

STAFFORD COUNTY PLANNING COMMISSION

May 25, 2022

The meeting of the Stafford County Planning Commission of Wednesday, May 25, 2022, was called to order at 6:00 PM by Chairman Kristen Barnes, in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Kristen Barnes, Albert Bain, Dexter Cummings, Steven Apicella (remote), Martin Martinez, Laura Sellers, Willie Shelton, Jr.

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Amy Taylor, Mike Zuraf

DECLARATIONS OF DISQUALIFICATION

Ms. Barnes: We need to take a vote to allow Steven to participate remotely. Do I have a motion?

Mr. Bain: So moved.

Mr. Shelton: Second.

Ms. Barnes: Alright, a motion by Mr. Bain, seconded by Mr. Shelton. I guess we'll go ahead and use the clickers on this one. Cast your vote. I didn't do any discussion. Cast your vote anyway.

Mr. Apicella: Steven votes yes. Thank you.

Ms. Barnes: Thank you Steven. Okay, and that passes unanimously. *Commissioner Apicella participated remotely due to health considerations from his place of residence in the County.* Thank you. Next, are there any declarations of disqualifications? Okay, hearing none. Are there any changes to the agenda tonight? Okay, hearing none. Alright, we'll move on to the next portion of the agenda, which is the public presentations. I will now open the public presentations portion of today's meeting. The public may have up to three meetings... three minutes to comment on any matter except for those items which appear as public hearings on today's agenda. There'll be separate comment periods for those public hearing items. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's one minute left. Red means your time is up. If anyone would like to speak, please come forward. Alright, seeing none I will go ahead and close the portion of the public presentations for this evening. Okay, next on the agenda, we have our first public hearing up, and for that we will recognize Ms. Amy Taylor.

PUBLIC PRESENTATIONS

NONE

PUBLIC HEARINGS

1. CUP21154204; Conditional Use Permit -Washington Square, Take 5 Car Wash – A request for a conditional use permit (CUP) to allow a car wash within the HC, Highway Corridor Overlay Zoning District on Tax Map Parcel No. 58-9E (Property). The Property is also within the B-2, Urban Commercial Zoning District. The proposed CUP area consists of 1.35 acres, which is a portion of the Property, consisting of 2.98 acres, and located on the southwest corner of Kings

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Highway and Express Drive, within the George Washington Election District. **(Time Limit: September 2, 2022)**

Ms. Taylor: Good evening, Madam Chair, members of the Commission. I am Amy Taylor with the Department of Planning and Zoning and I'm here tonight to present item number 1 on the agenda which is a request for a conditional use permit for a car wash facility in the Washington Square Shopping Center for the Take 5 Car Wash. This property is located in the B-2, Urban Commercial zoning district. The request is for conditional use permit for a car wash facility in the Highway Corridor Overlay District. The property affected is Tax Map Parcel No. 58-9E and this affects only a portion of that property. It is located in the George Washington District. The applicant is Driven Brands, Incorporated. The owner of the property is Woody Real Estate Investments, LLC. And the engineer for this project is Pennoni Associates, Incorporated. This is a zoning map of the site which also... which shows the property as outlined in blue. And the 1.35-acre portion of this property that is subject to the CUP request is shown as the hatched area. The property is located on the southwest corner of the intersection of Kings Highway and Express Drive. The property is zoned B-2, which is in the Urban Commercial Zoning District, and it is located entirely within the Highway Corridor Overlay District. This property is also subject to existing proffers associated with a prior rezoning of the parent parcel in 1983, which was re-... which rezoned the property from A-1 to B-2. Those proffers were amended twice, with the last amendment occurring in 1997. A conditional use permit was also approved for this property in 1996, specifically for an auto service use, although this project would not conflict with the existing proffers or the CUP as neither limit development of the site to an auto service use or prohibit the use of a carwash specifically on this portion of the property. And the surrounding zoning districts include R-1 to the north, B-2 to the east, south, and west.

Mr. Bain: Amy, you might point out that between Kings Highway and the R-1 portion, there's a railroad line that kind of separates things more.

Ms. Taylor: Yes, sir, I did, I did fail to put that in the report. But yes, the CSX rail line is located between the property and the R-1 properties on the opposite side of Kings Highway. Would you like me to show that, where the rail line is located?

Mr. Bain: No, I know.

Ms. Taylor: This GDP reflects the layout of the proposed carwash which will provide a single automated wash tunnel and 14 self-service vacuums. The building will be one story with a gross floor area of 4,276 square feet, and will be oriented perpendicular to Kings Highway so that vehicles enter the wash tunnel from the south and exit to the north. No direct access to Kings Highway is proposed, and access to the site will be provided via a single two-way entrance along Murphy Way, which is an internal private access drive shared with Murphy Express fueling station to the west. A one-way entrance lane is proposed which separates into three queuing lanes with automated pay stations. Following payment, vehicles will advance through the automatic gates to a single queuing lane prior to entering the wash tunnel. The stacking length from the wash tunnel to the pay stations is approximately 151 feet and will... with additional stacking provided prior to those pay stations. Total stacking available is approximately 430 feet which would accommodate more than 20 vehicles. This amount of stacking would mitigate any offsite impacts. And for comparison, the Zoning Ordinance requires drive-through uses to provide a minimum of 150 vehicle stacking. The proposed layout also provides an emergency exit lane prior to the wash tunnel which will allow vehicles to exit the queuing lanes directly to the vacuum area. As vehicles exit the wash tunnel, customers will have the option to exit the site or circle around to access the parking area with the self-service vacuums. A loading space and a dumpster enclosure will also be

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located near the rear of the site, both of which will be screened from view of Kings Highway as required by the Highway Corridor Development Standards. Sidewalk is also proposed along Kings Highway and will connect to the existing sidewalk along the frontage of the Murphy Express site. Landscaped buffers are proposed along Kings Highway and the rear of the prop... and the rear property line to the south. However, both locations are impacted by parallel utility easements and an alternative compliance for landscaping will ultimately be required in order to provide the necessary plantings within a smaller or reduced planting area. The applicant has indicated that they will pursue the necessary alternative compliance at the time of site plan submission. And services offered at this facility will be limited to the automatic carwash and self-service vacuums, and the applicant has also indicated that detailing services will not be offered at this facility. Due to the property's location within the Highway Corridor Overlay District, the building must conform to the architectural standards in the Neighborhood Development Standards Plan. And review of these standards typically occurs prior to the building permit approval. These are the building elevations proposed by the applicant for this facility at this location, and staff notes the proposed building design does conform to some of the architectural design guidelines of the NDS Plan, including the use of architectural concrete masonry and architectural metal panels as primary materials; primary colors that are low reflectance, subtle, and neutral or earth tone colors; bright colors that are limited to accent features; and a flat roof that incorporates the use of parapet walls and cornices. And this is an architectural rendering of the proposed building design and what that final building may look like. These are existing conditions for the site. And the property as a whole is currently undeveloped and a portion was previously cleared and graded with development of the Murphy Express site to the west. Site topography is relatively level with a moderate slope along the rear with some small trees and shrubby undergrowth. And there are currently no environmentally sensitive features or resources present. The property does have frontage on Kings Highway and Express Drive, which is a private access road that provides access to the Washington Square Shopping Center. Murphy Way, which is another private access road, extends through the northern portion of the site and provides cross access to Express Drive to the Murphy Express site to the west. In addition to these existing private access roads, an additional 30-foot ingress/egress easement is located in the southern portion of the site, which is intended to provide an additional point of access from Express Drive to the Murphy Express site. However, since the access road has not yet been constructed, the applicant has indicated their intent to vacate this easement in the future.

Ms. Sellers: Can you show that on this map?

Ms. Taylor: The location of the existing ingress/egress easement that has not yet been constructed extends in this portion of the site. And the intent there with the applicant vacating that is because there is no existing stubbed access for the Murphy Express site next door to, in order for them to access that. They're currently utilizing Murphy Way and this existing easement has yet been constructed and no ability for the Murphy Express site to construct at this time or to connect to that easement at this time.

Mr. Bain: The Murphy facility has access off of that other road that's to the west or east, I guess, that lets you go down into Walmart's parking lot.

Ms. Taylor: That would be correct. They do have...

Mr. Bain: That's really the primary access for people that that use the Murphy facility.

Ms. Taylor: Yes sir. Their primary access is off of Murphy Way which in turn connects to Express Drive.

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Mr. Bain: No, they're... most of the vehicles that come to their site come in off of the driveway that goes down to Walmart that's just on the upper left-hand corner of your aerial picture there.

Ms. Taylor: Yes, they do have additional... the Murphy Express site does have additional access here on this parcel for a stubbed connection in that location as well.

Mr. Bain: Yeah, and that's where most of the vehicles go. I've been there many times.

Ms. Taylor: Let's see. There's also currently no sidewalk on this property's frontage on Kings Highway, but sidewalk does exist on the adjacent Murphy Express site. And the shopping center is located to the south with a commercial retail store located to the east and vehicle fuel sales is located to the west.

Ms. Sellers: So on the previous one you said something about they would need a... they would have... we'd have to look at the trees, the foliage, whatever; is that only on the front? Can they not move it to the back since they're...?

Ms. Taylor: Landscaping requirements for any site plan coming in is required to provide street buffers and transitional buffers on all sides of their property based on the type of road that they front on and the types of businesses that they abut. In this case, the Take 5 Car Wash is abutting a shopping center and those are deemed not necessarily conflicting uses but they are different types of uses that require different types of landscaping. In this case, I believe they are required to provide, I think it was a 20... 20-foot access or a 20-foot landscape buffer, I believe was what I had indicated there. But they are unable to do so with the easements. The conflict there is the fact that the landscaping requirements do not permit plantings with any existing parallel utility easements. So they can seek what's called an alternative compliance to allow them to provide 100% of the required plant units, but simply doing so in a smaller area in order to avoid those easements.

Ms. Sellers: So that's on the... up towards Kings Highway then?

Ms. Taylor: Yes, they have... there are water lines, stormwater easements along the Kings Highway frontage, and those are shown on the GDP when I get to the next slide. But there are easements there, there's a stormwater easement along the Kings Highway frontage that would be conflicting with where they would be required to provide street buffer plantings, and there is an existing waterline easement along the rear of the property that would conflict with where they are required to provide a transitional buffer.

Ms. Sellers: Okay.

Ms. Taylor: These are existing conditions for the site today, which is showing a street view of the property is located from Kings Highway, and this is directly at the intersection of Express Drive. The Comprehensive Plan currently identifies the property as being in a commercial node within the Suburban Future Land Use designation. Commercial nodes within the Suburban Areas are intended to encourage commercial uses and activities where there are adequate transportation facilities to accommodate such proposed uses. Infill development and reuse of underdeveloped existing commercial sites is encouraged, and commercial uses adjacent to residential uses should be designed so that such commercial use is integrated into and accessible to the community and should be designed so as to be unobtrusive. Staff notes that the proposed car wash is consistent with the Comp Plan recommendations, and with other auto-oriented uses, commercial uses adjacent to the site. The following are a few of the proposed conditions which will help offset any potential negative impacts and would require site development to

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be in general conformance with the GDP; limit the size of the facility to 4,276 square feet with a single automated wash tunnel; prohibit any new entrances directly to Kings Highway; limit business hours to 7 AM to 7 PM, seven days a week; require building construction to conform to styles and materials as depicted on the architectural renderings; and require water recycling system.

Mr. Bain: Amy, I think an additional condition would be that they would not provide detailing services then. Since they've offered that, I think it should be added.

Ms. Taylor: Okay. Positive features or aspects of this application are that the proposed use is generally consistent with land use recommendations in the Comprehensive Plan; consistent with the established development pattern along Kings Highway; the proposed building design incorporates recommendations from the Neighborhood Design Standards Plan; the uses appropriately cited to minimize impacts to Kings Highway which is the corridor highway; and proposed conditions will help to ensure any potential negative impacts are mitigated. Although staff was unable to identify any potential negative impacts with this application. Staff recommends approval of the application CUP21154204, with conditions, pursuant to Resolution R22-150. And that concludes my presentation if anyone has any questions.

Ms. Barnes: Okay, any questions for staff?

Mr. Martinez: I just have some clarification, Ms. Taylor. Is there a particular reason for the may not exceed 4,276 square feet? Is that just like a standard or like a industry standard of a car wash or...?

Ms. Taylor: No sir, Commissioner Martinez. The reason being was simply this was the square footage presented by the applicant. So we are simply limiting what they have already proposed. So when site plan comes in, we do not see something substantially larger than what we saw at the CUP stage.

Mr. Martinez: That makes sense. Thank you.

Ms. Barnes: Any other questions for staff? Okay, hearing none, would the applicant like to come forward?

Mr. Dozier: Good evening, Madam Chair and Commissioners. Thank you for taking the time this evening. I appreciate it. My name is Jonathan Dozier. I'm with that Pennoni; I'll be the civil engineer for this project. I just want to thank Amy for all of her hard work with this presentation. The applicant isn't able to attend in person today. But if you have any questions as far as related to the site plan, I'd be happy to the answer them.

Ms. Barnes: Nice and brief. Any questions for the applicant?

Mr. Bain: Yes. Mr. Dozier, referring back to the architectural rendering of your building, there's that one square tower that looks like it goes up two stories. Is there a purpose to that or is that just architectural treatment?

Mr. Dozier: Purely architectural treatment.

Mr. Bain: Okay. I didn't know if there was going to be office space up there or.

Mr. Dozier: No, there's no usable space within the tower.

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Mr. Bain: Okay. Alright. I guess I do have one other comment and something that I brought up at a previous meeting, about inter-parcel connections. Maybe it's better for me to address that back to Amy. If there should be some provision for eventually having a driveway to that adjacent parcel that is undeveloped. Mr. Harvey?

Mr. Harvey: Madam Chairman and Commissioner Bain, as Ms. Taylor referenced in her staff report, this property is located within our Highway Corridor Overlay District. And that district requires inter-parcel connection. The construction of the road along the front of the property that runs parallel to Kings Highway serves that function of inter-parcel connection.

Mr. Bain: Ah, okay. Alright. Very good.

Mr. Shelton: Madam Chair, I have a question. On the recycling aspect, I guess I have a question. Do you have a retaining tank? And would that impact eventually impact the sewage system on Kings Highway?

Mr. Dozier: No. So we do have there are I believe it's three separate water recommend... water reclamation tanks, as well as an oil water separator for anything downstream.

Mr. Shelton: Okay, thank you. I appreciate that.

Ms. Barnes: Okay, we're all good.

Ms. Sellers: I have one question.

Ms. Barnes: Okay, go ahead Ms. Sellers.

Ms. Sellers: Is there a reason you're limiting the hours? I mean, it's by a 24-hour Walmart and a 24-hour gas station. Why would we put hour restrictions on it?

Mr. Dozier: Just because that's the typical hours of operation, because they do have an attendant that's assisting with the vehicles going through the car wash as well.

Ms. Sellers: Oh, okay. So this is not an unmanned one.

Mr. Dozier: No, no, there is an attendant that, you know, kind of hoses down the cars and everything before they go through, makes sure everyone gets through the pay at kiosks and everything.

Ms. Sellers: Okay, that clarifies it.

Mr. Dozier: Again, no detailing, just, you know, assisting them.

Ms. Sellers: Okay. I just, I wasn't envisioning somebody sitting there helping them, so it didn't make sense to me why.

Mr. Martinez: On that question from Commissioner Sellers, is the vacuum part of that service, is that available 24/7? Or is everything shut down after 7?

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Mr. Dozier: Typically, from my understanding, it's everything shuts down at 7. You know, again, this is kind of a different situation where you might... the neighbors might not have any complaints whatsoever. But, you know, other ones, other sites where it could be an issue that they do just shut down the vacuums after 7. Again, the car wash itself isn't functioning, so I don't foresee them, you know, having the vacuum running without a car wash.

Ms. Barnes: So I couldn't just walk, you know, at 10 o'clock at night park in there and just get a quick vacuum in?

Mr. Dozier: Yeah, I don't think so.

Ms. Barnes: I think we've covered everything, yes? Okay, thank you very much.

Mr. Dozier: Thank you.

Ms. Barnes: So we'll go ahead and do the public hearing for this agenda item. I'll now open the public hearing on this matter. This is an opportunity for the public to comment on this agenda item. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's one minute left. Red means your time is up. If you would like to speak, please come forward. Seeing no one, I will go ahead and close the public hearing and bring this matter back to the Commission for consideration. Mr. Bain, this is in your district, what would you like to do?

Mr. Bain: Thank you, Madam Chairman. I would like to make a motion to approve CUP21154204 for the Washington Square Take 5 Car Wash.

Ms. Sellers: Second.

Ms. Barnes: Okay, I have a motion from Mr. Bain and a second from Ms. Sellers. Any further discussion on the matter? Steven, do you have anything to say?

Mr. Apicella: I thought I heard Mr. Bain recommend an additional condition.

Mr. Bain: Oh yes, yes sir. That's, that's right. Thank you. So I will amend my motion to include that the CUP include a specification that there will be no detailing services onsite.

Ms. Barnes: Okay, can we just add that in verbally like that or do we need to do...? Okay, that sounds good. Okay. And Ms. Sellers, do you want to second that again with that condition? Okay. Okay, an updated motion for Mr. Bain and second by Ms. Sellers. Any other discussion? Okay, everybody please cast your vote. And Steven, how do you vote?

Mr. Apicella: Madam Chairman, I vote yes.

Ms. Barnes: Thank you. And that passes unanimously. Thank you very much and congratulations. Okay, moving onto Unfinished Business – Proposed By-law Amendment. Mr. Harvey, do you lead on that one?

UNFINISHED BUSINESS

2. Proposed By-law Amendment

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Presented at the May 11, 2022 meeting, and deferred to the June 8, 2022 meeting

Mr. Harvey: Madam Chairman, due to the current by-laws, we have to pass by any action on this until your June 8th meeting.

Ms. Barnes: Okay, thank you. Easy enough. New Business, none. Planning Director's Report. And Mr. Harvey.

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

3. Project Pipeline Report

Mr. Harvey: Madam Chairman, we have the pipeline report that was provided to the Commission and the public on your agenda. That concludes my report.

COUNTY ATTORNEY'S REPORT

Ms. Barnes: We're just heading through this fast. Okay. County Attorney Report.

Ms. Lucian: Good evening Planning Commission. I have no report. Thank you.

COMMITTEE REPORTS

4. Public Notification Subcommittee

Meeting – Monday, May 23, 2022 @ 1:00 PM – Activities Room and via Web-Ex

Ms. Barnes: Okay. Thank you. And Committee Report – Public Notification Subcommittee. Mr. Harvey, do you want to start on this one since it looks like we've got quite a bit of material here?

Mr. Harvey: Certainly. The subcommittee met again on May 23rd. And there were a number of outcomes that were generated from the subcommittee meeting. The subcommittee asked staff to prepare language to be included in application forms for rezonings and other land use cases such as conditional use permits and special exceptions. And the notification would be to place applicants on notice that community meetings are a best practice and are encouraged to be held in advance of public hearings, in consultation with the district representatives, i.e., the Planning Commissioners and the Board members. The committee had asked staff to prepare a snippet of what could potentially be included on the application form. That has been provided to you at the dais. The information reads, "Community Meetings. A community meeting hosted by the applicant with nearby property owners and residents is encouraged as a best practice following consultation with district Planning Commission and/or Board of Supervisors representatives. Community meetings should occur in advance of any public hearing." The committee also suggested that we potentially change our administrative practice about sending public hearing notice letters; in particular, sending notice letters to the property address as well as the owner of the property. There was some questions and concerns about situations where the owner lives off-site and rents the property out; whereas the notice goes to the owner but may not get forwarded on to the tenant. So that was something that the committee asked staff to consider. Also there was a discussion

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about asking staff to change our administrative practices to notify the district representatives in between the initial submission and the public hearing as far as details about the application. Currently, when an application is filed with the County, staff provides an email to the District Supervisor and District Commissioner with the brief narrative of the application, the actual application itself, as well as the Generalized Development Plan. There was commentary that there's a long lapse of time between when the application is filed and when it actually goes to public hearing. And it may be desirable for the District Commissioner to receive an update somewhere in between those two events. Also, there was a discussion about potentially changing administrative policies such that when we are sending out notification letters, we automatically send a notification letter out to a Homeowners Association. Regardless of whether or not that HOA property is abutting the property, it's subject to the zoning change. Also, there was a discussion about notification letters going out to a broader circle of people. And there was a request for staff to provide some graphic images of what a notification would look like if we sent it out at a 300-foot or a 500-foot radius from a property that's subject to a zoning change. The current state statute is and the current ordinance for the County is that we send notice to the abutting property owners. In some cases, the abutting property owners could be a Homeowner's Association or it could be people not associated with the nearby community. And there was a discussion about having a broader outreach when we send out the notification letters. So at the dais, you'll see a packet of three different maps that Mike had prepared with a 300 and a 500-foot radius. And he picked projects that the Commission had previously seen as an example of what the additional notification might look like. So if we look at the first image, it shows the Southgate Commercial property, which was... received a conditional use permit and a proffer amendment for a mini-storage facility. And it's in front of the Southgate neighborhood on Cambridge Street, US 1 in the County. And looking at the... if you're just sending notice to the adjacent property owners, in other words, those who physically touched a property or across the street, under current practice 30 owners would be notified. If it was expanded to 300 feet, that could increase to 57. And to 500 feet, 101. So that's an example of a commercial property along a major roadway that's nearby a neighborhood. The next example that we have is a site that was located in the Rock Hill District that had a telecommunications tower approved. And that site, when we look at how many people under current notice practices would receive a letter, there's 13. Under a 300-foot wide scenario, there'd be 25, and under a 500-foot, 42. And then the final example we have here was a residential rezoning and conditional use permit in both the Rock Hill and the Garrisonville Districts.

Ms. Sellers: *Inaudible, microphone not on.*

Mr. Harvey: So again, highlighting if we were to expand notice what that might look like under the current requirements, 14 property owners would receive notice of the public hearing. If the notice was expanded to 300 feet from the property line, it would increase to 79. And then 500 feet, 148. During the committee discussion, it was noted that when we look at our peer and adjacent localities, they all for the most part refer to State Code, which we currently do in our ordinance. But Prince William County is the exception, they require a notification of owners within 500 feet of the property boundary. That's how 500 feet was used as a measure. Also, staff looked at some other situations where there might be a desire to notify the next row of housing adjacent to a site or maybe even a second row of housing across the street, and found in general terms 300 feet was pretty good for properties in the Urban Services Area. There was also recommendations that the County Code be changed with regard to certified mail to match State Code, where State Code allows any zoning change that affects more than 25 owners that it can be sent by a first class mail, which is what you typically know is a postage that you put on a letter versus certified mail, which is much more expensive, and requires the owner of the property to sign for a statement that they received the notice. Also, there was a discussion about how our application fees are out of date, and that what we do as a current practice is that the applicant is charged per abutting property owner a rate that was at that time anticipated to cover the cost of postage. The cost of postage has gone

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up significantly since that ordinance was first adopted in 2010. So that was a recommendation from the committee that those... that fee ordinance be modified to reflect current postage rates. So that's the summary of the meeting, Madam Chairman, and of staff would seek any guidance as far as how to formulate a final recommendation to the Board of Supervisors. Any code change or official policy change will need to be considered by the Board of Supervisors.

Ms. Barnes: Okay, before we go on, any questions for Mr. Harvey on those items? Okay. And I did want to point out, specifically, I think this, this Winding Creek example is a really good example. If you take a look on this, you see the yellow strip, a really thin yellow strip that's on the, on the west side of that, which is a very, very narrow little buffer between that and Berkshire. So all of those folks that were in Berkshire, when they, when that public hearing came up, they did not get any notification.

Ms. Sellers: So can I tell you why that happened?

Ms. Barnes: Well, because it doesn't have to now.

Ms. Sellers: No, because the District Supervisor, there were two District Supervisors, two Planning Commissioners on this particular project, for Rock Hill. So there was Garrisonville, and then there was Rock Hill. The Rock Hill District Supervisor, because Winding Creek cuts it in half, very bluntly and explicitly stated, do not touch the trees on that side. He was not willing to entertain it. And so they were notified because we needed part of that... that yellow strip is actually owned by their HOA. And we needed right-of-way to widen the road there. But they were not notified because there was nothing that was going to impact them on that part. That was the District Supervisor's decision, and it was carried over by the next District Supervisor. So that was, that was exactly why that one happened. I'm very familiar with Winding Creek, I spent four years working on Winding Creek. And on the other side, I could probably tell you which property owners in the Garrisonville District still probably have my name on a dartboard somewhere because of this property. And so there were a lot of so concerns, but again, it was a District Supervisor's decision on this particular one, because of what his desires were to not touch. And it was very bluntly, I think he would still say to this day, don't touch those trees. He wanted them there. He didn't want us... I mean, to the point where even in road widening, they had to move, widen the road on the other side of Winding Creek. They... he was not willing to entertain it.

Ms. Barnes: So yes, yeah. And I remember all that very well, as well. But I'm just using this as an example. So this is an example of where in any redistricting, if there is that even the thinness strip of common property, those other houses, technically, according to our ordinance now, do not have to be notified. Correct?

Mr. Harvey: Correct. If you're not abutting owner, they don't received notice currently

Ms. Barnes: And I'd like to see... this is why I've seen this, we saw this in Orris Estates, I believe also as well. And we've seen it in a couple where people literally, you know, could reach out and touch it, but did not get notified because there was just a sliver of common property in between it. And so that's, I think that was when I first noticed, you know, a little gap, a little hole there in that kind of notification. And also, this would also be a good example of, let's say that that thin strip of HOA property wasn't there; it would still, the notification would still need to go out to the Berkshire HOA. Because I know that, I remember somebody calling me and saying, did you know today there is a hearing, because nobody else in Berkshire had heard about it or knew about it. I don't know how or why. But apparently that was the case.

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Ms. Sellers: *Inaudible, microphone not on.*

Ms. Barnes: That's true. Yes, that's true.

Ms. Sellers: *Inaudible, microphone not on.* As a Board member, if somebody were to call your constituents and tell them something, it would cause problems. It gets real ugly when you start notifying other people's. So this one is a decent example. But you have to put it into context of what the District Supervisor's wishes were at a time.

Ms. Barnes: Understood, understood. Steven, did you have something to say?

Mr. Apicella: Yes, I have a couple of questions. Mr. Harvey, can you tell us what percentage of lots are in the Urban Services Area versus those outside the Urban Services Area?

Mr. Harvey: Commissioner Apicella, I don't know the exact numbers so I'm making a guess at this point in time. I would estimate that probably 70% of the residential homes in the County are in the Urban Services Area.

Mr. Apicella: And this is more of a legal question. We can't have two different standards, one for in the Urban Service Area and one outside the Urban Services Area. Is that correct?

Mr. Harvey: Commissioner Apicella, that is correct. State Code is uniform in how it's applied. And therefore our local ordinance also needs to be uniform in how it's applied.

Mr. Apicella: So, so Madam Chairman, this is kind of my concern, and I raised it at the subcommittee meeting. I think when you live outside the Urban Services Area in the rural areas, you have larger lots. And what these illustrations show me is that in, in many cases, you're only still going to get the lots that are immediately abutting a particular applicant's proposal. Whereas, if you go out to, so that's at the 300 feet, if you go out to the 500 feet, you would potentially get lots that are on that second row. So I'm still of the mind that, and while it does double the number of notices, to me it just seems helpful and more transparent if we could get out to the second row, especially in the Urban Services Area, I'm sorry, outside the Urban Services Area, again, when I don't think that's the case, when you're at 300 feet. That's just my opinion, looking at the illustrations.

Ms. Barnes: That's a good point. It would be nice if we could but I don't think we can do 300 feet inside the Urban Services Area where lots are much closer and you would actually reach, you know, the parcels that seem to fall through the cracks. But outside of the Urban Services Area the parcels are so much bigger that you're probably not going to reach those folks that might still be close enough to be impacted. Is that correct? Yes?

Mr. Harvey: Yes, Madam Chairman, that's correct.

Ms. Barnes: Alright. Any other any other questions? Ms. Sellers?

Ms. Sellers: So something that I haven't heard discussed and bringing up Winding Creek reminds me of this, that the schools, when you do a reclassification, like a Winding Creek, schools play a big part of that. And at that same time, we were talking about redistricting of... well, we're always talking about redistricting of Garrisonville District schools, and what doesn't happen unless the District Supervisor reaches out to the School Board member or to the school division, it doesn't happen. At least that's what

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I was told. And on this particular one, myself and two School Board members from Garrisonville at the time, because one did move away while we were working on this, but we did bring them in. And that was never a requirement. And is there a way to put that in there that we do give notice to the School Board member? Because it does start to get at where these kids go to school, how they're going to get there. And those were all considerations that we had in this particular project.

Mr. Harvey: Madam Chairman, Commissioner Sellers, during the review process for our applications, we do send information to the school division staff about the application. And we also consult with them, too, as we're reviewing the impact statements submitted by the applicant. We do not communicate with the School Board representatives individually, but the staff.

Ms. Sellers: Is there a way to at least notify the District School Board member, because that one and what it gets, especially again, with a reclassification involving houses versus kids are going to be involved, and you get into proffers, it's very helpful to have that School Board member sitting there and talking about what are the needs of the school, and then you can have the discussion with the School Board member to say, you know, we could have a stronger proffer statement if you actually had unfunded things that we could put proffer money to. Developers were very willing, in my experience, to have that conversation if the schools could show they needed it. Like with this one, North Stafford and the library renovation, or, you know, adding a turf field somewhere. So something like that, and making sure that that School Board member knows it's coming because I do hear from the School Board members that they don't get notice until they too are getting inundated with emails, because somebody put it on a social media site somewhere.

Ms. Barnes: And not always accurately.

Ms. Sellers: *Inaudible, microphone not on.*

Mr. Apicella: Madam Chairman?

Ms. Barnes: Go ahead Mr. Apicella.

Mr. Apicella: Can you hear me?

Ms. Barnes: Yes, go ahead.

Mr. Apicella: This is back to a legal question. I think with the new proffer legislation, even with the changes, we still have to be very careful about how we engage with and ask for offsite proffers. Is that still the case?

Ms. Sellers: Hold on. We don't ask for proffers. They provide proffers. Let's make sure we're clear here. But if you give them a list of these are the needs, they're more willing to pay for more.

Mr. Apicella: Yeah, you still have to be careful in having those discussions with developers about what offsite need to have. Again, correct me if I'm wrong.

Ms. Barnes: I'm gonna leave that to Mr. Harvey.

Mr. Harvey: Commissioner Apicella, there is a State Code that regulates how the County interacts with the developer about proffers. It's probably too long of a discussion to elaborate in detail right now. And

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I'm sure if there's any additional information you need with regard to legal counsel, our attorney can provide that to you at a different venue.

Ms. Barnes: So to get to, get to the root of what she's asking, is there a way that we can add to this list of administrative changes, a brief communication or notification to the School Board member? Is that something that we could consider? Or are we jumping some kind of chain of command there on that one?

Mr. Harvey: Well, Madam Chairman, the way I'm viewing the work of the committee, that you're formulating a recommendation to the Board of Supervisors, so certainly that could be part of that recommendation.

Ms. Barnes: Okay. As far as the committee member goes, I don't have a problem adding that if, if that seems like something that'd be a good idea. I've always wondered about that. And it seems like that should be standard, but I guess it's not.

Ms. Sellers: *Inaudible, microphone not on.*

Ms. Barnes: Okay. Okay, so I think that, what the heck, let's add that to the list of, are we going to call this a wish list? And then from here, what's the best way forward? How do we do this? Because I'm not sure that we've done this necessarily spontaneously on our own before.

Mr. Harvey: Madam Chairman, again, on the agenda, this is a report from the committee. So if the entire... excuse me, if the entire Commission is inclined to agree with the committee's recommendations in the, that show up in the bulleted outcomes in the committee report, that can be the basis for what's forwarded to the Board of Supervisors, In addition to this additional requests from Supervisor Sellers about notifying District School Board representatives.

Ms. Barnes: Okay. And where does the CEDC come in? I thought that... I thought it went there first.

Mr. Harvey: Well, Madam Chairman, first that would be a recommendation from the entire Commission and staff would take that to a Board of Supervisors Community and Economic Development Committee meeting...

Ms. Barnes: Okay.

Mr. Harvey: ... to present to that committee. If that committee felt that it was worthy of additional discussion with the entire Board, then it'd be placed on a future Board agenda. And the outcome of that could be that the Board would ask the Planning Commission to initiate a couple of zoning changes, zoning ordinance changes where we've identified in the bullet points, and then also maybe direction to staff on some of the administrative items.

Ms. Barnes: Okay, and before we go any further, I think that we still are a little bit up in the air on 300 to 500 feet, we haven't really decided on that. So I think that's something, a discussion that we should have as a Commission before we go forward on that. Personally, I'm with Steven at the 500 feet, because I'm always... I like to say hit a broad target and make sure that everybody is informed. I know that might add some work to staff. But nevertheless, I, to me, that doesn't hurt to do that, especially in the rural areas. Anybody else have any ideas or any comments on that?

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Ms. Sellers: I know you said you couldn't do it based on Urban Service Area, but could you do it based on the type of reclassification or? Like, because I'm assuming people care more about when residential units are involved. In my experience it's been... they fill the chamber over residential units. But can you do it based on that instead of Urban Services?

Mr. Harvey: Madam Chairman and Commissioner Sellers, State Code has the same standard for any zoning change, regardless of the type a zoning change. So we would have to again have a uniform standard.

Ms. Barnes: That's, that's a bigger bite than I think we're prepared to take off with that.

Mr. Bain: So what you're saying is this would apply regardless of whether the proposed development is in or out the of the Urban Service Area.

Mr. Harvey: Correct and it would apply to, as we're contemplating these rezoning applications, conditional use permit applications, and special exception applications that would go to the Board of Zoning Appeals. Those three application types or changes in the zoning that affects land use.

Mr. Bain: Right, right.

Ms. Barnes: Okay.

Mr. Bain: I'll support the 500. I initially thought 300 was sufficient but, look looking at the maps, I think it's reasonable to go to 500.

Ms. Barnes: Okay. Mr. Shelton?

Mr. Shelton: I concur.

Ms. Barnes: You concur? Okay. Any other comments? Mr. Cummings, do you have any comments? Final comments?

Mr. Cummings: Hesitantly, I'll just say that I just want for the day when we will have true data and be able to take the ecosystem as it is, and extrapolate from that data. But I know it's coming soon, so. But yes, I think the 500, I'm in support of that, I think.

Ms. Barnes: Ms. Sellers?

Ms. Sellers: I can ask for 500. I believe it should it be up to the District Supervisor, and I am not for adding notification to any elected official's constituents without their control. So I'm gonna go with keep it as it is. But adding a School Board member.

Ms. Barnes: But I don't think we have that last part, I don't think that's in there, of notification.

Ms. Sellers: You're notifying people that property is changing. The Supervisors are gonna get phone calls and emails. I don't mind the School Board member getting notified, but adding in constituents, I think that needs to be up to the District Supervisor other than the state minimum.

Ms. Barnes: Okay. And Mr. Martinez?

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Mr. Martinez: I was just curious, are we... is it possible to add, because I know you just, you pointed it out, you didn't want to create more work for the staff. Is it possible to maybe as a sunset, you know, so that after a few months we can reassess and see if that 500 is really working?

Ms. Barnes: Mr. Harvey?

Mr. Harvey: Well, Madam Chairman, we contemplate that this would be potentially a recommendation to the Board where they could ask us to do it by policy. But in the case of Prince William, it's actually codified. So I guess it depends on how this is adopted by the Board. If it's part of the ordinance amendment that they're going to ask you to consider, then that would be a hard change. And you cannot undo that hard change without going back through the public hearing process. From a policy standpoint, it depends on how the Board would pursue it. If they want us to write a policy that they would take up and amend on occasion, that would be a process where they could bring it back up later, after a few months if they weren't satisfied with the process. Or if they give direction to staff, we would follow that direction, too.

Ms. Barnes: So as far as all of these bullet points go, this could all go into just administrative practices; we don't necessarily have to change the ordinance, because I think the only thing in here that would actually change the ordinance is if we changed abutting properties to a 300 or 500-foot. I think that was the only one that could... am I correct on that assumption?

Mr. Harvey: Madam Chairman, the items that definitely require a change in the Code is dealing with certified notification because our Code currently requires that; but even though State Code doesn't require it in all cases. And then the application fees, that's adopted by ordinance.

Ms. Barnes: Okay, so that part would have to actually change the ordinance on that.

Mr. Harvey: Correct.

Ms. Barnes: Okay. Okay.

Ms. Sellers: Did you remove that language completely? If you remove that language completely, and our recommendation is to broaden the language of the code, then we could theoretically do a sunshine of it, we could do a trial period, right?

Mr. Harvey: Right now the Code does not have a requirement to notify anybody beyond the abutting property owner. So, again, if the Board puts a 500-foot standard in the ordinance, then you're stuck with it for a while until you go through the hearing process. If they're... if the Board says, well, staff, we want you to try it for six months, then we would try it for six months.

Ms. Barnes: Does that happen? Is that a typical practice of...?

Mr. Harvey: Madam Chairman, usually not. The Board, if they want something to happen, they usually ask us to do it and it's in for a long duration. It's a policy decision rather than a trial.

Ms. Barnes: Okay. Mr. Martinez?

Mr. Martinez: And the fee schedule, once this is recommended if the Board accepts it, will we have to address it again years later to have the, that current cost be reflected? Or will this satisfy it for then on?

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Mr. Harvey: Commissioner Martinez, that depends on how the fee schedule is restructured. We're currently working with a consultant that's helping us identify potential improvements to our development processes. But they're also looking at our fee schedule, acknowledging that our fee schedule is 12 years old and out of date. And this is just one example of an area that needs to be readjusted. So our fees may no longer charge for postage; it may just be some other mechanism which we try to recoup the funding for the application.

Mr. Martinez: Got it.

Ms. Barnes: Okay, so any other questions on that? So as I understand it right now, you're just looking... do we need to vote on this as a Commission? Ms. Lucian?

Ms. Lucian: I would leave that up to staff, whatever they're comfortable with, because they're going to be putting in the work to present this to the Board. So if they're more comfortable knowing, they're probably at least going to want a poll to know who wants to send it forward.

Ms. Barnes: I can do a straw poll, and it looks like, I think we've got Mr. Apicella? Are you a yes or no on this 500-foot?

Mr. Apicella: Yeah, I'm a yes, and I would support the 500. I do have a question about the postage issue. So do we have to be so precise to say the actual cost of a first class stamp? Because that's constantly changing? Or can we just say the current costs of first class mail and make that the standard? I'm not sure if I'm being clear, but rather than saying 40 cents, or 45 cents or 50 cents, just put in the code, the current cost of a first class postage. Is that possible, Mr. Harvey?

Mr. Harvey: Commissioner Apicella, the answer is no. Under State Code, when the County adopts fees, we have to do it through a public hearing process and the fee is set. We're also required when we consider the fee change, that we have to identify what the current fee is and what the future fee will be, and what the percent change, increase or decrease, will be to the fee payer. So it has to be a fixed number; it can't be variable. Also, for the Commission's information, changes to the fee schedule normally do not... are not considered by the Planning Commission. It's strictly a Board matter. It's dealing with funding and compensation, those types of things.

Ms. Barnes: So when we send that up this is just a recommendation, and then they make that change, if they think that's necessary.

Mr. Harvey: Yes, ma'am.

Mr. Bain: Mr. Harvey, the study that's being done that you have a consultant for, would they also be looking into that section of the Code that involves the certified mail? As far as how that affects budgeting, do you know?

Mr. Harvey: Commissioner Bain, they'll be looking at our fee structure in relation to how we send notice. They may make that recommendation for an ordinance change, they may not. But that's certainly something that we as staff have identified as an area that needs to be adjusted.

Ms. Barnes: So if we include that on the list, we might just be beating them to the punch a little bit on that.

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Mr. Bain: That's what I was getting at. Maybe we should just delete the last two bullets in what we recommend to the Board, and let those two items be worked out through the consultant and staff. And if it comes back to us later, we could add that. But for right now, in order to expedite things, just forward on the first five bullets with the 500-foot limit, and the other issues there.

Ms. Barnes: Do we have a timetable, timeframe for that study that's being done? I mean, if it's going to take another year, then if we included this in this now, we might, like I said, beat them to the punch and get it changed faster.

Mr. Harvey: Madam Chairman, if I recall correctly, the study is supposed to be completed in September, October timeframe. And then it will be presented to the Board of Supervisors. And it will generate the need for a number of code changes as part of the outcome, but also administrative changes as well.

Ms. Barnes: Alright. And do you have a suggestion on that? I mean, it sounds like it's some... those last two things that they need to be done, and we've acknowledged that, and they're going to be done.

Mr. Harvey: Madam Chairman, this is a...

Ms. Barnes: We think they are.

Mr. Harvey: ... this is a communication from the Planning Commission to the Board. I think the Board would probably appreciate your observations. So in many regards, it can't hurt to include that information, because then it's makes, puts the Board on notice that that's an issue.

Ms. Barnes: Yeah, they might not even have that on their radar right now. Are you okay with... Excuse me? They're certified mail, and they and the fee schedules for...?

Ms. Sellers: Well, I would also add in there the cost. I think it was mentioned in the meeting of stuffing those envelopes. Do you guys account for that? Or is that just an extra duty above and beyond?

Mr. Harvey: Madam Chairman and Commissioner Sellers, we try to capture that in our base fee for the application, but that's something that we'll have to also look into. In most cases, it's our staff doing it. But if we get a large number of notices, we may have to hire a printing company to handle that for us.

Ms. Barnes: Has that ever happened? Have you had to do that in the past?

Mr. Harvey: Yes, ma'am.

Ms. Barnes: So that wouldn't be something unusual necessarily.

Mr. Harvey: It's something that we have to budget for and take into account. And sometimes that may or may not come out in the wash with the amount of fees that were paid by the applicant. The way the philosophy works for our current fee schedule is we took the typical application and determined how much it would probably cost to process that. So some applications that are more complex, it may actually cost us more than we receive in a fee. Likewise, some that are pretty simple, it may cost us less than we're actually taking in.

Ms. Barnes: Okay. So it sounds like I think that we're at a, if I did a straw poll, are we okay with moving this list on here, possibly putting, adding the Board member, that Ms. Sellers asked to do that? Are we

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all okay with sending that forward? Okay, everybody's okay with that. So my question is, I know you said it goes to the CEDC. So it goes to the CEDC, and if they look at it and say, thanks for playing, and that's and that's all folks, then, then that's it?

Mr. Harvey: Yes, that's the direction to staff and the Commission.

Ms. Barnes: Okay. So, I think the direction of the staff is to, I guess, take these bullet points with the addition for Laura and Steven... did you have something to say?

Mr. Apicella: I would recommend that the, if it wasn't already planned that the illustrations that staff provided us today also be provided to the Board or the CEDC.

Ms. Barnes: Excellent. I didn't know that was going to be in there but I looked at that. Okay. Do you have the direction you need or?

Mr. Harvey: Yes, Madam Chairman.

Ms. Barnes: Okay. Any other questions or comments on that? Okay. Alright. Let's move on to the next committee report, which is the number 5 is the Commercial Kennels Ordinance Amendments Subcommittee. And Mr. Bain, that is your subcommittee if you would like to do a report on that.

5. Commercial Kennels Ordinance Amendment Subcommittee
Meeting – Monday, May 23, 2022 @ 2:00 PM – Activities Room and via Web-Ex

Mr. Bain: Certainly. The Committee did meet this past Monday. We identified several problems related to kennel operations in the County. We discussed the inconsistency of the definition of a commercial kennel between Chapters 5 and 28 of the County Code. And we discussed... reviewed and discussed provisions that other counties in the general area have regarding kennels. Currently, commercial kennels are only allowed in the A-1 zoned property, and they require a special exception permit that would be issued by the Board of Zoning Appeals. However, there are no criteria in the County Code that would prevent undesirable kennel operations. For example, there are many A-1 parcels in the County that are less than three acres in size that could, in theory, obtain kennel, commercial kennel permits. These parcels could be... if these kennels were permitted, it could be very detrimental to nearby homes. We discussed possible revisions to the definitions of commercial kennels in the Code and several criteria that could be added to the Code to minimize some of the negative aspects of kennel operation, such as minimum acreage, setback distances, fencing requirements, and what have you. No, no decisions were made at the time. And we are scheduled to meet again on Tuesday, June 7th at 9 o'clock in the morning to discuss this further. And that's pretty much what I had. Mr. Harvey, did you have anything further to add that I missed?

Mr. Harvey: Commissioner Bain, you did a great summary. Thank you.

Ms. Barnes: And I think that's going to be a Web-Ex meeting, too. So if somebody else wants to come on that. Okay, great. Sounds good. Any other questions or comments on that?

Mr. Bain: I do see one thing on the meeting summary. One of the issues we discussed was whether or not this should remain a special exception permit or if it should go to a conditional use permit level. And we're going to have to be talking about some of the pros and cons of those two different approaches. Anybody have questions?

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CHAIRMAN'S REPORT

Ms. Barnes: Okay. Thank you very much. Chairman's Report. I have nothing. Other Business, new TRC submissions. There are none. It looks like there's no approval of minutes. And with no further business before the Commission, I will call this meeting to adjournment.

OTHER BUSINESS

6. New TRC Submissions - *None*

APPROVAL OF MINUTES

NONE

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 7:05 PM.