same concerns, correct, about not knowing what they were going to put there and not having a GDP. I do appreciate their efforts with the traffic and assessment. It pretty much met my requirements of having a turn lane and deceleration and some place to get in and get out, and that would be much safer. But we had the same conversation with them initially. Correct?

Mr. Geouge: That is my understanding, yes, sir.

Mr. Randall: Alright. And did they give you a reason as to why they didn't follow through with what we were asking for when we had this initially?

Mr. Geouge: I believe the comments were centered around the need to do a traffic impact analysis, which they have provided.

Mr. Randall: Okay. So, their thought process was that all of our questions concerning the GDP and the specificity of the use was based on the traffic analysis and having a turn lane, not necessarily actually what was being used in the impact on the surrounding residents, is that correct?

Mr. Geouge: I'll need to defer to the applicant for more information on that.

Mr. Randall: Alright. Thank you.

Mr. Apicella: Thanks, Mr. Randall. Anybody else? Okay, would the applicant like to come forward and make a presentation?

Mr. McPherson: We cannot hear the applicant.

Ms. Foroughi: Sorry about that. I hit the button like he told me to, but I hit it one more time, so I'll start over. Good evening, Mr. Chairman, members of the Commission. I'm Angela Foroughi. I'm the engineer of record on the site plan. We appreciate the time that you've taken this evening and understand the delays and the, you know, as we all dealt with COVID-19. So, we appreciate the continuances that we have been allowed by Stafford County. To speak a little bit to the lack of specificity for use, this is a speculative rezoning in the fact that the doctor next door saw this opportunity to purchase the property next door. He does not have an end user and is going through the entitlement process now so that he can both market that property, as well as he has looked at it for, as well as I understand, his wife is somehow involved in like a lab corp. I don't want to say it's a lab corp specifically, but a medical lab. So, they have talked about perhaps building a building over there to support the doctor's office. But, you know, part of that is, is how their business does. They're struggling during this COVID-19. And they've talked a lot about what it is that makes sense for them to do. One point that I would like to bring up. Yes, we did perform the traffic impact analysis. We

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talked about limiting the vehicle count, but it was our understanding from both the meetings that we've had here and from staff that the concern was either to do a traffic impact analysis or to cap the vehicles per day. So, we decided to move forward with the traffic impact analysis in association with the most intense use that we could put on that property. I do want to note that without... I know there's some concerns about the conditions and the conditional use permit versus the proffers and the rezoning. And I would like to point out that it is my understanding that we could not fit, with parking requirements, a building on that site that would even allow for, without a drive-through, would even allow for the trip generation to go over a thousand vehicles per day. And we do have our traffic expert here who did the traffic impact analysis; Mr. Doug Kennedy with Pinoni. So, he can speak to that more specifically, or if you have more specific questions on the TIA, I will defer to him on that. But that is why they looked at the coffee and donut shop with a drive-through, because that was the most intense use that we could look at that would fit on this small of a site. Other than that, at this time, I'm happy to answer any questions you have. I hope I've hit some of the concerns. But, yeah, we've talked about it before, but, yeah, we're looking at sharing an entrance. We want the least impacted to Route 610 Garrisonville Road as possible. I mean, when you look at this property, that's an A-1 piece of property... or I'm sorry, an R-1 piece of property right in the middle of a commercial corridor, it just simply doesn't make sense that it would ever develop as a single-family residential use on a very busy road. So, we're just looking to take this through the entitlement process, hoping that it makes sense, hoping that we're proffering enough stuff to make it worthwhile to the county, particularly as it relates to the transportation and traffic issues. But I'm happy to answer any questions that you may have.

Mr. Cummings: Yes. You just spoke eloquently about the current use and how that area is developing. Can you think of a use that underneath the rezoning that would not... that would impinge upon the neighboring community? And, because there's great concern about that. You addressed the traffic issue, I believe, as best possible. But there's still now some concern about the unspecified use of the property.

Ms. Foroughi: Thank you, Mr. Cummings, I understand your concern. We did proffer out some uses. That was something we worked back and forth with staff on very early on. And I don't have those right in front of me, but I'm sure that Brian does; the uses that we proffered out. We actually just went through the zoning ordinance, looked at everything that would be allowed by-right and said what could possibly be a hindrance knowing there is residential behind there. The only... Mr. Geouge had mentioned something about auto repair or sales or machinery sales. I honestly thought we proffered that out. But the only thing we were concerned about, we wanted to make sure that it didn't prohibit like an Auto Zone or something to that nature. But any sort of like heavy machinery or any sort of anything that would create any sort of noise impact. Although the applicant is not here, I feel comfortable speaking on his behalf that that is absolutely something that he's willing to entertain, because that's the last thing that we want to do, is put a use on there that would not be compatible with the surrounding residential uses. Quite honestly, what he's looking at, if it doesn't turn into a medical lab of some sort, things he's looking at are a bank, a pharmacy. Those are the kinds of things. I mean, quite simply, like a Royal Farms, which my firm designs and does the engineering for all of those in the area, I mean, that just simply wouldn't fit on a parcel this size. So, we're certainly not looking at a funeral home. But if that's something that the Commission would like us to proffer out, I don't think that's gonna be an issue. So, yeah, if there were any specific uses that the Commission would be concerned about, we would certainly entertain that. Okay, and Mr. Geouge is gonna add something now.

Mr. Geouge: I do have a correction. I apologize for that. Reading back through the prohibited uses that are proffered, the first one is building material sale and storage yard or mulch sale. That would be

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a prohibited use. Also, funeral home, indoor flea market, and machinery sale and service. Those are all proffered out uses.

Ms. Foroughi: So, Mr. Commissioner, I guess we certainly don't have an issue proffering out funeral homes.

Mr. Apicella: I'm gonna have to respond to that, okay, because I don't think that's true. I think there's... I'm looking at the proffers that are dated June 15, 2020. This is on page 2 of Attachment 4. And what it says is all uses allowed in the B-2 zoning district, there's at least 40 of them, so all uses allowed in the B-2 zoning district shall be permitted except the following uses shall not be permitted. One, building material and sale, and storage yard and mulch sale. So those are the only two that are excluded. But this exclusion shall not be deemed to prohibit or otherwise restrict a home improvement or general retail store, a funeral home, an indoor flea market, and machinery sale and service. The way I read it is those are still allowed as well as, again, the other 35 or so that have not been taken out. So, tell me what I'm missing here.

Mr. Geouge: Mr. Apicella, that's the exact way I read it initially. However, I think it could have been a formatting issue and that those, number one, two, three, and four were intended to be the four uses excluded from the B-2 zoning district. But I will defer to the applicant on that to confirm.

Ms. Foroughi: Okay, bear with me while I find it here, I gave Mr. Gooch my only set of printed proffers this evening. Oh, yes, that was intended to be an enumerated list. We actually used that format from a previous rezoning that we did in Stafford County. I remember typing that. So, yeah, that was absolutely intended to say these four things shall not be permitted; the building material, the funeral home, the indoor flea market, and the machinery sales and service. That was the intent. If you're uncomfortable, we can absolutely change the wording.

Mr. Apicella: You'd have to change the wording if that was your intent. Otherwise, it means something completely different.

Ms. Foroughi: I just... I'm sorry. I don't... I don't understand. I will change it. I will change it to however you want it to read. But this is probably my engineering brain not understanding.

Mr. Apicella: Again, after... I'm not trying to be petty, after the word mulch sale, it's pretty clear, it says this exclusion shall not be deemed to prohibit or otherwise restrict a home improvement or general retail store, funeral home, indoor flea market, and machinery sale and service. So, the way I read it, those are still applicable and may still be pursued. So, you'd have to change the language.

Ms. Foroughi: Okay.

Ms. Barnes: Steven, what exactly are you looking at?

Mr. Apicella: So, you have to go all the way, I mean, there's a big package here. It's actually under the CUP portion. It's Attachment 4 where it says proffers. And it says proffers and the last date is revised June 14, 2020. You go to the next page, page 2, look under maximum size and permitted uses. That's item number three. And you'll see what I'm saying.

Mr. Randall: Roger that. We were looking at item number 4 and not number 5. So, we got it.

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Mr. Bain: But the applicant is willing to agree to a change in that wording to prohibit those uses that were specified.

Mr. McPherson: In the rezoning proffer, right?

Mr. Randall: Right. Is the applicant there?

Mr. Bain: Can anybody hear us? It's not 7 o'clock yet so they didn't turn off the system. Mr. Geouge, can you hear us?

Mr. Geouge: Yes, sir.

Mr. Bain: Did I understand the applicant to say that they would be willing to modify the wording of that proffer to prohibit those uses, not explicitly allow them?

Mr. Geouge: Yes, I believe they are amenable to modifying that language so it's more clear that those four distinct uses are prohibited.

Mr. McPherson: Would they be willing to put that in the rezoning application, not the CUP?

Mr. Geouge: Yes.

Mr. Bain: And we can deal with that in the motion this evening.

Mr. Apicella: Well, no, they would have to offer up a revised proffer statement and we would have to accept it. That would be the first step on the rezoning piece. And the other thing I would say is, I don't know if Dexter can hear me, but I'd look through the list. I don't know that area as well as you may, or folks who live along the Garrisonville corridor. Is there anything else that stands out at you in this 40+ list of by-right uses that, again, may be not well meshed with a nearby neighborhood where the nearest house is 100 feet away.

Mr. Geouge: Mr. Apicella, I couldn't come up with much looking through the list other than potentially car wash, as I noted previously. In general, the more intensive uses in terms of traffic or noise and things like that are those listed as requiring a conditional use permit.

Mr. Cummings: Yeah, and I found the same when I looked at it Steven.

Mr. Apicella: Okay. And in terms of the CUP, not to switch gears here, what about the hours of operation?

Mr. Geouge: That was a recommendation that the Planning Commission consider imposing a condition for that to help reduce some of the potential impacts on adjoining properties.

Mr. Apicella: So, does the applicant have any comment? I think you proposed 7:00 AM to 12 AM; I presume that's Monday through Sunday. Sorry, I can't hear ya.

Mr. Randall: Turn your mic back on. Yeah, the green light.

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Ms. Foroughi: Mr. Chairman, I apologize. I didn't hear the entirety of that statement about the hours of operation. I got that part of it. But do you want me to speak to the hours of operation that we're considering or...?

Mr. Apicella: Well, I think the ones that have been suggested by staff are 7:00 AM to 12:00 AM, presumably it's Monday through Sunday. And again, this would apply only if it's a drive-through.

Ms. Foroughi: Okay. I was unaware that that was staff's recommendation. We... our only concern would be is if it is a coffee shop. The coffee shop could not operate if they could not open before 7:00 AM. That would be the only concern. That was one of the reasons that we had talked about restricting the hours of operation. And we looked instead to do restrict the deliveries. It's simply a matter of if a coffee shop has to open up and commuters have to get their coffee on the way to I-95, they're not going to wait till 7:00 AM to do that. However, if it's a pharmacy, sure than that's a very doable hour of operation.

Mr. Apicella: So, what hours of operation would you propose?

Mr. Cummings: Would you be willing to proffer 5?

Ms. Foroughi: Yes, we would be willing to proffer 5:00 AM as the earliest opening to midnight. Yes.

Mr. Apicella: Well, you're not proffering it. We're putting it in our conditions.

Ms. Foroughi: I'm sorry. The applicant would agree to that condition.

Mr. Apicella: Are there any other comments, concerns that anyone wants to bring up with the applicant? Okay. So, I think the bottom line is we need to get the modified language for the proffers. Is that right, Ms. Lucian?

Ms. Foroughi: Mr. Chairman, am I allowed to write those in at this moment? That's what was... that's what staff was discussing. I will write...

Mr. Apicella: Yes.

Mr. McPherson: Could you repeat your question for Ms. Lucian please?

Ms. Foroughi: Mr. Chairman, I had inquired if I am allowed to go ahead and strike those, I can change that language right now on the original proffers that I have in front of me and initial it.

Mr. Apicella: Yeah, that'll work.

Ms. Foroughi: Okay. Mr. Chair, with your permission, I'd like to read... *inaudible*... now stricken.

Mr. Randall: Just a minute now. Just a minute.

Ms. Foroughi: Oh! Yes, sir.

Mr. Randall: Go ahead.

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Ms. Foroughi: Number 3, maximum size and permitted uses. All uses allowed in the B-2 zoning district shall be permitted, except that the following uses shall not be permitted. One, building material sale and storage yard and mulch sale. Two, funeral home.

Mr. Apicella: I'm gonna hold you right there. Building material and storage yard is a use by itself. Mulch sale is another use.

Ms. Foroughi: It is one listed use. It's directly from the Zoning Ordinance.

Mr. Apicella: No, it's a separate... *inaudible*.

Ms. Foroughi: Mr. Geouge is coming.

Mr. Apicella: Okay. I think you're right. My fault.

Mr. Geouge: Good?

Mr. Cummings: Yes.

Ms. Foroughi: So, all uses allowed in the B-2 zoning district shall be permitted, except that the following uses shall not be permitted: (1) building material sale and storage yard and mulch sale; (2) funeral home; (3) indoor flea market; and (4) machinery sale and service.

Mr. Apicella: Okay, so, you've taken out home improvement or general retail sale?

Ms. Foroughi: Correct.

Mr. Apicella: So that would still be allowed.

Ms. Foroughi: It used to say but this exclusion shall not be deemed to prohibit or otherwise restrict the home improvement or general retail store. But Mr. Zuraf and Mr. Geouge have assured me that the building material sale and storage yard and mulch sale would not include the things like an Auto Zone or a Lowe's or a Home Depot. So, we just struck that whole but clause so that there was no confusion or ability to misread or misinterpret that.

Mr. Apicella: Alright. So, I'm gonna ask you to read the... read it one more time please.

Ms. Foroughi: Sure. Number 3, maximum size and permitted uses. All uses allowed in the B-2 zoning district shall be permitted, except that the following uses shall not be permitted: (1) building material sale and storage yard and mulch sale; (2) funeral home; (3) indoor flea market; and (4) machinery sale and service.

Mr. Apicella: Okay, thank you.

Ms. Foroughi: Thank you.

Mr. Apicella: Any further questions or comments for the applicant? Okay. So, this is under Unfinished Business, no public hearing. I'm gonna bring it back to the Commission. Mr. Cummings, would you like to make a motion to accept the revised proffers?

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Mr. Cummings: Yes. I'd like to make a motion to accept the revised proffers.

Mr. Apicella: Is there a second?

Mr. English: I'll second it.

Mr. Apicella: Okay. Any further comment, Mr. Cummings?

Mr. Cummings: Not at this time.

Mr. Apicella: Mr. English?

Mr. English: No.

Mr. Apicella: Anyone else? Okay. Please cast your vote on accepting the revised proffers. Mr. Apicella votes yes. Motion carries 7-0. Okay, again, bringing this back to the Commissioner for further action, we'd have to take up each item separately, with the first one being the rezoning. Mr. Cummings, this is in your district. How would you like to proceed?

Mr. Cummings: I'd like to make a motion to accept RC19152631.

Mr. Apicella: Is there a second?

Mr. English: I'll second the motion.

Mr. Apicella: Okay. There's a motion to approve the reclassification with the proffers modified as previously approved. It's been seconded by Mr. English. Mr. Cummings, any further comment?

Mr. Cummings: Not this time.

Mr. Apicella: Mr. English?

Mr. English: No.

Mr. Apicella: Anyone else? Okay, please cast your vote on the motion. Mr. Apicella votes yes. Motion carries 7-0. Mr. Cummings, is there a motion on the CUP, presumably with the revised hours of operation... or with hours of operation added to the conditions, those hours of operation being 5:00 AM to 12:00 AM Monday through Sunday?

Mr. Cummings: Yes, Chairman, I move that we approve CUP19152632, Conditional Use Permit, as modified.

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

Mr. Randall: I'll second that.

Mr. Apicella: Is that Bart?

Mr. Randall: Bart, yep.

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Mr. Apicella: Okay, sorry. Okay, there's a motion to approve the CUP with the modified conditions made by Mr. Cummings, seconded by Mr. Randall. Any further comments, Mr. Cummings?

Mr. Cummings: No, I just really look forward to this property's value increasing and getting something useful for the community.

Mr. Apicella: Thank you, Mr. Cummings. Mr. Randall?

Mr. Randall: No, thank you.

Mr. Apicella: Anyone else? Okay, please cast your vote on the motion. Mr. Apicella votes yes. Motion carries 7-0. Next item, Mr. Harvey?

NEW BUSINESS

6. 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 134 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: September 16, 2020)**
7. 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 134 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: September 16, 2020)**

Mr. Harvey: Mr. Chairman, the next two items pertain to a project called Vistas at Ferry Farm. And Mike Zuraf will be giving the presentation for this item.

Mr. Zuraf: Okay, good evening again, Mr. Chairman, members of the Commission. Mike Zuraf with the Planning and Zoning Department. If I could have the presentation, please? Thank you. So, this is a New Business item. I'd like to talk about the two items concurrently, the reclassification and conditional use permit. This is for the Vistas at Ferry Farm. So, for some background, this is a request for reclassification from A-1, Agricultural to R-5, Age-Restricted Housing zoning to develop up to 134 age-restricted multi-family dwelling units. The conditional use permit would allow the increase of residential density of up to 19 dwelling units per acre. That would be above 15 units per acre, up to 19 units per acre. The site area is 7.12 acres. Doug Janney is the applicant with Charlie Payne as the agent. The site's in the George Washington District. So, for an update, you'll recall the initial Planning Commission action on this... these cases occurred back on October 9th of last year. The application was sent back to the Planning Commission prior to a Board of Supervisors public hearing being scheduled as a result of adjustments that had been made to the proposal. So, we got... you've received amended application materials that includes a new proffer statement, new general development plan, and new building elevations. So, to quickly go through the summary of the changes to the proposal. So, the applicant has added in assisted living or memory care as potential additional

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uses. So, the units would consist of age-restricted independent units, assisted living or memory care uses, or a mix of any of those. So, there is also a maximum number of units that had been reduced... as being reduced from 170 down to 134. The density, therefore, is reduced from 23.9 units per acre to 18.8 units per acre. They're... under the latest proposal is no more underground parking. As you recall, the last proposal had underground parking for both of the buildings on the site. Also, now in the latest proposal, there is only one building on a larger footprint instead of the two buildings. They did retain the maximum building height of three stories. There's also a revised building design. The clubhouse and swimming pool amenities are removed from the proffers and replaced with other outdoor amenities, including walking areas, community garden, and passive rec areas that include a putting green, bocce area, or similar uses, and a dog park. Also, a slight change; the per unit cash contributions for public safety were slightly reduced from \$490 down to \$484 per unit. So, here is an image of the latest general development plan. You still have two access points into the site. You could see the single larger building that basically is within the center of the site. And you still have a 10-foot trail that fronts along Naomi Road. That's at the bottom of the screen. That is envisioned as potentially a portion of the Belmont-Ferry Farm Trail, and that's included in the proffers. Here's the image of the new elevations. You can see that the elevations, the design is much more like a colonial type of design. If you recall, the previous design was more of a modern appearance to those buildings. So basically, the next steps will be for the Planning Commission to consider scheduling a new public hearing. In the staff report, we noted that even though the intensity of the project has been reduced, staff would recommend the Planning Commission schedule a new public hearing since the use of the project has been modified to include two additional potential uses. The applicant has agreed to extensions of the time limit for final action by the Board out to September 16, 2020, to accommodate these changes. And this ends my update.

Mr. Apicella: Thank you, Mr. Zuraf. Are there any questions for staff on this item?

Mr. Bain: Just one. The walkway on Naomi Road that's going to be part of the trail. Will that be lighted? Was that proffered to be lighted?

Mr. Zuraf: I asked the applicant about this. It's shown as being lighted on the general development plan. It's the intent to have it lighted, but it's not... that specific detail is not proffered. Although the GDP is proffered.

Mr. Bain: So, does that... does the GDP being proffered, showing lighting, therefore ensure that the lighting will be installed.

Mr. Zuraf: I'd have to look into that. That's something we can look into in advance of the public hearing, if you go that route.

Mr. Bain: Okay.

Mr. Zuraf: According to... Charlie Payne's here, he said the applicant would not have a problem if that needs to be clarified in the proffer statement.

Mr. Bain: Alright, thank you.

Mr. Apicella: Anybody else have questions for staff? Is there anything that the applicant would like to add to the discussion?

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Mr. Payne: Thank you, Mr. Chairman, other members are Planning Commission. Again, Charlie Payne; I represent the applicant. I don't think we have anything else to add. What we did after the Planning Commission meeting, you guys may recall you denied this application. We had 174 units... 178 units with a conditional use permit for senior apartments. And there was some opposition from the community, specifically the residents at Chatham's Landing. So, we went back to the drawing board before this went to the Board of Supervisors and, you know, we listened to many of the concerns that the Planning Commission had and many of the citizens had and we came up with this revised plan. We think this revised plan is a very good plan. We think it does address many of the concerns, if not all the concerns raised by the Planning Commission and the citizens. We actually met with the officers, the president and the vice president of the HOA at Chatham Landing, and they supported the plan as revised. We did continue to commit to them that we would improve Dairy Road, which is important to them as well. Mr. Bain raised a really good point about widening along the trail and in front of the building that was also a concern, which is why we included on the generalized development plan and we'll also include that in our proffer statement. We have no problem doing that. We reduced the units, reduced the intensity. As you see, there's two... still two access points, but one building. And it's only three stories with no underground parking. I believe Mr. Apicella had some concerns about the underground parking and the height of the building. I think also if you look at the... this is also a resubmission of architectural features, which... *inaudible*... I thought we had any concerns with the prior architectural features, but I think these fit a lot closer to the architectural surrounding features in that particular area of the County. And again, we think this is a very positive project for the County. You have no impacts on schools. We've mitigated the impacts on the surrounding community. And it's a positive net tax generator for the County. So anyways, with that, I'm happy to answer any questions you have and appreciate your time tonight. And we look forward, if we have to come back to the Planning Commission, we look forward to making this presentation with you. We'll bring our new architect to the table, along with our engineering team, to address any other concerns you may have. And I know Mr. Apicella had some questions about sort of the building designs and construction designs of this facility, you know, with the seniors and the assisted living. And, you know, we'll be happy to answer those questions as well. Just one more piece while I'm thinking about it. Adding in the assisted living with the memory care, which is really the same, just a reminder, those were licensed by the Commonwealth of Virginia, by the state and regulated by them. But also having that mix also addresses for the stage of life issues and the ability for spouses to stay together, not necessarily in the same unit, but in the same facility where if one spouse doesn't need that care, they could still be very close. So anyways, I'm happy to answer any questions you may have.

Mr. Apicella: Thank you, Mr. Payne. Any questions?

Mr. Bain: Just a comment, Mr. Payne. I have been in contact with residents in the area and one of the concerns they expressed was parking during construction for the construction workers. Naomi Road is very narrow. Dairy Lane is relatively short and gets heavy traffic for both the townhouse development and the nursing home. Is there any way you might consider restricting traffic or restricting parking for the construction workers to an off-site location, perhaps the shopping center that's on the other side of Route 3, or there's a dead-end road on that is connected to... now, I can't think of the name...

Mr. English: Jett Drive.

Mr. Bain: No, across Route 3 where the pump station is. That would accommodate... Cool Springs, thank you. That would accommodate parking without causing any problems. Something to consider. It's not something that right now I would require or ask to be required. But you might consider that. Thank you.

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Mr. Payne: Sure. I would just say that just for the construction activity alone, you know, storage of the equipment, materials and parking, we think we can do most of that onsite, if not all of it. But for your specific question regarding where these construction workers may park, let us do a little homework on that before we... before we give you a final answer.

Mr. Bain: Alright, thank you.

Mr. Payne: Thank you.

Mr. Apicella: Thank you, Mr. Payne. So, as I understand it, we're very time limited on this re-packaged reclassification and conditional use permit. I think it has to get to the Board by sometime in September. So, we need to schedule this for a public hearing, presumably as soon as possible, and I think the earliest would be July 22nd. So, Mr. Bain, are you of the mind to put forward a motion to that end?

Mr. Randall: Mr. Chairman, can I ask a couple of questions? I'm sorry. I thought we were...

Mr. Apicella: Are you going to ask questions of Mr. Payne or staff?

Mr. Randall: Mr. Payne.

Mr. Apicella: Okay, I'm sorry. I didn't I didn't realize you had some question.

Mr. Randall: I did. I'm sorry. I guess I didn't raise my hand high enough. Mr. Payne, are you there?

Mr. Payne: I'm here.

Mr. Randall: Alright. Could you tell me what the elevator... I don't see any elevators listed in the proffers. Could you talk to me about the elevator situation in your new design?

Mr. Payne: It's a very good question. We do have elevators in the building, but I'm going to defer to our architect on the design, specific design standards for that. He's not here with me this evening, but he'll be happy to address that issue at the next public hearing.

Mr. Randall: Alright. Also, is there a percentage of... would we expect that all of these would, at some point in time, could at one point in time be converted to assisted living?

Mr. Payne: Yes. So, what we did was built in flexibility so that we could have a mix of the assisted living and the seniors, or we could have just all seniors or all assisted living.

Mr. Randall: Okay. But you could have a situation where the entire building could be assisted living.

Mr. Payne: We could, yes.

Mr. Randall: Hmm. Okay.

Mr. Payne: But the initial planning, just so you understand, the initial planning is not to do that. The initial planning is to have just a very few units, and my recollection is 24, would be assisted living memory care and the remainder would be senior apartments.

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Mr. Randall: Right. I guess the reason I ask is because if we were looking... and we've had... and we've looked recently within the last year at specific age, I'm sorry, specific as assisted living GDP, rezonings, applications, and we've treated them differently than we have just a regular age-restricted housing, we've done things differently, we've expected different things. They've not been three stories. They've been one story. You know, people who are assisted living, you know, may have other issues with going up and down stairs where three stories isn't going to work. So, if the intent... I have an issue with making this assisted living at all per se, being that it's three stories; if the intent is that we say that we want this to have some semblance of age-restricted... I'm sorry... assisted living, then I would not be comfortable unless we had some type of a percentage allowed and then maybe say, you know, first floor only so that we don't have any issues with assisted living trying to get up and down stairs, trying to get up and down an elevator that may not be available, may not be close, those types of things. Lots of things get brought into the equation when you're talking about assisted living vice age-restricted housing. They're active community type. So, yeah, I have an issue with how we describe that in this case. Thank you.

Mr. Payne: Yeah, so, we were just trying to build as much flexibility as possible to address the market. As you know, Woodmont is not too far from that location, which is an assisted living/nursing home/memory care facility. We have a growing age population, so we wanted to create some flexibility in that regard. However, the initial thinking is, and it'd make a really good point, initial thinking is to have a wing, if you will, of assisted living and memory care to address that very issue. I just stated earlier it was, if you have two spouses in a facility and one needs the additional care, they can still be together. So, that was the intent. But I'll certainly pass your concerns along to the property owner and to the developer and to the architect.

Mr. Randall: Alright, thank you.

Mr. Payne: Thank you.

Mr. Apicella: Okay, thanks, everybody. Again, Mr. Bain, this is in your district. Would you like to schedule this for a public hearing?

Mr. Bain: Yes, I'd like to propose scheduling it for the July 22nd meeting.

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

Mr. McPherson: Second.

Mr. Apicella: Thank you, Mr. McPherson. Any further comments, Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: No.

Mr. Apicella: Anyone else? Okay, thank you, everybody. Will you cast your vote for scheduling this for a public hearing on July 22nd? Mr. Apicella votes yes; this motion carries 7-0. Thank you. Moving onto item number 8.

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8. 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: October 7, 2020)**

Mr. Harvey: Mr. Chairman, item number 8 is a discussion of a proposed Amendment to the Zoning Ordinance regarding access within the Highway Corridor Overlay zones. Brian Geouge will present this for the staff.

Mr. Geouge: Good evening again, Mr. Chairman, members of the Commission. Background on this... if I can get the presentation please. Thank you. A little bit of background on this item. In December 2019, the Planning Commission recommended denial of this proposed ordinance amendment and expressed concerns that the proposed language did not meet the original intent of the ordinance amendment. And then on February 18th of this year, the Board voted 7 to 0 to refer the ordinance back to the Planning Commission for further consideration of alternative options. The Highway Corridor Overlay District was established in 1995 for the purpose of protecting the health, safety, and general welfare of the public by the prevention or reduction of traffic congestion and visual clutter and distractions, which may result in dangerous conditions on public and private streets. The district was created to provide suitable and sufficient road systems and protect both existing and future roads from unsafe use. There are limitations on certain types of automobile-oriented fast service and quick turnover uses and related signage that generate high volumes of traffic which have the potential to impede safe travel. The HCOD currently consists of the following road segments: Cambridge Street, Jefferson Davis Highway, Warrenton Road or portions thereof, King's Highway, and portions of Garrisonville Road. And those areas are highlighted on this map. The issue at hand is the non-residential uses within the HCOD. It must comply with the standards, which requires that access and internal circulation be designed not to impede on a public street. The means by which that can be accomplished is through shared entrances, inter-parcel connections and travelways, onsite service drives, access from secondary public streets, or through internal streets of a commercial office or industrial complex. The code currently does not reference the provision of turn lanes as a means to mitigate those impacts. As corridor highways are generally high capacity roads with a variety of high intensity uses, concerns have been raised that new site development within the HCOD are not always required to provide turn lanes at entrances. VDOT currently determines whether turn lanes are required for all new development and based on several factors, such as number of travel lanes, the speed of roadway or design speeds, and traffic volumes along the roadway, as well as the volume of traffic generated by the proposed use and the anticipated number of right turns into the site. The proposed amendment would add the provision of right turn lanes as a means to avoid impeding traffic at non-residential site entrances from any corridor highway, regardless of whether turn lanes are required by VDOT. It will require that turn lanes must be constructed in accordance with the design standards, but will also allow for exceptions, where installation of a turn lane is specifically prohibited by VDOT, or where installation of a turn lane may not be feasible due to lack of adequate frontage or right-of-way along the corridor highway. As I noted previously, the Board did vote to refer this ordinance amendment back to the Planning Commission in an effort to establish an appropriate amendment to the current HCOD development standards that best meets the Board's desire and intent. Staff recommends that the Planning Commission form a subcommittee to investigate potential alternatives to the proposed ordinance language. Staff has also noted that as VDOT controls access to all public streets, any proposed alternative ordinance amendment would require coordination with VDOT. And that concludes my presentation.

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Mr. Apicella: Thank you, Mr. Geouge. Questions for staff? Okay, so, what's being recommended is we create a quick subcommittee to try to review and potentially tweak the language. Mr. English, would you be willing to serve on the subcommittee?

Mr. English: Yes.

Mr. Apicella: And as its Chairman?

Mr. English: Yes.

Mr. Apicella: Okay. I need at least one other person. Anybody else want to serve on this?

Mr. Bain: I'd be willing to.

Mr. Apicella: Thank you, Mr. Bain. So, I'm just kind of looking at the due date, which is October 7th, which really means that we need to make a decision by September... our September 23rd meeting. So, do you think, Mr. English, that you all can make progress by the next meeting, which is July 22nd? Or do you need to work through it until the August 26th meeting?

Mr. English: Give us to the August meeting, Steven, for that, due to the situations we've got going on.

Mr. Apicella: Okay, I gotcha. But just for clarity; that's our only meeting in August. And that would be the date we would need to schedule it for a public hearing. You good with that?

Mr. English: Yep.

Mr. Apicella: Okay. Alright, so, I don't think we need to... unless anybody objects, I think that's the plan forward. I don't think we have to take any action tonight. Is that correct, Brian? Or Mr. Harvey?

Mr. Geouge: That's correct. I'm sorry.

Mr. Apicella: Okay. Thank you, everybody. I look forward to the committee's recommendations. I would also suggest that you invite VDOT to participate in your meetings. Okay, moving onto item number 9.

PLANNING DIRECTOR'S REPORT

9. Parking Requirements for Grocery Stores and other Commercial Uses

Mr. Harvey: Mr. Chairman, this item is an ordinance that's been referred to the Planning Commission by the Board of Supervisors. The proposed ordinance would change the Table 7.1 dealing with parking standards. In particular, dealing parking standards for grocery stores and also re-establishing some former standards to we had for low, medium, and high intensity commercial retail uses. The County has received an inquiry from LIDL, which is a current grocery anchor within the County, and they're looking at establishing another store in the County and feel that our current parking rate of 7 spaces per 1,000 is too high. Prior to 2018, we did not have a designated parking ratio for grocery stores. However, staff had interpreted that a grocery store was a medium intensity commercial retail use and felt that 4 per 1,000 was an appropriate rate. We set the rate at 7 per 1,000 based on vehicle trip information from the Institute of Traffic Engineers, which looks at grocery stores on a nationwide

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basis. Again, looking a little bit different aspect, that was looking at traffic generation versus parking utilization. So, staff feels that the 4 per 1,000 is appropriate for grocery stores. Also, too, the idea of reinstating the listing for low, medium, and high intensity commercial retail staff feels is very important, especially due to the context with the drastically changing landscape for commercial businesses. With what was already happening with fewer bricks and mortar stores, as well as what's been happening with the issues with COVID, it's changing the way business is operating in the way stores and other types of activities come about. So, there's more likely in the future going to be more businesses that come about that don't quite fit into our normal peg on our chart for parking ratios. So, staff seeks guidance from the Planning Commission on... as to when the schedule this for a public hearing. Staff would recommend we consider this for July 22nd or the next available meeting, if that's the wish of the Planning Commission.

Mr. Apicella: Okay. Thank you, Mr. Harvey. As I read the referral, it's an up or down vote, meaning we can't make any changes. So, is there a motion to schedule this for the July 22nd Planning Commission meeting?

Mr. Bain: So moved.

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

Ms. Barnes/Mr. Cummings: Second.

Mr. Apicella: Thank you, Ms. Barnes. Okay. Any further comment, Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: No.

Mr. Apicella: Anyone else? Okay. Please cast your vote to place this on the... as a planning... as a public hearing item at the July 22nd. Mr. Apicella votes yes. The motion carries 7-0. Thank you, Mr. Harvey. Anything else?

Mr. Harvey: That concludes my report, Mr. Chairman.

COUNTY ATTORNEY'S REPORT

Mr. Apicella: Thank you. County Attorney's Report?

Mr. Randall: She's shaking her head, no.

Mr. Apicella: I'm shocked! Okay, Committee Reports. Mr. Randall? Senior Housing?

COMMITTEE REPORTS

10. Senior Housing Subcommittee
Next meeting - TBD

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Mr. Randall: As Chairman of the Senior Housing Subcommittee, I will report that we had our first meeting on last Thursday. It went well. We were able to begin our guideline discussion of what we expect for the design guidelines for senior housing, age-restricted senior housing. Our next meeting is a week from tomorrow. Everyone's welcome. It will be open to the public and we will continue our conversations and be working towards finalizing a minimum standard list and then an adult... and then an additional list for further certifications. Thank you.

Mr. Apicella: Thank you, Mr. Randall. Mr. Bain, Healthy Growth?

11. Healthy Growth Subcommittee
Next meeting - July 1, 2:00 PM in the ABC Conference Room

Mr. Bain: Yes. We had a good meeting last Wednesday. Identified some additional information that we would like staff to accumulate or compile for us. And we're scheduled to meet on July 1st and hope to have a recommendation for the July 22nd public hearing... or meeting.

CHAIRMAN'S REPORT

Mr. Apicella: Thank you, Mr. Bain. Chairman's Report. The only thing that I want to indicate is that, again, as I'm not physically in the chambers tonight, but pursuant to our by-laws, if anything needs to be signed, I'm hereby authorizing the Vice Chairman to sign any documents in my absence. Okay, moving on to Other Business. TRC materials have been distributed by staff, and we have a discussion on establishing a subcommittee on race and social equity. Mr. Cummings, you mentioned this at the last meeting. Can you further expand on your thoughts regarding this?

OTHER BUSINESS

12. New TRC Submissions
- Embrey Mill Town Center South - Garrisonville Election District
13. Discuss Establishing a Subcommittee on Race and Social Equity

Mr. Cummings: Yeah. Thank you, Chairman. I just wanted to see if I get the thoughts of the other committee members about recommending to the Board of Supervisors that we look on race and social equity as a filter to review the practices of the Planning Commission. I think that in light of the work that they're gonna be doing with convening a multicultural Commission and the current state of affairs in America, we owe it to ourselves and we owe to our constituents to at least take a look at what we're doing and then possibly what we can do better.

Mr. Apicella: Okay, thank you, Mr. Cummings. Any discussion from other Commissioners?

Ms. Barnes: I just have one thing to say. I definitely think this could be worth pursuing. But it may be a little premature at this point. I'm very hesitant to get out in front of the Board on this. They haven't even, I think, set up their committee, given a mission statement, or anything like that. I think that... I think we might want to let the Board get this going and figure out exactly where and how we're going to be a part of this process, either with a seat at the table or independently and how the other Commissioners are going to be handling this as well. We have a lot of, I think at this point, competing almost concurrent committees or that there might be some confusion. It may actually dilute

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the discussion a little bit. So, like I said, I think this might be worth pursuing, but I'm very hesitant to get out in front of the Board on this at this point.

Mr. Apicella: Anyone else?

Mr. Cummings: Yeah, if I might respond. I think that, you know, given this, you know, the historic role of Planning and Zoning in racial and social equity or the lack thereof, I think that the committee or this Planning Commission has an obligation just to look at what we're doing and what our role has been in Stafford. And I think we might acquit ourselves very well in the long run, I think. So, for example, I was very surprised in some of the data I'm looking at. You know, Stafford boasts a very, you know, high income level for blacks and so that... and we don't... I don't know why. All right? I have an idea, but I don't know why. So, the examination of things like that, as well as the impact of some of the expansion that we're planning with smart cities and the like, I think would go hand-in-hand with making us more marketable outreach to the community. Staff has sort of mentioned is something that we could independently do or look at examine doing, and I think would have an enormous impact on our marketability, values, and not only to land values and community, but also for the community and individuals. So, the Board, I understand our role. But I think that there's value in us as a Board saying... or Commission saying that we think this is important enough. And I would like for at least to make a recommendation, if not establish a subcommittee, at least make a recommendation that we, the Board, look at it, look at planning and land use as a core... a core piece.

Mr. McPherson: If I may, I just have one thought. I kind of think that a subcommittee from the Planning Commission is not applicable for this. If it comes up and enough people agree, I think, and it's just my opinion, this would have to be addressed by the next Comp Plan review if we want to start involving these kind of thoughts. This is not a subcommittee thing. It's Comp Plan and Board activities, in my opinion. If we're going to move in that direction.

Mr. Cummings: Yeah, oh and I think Comp Plan is definitely where... because that's where the values get laid, right? If the count... if we can imbue some of the ... we don't have the... *inaudible, microphone not on.*

Mr. Apicella: Mr. Cummings, I can't hear you.

Mr. Cummings: Yeah, I think I pushed it again. I'm sorry. Yeah, I definitely think the comprehensive plan is definitely something that I think we... that's where... that's the drumbeat. Right. That's where it all begins. It also begins with the Board. And I think just in terms of our... the historic nature of land use and the role of Planning Commission and Zoning, I think that we kind of owe it to ourselves and to the community to say, hey, we're putting a stake in the ground here and we want to see what we've done and where we are.

Mr. Apicella: Okay, anybody else want to chime in? So, is there a motion?

Ms. Barnes: Actually, I would like to make a motion to possibly defer this until we can figure out exactly the shape, the way that the Board of Supervisors is going to take this. Like I said, I do think that this might be something worth pursuing, but I would like to get a little more direction possibly from where the Board is going with it and how they're going to make it up and if we're going to be involved in that as well as our own committee. I think that might be worthy of taking our time on it a little bit. And I would make a motion to defer this, maybe to the next meeting or possibly the July meeting until we can hear from the Board.

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Mr. Apicella: So, am I hearing you, Ms. Barnes, say that you want to reach out to the Board and get some guidance and direction on if and how they would like us to move forward with these issues?

Ms. Barnes: I definitely think that would be worthwhile. Yes.

Mr. Apicella: Is there a second?

Mr. Bain: I'll second.

Mr. Apicella: Is that Mr. Bain?

Mr. Bain: Yes.

Mr. Apicella: Okay. Thank you, Ms. Barnes. Do you have any further comment?

Ms. Barnes: So, do we have a specific date that we'd do that to? Or do we...?

Mr. Apicella: I would think we would just reach out... I think we would reach out to the Board and they get back to us when they get back to us. So, I don't know that I would necessarily give it a timeframe. They might get back in July; they might... they have a subcommittee working on the multi-cultural commission. I don't know when they're going to make the decision and present to the Board, and then that process will work its way out. So, it might take some time. So, I think we should give them whatever time that they need to give us some guidance and direction on this. Is that fair?

Mr. English: I think it's fair, nothing to... I think Mr. McPherson has hit on a good point. It's a Comp Plan issue, too. So, I think a lot of it's going to go back to that issue. And I think that we're coming up to be doing that anyway, aren't we? Yeah, okay.

Mr. Apicella: I think it is on the near-term schedule. So... okay. So, there's been a motion that we reach out to the Board for guidance and direction on this and seconded by Mr. Bain. Any comments, Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Anyone else? Okay, please cast your vote.

Mr. Randall: Mr. Chairman, this is Mr. Randall. Just a quick statement if I could.

Mr. Apicella: Okay.

Mr. Randall: Totally agree. I think though that we see ourselves, at least I see myself on the Planning Commission more of an advisory role, more working at the behest of the Board of Supervisors. They send things down to us. They say either look at it and revise it as you see fit and send it back to us, or something we just saw that said up or down, we don't need your input on it, up or down, do a public hearing and be done. And I think that their intent is, at some point in time, to do that for us, to send it down to us, take whatever that they're working on, and have us do, I hate to use the word grunt work, but sometimes that's what it is, to do the work necessary to do a public hearing, do what it is, and then make a recommendation back to them. I think that's their intent down the road. And I think that if we were to jump in front of that, without proper guidance, we may put ourselves in a situation where we

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give them what they're not ready for or that they're not prepared to act on in their direction. We very rarely, at least in the 3 years I've been here, we've never done anything without the behest of the Board of Supervisors, because we run on them. So, I as much as I think that there may be some efforts and, you know, you may find that you can go talk to staff and you may work with staff and you may identify some things that you want to bring back to us and go, hey, you know, I have three specific things that based on my homework, based on my review, not maybe it is, but I have some concrete things that I think could be looked at. I think the Board would love to hear those things. I think the Board would then take those things, add them to their subcommittee, and have actionable items that they can work on. But I just don't know if we as a Board, as a Planning Commission, as a whole, should be doing something that the Board of Supervisors has already taken action on. So, that would be my concern.

Mr. Cummings: Yeah, and I do believe that everybody on the Board and Planning Commission is sensitive to the issues. And I do take... agree with the fact that the nature of the pecking order, if you will, the Board... working with the Board and at the direction of the Board. But I think that the core of what we do every day, right, when we come in here is to make decisions based on not just ordinances and what have you, but they're the value judgments about the nature of the environment that these things play out in. Right. We make we make decisions. And so... and so I think that there's also an element of a broader import for us as a Planning Commission in terms of what do we see as our role. And the execution of it is one part of it. But I think it's broader than that. And I think that if we... if we... if we take up the mantle about it and I'm not saying get ahead of the Board at all, all I'm saying is, is that we have to recognize and identify what our role is, right, in that and what role we may have played or the Board may have played... the Commission may have played. And so whether that happens now or later, I'm fine with it. But I think it's something that the value doesn't get him imbued into anything that we're doing if we don't see it, all right, and take that up. It's in the purpose of we're talking about the senior housing provision and it's... the question of equity came up. And it's imbued in everything that we were talking about within that ... within that meeting. But we didn't hit on it and we didn't touch it and feel it and say, hey, and embrace it. And so doesn't... if you don't put that into policy at the onset, it doesn't carry through. And so that's my... that's one of the reasons why I wanted to make sure that we had a discussion about it and that we agreed as a Commission of how we want to proceed and in the spirit with which we proceed, and the recommendation that we make to the Board. And so the recommendation that I would suggest or amend the motion is one to just to, that we see the importance of it and we see the importance of the moment and that we would like for the Board not to forget about land use and zoning and its importance... the importance that it's played in our history. And we owe a duty to get that right sooner rather than later. And some statement with respect to that would I think would be would go a long way because the moments come and then the moments go. And so if we're going to have something to really have an impact, it's now.

Mr. Apicella: Okay, any further... any further discussion on the motion and the second? Okay, please cast your vote on the motion. Apicella votes yes. Okay, the motion carries 7-0 to reach out to the Board for guidance and direction on this matter. Moving on to the next item, Approval of Minutes, there are none. Seeing no further business before the Planning Commission tonight, the meeting is hereby adjourned. Thank you, everybody.

Mr. McPherson: Good night.

APPROVAL OF MINUTES

NONE

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ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 7:38 PM.