

STAFFORD COUNTY PLANNING COMMISSION MINUTES
July 13, 2011

The meeting of the Stafford County Planning Commission of Wednesday, July 13, 2011, was called to order at 6:32 p.m. by Chairman Gordon Howard in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Howard, Rhodes, Fields, Hazard Mitchell and Hirons

MEMBERS ABSENT: Kirkman

STAFF PRESENT: Harvey, McClendon, Stinnette, Baker, Lott and Ansong

Mr. Howard: Before we go on to adopting the agenda this evening, I did want to call Mr. Alan Smith up who has an announcement to make and also an introduction. Good evening Mr. Smith.

Mr. Smith: Thank you Mr. Chairman and members of the Planning Commission. It is my very great pleasure to introduce to you tonight Ms. Rysheda McClendon who is an Assistant County Attorney in our office, and will begin advising the Commission, sitting with the Commission this evening. I expect that Rysheda will do an excellent job for you all and hope that you will welcome her as warmly as you welcomed me. Ms. McClendon started in our office in February of this year. She did clerk in our office during the fall of 2009 and we were fortunate enough to be able to bring her back. She received her law degree from the McGeorge School of Law at the University of Pacific in California and received her undergraduate degree a little closer to home here at George Mason University.

Mr. Howard: Very nice. Thank you Mr. Smith, I appreciate it. Welcome Ms. McClendon. Mr. Smith, before you depart, I know we did not get a chance as a Planning Commission to thank you for your service to the Planning Commission but also to the County of Stafford. And I am very happy to hear that you are remaining on staff here in Stafford County and it's been a pleasure to work with you. You have been a... not only a pleasure to work with, a great advocate, I think, for the County. You did a great job balancing both sides in all perspectives and making sure that the Planning Commission stayed on track and always stayed germane to the subject at hand. So I appreciate your leadership and guidance and all of the effort that you put into that. Thank you.

Mr. Smith: Thank you Mr. Chairman.

Mr. Howard: Thank you. Before we adopt the agenda, I think Mr. Hirons, you had a suggestion.

Mr. Hirons: Yes, Mr. Chairman; with the motion to adopt the agenda tonight I would like to ask that we move item 4 to the first item of business for tonight's meeting.

Mr. Howard: And then keep the agenda in the same sequence?

Mr. Hirons: Correct.

Mr. Howard: Okay. Is there a second?

Mrs. Hazard: Second.

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Mr. Howard: Any discussion? Hearing none I will call for the vote to adopt the agenda with the stipulated change, moving item 4, which is currently under new business which is a presentation by Rhodeside. My understanding is that will take 15 to 20 minutes to item 1 and then keep the agenda in sequential order after that. All those in favor of that motion signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 5-0.

DECLARATIONS OF DISQUALIFICATION

Mr. Howard: Are there any declarations of disqualification from any members of anything that is on the agenda? Hearing none we will move forward with the current adopted agenda. That brings us to item... new item number 1, which is the presentation by Rhodeside and Harwell for the UDA Evaluation Report.

4. Presentation by Rhodeside and Harwell for the UDA Evaluation Report

Ms. Rhodeside: Good evening. Thank you very much for having us come in and give you an update today on the UDA planning process, and particularly on the evaluation process that we've just gone through in looking at all of the UDAs. May I have the slides please?

Mr. Howard: Can you just introduce yourself?

Ms. Rhodeside: Yes, sorry. My name is Deana Rhodeside and my firm is Rhodeside and Harwell. We are planners, urban designers and landscape architects located in Alexandria, Virginia.

Mr. Howard: Thank you. And for those watching for the first time, Rhodeside and Harwell, we contracted with you to help us as really consultants to the whole UDA process. Well, partly through the process prior to the Comp Plan and once it was adopted, through that entire process; is that correct?

Ms. Rhodeside: That's right. Well, we were brought on through a grant from the Virginia Department of Transportation to assist the County with the Urban Development Area process.

Mr. Howard: Great, thank you.

Ms. Rhodeside: So, tonight I wanted to speak about giving you an update of where we are on this process, what the timeline is for completion of the process, and then to talk a little bit about the UDA evaluation process that we've just gone through, the transportation analysis that was done to help us go through that evaluation process, what our recommendation has been for the choice of a single UDA to be used first as a detailed development model for the UDAs in the County, and then to answer any questions. And I'll figure out how to do this. The status of the project. We are currently on task 3

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which is... completion of task 3... actually the beginning of task 3, the UDA development model. We've just gone through the site assessment and prioritization and now we are going to be looking at one UDA area as a development model. The next tasks after that will be looking at the Comprehensive Plan amendments that may be needed to implement the UDAs in the County. And then to look specifically at UDA implementation processes such as zoning amendments that may be needed to help with UDA implementation. So the timeline, according to the requirements of the grant, and actually the legislative requirements, the project deadline for adoption of UDAs in the counties is September 30th. However, I believe, and we will talk about this a little bit later, the County has applied for an extension on that date and we will mention that and I think Jeff will talk a little bit about that in a few minutes. But upcoming, we are now at July 13th which is this presentation, and then next Tuesday night we are going to be having a workshop, a community workshop, to discuss the model development UDA area and I'll present that in a minute. We will present... we will develop the detailed urban design concept in July and we will present that back to the Board of Supervisors on August 16th, and there will be... then we will begin with the County the Comprehensive Plan and zoning amendments that may be needed to implement the concept and have a public open house to demonstrate and show all of that work in September and then begin the public hearing process in September. And that was the initial intention and we'll come back to this schedule at the end of this presentation. We were asked to develop a small area plan or a model UDA area that could serve as an example for all of the other UDAs. We wanted to pick one of your seven UDAs to begin that process with. And so we went through a fairly extensive evaluation process to look at all of your UDAs. The evaluation was not to say some UDAs are good and others are not good for development. That certainly was not our intention. Really, our intention was to say which UDAs might be more ready for development in the shorter term and therefore would logically serve as a model for UDA development of future UDAs. And so we went through the criteria that would indicate development readiness or the potential, the greater potential for development readiness, in looking at all of your UDAs. And the criteria we used included looking at a range of transportation factors such as was there transit coming to any of these areas. Were there major existing and planned road improvements through these areas that could accommodate these higher density UDA areas. And was there already in place in some of these areas some potential connectivity structure that one could build on in thinking about mixed use connected walkable development for the future. We certainly looked at environmental issues. Was this an area that had a lot of environmental constraints such as a lot of steep slopes, a lot of water bodies, a lot of habitat areas, etcetera. Those areas... it does not mean those areas are not good for development in the future, but it might be easier in the shorter term to think about developing areas that are somewhat less constrained. We looked at economic conditions; we thought those were very critical. And our economic consultants looked at the TND market potential and developer interest that is currently in existence in each of the UDA areas, and looked at also land ownership and land assembly potential as one of the factors of readiness. We looked at the context of the surroundings to this area. So we looked at the proximity to existing development. One of the state preferences is that one look at redevelopment of areas rather than green field development as a preference to thinking about your UDAs. We looked at previously developed sites that could be redeveloped. We certainly looked at cultural and historic resources; they were not showstoppers but how could they be brought into a UDA in a graceful way that would respect both the UDA and those historic resources. We looked at TND compatibility of the surrounding area and we looked at whether or not it was in your USA, your Urban Services Area. We looked at public infrastructure, the existence of water and sewer, the capacity of water and sewer in the area, and whether or not it would have to be upgraded or provided to an area. And then we looked at any legal or regulatory constraints that might make it difficult for implementation. So, with all of that, we applied all of those criteria to the seven areas and we gave a high rating for those areas that we felt best met the criteria as ready for development with

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regard to that factor. And a medium is blue and a lower rating is yellow. And you can see that almost all of the areas had at least one high rating and several had many more than one. Two of them were analyzed in further detail and they were the two that were sort of rated the highest based on those evaluation criteria. And they were the Courthouse area and the Leeland Station area. The Courthouse area had the highest overall rating of all of the seven UDAs with regard to those factors. It contains two major employers; right now the Courthouse... the County and the hospital. Many people have talked about the Courthouse area as a great location for a new downtown or *the* downtown area for Stafford County. In the reallocation workshops that we had, that was often mentioned; and we had a number of focus group meetings as well with various citizens and interest groups and they also mentioned that. It would be a redevelopment area rather than green field development which certainly was a positive factor. And there are some major planned transportation improvements planned for the area that would help accommodate growth in that area. Leeland Station was ranked highly because of its VRE proximity. The presence of transit was very important. There is active developer interest in that area as well. There is existing structure for good potential connectivity in that area and while there is some infrastructure investments that would be required in that area, these it was felt would be realistic even within the short term, that they weren't that major. So, Courthouse, Leeland Station. We then asked our transportation engineers to do a transportation analysis of both of these areas to find out whether the areas could in fact withstand the growth and what kind of transportation changes might be needed in order to accommodate that growth, if any. So, the methodology that was used is that future trips were... generated by the projected UDA development were estimated. In terms of the estimate included the peak PM period which is the highest traffic period in the County. This estimate includes trip reductions due to pass-by trips and internal capture trips generated by a missed use development. So, all of that was factored in. The engineers then applied future UDA trips to current traffic volumes. So on top of that, the estimated UDA volumes were added and then they were evaluated. They evaluated key intersections and/or roadway segment performance with existing lanes, and current traffic with existing lanes, and future UDA traffic, and with added capacity and future UDA traffic. You would think I would remember this after... The findings; Courthouse UDA area first. The intersection of Route 1 and Courthouse Road currently performs at a Level of Service E. And I don't know if you all know what the Levels of Service mean; they're typical readings that are given to a traffic functioning ranging from A, which is the best, down to F, which is a failure. And many urban areas now are actually going with a level F of development as an appropriate center of the city kind of level. But, currently, that intersection is performing at a Level of Service E which means it's congested but could be more congested. With future UDA traffic and no capacity improvements, this intersection would in fact fall to a level F of performance. And yet if you add one separate left-turn lane on each leg of the intersection, the Level of Service would improve to a Level of Service D, which means that the Level of Service would improve over its current condition. So, building the additional roadway connections shown in your Comprehensive Plan and in the Redevelopment Plan for the Courthouse area and the connectivity shown and required in the TND style of development that UDAs are required to have would further alleviate this congestion. So that would make conditions even better in this area. Leeland Station; the recent intersection traffic volume data was unavailable for the Leeland Station area so the engineers used roadway segment performance to evaluate as well. And they looked at five segments in their evaluation; Leeland Road, Deacon Road, Butler and White Oak Roads and Primmer House Road. The future analysis results indicate that no segment widening is needed to prevent a Level of Service F; however, major intersections along these roads will likely need to have additional turn lanes at the time that a UDA would be established in this area and development would start to require that. And you can see from this table on the slide the current Levels of Service and then the future Levels of Service with the UDA but without those yet having those turn lanes in place. So you see none of them have gone to a level F. So the recommendation we made to the Board

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of Supervisors and that they selected for the detailed development model is the Courthouse UDA. It has limited transportation improvements required, it has fewer environmental impacts, it's an area of high interest as shown in the workshops and the focus group meetings that we've had as far as the development of a core for Stafford County, and according to the Comp Plan, this is to be developed with 1,386 residential units in the mix that you see here and a minimum commercial floor area ratio of .4. So, on this slide you see the Courthouse Redevelopment Area and within that is the UDA for this area. So the UDA is an inset to your Redevelopment Area and it would likely serve as the core to that... the more densely developed core to that downtown RDA area. The elements that we will be looking at and developing in our UDA development model for the Courthouse area will include land use patterns that will be informed by the public workshop that we're having on Tuesday, transportation and circulation analysis to make sure that cars and people can easily circulate in and through and around and access this area, and we'll be looking at the public realm in terms of street networks and connections. We'll be looking at overall public realm structure such as parks, sidewalks and streets, and other civic amenities. We'll be developing design guidelines and development guidelines of this area. And we will be looking at zoning modifications for the implementation of a UDA in this area. I promised we'd return to the schedule and I want to turn it over to Jeff right now, Jeff Harvey, to talk a little bit about the schedule.

Mr. Harvey: Thank you Deana. As she mentioned it earlier in the presentation, the current contract with VDOT for the grant is that we must complete our determination of where our UDAs are going to be to accommodate our next 10 years' growth. Plus, we have to conduct a number of public information meetings, develop our small area of plan, as well as develop ordinances and adopt them that could implement the UDA concepts. Given our current time schedule, we know we're not going to be able to meet the September 30th deadline. So the Board of Supervisors has passed a Resolution requesting an additional time extension from VDOT. We have sent that forward to VDOT. The time extension request is for them to grant us an extension until the end of January of 2012. Part of that is in fact due to the current by-laws and operating standards for the Board of Supervisors. Since this is an election year, the current by-laws for the Board stipulate that they will not take up any land use actions during the months of November and December because the outgoing Board, there was concern that an outgoing Board could unduly influence land use decisions. So, that's why it's been backed up to January. So, the Commission can continue on with its work through the fall, but we anticipate going to public hearing and for ultimate adoption with the Board in January.

Mr. Howard: Thank you. Let me see if there are any questions from the Commissioners while you're here. I'll start with Mr. Hiron? No questions? Mr. Mitchell? Mrs. Hazard? Mr. Fields?

Mr. Fields: I do have one, on the very first thing... you showed the criteria for selecting UDA... for working with UDAs. To me, something that was completely absent and maybe it's factored into other things was the proximity to employment, I mean serious living wage employment. For many of us that's always been one of the overwhelming factors that really make traditional neighborhood development of this type of urban development actually viable is that it's congruent with at-place employment. Is that...?

Ms. Rhoadside: It was certainly one of the economic factors that our economic planners looked at well and you're right, it should have been mentioned as one of the bullets here.

Mr. Fields: Okay, thank you.

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Mr. Howard: So that would fall under the... in the table on our page 19, that's under D which is the economic piece if you follow the grid that was there. Leeland Station, as an example, rated high and Eskimo Hill rated high. I don't know if that's what drove that to rate that but that's part of that rating process.

Ms. Rhodside: That's right.

Mr. Howard: Thank you. I have no questions for you, Ms. Rhodside. Thank you very much, appreciate it.

Ms. Rhodside: Thank you very much.

Mr. Howard: Mr. Harvey, when you say to continue working on this, have you or anyone from your planning staff... I know we put the timeline together. Was that factored into some of what we were just presented or this was sort of post that time I think?

Mr. Harvey: This is post original timeline. In fact, I failed to mention we're having a workshop for the Courthouse Area next Tuesday at the Courthouse Community Center gymnasium.

Mr. Howard: Okay, good.

Mr. Harvey: So, if anybody's interested in attending it, please come. We'll be discussing potential concepts for the UDA and get citizen input on things that they may want to see.

Mr. Howard: Then I think at some point we, you know, the Planning Commission needs to see the timeline with the detail that you and your staff are working with on some of these objectives. I think that would be helpful.

Mr. Harvey: Very good.

Mr. Howard: Okay. That now brings us to item number, which became number 2 but it's really number 1, which is the reclassification of Clift Farm Quarter, RC2900108. And we'll hear from staff I supposed, first?

UNFINISHED BUSINESS

1. RC2900108; Reclassification - Clift Farm Quarter - A proposed reclassification from A-1, Agricultural Zoning District to P-TND, Planned Traditional Neighborhood Development Zoning District to allow a planned urban development, including a mix of commercial and residential dwelling units with neighborhood amenities, on a portion of Assessor's Parcel 38-124, consisting of 141.40 acres. The property is located on the east side of Jefferson Davis Highway approximately 1,250 feet south of American Legion Road and along Eskimo Hill Road, within the Aquia Election District (Falmouth Election District under the recently adopted election redistricting). **(Time Limit: August 16, 2011) (History - Deferred at May 18, 2011 Meeting to June 1, 2011 Meeting) (Deferred at June 1, 2011 Meeting to June 15, 2011 Meeting) (Deferred at June 15, 2011 Meeting to July 13, 2011 Meeting)**

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Mr. Harvey: Yes, Mr. Chairman, with the Clift Farm Quarter case, there were a number of things that were provided in your Planning Commission packet dealing with proffers, proffer methodology, the value of proffered contributions. Subsequent to that you'll find at your desk four related documents, three from the applicant and one from the Commissioner of Revenue. The documents that were provided tonight include a memorandum from Dr. Bellas regarding the comparison of the fiscal impact models of the Fuller Study versus the Urban Analytic Study. Also there was additional information about future valuation of the properties, and there was another attachment dealing with the regulating plan and architectural design standards. And I'll defer to the applicant to go through all the specifics on the new documents.

Mr. Howard: Okay, thank you. Is that you Mr. Leming?

Mr. Leming: Good evening Mr. Chairman, members of the Commission. There are two parts of what I think we'd like to cover tonight and I'm already conceding that we probably are not going to be able to do this in the time before your public hearings. And some direction from you would be helpful. Let me describe briefly the two things I'd like to cover. First, there have been some changes to the proffers; you have a new set of proffers. They were fairly minimal this last time through with the exception of some of the utility proffers at the end compared with the changes in the proffers that we presented to you last time. But they were in response to questions that the Commissioners brought up. I also have with me tonight two experts, and I would like for them to be doing a lot more talking than I'm doing tonight; you'll be pleased to know that, I'm sure. They are Dr. Dean Bellas and Oakleigh Thorne who we've retained as an appraiser. And they both have presentations for you with regard to the economic... the fiscal impact analysis that Dr. Bellas prepared and we discussed at some length last time. So, I can run through the proffer changes quickly or we can hold that off till last or we can move ahead with that part of the presentation.

Mr. Howard: Why don't we do the proffer changes.

Mr. Leming: Okay.

Mr. Howard: And see if that brings us to 7:30 or not.

Mr. Leming: Alright. If you want to follow along with me... am I assuming correctly that you have a red-lined version of the proffer changes?

Mr. Howard: We have a blue-lined version.

Mr. Leming: Okay, blue is good, and I hope my red is your blue. At proffer number 2... I'm not going to go over things like changing wills to shalls... but at proffer 2B you'll see the new commercial development proffer. This was in response to some promises that we had made about bringing the infrastructure to the commercial pad sites on a timely basis and actually plugging in specific unit numbers by which time those things would be accomplished. And that is included here. You'll see that we're going to do the what we call the intermediate which is a higher level of grading than what we would call rough grading on the pad sites for before the issuance of the building permit for the 400th unit. Clift Drive will be constructed even prior to that and that cross-references you to proffer 3C; so that's the main entrance road that will come right through the commercial area. And the water and sewer will be in place also at the time of the commercial grading, the intermediate grading. At proffer 3B, improvements to Clift Farm/Route 1 intersection, what we have done is to clarify the multi-

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use trail which I think Mr. Rhodes... I'm sorry, Mrs. Hazard asked us to do. That is to emphasize the multi-connectivity... I can't believe I'm using that word... of the trail through the development itself, and that will go all the way from Route 1, Jefferson Davis Highway, to the eastern boundary of the property. And of course, there then you have the trail that picks up that would service the soccer-plex and at the entrance there, and that is covered... well, that was already there, already covered at the later proffer. Directing your attention to alternative cash payment at proffer 3C(i), Alternative Cash Payment, this had to do with the improvements at Eskimo Hill and the Route 1 intersection. And what we have done there is to simply agree that if, for any reason, we don't do that, we can't do it, we can't get the right-of-way, that we do turn that money over to the County payable to the County not earlier than the 100 residential unit. Of course, our assumption still is that we will actually make the improvements. But if, for any reason, that doesn't happen, then the money comes to the County which is what we were requested to add to that proffer. Turning your attention to proffer 4... well, let's look at 3G first. This was interparcel connections. What we did here was simply to clarify; you may recall there was a speaker at the original public hearing here concerned about the interparcel connections to the north. And what we've done is to simply clarify that the easement is going to be at a width that, in the event that this ever became a state road, it would be of sufficient width that that could be accomplished and a public road could be put at those locations. Dedication of land for public use; what we've done here is to simply to clarify something that we talked about at the last meeting and that is that we may... that we need to use a portion of this land, this 260 acres coming to the County, as a staging area and there's a cross-reference to proffer F. But the land would come to the County if requested by the Board of Supervisors 30 days after approval of the zoning of the property, and the land would then come to the County by deed. The only thing we would reserve is the ability to use a portion of the land as a staging area. I think it's pretty clear the County will not need the full 262 acres initially. Now keep in mind we've got to stay out of the way of the development of the soccer-plex because that's an ongoing effort at the same time that we're working on the major part of the development. At 5, proffer number 5, Regional Recreational Amenities, you will recall that what we were doing at our last meeting was clarifying what it was that we were going to construct. I think we went through this revision pretty much at the last meeting. What we've done is to give you options. I think the consensus was that we had a little cleaning up to do; we had to take out the references to soccer fields and call them rectangular fields so they can be used for sports other than soccer, although not baseball... that's a diamond. We also have clarified... well, we've added the language regarding the options that the County has. I think it was pretty much the consensus that the 14 rectangular fields that would be irrigated would be the preference, but there's still the option for the 15 fields that would not be irrigated but you'd get almost the same thing with the 14 fields at number B there. We have added the language, which we went over last time, about the... how the water would be provided to the fields. If there is going to be a pond it would be used... a storage pond that would be used for the irrigation purposes. We've given you specific phasing for the completion of each... both of the options. So, whichever option is selected, there is a phasing provision that goes with this. I think that last time the only real changes that we've made to the proffers since last time are the clarification of the rectangular fields and some of the timing, when the amenities would be constructed we've added and specifically proffered when they would be completed. At proffer 6, we have included the alternative... alternate cash payment, and this actually was there last time, cash payment for the VRE parking lot. If, for any reason, the parking lot is not constructed, we're paying to the County the sum of \$300,000 and that payment would relieve the applicant of actually having to construct the parking lot. So there is a choice there. At D, Mr. Rhodes had asked, you will recall, and we talked about this... this had been made at the last meeting... pedestrian access to rectangular athletic fields. The only thing that's changed about that since last time is the rectangular word. But this regards the multipurpose trail that would be constructed between the property going from Eskimo Hill Road into

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the soccer-plex itself. Vehicular access was clarified at Mr. Rhodes' request. You may recall that he wanted to be sure that the road was in place to the soccer fields at the time of the construction of any particular or given soccer field, so that proffer clarifies that. Private recreational amenities, this was all... all of these things were in there from last time. You'll recall, we talked about the starting blocks. Now turning your attention, the main thing that was new last time concerns the utilities proffer. And what we were asked to do is to provide specific times when these proffers would be completed or when these improvements would be completed. And what we've done, if you look at the table, at the bottom of page 20, this is under Development Schedule, you will see the specific times by which the major improvements would be made. And that includes the pump station, the 12-inch line that would cover the commercial tank that is needed for the water, the pump station, so you now have specific unit numbers that those are tied to. Twelve is Fire and Rescue; we had been over this last time. I think there is still a reference in the staff report about the Fire Marshall's desire to have all of the units, even the single-family units, sprinkled. Horton has never done that anywhere and so while we have agreed that the townhouses and the condos would contain the sprinklers, it is still an option with regard to the single-family homes. An owner can select that but it's not something that has been proffered. And those are the changes. Some of that was somewhat redundant because most of this we had gone over at the last meeting; but just to refresh you on where we are on the proffers and specifically what's changed since our last meeting. So, update on the proffers...

Mr. Howard: Thank you. Are there any questions for the applicant on the proffers? Okay, Mrs. Hazard?

Mrs. Hazard: Mr. Leming, I just wanted to talk about proffer number 4 I guess on page 8 of our 22.

Mr. Leming: Yes, uh-huh.

Mrs. Hazard: And this is just something I need to get my hands around. It is the expectation that the 262 acres upon request of the Board of Supervisors will be dedicated 30 days after the rezoning.

Mr. Leming: That's right.

Mrs. Hazard: Is that correct?

Mr. Leming: That's what the proffer says.

Mrs. Hazard: I mean, at that point, the County doesn't have use of the 262 acres. It seems potentially that maybe a phasing would be more appropriate partly because you need that area for staging. I believe if there is that type of staging development... I'm no engineer... but there is significant movement on there, I don't know what kind of agreements you have to make with the County to be able to do all that that it seems potentially we may not need to enter into those kinds of bonding or whatever needs to happen for use on County land. That maybe we should upon the request maybe not ask for... now granted, I'm not trying to step on the Board of Supervisors toes... but I'm not certain at that point in the process we need the 262 acres.

Mr. Leming: You don't have to take it. It just... the proffer simply says that we do that if the request if made by the Board. If the request is not made by the Board, it can be at a later point in time. So we're just saying it's not going to be... we'll give it to you in 30 days if you want it but it doesn't have to be that way.

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Mrs. Hazard: Okay. I mean, I think that was my thing is that I also view that we may take the land or the County may be donated the land in phases as well, as we can use it as well, I mean, to make some sense that upon the rezoning, if the County has it, we'd like to be able to use it. I just throw that out there as something that I'm concerned about.

Mr. Leming: I would think that all that could be worked out in a post-zoning agreement. Both the County and the developer have an interest in the timing of the actual conveyance itself and how much land is conveyed and whether it all comes at one time or not. We would have more specific plans at that time. We would know what section is going to be developed first, where it makes sense to have a staging area; you know, those are all somewhat question marks at this particular point in time.

Mrs. Hazard: I guess I just wanted to be clear in this discussion period that I don't want then there to be a, well there was not a request for all of them therefore we don't have to donate all of it. I just don't want to get into a problem later that if you don't ask for all of it now, I just wanted to throw out there that I think a phasing may be appropriate in that case and just wanted to throw that out for your consideration or for thinking as we go forward in the future.

Mr. Leming: Right. I don't think you're prohibited from doing that.

Mrs. Hazard: Okay.

Mr. Howard: Thank you. Are there any other questions for Mr. Leming?

Mrs. Hazard: I did have another.

Mr. Howard: Okay, Mrs. Hazard.

Mrs. Hazard: On number 7, your future Dominion substation, it sounds like there's going to be a swap from the 262 acres to somewhere on the remaining acres. I'm sorry, that's on page 16 of 22, number 7.

Mr. Leming: Yes, uh-huh. That's already been identified.

Mrs. Hazard: Okay. Maybe I... I apologize; I must have missed it.

Mr. Leming: Yeah, and if we can pull it up I'm sure, but it's actually the new area we can pinpoint on the new plan and there is an agreement to actually trade the two areas.

Mrs. Hazard: I guess I just want to make sure that residents are always aware of facilities that are going to be very close to them. I just don't want there to be a surprise...

Mr. Leming: It's still on our property. Of course, the substation is not built.

Mrs. Hazard: Right.

Mr. Leming: But it's still on our property. It's on the northern side of the property rather than smack dab in the middle of the property.

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Mrs. Hazard: Okay. I may ask us to pull that up. I just want to make sure that it is highlighted somewhere for any potential homeowners in terms of choices that they may want to make about home sites. And... I think those were my major ones. I guess I just had one other one and then I'll let someone else take the thing. On page 2, when we talk about the non-residential uses, consisting of the 174,000 square feet of commercial, that 174,000 square feet, is that... I'm sorry, I want to cross-reference it with your staging for the commercial. Is that for that entire amount of... it's just staging... I'm just trying to connect that. You have proffered, and I'm sorry there's so many of them, about the site preparation I guess for commercial.

Mr. Leming: Yes, that's exactly right. That is for this commercial area. The great majority of the commercial square footage is in that front area along Route 1. That's where the commercial demand would be. So, that is where the grading would be done, that's where water and sewer, the lines would come to, the road will come (inaudible) through that site.

Mrs. Hazard: And then is the 6,500 square foot community center considered part of that commercial? Because I would think that's a community amenity.

Mr. Leming: We don't include that as part of the 174,000.

Mrs. Hazard: Okay, I just wanted to clarify. But the 12,000 foot daycare facility probably would, or no?

Mr. Leming: No, it's separate too.

Mrs. Hazard: No? Okay, thank you.

Mr. Howard: Thank you Mrs. Hazard. Any additional questions for Mr. Leming on the proffers? Mr. Hirons?

Mr. Hirons: I just had one. I believe it's proffer 4 that speaks to dedication of land for public use which you guys have suggested that's where school sites could go.

Mr. Leming: Yes.

Mr. Hirons: You've put a couple proposed school sites or optional school sites on some of the maps but my only question is, do you know has the school system been involved in any discussion on this?

Mr. Leming: Yes. We've been in regular contact with the guy that has the name almost like yours.

Mr. Hirons: Scott Horan?

Mr. Leming: Yes.

Mr. Hirons: The guy with the glasses?

Mr. Leming: That's right, he's the one. And we've been in regular discussion with him. He knows what we've done to change the proffer. We've broaden the proffer so that basically it's up to the

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Board of Supervisors to use that land for any public use. And we've showed him the potential school site locations as well. And do we know if he's okay with those?

Ms. Karnes: Yes, it's my understanding he is.

Mr. Leming: Yeah, either of the sites that we've shown, the feedback we've gotten from him, he's okay with that.

Mr. Hirons: Okay. Yeah, that was my... and really, to give you a little bit of an out, it's probably more of a discussion between the Board of Supervisors and the School Board to finalize that.

Mr. Leming: Right.

Mr. Hirons: Thank you.

Mr. Howard: Any other questions for Mr. Leming on the proffers? I know there's a lot of other issues to talk through.

Mr. Leming: Please tell Mr. Rhodes that we added his completion dates for the utilities proffers.

Mr. Howard: Okay. Alright, I'll leave it at your discretion. You have 10 minutes.

Mr. Leming: Do you all... what I hate to do is for us to get started in this discussion and then be interrupted. I think it may be more beneficial to you... my client may kill me for this but... I think it would be more beneficial for you all to hear the entire presentation intact rather than piece-mealing it. So if you have another item that you can go on to or if there are no other questions about the non-economic aspects...

Mr. Howard: Maybe we can... the Commissioner of Revenue has responded. I'm not sure if you've had a chance to view, it looks like...

Mr. Leming: Yes.

Mr. Howard: ... I don't know if it's an email or a letter, but I'm seeing it for the first time this evening so I have not had a chance to go through it.

Mr. Leming: We did see that and have reviewed it and are prepared to address each of those points.

Mr. Howard: So why don't we do that? Can we do that in the next 10 minutes?

Mr. Leming: Well, it's part of the whole (inaudible).

Mr. Howard: Oh, it's part of the whole presentation.

Mr. Leming: It's part of the whole (inaudible). Because, let me just... maybe just a little bit of background on what has occurred. You'll recall that at your last meeting the Commissioner provided Mrs. Hazard, and she shared with us, a memorandum questioning two parts to Dr. Bellas' analysis. Remember that there are two fundamentally independent part of the analysis. The first is the fiscal

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impact analysis; what fiscal benefit does the development bring to the County generally. The second part of the analysis, which was independent, had to do with the current cash proffer guidelines. And with the understanding that we're working now with a UDA and there are specific infrastructure that is called out in the Comp Plan narrative, how do we stack up with the total under your current cash proffer guidelines. And there are all kinds of issues about the cash proffer guidelines we can get into later. But those were the two fundamental parts. My understanding is that Dr. Bellas met with the Commissioner yesterday?

Dr. Bellas: Yes.

Mr. Leming: And that we're basically in a core that the methodology that Dr. Bellas used is good. That what it comes down to are the particular values and numbers that are plugged into that and they really come down to housing values, commercial and office values, which are part of the first part of Dr. Bellas' analysis, and we're prepared to address those, how you count school children, and we've used the official County figure on that which is .66. I don't think there's a basis to deviate from that. But what Dr. Bellas did is to use most of Scott's numbers and go back and redo the analysis and we'll share the results of that with you. Now that's the first part of what he did, the fiscal impact. Then on the proffer portion of Dr. Bellas' analysis, what we did was to hire an appraiser to go in and look at the value of the land that's coming to the County, 262 acres. We'll share with you his results and also talk about the fact that using the model that we're using, there's an awful lot of room for give and take on that real estate value and still compare very favorably even with the current cash proffer guidelines which, as you know, have some questions about the validity of the methodology used to calculate those. So, that's what we're going to be prepared to share with you, and each of the points that Scott mentioned in his email to Mrs. Hazard will be covered by either Dr. Bellas or our appraiser, whose name is Oakleigh Thorne, or both of them in some cases. So I think you would benefit from a coherent presentation on all of that. And I don't know if Scott's here tonight but he may have something else that he wants to say too.

Mr. Howard: Right. He is here this evening. Alright, so...

Mr. Leming: So that leaves you now with nine minutes.

Mr. Howard: ... your short answer to the long question...

Mr. Leming: Sorry.

Mr. Howard: No, that's okay... was you're still not in agreement with the numbers but the basic methodology both parties agree with.

Mr. Leming: Methodology... I'll telescope the result to you. In plugging in the Commissioner's numbers for townhouses, condos, his house values, commercial, retail and office, we still get a significant positive fiscal benefit to the County. We did not use his number for single-family house values because of what our appraiser is going to tell you on single-family values and recent sales in that regard. So we've stuck with our number on that. We stuck with our number on the number of school kids so on that portion of Dr. Bellas' analysis, really the two... only two things that we're in perhaps disagreement on are the value of single-family homes, house sales prices, and how we count school kids. And we're using the School Board number which is .66. We're using the number the cash proffers use. So we have stuck with that number rather than go up to a number more than which

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is what he has referenced in his memo to Mrs. Hazard, his latest email. Now on the proffer portion of the analysis, the real issue there is the value of the acreage coming to the County. And Dr. ... I'm sorry, he may be doctor... Mr. Thorne's analysis, his appraisal, which he's going to walk through with you and show you how he did his comparables and which ones he used, he comes up with a value of \$42,500 per acre. And he'll explain to you his assumptions and how he arrived at that number. What I'm then going to tell you... it's like a preview, right... what I'm then going to tell you is even if we drop to \$25-26,000 per acre, we still come in at the current... we're not above... but we come in at the current cash proffer guideline total. And we're not talking about the individual categories of course because, as I have tried to persuade you previously, there's no way that we can do what the Comp Plan narrative calls for and meet the individual cash proffer category amounts. So we've used the total to see where we stack up with that. But the bottom line is that we think we can address all of the points that the Commissioner has raised and that we can demonstrate to you that there is still a positive fiscal benefit to the County, number one, and that we still compare very favorably with the current cash proffer total, even if the value for acreage drops dramatically, we think there's a problem with the \$17,000 figure that Scott wanted to use last time and we'll talk about that, but even if it dropped as low as \$25 or \$26,000, we still compare very favorably. So that's what we want to walk you through. Unless you just want to accept what I'm saying.

Mr. Howard: No, but thank you for suggesting that. We'll now go to the public comment section of our meeting. We'll start it a little bit early; I'm assuming there may be one or two people that will speak and get us to that magic 7:30 portion. And for those of you in the audience, what occurs now is we allow public presentations. So anyone from the public who wishes to address the Planning Commission may do so by stepping forward to the podium. There are a few rules. One of them is you have to state your name and address. After you do that, a little green light goes on on the podium. That gives you three minutes to address us. We will not get into any type of dialogue or discussion; however, at the end of the public presentations, as well as each public hearing that's scheduled, we will try and get answers to things that were brought to our attention. So, if you're here from the public and you want to address the Planning Commission during the public presentation, you would do that on anything that is not a public hearing tonight. Each public hearing that's listed on the agenda will also give you the opportunity to address the Planning Commission on that particular item on the public hearing. So the first comment period is for public presentations and that's anything that's not currently a public hearing this evening. You can talk to us about anything and you would be amazed at what people have brought to our attention. But again, we won't answer you directly but it's your right as a citizen, it's your time to address any concerns or issues you have that the Planning Commission may or may not have purview over. So, anyone wishing to address the Planning Commission on anything that is not a public hearing tonight may do so right now by stepping forward to the podium.

2. Amendment to Zoning Ordinance - The Board of Supervisors referred proposed Ordinance O11-26 to the Planning Commission. Proposed Ordinance O11-26 would amend and reordain Stafford County Code, Section 28-35, "Definition of Specific Terms" and Section 28-35, Table 3.1, "Table of Uses and Standards," to provide a definition of a Wetland Mitigation Bank and to allow a Wetland Mitigation Bank as an allowed use in the A-1, Agricultural and A-2, Rural Residential Zoning Districts. **(Time Limit: September 5, 2011)**
(Authorize for Public Hearing by: July 13, 2011)
(Potential Public Hearing Date: August 17, 2011)

Discussed after Public Hearings

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3. Rappahannock River Overlay District and Potomac River Overlay District (Referred back by Board of Supervisors) (**Time Limit: October 6, 2010**) (**History - Deferred at June 16, 2010 Meeting to August 18, 2010**) (**Deferred at July 21, 2010 Meeting to September 1, 2010**) (**Deferred at September 1, 2010 Meeting to October 6, 2010 Meeting**) (**Deferred - Requesting additional time from Board of Supervisors**)

NEW BUSINESS

4. Presentation by Rhodeside and Harwell for the UDA Evaluation Report

Moved to Item 1

5. SUB1100011; Sherwood Estates Sec 4-8, Preliminary Subdivision Plan - A preliminary subdivision plan for 61 single family residential lots on private well and septic systems, zoned A-1, Agricultural Zoning District on Assessor's Parcel 33-2, consisting of 229.47 acres, located at the end of Locksley Lane, approximately one mile south of Warrenton Road, within the Hartwood Election District. (**Time Limit: October 5, 2011**)

Discussed after Public Hearings

7:30 P.M.

PUBLIC PRESENTATIONS

Mr. Waldowski: Paul Waldowski. Tonight I came in early to listen to the Rhodeside and Harwell UDA evaluation report and for the citizens out there, there are 90 pages out there on the web. There is an executive summary and I would hope that each of you read the executive summary you would find some of the findings that I found that are in error. On page 58 of 90 there is definitely conflict in regards to the projected growth totals of the new households by 2020. Even if we look at 1990, year 2000, 2010, there is no way that there will be 15,900 new households by 2020 in Stafford County. And if you take their ratios that have come up which are 2.95 people, which is really three, you would come up with a projection of 47,700 people. Now, in the exact same report on page 58 of 90, they come up with the number of 17,600 new households that have 52,800. So, I would recommend that someone come up with a confidence interval of what may be the projected growth and you could use from 1990 to 2010 to assess that aspect. Can I have the computer please? Now in that report that I mentioned to you, there is a graph out there but I made it in six columns instead of seven columns, because I'm just a little more efficient than some other consultants. But what's very important in here is UDA number four, which you are discussing. You need to get either Mr. Leming or these people all on the same page because the UDA has 200 acres. Or maybe this might be like Courthouse which is a UDA inside of an RDA. And if you remember her chart, she claimed that there was a high in every one of the seven UDAs, but there was not a high. So, um, I'm not here to sit and look at these aspects but when these numbers are glowing, I'm not going backwards in regards to how we started with eight UDAs. We now have seven UDAs, we're in the present and we need to really do this smart in terms of what's going on. And I've listened to this thing about the Eskimo Hill and how it started with 16,045 units and, as you can see under the UDA under number four, that's the one I came to you with several weeks ago that there's only 879 because when they proposed the 4,000 units they didn't even do it. So

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it looks to me like one hand doesn't know what the other hand is doing but... why does that surprise me. Thank you.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission again on anything that's not related to one of the public hearings this evening may do so by stepping forward. Seeing no one else advancing towards the podium, I will now close the public presentation portion of the meeting and I will open up our first public hearing. And tonight on the agenda our first public hearing is the reclassification of Hampton Run Commercial, RC1000068. And it looks like we'll hear from Mrs. Baker on that.

PUBLIC HEARINGS

6. RC1000068; Reclassification - Hampton Run Commercial - A proposed reclassification from R-1, Suburban Residential Zoning District to B-2, Urban Commercial Zoning District to allow for the development of a commercial retail and office complex on portions of Assessor's Parcels 20-137, 20-140A, 20-144, 20-145, 20-145A, 20-145B, 20-146, 20-146A, and 20F-4A consisting of 18.6 acres, located on the west side of Mine Road, approximately 200 feet south of Greenspring Drive within the Garrisonville Election District. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses in the B-2 Zoning District. **(Time Limit: October 11, 2011)**

Mr. Harvey: Yes sir.

Mr. Howard: Good evening Mrs. Baker.

Mrs. Baker: Good evening; and if I may have the computer please? Item number 6 is a reclassification, RC1000068 for Hampton Run Commercial. This request is a reclassification from R-1 to B-2 zoning for the development of office and retail use. The applicant is Conrad Hylton of Mine Investments LLC, with Clark Leming of Leming and Healy as the agent. There are nine assessor's parcels that will encompass 18.6 acres for the project development. You see the location and the zoning to give you some idea of where we are. This is Garrisonville Road to the north and Mine Road running east of the property that you see outlined in red. And those are the individual parcels. The zoning of the site is R-1 and the yellow portions that you see to the west are R-1, as well as some to the east. And the pink that you see is basically B-2, Urban Commercial. You do have some higher density R-2 zoning to the south of the property.

Mr. Howard: Mrs. Baker, what's on the plat, 137, if you could go back to the... what is that? Is that... that's not part of what we're looking at this evening, is it?

Mrs. Baker: This 137 portion of it is on this parcel in red here. The remainder of that, as well as the remainder of these properties, is a proposed residential development. It's received preliminary subdivision plan approval but has not had lots platted yet at this time.

Mr. Howard: Thank you. Is the entrance to that through Brafferton as well?

Mrs. Baker: The entrance is... yes.

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Mr. Howard: So both of what we're looking at, the one that I guess has been submitted, which is 137, would really be coming into these two developments through Brafferton Boulevard.

Mrs. Baker: For the residential would be coming off of Brafferton to serve this residential. There is a stream bed that separates those two so, I'll show you in a minute, the access to the commercial proposal is from Mine Road.

Mr. Howard: Is from Mine Road only, okay.

Mrs. Hazard: Mr. Chairman?

Mr. Howard: Yes.

Mrs. Hazard: I believe that that applicant, when they came, this was a source of discussion. But maybe I'm mixing up the projects.

Mr. Fields: We had that a couple years ago. We had the residential rezoning.

Mrs. Hazard: Okay. Because I thought we had someone here and maybe it was the different project, but we did talk about there being some deed notice about that potential (inaudible).

Mrs. Baker: Yes, as part of the preliminary approval there was... that when this residential development was coming through, they would notify people that there was going to be potential future commercial development on this property even though it was zoned R-1.

Mr. Howard: Okay.

Mrs. Hazard: I thought we had that earlier discussion. I just wanted to clarify we were talking the same project. Thank you.

Mr. Howard: Sorry, continue.

Mrs. Baker: So looking at the existing features on the site, there is a vacant dwelling and associates outbuildings. There's also an old trailer that's no longer used on one of the parcels. The property is primarily forested with sloping terrain and, again, there's a stream corridor along the western property boundary which does contain a Resource Protection Area and wetlands. Just to give you another aerial overview, again, Garrisonville Road and Mine Road. To the south is the Highpointe Townhomes, single-family Patriots Landing, to the north in this location is the Walmart with an associated strip center. You do see Greenspring Drive intersection and to the south is the Highpointe Boulevard. To the east of the site, this is the VRE... not VRE, excuse me... the VDOT commuter lot which does have access onto Greenspring Drive, as well as onto Mine Road. And this is the area of the proposed residential development to the west. That's just the existing residential structure to be removed eventually. This shows you views of the property vicinity looking south on Mine Road. This is the intersection with the commuter lot heading south. Mine Road is a divided roadway, divided with a median with two lanes in either direction. This is shown looking south from approximately the strip center adjacent to that Walmart. You do have sidewalk along the property frontage which ends at the property. And this is just across Mine Road, a commercial center that's been previously developed. So the applicant has submitted a Generalized Development Plan which shows the office retail use.

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There are a total of seven buildings with approximately 181,000 square feet of development. Right now they're showing five individual buildings which includes a restaurant, a bank and gas station; typical pad site developments. And then two buildings that have three units within each of those buildings and those would be more of your mix of office and retail use. There are two site access points and a proposed inter-parcel access to properties to the north and the south. There is proposed sidewalk along the entire 1,400 feet of property frontage. There is also a proposed trail connection to adjacent residential neighborhoods, as well as dedication of the RPA area as open space to accommodate a trail system. So this is the Generalized Development Plan, and Mine Road here to the right. You've got a primary access point across from the commuter lot access road and a secondary access point in this location. You'll have your parking areas and then your buildings which are going to range from two to three story. This in the rear is a three-story office building. And then you see your general locations of your individual pad sites. To the rear, as you see, this area is the proposed open space which would accommodate this stream, Resource Protection Area and wetlands. And then there is a proposed trail location here which would connect over to this Hampton Run residential development. Again, this is Walmart here and the strip center which they're proposing a potential access, inter-parcel access to keep traffic off of Mine Road. As far as transportation, there was a Transportation Impact Analysis submitted with the request which estimated a little over 11,000 vehicles per day, with around 1,500 vehicles per hour at the peak PM hours. There were over five intersections evaluated, including all of the intersections along Mine Road between Garrisonville Road and Northampton Boulevard. The TIA did assume some improvements by others which includes primarily the improvements at Garrisonville and Mine Road intersection. That includes a second westbound left-turn lane from Garrisonville to Mine, a second southbound right-turn lane from Staffordboro Boulevard to Garrisonville Road, and then a northbound through lane from Mine Road to Staffordboro. This is a project that is being undertaken by VDOT and would begin construction... they're anticipating 2012 to begin that construction. There are several recommended transportation improvements in the TIA which include optimizing the signal timing at Mine Road and Garrisonville; however, we do note that since VDOT has undertaken this intersection improvement that that would occur with that project. We would also recommend optimizing the signal phasing and timing at the traffic signal at the Mine Road and Greenspring Drive intersection. We would also look at restriping the westbound approach and modify that signal per that striping. And I'll show you the intersection graphic in just a moment. Also, look at optimizing the traffic signal and extending the northbound left-turn lane at the existing site entrance... or excuse me, at the proposed site entrance. So, to the north, Greenspring Drive, Mine Road and Walmart access road intersection. Right now there are two lanes that are going in the westbound direction and just one lane going in the eastbound direction and they would look to add an additional left-turn lane if they are able to get all the appropriate travel lane widths and get the appropriate permits through VDOT. So that would help with any impacts to this intersection. And this would be the proposed entrance. You're looking at the commuter lot access road. There's currently a right out and a left out, so by adding the primary site entrance in this location would now become basically a four-lane intersection. So the traffic signal modifications here would occur and then some restriping just to indicate the lane (inaudible).

Mr. Howard: Mrs. Baker, I know this is offsite... that little strip center... was there any discussion with closing them off of Route 1... I mean Mine Road?

Mrs. Baker: On this strip center?

Mr. Howard: Yeah.

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Mrs. Baker: Well they've got a median so they're basically limited to right in/right out.

Mr. Howard: Well, then opening up in the back end of that parking lot or even along that... just to close that off from a flow of traffic perspective?

Mrs. Baker: There's not been any discussion on that, no.

Mr. Howard: Okay.

Mrs. Baker: Lastly, would be this turn lane that exists which basically your only movement right now is a U-turn, this lane would be extended in length to meet VDOT's requirements when this becomes a new entrance. So the applicant is proposing many proffers; regarding transportation you have the two site entrances with right-turn lanes at both, the inter-parcel access to the north and the south, the right-of-way dedication along Mine Road to incorporate any necessary improvements at site plan time, extending the left-turn lane and modifying the traffic signal at the primary site entrance, and modifying the traffic signal and the reconfiguration of the approach lanes at the Greenspring intersection. And again, that's contingent upon VDOT's approval. The curb, gutter and sidewalk improvements along the entire site frontage. They are also proffering a FRED, which is the Fredericksburg Regional Transit, or other bus stop which may be in effect at the time, they would work with the bus folks to provide a bus stop and a location that would be amendable to them. And then bike racks so that folks can ride their bikes to and from the site. Other proffers include 10% evergreens within your buffer areas, the limitation of building square footage and height. The square footage, as I stated, was about 181,000 and that equals about a .22 FAR presently on site. Under the B-2 zoning, you're allowed a .70 under our newly adopted FAR regulations. The height, you're allowed 65 feet within this zoning category and they're limiting it to 40 feet. They are prohibiting some by-right uses which would be more intense, establishing architectural material and design standards, also allowing for automatic fire sprinklers and other fire and rescue internal to the building. Lighting would be directed away from the residences, there would be fencing of the Resource Protection Area prior to any construction to make sure there's no disturbance there. They would consolidate all of the parcels and demolish the existing structures prior to any site construction, and the dedication of land and money for a trail system. And to talk about that a little bit more, as I stated, it's approximately eight acres, 8.75 acres, that they're looking to actually dedicate to the County and also provide \$25,000 so that someone besides the applicant would be responsible for constructing this proposed trail. This is not... this location is not set in stone; there's also been discussion of having it up in this location so it could more easily serve some of the Patriot's Landing residents. So that the location again is not set in stone staff does have some concern about, I guess their preference would be that the applicant would construct the trail and also maintain that open space. As far as the Comprehensive Plan designation, you can see the entire area here is within the suburban; the blue is the resource protection. Again, they are meeting the intent of the Comp Plan within the Resource Protection Area; they're basically preserving that. With the suburban they're meeting the .4 recommended FAR and the type of uses are serving the adjacent residential neighborhoods. So we do find it consistent with the land use designation. The proffers would minimize the intensity of the use. The RPA would remain in the open space. And there are also aspects within the Comprehensive Plan that discuss intermodal system of transportation and they have tried to incorporate this aspect by adding the bike racks, the bus stop, and the trail connections to the residences. So, overall, the staff does find it's consistent with the established developing land use pattern, the proffers to minimize the intensity of the commercial uses with regard to the adjacent residences, it's consistent with the Comprehensive Plan and it does promote the use of alternate modes of transportation. We do note there are certain transportation improvements not fully guaranteed at

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that Greenspring Road/Walmart/Mine Road access point, however, we do note that is an offsite improvement and not fully... not under the control of the applicant. And we also would warrant further discussion on the trail construction and who would be responsible for that. However, staff is recommending approval with the requested changes. So I will be happy to answer any questions.

Mr. Howard: Thank you Mrs. Baker. Mr. Rhodes?

Mr. Rhodes: Yes Mrs. Baker, a couple items. On the inter-parcel connectors with the Walmart or the strip mall next to the Walmart, I guess there's two of them that are identified there, are those already designated as inter-parcel connectors as far as the Walmart real estate business trust property or the MYCY Corporation property are concerned, so they could connect to it at either spot? Or do they have to do other...

Mrs. Baker: I'm going to have to check on that. I think we had that discussion and I don't recall what the answer was. I'll note that against the Walmart side of it though there are changes going on to that Walmart, an expansion and the proposed retaining wall that's going to go in that location, so an inter-parcel access would not likely occur there but rather to the north adjacent to that little strip center.

Mr. Rhodes: But, of course, adjacent to the strip center, I think that that's a fairly tight... the side of the building to the end of the parking lot is not much more than a lane.

Mrs. Baker: Well, it's two-lane traffic. There's actually a row of parking along that center and then there's a two-way drive isle there. It would really just accommodate someone going from the center to the Walmart site.

Mr. Rhodes: Right, yeah, that's just such a tighter location. I was looking at the two but the part of the Walmart development, you said, has a retaining wall that's going in that general area there of that alternate... the potential future?

Mrs. Baker: Mm-hmm.

Mr. Rhodes: Ah, that's too bad. Okay.

Mrs. Baker: That's the plan.

Mr. Rhodes: And then if I read this right, where they notionally have the trail connecting to the future development, that's... where the scale, sorry... so in that 200 feet going up from the last crossing up towards the proposed cul-de-sac, that's about a 50 foot rise, right? So isn't that about a 25 or 30% slope right there?

Mrs. Baker: I'm sorry, can you tell me that (inaudible)?

Mr. Rhodes: On the portion that's coming from the proposed cul-de-sac on this walking trail, so the far left of the diagram...

Mrs. Baker: Right, correct.

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Mr. Rhodes: ... as you start to come towards the new development, that looks like about a 50 foot drop in about a 200 foot portion by the elevations I think, 200 feet there on the left down to about 150? So that probably couldn't come down straight trail; that'd be a lot of cut back and forth, right, to do that?

Mrs. Baker: Yeah, the easement itself is proposed I believe at 25 feet to accommodate some of that. I know that the applicant did have a conceptual engineered drawing on that and I may let them address that.

Mr. Rhodes: Okay. And then where, if you could just help me, you mentioned that there was another area to the northwest I guess portion of the property that might be another area they would think they could propose an easement for a trail. Where is that?

Mrs. Baker: If I could have the computer please I'll show you on the drawing.

Mr. Rhodes: Thank you.

Mrs. Baker: If you look up in this area, this is Brafferton Boulevard and this would be the location. This is the...

Mr. Rhodes: The current turnaround.

Mrs. Baker: ... temporary turnaround and this would be the extension. This property line actually butts up against that and there was some discussion with the applicant of crossing the RPA and the wetlands in this vicinity and coming over to this parking area. That would make a shorter walk for these residents and it would also make a shorter trail, the necessity for the trail. There may be some other concerns though perhaps coming in behind an area that where there are no buildings, it may be a little less secure.

Mr. Rhodes: Sure.

Mrs. Baker: So, it's something that would really have to be worked out at the time.

Mr. Rhodes: But the elevations there are less dramatic.

Mrs. Baker: A little bit, yeah. It still have some steepness.

Mr. Rhodes: Okay.

Mr. Howard: It probably would require more of the bridge type of path I would think. Mrs. Baker, early on in the discussions with this applicant, was there discussion about contribution to the Mine Road turning lane about some...?

Mrs. Baker: Up at Garrisonville? At Mine Road and Garrisonville or where are you talking about?

Mr. Howard: No, I think it was the Mine Road turn lane. Maybe it was Mine Road and Garrisonville, it could have been. Well, was there any discussion about the applicant participating in funding some

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of the turn lanes, which now they wouldn't have to because VDOT is obviously actively upgrading some of that roadway.

Mrs. Baker: I mean, we met with VDOT; we met with the applicant and VDOT early on which I guess this project has been in the works for about three years now. But I guess with, like you said, with the improvements that are being proposed by VDOT, it's within their project and the applicant (inaudible).

Mr. Howard: Yeah, absolutely. So my question is really can we, because I think early on there was some discussion about helping to fund some of that to facilitate or mitigate the impact that their development would have. So is there... have you had any further discussion maybe taking some of that funding and using it for this pedestrian bridge?

Mrs. Baker: I have not had any discussions. I'm not sure if anyone else (inaudible).

Mr. Howard: Okay, well we can ask the applicants when they come up. Alright, are there any other questions? Mr. Hirons?

Mr. Hirons: Yes, Mr. Chairman. My question is about the bridge itself or the trail rather. You had said staff had some concerns and in particular I think you mentioned the preference would be the applicant actually build and maintain the bridge. What are the options of the long term maintenance of that trail system? It looks like the applicant's preference is to dedicate it to the County which I am assuming someone like Parks and Rec or Public Works would have to maintain it. Otherwise, I don't think we would want to ask the HOA of that residential area to maintain it. But is the applicant... is there an option for the applicant to maintain it long term?

Mrs. Baker: Well, I mean, certainly both the residential and the commercial will likely have some type of homeowners/property owners/business owners associations and I know now we have residential developments where the HOAs do maintain trail systems. Whether a joint agreement could be worked out between the two entities, that would be up to the applicant to look into that.

Mr. Hirons: Okay, but if it was the County it would be someone like Parks and Rec who would have to maintain it?

Mrs. Baker: Correct.

Mr. Hirons: And it would become the County's problem and the taxpayers' burden. Okay, thank you.

Mr. Howard: Any other questions of staff right now? No? Okay. Thank you Mrs. Baker; we will now here from the applicant.

Mr. Leming: Good evening, I'm Clark Leming. I was just asking Kathy to pull up an illustration that will assist me.

Mr. Howard: Computer please.

Mr. Leming: Good evening again. I'm Clark Leming. I'm here on behalf of the applicant, Hylton. What I'm going to do... I know you've got a lot on your plate tonight so I'm not going to go through the stuff that Kathy just went through, I'm just going to give you a little bit of background on the

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parcel and then talk about the specific things that you all have referenced. This parcel has been vacant for a very long time. It's been vacant for a very long time because of that RPA that runs right through the middle of the parcel. I can tell you that I have tried to get this parcel to work for both of the major hospitals in the area that ultimately gave up and went elsewhere specifically because of this RPA. The property is zoned R-1 and what prompted the commercial zoning was a preliminary plan application that predates the one Mrs. Hazard was talking about for R-1 on the whole property which raised a lot of questions like, do you have two disconnected residential developments because that's the current zoning and not cross the RPA or do you try to get the Corps of Engineers to let you cross the RPA, and that became a fairly complicated discussion. We engaged in... when the preliminary plan came to the forefront, the Supervisor for the district, Mr. Dudenhefer, got involved in it and the notion of rezoning the front portion of the parcel commercially and leaving the back part residentially came up because if we zoned the whole thing commercially we'd still have the same issue of how do you get from... how do you get across the RPA. Plus, you would have the commercial right up against the Patriot's Landing subdivision. So, that was the genesis of the current application. Mrs. Hazard is correct; a revised preliminary plan came in and came to you all for the residential portion of the property and has been approved which is back by Patriot's Landing. So that is through the process and we're simply talking about... and that is moving ahead with construction plans, Bruce, and will go to final plat. So we're talking about just the eastern half of the parcel, the commercial, for everybody's understanding because there may be some people here from Patriot's Landing. To focus now on the specific question, this is a pretty standard commercial rezoning and I hope you all agree. And I think all of the conventional commercial issues of the transportation, the configuration, the FAR, the extras that staff has requested like the FRED bus stop and the bike racks, those things have been worked out. So I... the issues that have been raised I think are the fundamental issues and the things that you all have referenced are the things that have occurred to me to talk about anyway. First, the inter-parcel connection that Mr. Rhodes referenced. It is a tough... it's a tough connection. But if you've been to the Walmart site, there's not much place... Walmart is now of course expanding and it's really the only place that that can occur. Walmart is of course is expanding; I don't know the exact status of their plans. It looked for a while like they would need some offsite improvements but I think they've worked around that. I don't know what kind of leverage the County has to encourage the inter-parcel connection. It makes all the sense in the world but we've given you our end of it and I don't think that... I mean unless somebody wants to tear down or take the little strip center there, I don't think there's really another viable place for the connection, inadequate as it is. But it's an important issue; we're just not really in a position to do much more about it ourselves. You might ask staff to see what can be done with the Walmart side of the equation there, because that's really what it comes down to. Now, the other issue is the trail. And I want to talk a little bit about the genesis of the pedestrian connection point here. First to cover Mr. Howard's point, when we first started talking with Mr. Dudenhefer, the additional left-turn lane off of 610 onto Mine Road was not yet funded and so there was some discussion. It never got any further than that by the time we got to the application because by that time the improvement had been funded and was scheduled. So that's as far as that ever got. We did discuss that initially and the need for that and then it happened. So that was the end of that. But there were no specific dollar amounts talked about or what their contribution would be and by the time the application came in that was in the past. The trail, the pedestrian connection, makes all the sense in the world. It's important to connect... you know, if you don't have a trail, you drive out through Patriot's Landing and up on 610 and back around Mine Road for the residents of both the new Hampton subdivision and Patriot's Landing for them to get over to this new commercial area which doesn't make any sense. It also gives you a good connection to Walmart. Now, having said that, the applicant is petrified about having to deal with the liability of a pedestrian crossing across this RPA which is heavily vegetated, steeply sloped and creates any number of possible issues and problems

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with regard to safety; in particular, construction and permitting. So it's not a particularly easy thing to accomplish. We have had numerous discussions with Mr. Dudenhefer about it. The latest adjustment that was made to the proffer was based on a request that we consider the northern more location, the one that you all talked about recently... I am so technically improficient... but the one in back of the Walmart essentially that would connect you to the Patriot's Landing cul-de-sac. Okay, can you point that area out? Okay, you're not helping Kathy. Okay, never mind... they know where it is. My understanding... I'm going to ask our engineer to address that... is that that area is not as desirable as the one we have identified I had thought because of the steepness of that area, but I'm going to have my engineer address that. But, we changed the proffer so that it is not, as Kathy said, not set in concrete as to the actual location. Now that brings us to the kind of construction that is warranted here and whether this is a high steel bridge which, as you can appreciate, would be extremely expensive or something that is more suited to the actual terrain and is unobtrusive as possible. Now, for primarily the major reason but also the second, we have proposed the unobtrusive model. And I do have photos of the type of bridge and I'm going to have my engineer address the way the path to the bridge would be handled. Now there also are issues of, even with that, of lighting and safety and being sure that the people get from one area to the other safely and unimpeded either because the location would be somewhat secluded or because of the steepness of the topography and try to transverse the terrain in that area. This is the type of wooden structure that we would propose say if this comes from the Forestry Service. And it's safe, it's minimal, it's made of wood and this is what the cost estimate is based on. Now, I will tell you that we've been asked to consider some other possible approaches to this and we don't mind doing that. I think the question is where that gets done, at this level or at another level. We do have a serious issue with regard... even if we get past the point of who builds the thing. And on other segments tonight you're going to hear things about the advantages of having the developer actually build something and give it to the County in other context and why that makes a lot of sense rather than the County actually taking the money and having to go find somebody to build it. But, assuming we get over that... and that's not an issue that the applicant is very enthusiastic about... we still have the issues about ownership and maintenance. The land that runs with the RPA is part of the residential area. We can dedicate that land because the owner owns both right now. But it is platted, it is part of the residential land. And somebody, it may have been Mr. Rhodes, talked about the issue of well, who covers the liability insurance. We've not found anyone offering commercial insurance that would cover an RPA crossing of this nature to get people from the residential area to the commercial area. They'll cover the commercial area and anything that happens on the commercial area, but the bridge is an entirely separate issue. The Homeowners Association, which is the underlying owner of the property, could be... could handle the insurance. I mean, there is a mechanism to do that, but that's a very significant burden to place on a Homeowners Association. This is about 30 units and, of course, the Homeowners Association would not be the only ones served; Patriot's Landing would also be served by this and there would not be any contribution coming in there. So there are issues involving that, that's why we moved to conveying the bridge to the County and having the County handle the insurance and the maintenance issues once it's intact. Now right now, to be sure, it also... the proffer says we'll give you the money and you build it. But that issue I think we can talk about. So that's where we are on the bridge. You know, as I indicated from the outset, it's an important thing, it makes sense for there to be a bridge there, but there are fairly significant issues. We think the County's insurance is in a better position to cover that kind of thing because you cover similar kinds of amenities and I don't think there would be any problem with that coverage if it's investigated. But, those are the issues that are up in the air. So, those are the things that I had intended to cover. I wanted to let you know where we are on the pedestrian crossing issue and how we got to where we are now. And I'll be happy to answer any questions. And I don't mean to skirt over the truly commercial aspects of the rezoning application, but it seemed to me that most of

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those were fairly routine and that we would benefit more from talking about what I understand to be the issues to be here.

Mr. Howard: Alright, I'll bring it back to the Planning Commission. Are there questions for Mr. Leming at this...?

Mr. Leming: Oh, oh, but could I do this? Bruce, is there anything else...? Would you mind hearing from Bruce for just a moment?

Mr. Howard: That's fine.

Mr. Leming: Yeah, it probably would make some sense for him to give you some more specifics about how the trail and the bridge (inaudible).

Mr. Howard: Okay, great. Thank you. Mr. Harvey, is the air conditioning on in here?

Mr. Leming: No, it's not.

Mr. Harvey: I'll check.

Mr. Howard: Could we check on that? Yeah. Thank you.

Mr. Reese: Mr. Chairman, members of the Commission, my name is Bruce Reese. I'm a registered professional engineer; I work for The Engineering Groupe. We looked at a lot of different aspects for how this trail can get from point A to point B and it was not all simply to just get from point A to point B. We wanted to serve not just Patriot's Landing but also Liberty Place. So, wherever we put this, we're going to be separated somewhat from the other neighborhood. We picked a spot that we thought we could make work from a couple different aspects and my apologies if the topographic maps on the GDP are a little hard to read. But when we finish grading the residential portion of this project, that portion that goes between... the portion of trail that goes between the two lots is going to be about a 3% grade. So we'll accommodate that without too much trouble. The rest of the trail, we graded out and it will not exceed 10% at any place, that's why you see it winding through the open space to avoid getting it too steep. There's a lot of ways to cross those two streams. What we were trying to do was minimize the impact on the wetlands associated with those streams. We could have graded that out and had an at grade crossing where the trail goes down, crosses at the same level as the stream, with a concrete base that you could take a bicycle or walk across, but that had a pretty significant impact on the wetlands. So we're trying to avoid that by bridging it. The length of this bridge is going to be... one crossing is going to be approximately 14 feet long and the other crossing is about 20 feet long. The bridges that Mr. Leming showed are designed, pre-engineered, can be set in place or constructed in place, and it is just an option, but it was an option that we thought we should take a look at and get a price on. We didn't go to the more northern crossing because that has implications from the standpoint of us being able to have access to the property that would allow us to do that. That's a very steep portion of the property; in fact, the steepest portion of the property that we're dealing with on the residential side. We need retaining walls to accommodate the road on the extension of Brafferton. And so any trail that would be associated with crossing up there would require higher retaining walls, a greater impact on the wetlands up there because we would have to extend the culverts right now that we're using to pass the stream under the road. So, it's a balance between where is the best location for

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this trail. We think we picked one that minimized its footprint on the property. I'll be happy to answer any questions.

Mr. Howard: Did you look at multiple connections to the trail? So, there's a second cul-de-sac that's in Hampton Run; you know, is that an option? And then were there any other, other than those two locations, was that the only thought process that we're just going to have a trail originate here and end here? Were there other thoughts in how to make it a little more convenient?

Mr. Leming: Within the residential area you mean.

Mr. Howard: Yes.

Mr. Reese: Well, once we picked a location that we thought would give affordable access to both neighborhoods, we stayed with that cul-de-sac. We haven't investigated every possible option but we looked at what we thought were the extremes and came up with an alternative. We'd be happy to look at any other alternative, but we know that those two extremes of those two, this was the favorable one.

Mr. Howard: I think there was discussion with someone, with Parks and Rec... and Mr. Hirons mentioned this... Parks and Rec taking the, you know, taking the ownership I guess of the bridge post the bridge being built and turned over to the County. Were you part of that discussion?

Mr. Reese: No sir.

Mr. Howard: No? Mr. Leming, were you part of that discussion or was that a staff discussion?

Mr. Leming: I think it was a staff discussion. You relayed information back to us, correct?

Mr. Howard: Yeah, I know I'm sure they don't desire to do that because it's such a small project for them. I'm not sure how they would (inaudible).

Mr. Leming: Well, and that's why we were... we actually had talked about dedicating the entire RPA so that there could be not just the perpendicular crossing but also possibly connecting to other properties within that same RPA a trail system that would go horizontal with the RPA.

Mr. Howard: Right.

Mr. Leming: So, I don't know whether that got passed along, but we were asked to do the pedestrian crossings. So that's what we focused on.

Mr. Howard: Okay. Are there additional questions of the applicant?

Mrs. Hazard: Sure, probably in the same vein. I guess how was the cash donation of \$25,000 for the construction calculated? I hate to say... what does that buy? Is it asphalt? What is it?

Mr. Leming: It's a number that they came up with.

Mrs. Hazard: Right. Can you just explain it to me?

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Mr. Reese: It clears the pathway for the trail, it grades the pathway for the trail, it applies wood chip surface, and it purchases two bridge crossings.

Mrs. Hazard: When you mention the retaining wall, and I am not an engineer, was that included as part of the bridge or is that separate?

Mr. Reese: No, we avoided the retaining wall by putting the trail in the location we have shown.

Mrs. Hazard: Okay.

Mr. Reese: If we went to the northern crossing, or the northern route, that would have entailed additional retaining wall. So we avoided that and that was an attempt to minimize the cost, minimize the footprint.

Mrs. Hazard: So this is an assumption for building the one to the south, but not...

Mr. Reese: Correct; the one that we show roughly highlighted or dashed in on the GDP.

Mrs. Hazard: But if there is a need that we have to go north, the \$25,000 is really set for this other one, is that correct?

Mr. Reese: Yes ma'am.

Mrs. Hazard: Okay. Has there been an analysis of what it would cost for the northern one.

Mr. Reese: There has not.

Mr. Rhodes: And just the distance, the number of feet of the one that is currently kind of plotted out there?

Mr. Reese: I can tell you we assumed a six foot wide trail and 600 square yards total, so it would be about 600 yards roughly, 1,800 feet.

Mr. Rhodes: Okay.

Mr. Howard: So the portion that Parks and Rec would have to take care of is just this bridge? And then the HOA will assume the responsibility for the portion that's on their property?

Mr. Leming: No. We had assumed that the entire area, which is why the underlying 8.75 acres would be dedicated, but that entire area would come to the County.

Mr. Howard: Okay.

Mr. Leming: So the County would own... it could be done by easement too... but the County would actually control the entire trail.

Mr. Howard: So, there may be a need to have a discussion with Parks and Rec to see what is more desirable from their perspective and economically smart over the long haul. Wood chips to me sounds

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like a very expensive deal because I would think you're going to replace that annually and I'm not sure we want to do that. But pavement or some other mechanism that they've already... they already have a mechanism to repair and keep a safe, you know, surface.

Mr. Leming: Bruce, why don't you address the issue of wood chips versus asphalt.

Mr. Reese: The wood chips, believe it or not, wood chips can be used as an erosion control measure. It's an accepted means of protecting a hillside from erosion because you spread wood chips there, it breaks up the erosive force of the rain falling on it. If constructed properly, a wood chip trail can last for years. It's not something that necessarily requires an annual maintenance, but it's typically placed in at least an eight inch lift and that's a pretty significant trail (inaudible).

Mr. Howard: Yeah, and I recognize it's more environmentally friendly as well.

Mr. Reese: Yes.

Mr. Howard: But I think there's a lot more maintenance with that on an annual basis.

Mr. Reese: It is not as maintenance free as asphalt, but it is also less expensive to maintain than asphalt.

Mr. Howard: Well, it's less expensive to install as well.

Mr. Reese: Correct.

Mr. Howard: Mrs. Hazard?

Mrs. Hazard: Please help me with my addition; I know it says that you'll be dedicating I think it was 8.72 acres for this trail?

Mr. Leming: Yes, for the whole trail area.

Mrs. Hazard: For the whole trail area. Again, adding up what I see is the trail here, I don't get 8.72 acres. But that could be just... I'm just trying to figure out what the County (inaudible).

Mr. Leming: Are you looking at the GDP? Can we pull up the GDP and I'm going to have Bruce identify the 8.75 acres for you.

Mr. Howard: Computer please? Sorry.

Mr. Leming: Alright, can you clarify the 8.75?

Mr. Reese: Yeah, and again my apologies, but the trail is a very small portion of the 8.7 acres.

Mrs. Hazard: Okay, that's fine.

Mr. Reese: It is literally everything encompassing the RPA is what constitutes the 8. ... the eight acres.

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Mr. Leming: Can we outline that?

Mrs. Hazard: For helping for us visuals...

Mr. Reese: Kathy's doing a great job on that, yes.

Mr. Leming: It runs up and down the RPA area too.

Mrs. Hazard: Okay, so... we've got the trail here and all of this. Hmm... I'm not sure we... well...

Mr. Howard: Yeah, I'm not sure we want the RPA but...

Mrs. Hazard: Right.

Mr. Leming: We don't want it.

Mr. Howard: Right.

Mr. Leming: A lot of it turns on where the trail (inaudible) is located also doesn't have to be that large amount.

Mr. Howard: Yeah, I think there's... my own opinion and I know we're going to hear from hopefully some of the residents... but I think there's probably a need to talk with Parks and Rec, get you together and understand from their perspective if in fact we go this route and they take this over, they really need to understand, or we should probably understand from their perspective what's the... you know, what would the best type of trail be.

Mr. Leming: I think we've been told pretty much through staff that they're not very interested in it.

Mr. Howard: No, they may not be but, at the end of the day, it makes sense and we want to get some public input on this too to see how the public's feeling.

Mr. Leming: Okay.

Mr. Howard: Are there any other questions? Mr. Fields?

Mr. Fields: In relationship, this applicant is not the same... it's not the same company that owns... that is going to develop the residential?

Mr. Leming: They are two separate corporate entities.

Mr. Fields: But are they in any way related or connected?

Mr. Leming: Yes.

Mr. Fields: Yeah, okay. What is the mechanism going to be for... is it envisioned that the residential portion will develop first and the commercial second, or is it simply just you're trying to get ducks in a row whatever the market dictates?

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Mr. Leming: Yeah, whatever the market bears at this point. It's not a large... the residential is 30...?

Mr. Reese: Forty.

Mr. Leming: ... 40 units?

Mr. Fields: Forty units.

Mr. Leming: Yeah, and they're shy of final plat.

Mr. Fields: My experience has been of course that over the years that connectivity makes a lot of sense and is advantageous in one sense and is also... but is also quite often viewed negatively by residents, particularly anything with a cul-de-sac where people in theory feel like they... one of the reasons while cul-de-sacs may not be a great design, people like buying on cul-de-sacs because they feel like they've acquired a protected sort of place. And what are your thoughts on how you're going to communicate the if, for example, the commercial or this trail gets etched in stone before people start to buy and own homes, they're... and we've talked about that before with some other things... so that they know exactly what they're getting into because this has happened. I think we're better at it but over the years I've had some fairly negative experiences with people that have purchased, you know, in all good faith in communities that ended up being connected, and particularly a pedestrian access to a commercial property into a residential neighborhood has always some issues of safety and neighborhood continuity and stuff like that.

Mr. Leming: Actually that was one of the reasons that we looked at the location that we did, because it is a new cul-de-sac. There's nobody there at present in contrast to the cul-de-sac that the northern connection would tie into, which would bring more pedestrian traffic to that particular area. At least with the new cul-de-sac, there is the potential, the ability to alert the owners of that cul-de-sac that there is this pedestrian trail and that the intention of the pedestrian trail is to provide access to the commercial area that already exists and the new commercial area and not just for this development but also for Patriot's Landing and Liberty Place. So there could be a fairly sizeable number of people that come through this particular neighborhood, but we thought it was more advantageous to have it in an area that was undeveloped because those notices could be provided before anybody buys or builds there in contrast to an existing cul-de-sac, which would be featured at the northern place.

Mr. Fields: What are the mechanisms for ensuring that those notices are provided to perspective property owners (inaudible)?

Mr. Leming: (Inaudible) context... I'm sorry I didn't participate in the preliminary subdivision plan was there, we hadn't actually developed that when the preliminary subdivision plan came through, correct? There is nothing formal at this point. We're not... I have to think about the legality of this... I don't have an objection to the proffers containing a requirement that when the trail location is finalized, that adjacent residential properties be notified. It's sort of an offsite unusual proffer but I don't... if the County Attorney is okay with that I don't have any problem with that. I don't have any problem with that because they should be notified.

Mr. Fields: Yeah, I just... you know, any problems down the road I can guarantee you that if people build a home there and aren't aware that a trail's going to come to a residential, they're going to be very upset.

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Mr. Leming: Yes, I agree with you.

Mr. Fields: And they're not going to come to you, they're going to come to us.

Mr. Leming: Well, I don't know. I'm doing the settlements.

Mr. Fields: Not me, I'll be long gone; but my replacement. So, I'm just trying to save...

Mr. Leming: No, I think that's a good suggestion.

Mr. Fields: Thank you.

Mr. Howard: Mrs. Hazard, you had a follow-up? No? Okay. And this is really for staff... did anybody talk to the Sheriff's Department about that type of...? No? Okay. That's probably another follow-up for us to just understand from their perspective, what does that feel like to them. Okay, we will now hear from the public. So anyone here tonight that is here to speak on item number 6 under public hearings may do so by stepping forward. And again, I'll just remind you when you step to the podium we just ask you to state your name and your address and then the green light goes on. And you have three minutes to address the Planning Commission. You can ask questions but we will not get into a direct dialogue with you. We'll try and write that down and in our own Q and A attempt to get an answer for you. So, again, just so you understand, there's not direct dialogue; it's not that we don't care what you want to say, we care very much, which is why we have the public hearing. And we want to give you an opportunity to talk to us about what's on your mind and with what you want to make sure we understand and consider. So anyone wishing to address the Planning Commission on item number 6 which is the RC1000068, the reclassification of Hampton Run Commercial, may do so now by stepping up to the podium. And again, we just ask you to state your name and address.

Ms. Blunt: I'm a little nervous; sorry about that.

Mr. Howard: Oh, don't worry about that.

Ms. Blunt: Edith Blunt. If I'm understanding this right, and I may not be, this black line on this... the heavy black line on this plat is supposed to be the trail?

Mr. Leming: No.

Ms. Blunt: No. Okay. My land buffers right up to this.

Mr. Howard: Yeah, we won't answer the questions but you can ask...

Ms. Blunt: I'm sorry. My land buffers on this and it looks like they want to open up the dead-end cul-de-sac we have already. And if you're going to run it so traffic improves, supposedly, because we all know what 610 is like, and you put commercial property behind me, I really don't have a selling feature to my home. I bought in this neighborhood because it's an old established neighborhood, it's a friendly neighborhood, it's kind of the neighborhood where you go when you want to be in the city but you don't want to live in the city. We have people that walk their dogs, kids play on the streets. Opening that end up is going to cause more traffic, the kids will not be able to walk. We don't have sidewalks so right there we're causing hazards to children. And if you put commercial behind my

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house, I don't have a resale value. And the market's already bad. And these are things I think that you guys needed to know that we're a good community and I don't think a majority of us want this. And we've been around a long time and we don't cause trouble in our area. We're a quiet neighborhood. And we're about, what, 35, 40 houses strong back there? So we already kind of existed, but I think maybe some developers might have forgot that. So please take that into consideration for us.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission on this item during the public hearing portion may do so by stepping forward to the podium. And you can form a line behind the other individual if you want.

Mr. Waldowski: Paul Waldowski. I just want to help you citizens realize that in this County, when they take land, they're going to look to HOAs. I already own a park across the street from my house. And you take this bridge, you're going to own this bridge. Now my major concern is from a Sheriff perspective because if you have commercial, you're bringing in crime. You don't think you're bringing in crime but you're bringing an avenue to crime. The other aspect that bothers me is if you sit on Mine Road, there's no space from leaving Walmart to get to 610 just up the way. I don't care how many lanes you expand there, there's no room. You have let Walmart be the big box and now you let them expand, and you might as well just build an entryway so you can get to Mr. Leming's office; it's just right across the street on the other side. Help-U-Sell just left the strip mall that's outside the commercial parking lots there. So you have a bunch of issues and yes, you talk about your little elevations and your bridges and your ride the bikes, and all you're doing is you're giving someone an opportunity who could be a crime to get on a bike and cut through that neighborhood and now you're creating a bigger problem by doing this so-called commercial. I heard things about a restaurant, a bank and gas stations... just what we need. Why don't you just put another 7-Eleven so we can have Thank Heaven there. And I love neighbors like Wawa because they really do redevelop areas and make things look nice. But, putting a bank back there? Even Wachovia had to be bought by Wells Fargo because they don't know how to take up the spaces of existing entities. Now, the other thing that really bothers me is because for 20 years I owned a piece of property and I pay the HOA dues and everybody else who's an old subdivision got to use my storm pond. And what you're going to do for Patriot Landing is they're going to get to use this bridge for free. And these RPA areas are there for a reason. If you read the news lately, the state finally caught someone who was messing up some of our Resource Protection Areas by shoveling in areas, and how are you going to police that aspect of this. So you have a lot of things to consider here and I wish you well in building your 34 new houses with their Houses of Aristocrats because sooner or later we're going to all find out that if you are in a non-stock corporation, which is an HOA, 2/3 of your members, by law, can dissolve it. Thank you.

Mr. Howard: Anyone else wishing to address the Planning Commission on the current public hearing may do so by stepping forward to the podium.

Mr. Roberts: The last gentleman covered some of what I had. My name is Donald Roberts. My concern is these trails. Where are the entrances to these trails? What you are asking for is people to come through our yards, and it happens already a little bit. But it's going to open it up for people to come through more. They got big trails back there, everybody knows about it now. And you're opening up Pandora's box for us. And HOA... where is it? I don't belong to an HOA. They talked about HOA but we're not an HOA. Thank you.

Mr. Howard: Thank you.

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Ms. Vines: Good evening. My name is Charlene Vines and I represent Irene Vines, who is my mother, deceased, that owns the property. And I just wanted to really speak to the reclassification of zoning from residential to commercial. And I look at my parents who spent... you know, they lived there for 50, 60 years and you guys, the County took the road, or VDOT took the road and then they don't even maintain that with proper cutting of the grass. Here I am hiring someone to come out there to get it. I call constantly that doesn't happen. So, I don't think that that burden should be put on you, the County, to maintain that or Parks and Rec, and we know that's not going to happen. And I just... the other thing I wanted to speak to; I don't have an HOA either. And I'm paying taxes and if it's going to change due to classification, it just seems ridiculous when you have residents that have been there forever, or at least 40 plus years. There's three houses that are along Mine Road that are owned from my parents to my grandmother to my brother and, you know, we've allowed for the expansion of... if it had to be anything there I would just rather see residential to be put there, not the commercial part of it. And again, it is a tight area in that where Walmart is and it's just... it's very tight. And I just think that you go and add more commercial it's going to be even tighter and more congested. And I just don't think that that was thought through, through the applicant. Thank you.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission on the public hearing that's in process, the RC1000068 which is the reclassification of Hampton Run Commercial, may do so by stepping forward to the podium. Seeing no one else making an attempt to advance, I will now close the public comment portion of this public hearing and bring it back to the Planning Commission for further discussion. Are there additional questions or comments from any of the Commissioners? Just as a point of information, I'm not sure where the trail came from but it certainly was presented to us this evening as though that was desired. The current zoning of the property is, I believe it's R-1 which is Residential-1, and the zoning of the subdivision that we discussed that was already approved is also already zoned R-1. So by-right, that development can occur, just so you all know that. So when you purchased your home, both of those parcels were... the development we're talking about and then this new commercial, potentially commercial development, were designated as R-1. So they can be built on with residential homes. And I know that's an extension of Brafferton which probably doesn't exist today, but by-right that could have always occurred and homes could always be built there. My understanding is there is no connectivity between the residential and the commercial in terms of the street other than this proposed path which is, again, just proposed at this point. Some would argue also that having commercial that close to a home could increase the value. I know there are many who think that way and would prefer to be able to walk to the store, you know, daily or weekly, and there are others that don't want any part of that and they certainly want to live as far away from commercial, you know, as they can. I understand both sides of that. So I'm not sure... we have some follow-up to do in terms of this walking trail or path or whatever it ends up becoming. Mr. Rhodes, I think this is in Garrisonville. So I'm not sure if you have any other comments or any of the Commissioners do.

Mr. Rhodes: Mr. Chairman, I was just going to... building on your comments and in response to some of the public comments.

Mr. Howard: Right.

Mr. Rhodes: Just to clarify then, I think there might have been an impression there that possibly the road coming through from the temporary turnaround that currently exists and the cul-de-sac at the end of Brafferton Boulevard, that in some fashion it might be a thru-street. So just to confirm, what is in the platting for a separate whole development, which is those 40 or so homes at the Hampton Run

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residential that is still being platted, it has no thru-street; it would just go into those 40 or so lots and then come back out. So it certainly does add some more traffic to the Brafferton Boulevard, I mean, there's no doubt about that, but it is not a thru-street. And the other comment I heard was talking about the belief that maybe there was a misunderstanding that there's not an HOA with Patriot's Landing, etcetera. I think the reference to potential HOA all dealt with the Hampton's Run, the new potential development that would be there; so just to clarify those points and some of the commentary there. I don't know if there are other particular comments by other members before we move something on this.

Mr. Howard: Alright, before we do anything, does anybody have any other questions for clarification from either the application or staff? No? I'll close the public hearing then on this reclassification of Hampton Run Commercial. Mr. Rhodes?

Mr. Rhodes: I would just submit that if... in a moment when I make a motion to defer this... I would throw out a question to staff if either working with applicant or however it might be dealt with, would just be curious if there was a way to get... I don't know where we'll head with this trail, don't know where we'll head with any of this but... if we could get a sensing of we've seem to have gotten an estimate, we need to make sure we're comfortable with it, about \$25,000, if it's just a wood chip trail. If it were an asphalt trail is there much difference? And then the other one would be if this were further north... I hear concerns about retaining walls and other things... but if you went in that area, what range of cost is there? If there was a means to be able to get a rough order of magnitude estimation associated with that just for the consideration, that would be hopeful information to have if that's possible. And then, having said that, I would make a motion to move this to our next session on the 17th of August as we get some more of this additional information of the questions that have been raised during (inaudible).

Mr. Howard: Move to unfinished business?

Mr. Rhodes: Yes, please.

Mr. Mitchell: Second.

Mr. Howard: Second by Mr. Mitchell. Is there any further discussion? Mrs. Hazard?

Mrs. Hazard: I guess I just wanted to go through and confirm with sort of Mr. Rhodes some of the items for staff clarification as well; it is summer. I think that we sort of requested some input or discussion with the Sheriff's Department about trails, connectivity, something along those...

Mr. Howard: Well, specifically, connection a commercial development to a residential development; what's their thoughts on that.

Mrs. Hazard: I think secondly we also wanted some more Parks and Rec input; I don't know if that means someone coming here or just... I think we all just wanted to make sure that Parks and Rec is aware and where we were going. And then I think Mr. Rhodes dealt with the cost to build north of south, kind of what are the options out there. Those were the three or four I had written down. I just wanted to make sure for staff that we clarified them. So, that's all.

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Mr. Howard: Any other discussion while the motion's on the table? Hearing none I'll now call for the vote. All those in favor of Mr. Rhodes'... I'm thinking Rhodesside... but Mr. Rhodes' motion which is to move the reclassification of Hampton Run Commercial to our next meeting agenda under new business signify... I mean under unfinished business signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries. This item is now moved to our next meeting which, I believe, is August...

Mr. Rhodes: Seventeenth.

Mr. Howard: ... 17th, for those of you who might be interested in the outcome. Thank you very much for coming down, we always appreciate hearing from residents when things are impacting them. That moves us to the public hearing item, which is a Conditional Use Permit for the Forbes Street Bed and Breakfast; it's CUP1100150. Mrs. Baker? Good evening again.

7. CUP1100150; Conditional Use Permit - Forbes Street Bed and Breakfast - A request for a Conditional Use Permit to allow a Bed and Breakfast Inn in a R-1, Suburban Residential Zoning District on Assessor's Parcels 53-100 and 53-85, consisting of 6.70 acres, located on the west side of Forbes Street, approximately 125 feet south of Clearview Avenue, within the Falmouth Election District. **(Time Limit: October 11, 2011)**

Mrs. Baker: May I have the computer please? Good evening. Item number 7 is a Conditional Use Permit, CUP1100150, for Forbes Street Bed and Breakfast. This request is for a Conditional Use Permit to allow a Bed and Breakfast in an R-1, Suburban Residential zoning district. The applicant is Jenny Holbert, with John Kaila acting as the agent. Assessor's parcel 53-85 and 100 encompass 6.7 acres. Looking at the zoning of the property and the layout, you'll see Cambridge Street over here to the west of the site, which is in red, and the site does have frontage on Forbes Street, which comes off of Cambridge Street. The zoning, as well as the surrounding zoning, is R-1 and you do have some B-2 to the west that fronts on Cambridge Street, which is Route 1. Looking at the existing conditions in the area, here is the frontage of Forbes Street and on the parcel, you have an existing residence with a garage and a shed also located and you'll see the adjacent residential uses on each side of the property. The rear of the property is generally wooded. The applicant is proposing to use the existing two-story structure as a Bed and Breakfast. They are proposing three guest rooms initially with a future expansion of use of an additional guest room. The owner would reside at the residence and there are no changes to the property, the exterior of the property, except for a future parking area. This is the existing residence; this is the concrete driveway that is one of the access points from Forbes Street. Looking at kind of your bird's eye view, here is the residence with the Forbes Street access. This is the, what I will call the northern driveway access and the southern driveway access. It basically does

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loop around. The Generalized Development Plan basically just shows the existing development with this area being allotted for future parking addition at such time that it's necessary; so again, no changes to the exterior. A Traffic Impact Assessment was not warranted for the site. The maximum trip generation is 64 vehicles per day, which the applicant did figure at its highest potential maximum use, not likely to generate that much traffic during the day. There would be the two site entrances with guests limited to the northern entrance and then the owners would use the southern entrance to the property. We are proposing conditions to offset the impacts, potential impacts to any adjacent residences. We'd limit the number of lodging rooms to four, restrict the location of the vehicle parking to those designated parking areas, limit the intensity of any signage by not allowing for any back lighting or signage on site, would enhance the landscaping if future parking is constructed, also limit the food service to guests only. There'd be additional fire safety measures on the interior of the building and there would also be an expiration date of three years within the approval of the CUP if there is no occupancy for the Bed and Breakfast at that time. Looking at the Comprehensive Plan, the site you see in blue. It's all within the suburban designation and to the rear of the property is commercial corridor along Route 1. So looking at the assessment of the site, it is consistent with the standards for issuance of a Conditional Use Permit. The conditions that we would look to impose would maintain the established residential character that you currently have there and the conditions would also help to minimize the potential impacts on the surrounding uses. And at this time we have not found any negative impacts. We are recommending approval.

Mr. Howard: Thank you Mrs. Baker. I'll bring it back to the Planning Commission for questions.

Mr. Fields: Mr. Chair?

Mr. Howard: Mr. Fields?

Mr. Fields: Will this B&B be used as a site for events, private events or weddings or parties?

Mrs. Baker: It's not currently planned to do that.

Mr. Fields: Is there... (inaudible – microphone not on).

Mrs. Baker: If you would give me just a minute.

Mr. Fields: (Inaudible – microphone not on.) Sorry, I didn't turn my microphone on.

Mr. Howard: Is the microphone on?

Mr. Fields: It's on now. I said... my question, just to make sure it got broadcast, is the site planned to be used for any other type of events other than simply for the use of the guests? Like parties or weddings and stuff like that.

Mrs. Baker: It's my understanding that it's not; we don't have a specific condition to that effect but that's certainly something that we can add.

Mr. Fields: Would that current zoning permit that type of use?

Mrs. Baker: I'm going to ask Mr. Harvey if he's aware in the R-1 zoning.

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Mr. Harvey: That may be allowed as an accessory activity but it wouldn't be a primary use. The primary use would have to remain as a Bed and Breakfast.

Mr. Fields: But if they... would they have to require... so, if this was approved just as it is, they could do that without any further requirements by the County?

Mr. Harvey: It would have to be something that'd be on an occasional use. It couldn't be regularly scheduled types of activities because then that would become the primary use because it would be more intense than the residential type of activities.

Mr. Fields: So by regular... about every Saturday for three or four months, would that trigger the... and so that would be up to the Zoning Administrator? Would that be a question of then enforcement to decide whether they had exceeded that accessory use or not?

Mr. Harvey: Yes, and we would take a look at standard practices... what is the revenue and expenditures for the Bed and Breakfast versus these other activities? Are the other activities generating more revenue? Is that becoming the primary business? If there is a concern I guess that would be something the Commission could ask the applicant and maybe work through with the conditions.

Mr. Fields: Yeah, I just... not that I want to deny them the possibility of doing that but that is a slightly different type of use then, what is it, a four guest room B&B. Great idea but I'm just, you know... happens to sort of be my field so I'm very familiar with how this stuff works. (Inaudible) ask the applicant.

Mr. Howard: Yeah, that's a good idea. Any other questions for staff?

Mr. Hirons: Yes Mr. Chairman.

Mr. Howard: Mr. Hirons?

Mr. Hirons: Is this a... is the property inside of the Redevelopment Area, the Falmouth Redevelopment Area?

Mrs. Baker: I think it lies just outside, but let me verify that.

Mr. Hirons: Thanks.

Mr. Fields: I also have actually, Mr. Chairman... another question. And I can't quite tell from the maps that we got here. What's its proximity to the Clearview property?

Mrs. Baker: That property... the entrance to that property is just across the street. Do you want to pull up the aerial view there? May I have the computer please?

Mr. Fields: That's what it looked like but I was trying to get my bearings on that.

Mrs. Baker: You can kind of see in this location is the driveway entrance into Clearview.

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Mr. Fields: Right.

Mrs. Baker: The house is going to sit farther over... Amy, can you pull up that other photo? I'm sorry, it's in the folder.

Mr. Fields: Okay.

Mrs. Baker: Oh yeah... if you see this house, that's actually the Clearview Heights, North Clearview Heights.

Mr. Fields: Sure, right.

Mrs. Baker: So here's the driveway to the historic Clearview house.

Mr. Fields: Right.

Mrs. Baker: So it's further down in this location but the driveway does access in the same location.

Mr. Fields: Okay. Thank you.

Mr. Howard: Any other questions of staff? Alright, I think we have some for the applicant so we'll bring the applicant up.

Mr. Kaila: Good evening Mr. Chairman and members of the Commission. My name is John Kaila; I'm here on behalf of Jenny Holbert, the owner of 419 Forbes Street. She is here tonight and should I fail to be able to answer a question, I'm sure she is fully capable of doing so. First, I want to thank Mr. Harvey, Mrs. Baker, Mr. Zuraf and his staff; they've been very responsive to us and very professional in everything we have discussed with them and talked with them about. I don't think they get enough credit for the hard work that they do and I just want to mention that before I forget it. What I like about this project is two things; one, it's simple, there is very little physical changes to be done to the property. There's the additional parking area for guests and a couple of signs. There was a question that we had earlier about location of those signs. I have here a schematic, I don't know if I could give this out to the members of the Commission in some way, but it basically will show that there is going to be a small sign in the front along Forbes Street and an even smaller sign, probably 18x6 inches high where the entrance to the guest entrance will be. Simple and harmonious, that's the two things I really like about it. It's simple because of lack of physical changes to the existing character of the dwelling and its grounds, and harmonious in that there's very little activities there that are going to be done that aren't typical of what you'd find in a residential dwelling anyway. Let me address the question Mr. Fields had about the events. There is no intention that there will be events scheduled on a regular basis or offered. Ms. Holbert has consistently intended for this to be as little, have as little impact on the neighborhood as possible. Interestingly enough, before she bought the property she had her own little informal public hearing. She sent out invitations to about 50 of the land and property owners in and around the property, offered to have them come in and discuss it. They did; I think that the complaints, if you will, or concerns is probably a better word, was that it's going to change everything. I think the Commission has certainly heard that refrain before. It would be the beginning of commercialization; traffic is going to go crazy. Ms. Holbert fully agrees that she doesn't want that either. So I like it from that standpoint. It's different from most of the applications that the Commission usually hears and that it's not full of a lot of physical changes and the activities there are not intended to disrupt that

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neighborhood at all. I certainly appreciate the Commission hearing us and I will answer any questions and if I can't, Jenny will.

Mr. Howard: Thank you. Thank you for the sign rendering as well. Is your client willing to proffer... really it's obviously a wooden sign and that that is probably more appropriate in that type of setting. But the size... it also looks like a three foot by three foot but it is not to scale so I can't tell.

Mr. Kaila: She's thinking it is going to be four by three.

Mr. Howard: Four by three, okay. But would she put that in the proffer so, in other words, that the sign would not exceed that dimension?

Mr. Kaila: I don't think that she would have a problem with that.

Mr. Howard: Okay. And then Mr. Fields brought up the issue about limiting gatherings and/or parties. It's one thing if she's having her family over. You know, it's a whole separate issue if she's conducting business and someone has decided the grounds are that lovely, they want to get married. And somebody may decide that but, you know, we're not looking to prevent that but at the same time that's not what this CUP is for.

Mr. Kaila: No, and she would agree. She's not expecting that to happen. Now, I suppose, from the standpoint of what would be fair is that certainly her friends or her relatives who may want to use that lovely residence to have a wedding shouldn't be precluded from doing that.

Mr. Howard: Like anyone who owns a home.

Mr. Kaila: Right, but she will not be advertising for that, she will not be... it's not something that's in her plans and probably won't be to offer it as a standard offering for her services at that property.

Mr. Howard: So, are you...

Mr. Kaila: Good question, I don't know. There's a limit to how much, I suppose, that she... I think the Commission ought to let her do it for her friends and relatives possibly who want to use it.

Mr. Howard: Yeah, of course. Like any homeowner, you can always open your home up to someone who wants to have their wedding on your property.

Mr. Kaila: Excuse me, I don't think that she would be adverse to proffering that she wouldn't be advertising it as a regular service.

Mr. Howard: Or conducting that as a part of her business. But again if someone... she also may allow some non-profit organization to host some event. You know, that would...

Mr. Kaila: That would...

Mr. Howard: That could occur but that's not what we're trying to prevent. We're trying to prevent that from being part of her business model.

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Mr. Kaila: It's not going to be part of her business model.

Mr. Howard: Okay, so, Mr. Fields, any suggestions on how you word that?

Mr. Fields: Well, I don't really want to... you know, I mean, this is a case unlike I think... you got someone here that's just a small business person trying to do something in a place that they are living too. I don't want to create punitive conditions but I do want to get a sense of what it is they are trying to do. Because events are highly profitable, that's why Inns and B&B's do them and that's great. I mean, I wish her and everybody involved all the best. Because of the location, my concern with any sizable event is traffic management and flow. You know, it's a windy road right there; it's not a good road to have lots of traffic moving if people aren't expecting or anticipating it. But if... I'm content if they are willing to say that that's not their intent and Mr. Harvey says that if there was an egregious... if they for some reason were egregiously violating that accessory use and somebody made a complaint, there is an enforcement mechanism and a worst case scenario to change that, then I'm content with that. I don't necessarily want to... I hate to craft a condition that you could easily run afoul of in this case. I just wanted to have the dialogue and make sure that I think that there is some protection to the citizens if some circumstances should change, unforeseen perhaps.

Mr. Kaila: Well said.

Mr. Howard: Okay, good. Then on deliveries... I know there's probably not going to be a lot of deliveries if there are only three... deliveries to the business, if you will, is your client willing to limit no weekend deliveries and then nothing before 7 AM and nothing past like 6 PM in the evening? Just so it's not...

Mr. Kaila: She probably would but if there's some reason to have a weekend one that we certainly wouldn't want to violate it on a regular basis but...

Mr. Howard: Then just stipulate the hours?

Mr. Kaila: I think that she said that she'd be glad to do that.

Mr. Howard: Okay. So we have the sign, we have the weekend delivery and I'm not sure if there were any other. Mrs. Hazard?

Mrs. Hazard: I had one more. I guess, I'm looking at the picture here and I think it was also to Mr. Fields' point and it could be just sort of the scale. When I'm looking at this picture and this gravel that's right next to the road, a car could not park there or could it park there? If it could, I would want to really make sure that that is not going to all of a sudden become a parking area. And I know that there's... it says that there's going to be a sign for guest entrance. Is there any reason, and Mr. Hirons I know you are more familiar with this, cars next to that part of the area would be problematic? I don't think that you're proposing that but I'm trying to make sure that we think about that issue.

Mr. Hirons: Yeah, that's true. And I think if the entrance is clearly marked as guest entrance because I can attest to yes you can park there actually. I visited the site and was able to park there once. But I think if it's covered with the sign clearly marking guest entrance.

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Mrs. Hazard: And I think that would only be one other thing I would throw out there that if people just started parking there... a no parking... something in coordination I'm sure with Planning and Zoning. I would just hate for that to become... I want you the most success I have to say but I just want to make sure people don't say oh, where is it, park there, and that does create a problem. So, I just throw that out as something just for you all to think about. I'm not saying it has to be a condition, but just something to think about.

Mr. Kaila: Mrs. Baker said it already is a condition. I don't know that I saw that specifically but she certainly doesn't intend to have people park there.

Mr. Howard: It says restrict location of vehicle parking.

Mr. Kaila: Oh, to where she intends them to park.

Mr. Howard: Yeah.

Mr. Kaila: And I suppose there would be another complaint along with too many weddings that (inaudible) can handle.

Mr. Howard: Any other questions for the applicant? Alright, hearing none, we thank you and now we open up the...

Mr. Kaila: Thank you.

Mr. Howard: ... public comment section of this public hearing. So anyone wishing to address the Planning Commission on item number 7, which is the Conditional Use Permit for the Forbes Bed and Breakfast that's proposed here this evening may do so by stepping forward to the podium.

Ms. Hartford: I'm Linda Hartford. I am sorry, I just got out the hospital, I'm very sick. But I'm not sure why a traffic impact was not warranted. Forbes Street in that area is very curvy with a steep grade. There's been multiple fatal accidents on Forbes Street, including a fatal accident within feet of that driveway. I think that changing it from residential to a Bed and Breakfast would increase the traffic in that area and increase the possibility of other fatal accidents. I am against the rezoning.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission may do so by stepping forward.

Mr. Cox: My name is John Cox. I have the adjacent property at the corner of Forbes Street and Clearview Avenue. Also, coincidentally, I am the former owner of 419 Forbes from 2000 until 2010. My wife and I specifically remodeled that house from a very old, rundown shack to what it is today and our intent at the point that we had it was to turn it into a bed and breakfast. And other than not being able to handle the work load of a B&B, we would still be there probably today being the ones applying for the B&B here. I think it's a great idea, I think the house is well suited for it; the property is well suited for it. As mentioned before, I think the traffic on Forbes Street should be limited to 25 miles an hour; it used to be limited to 25 at that point. Somebody removed the sign and allowed the downhill traffic to run at random, whatever maximum safe speed they think they could maintain. Uphill traffic is still kept at 25 miles per hour but I have seen vehicles turn over at 25 miles per hour on that hill and there was nobody there in the way to run over them. So I think that's just an area that's

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going to be dealt with, but it at 25 miles an hour there shouldn't be a real traffic problem there. Thank you.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission may do so by stepping forward. Seeing no one else advancing towards the podium, I will now close the public comment portion of the Conditional Use Permit, Forbes Street Bed & Breakfast public hearing and bring it back to the Planning Commission for further discussion.

Mr. Rhodes: And the... Mr. Chairman, just to confirm, what is the threshold for a Traffic Impact Analysis?

Mr. Harvey: Mr. Chairman and Mr. Rhodes, the requirement for a Traffic Impact Analysis to be reviewed by VDOT would be for a use that generates more than 1,000 vehicle trips per day. The applicant is estimating in their impact statement it'd generate approximately 60 vehicle trips per day.

Mr. Rhodes: And I think... would you, based on your experience, would you assess that as probably a high-end estimate of vehicle trips per day for four rooms?

Mr. Harvey: Yes sir. A single-family detached home is long been recognized to generate 10 vehicle trips per day. That includes people that live there going in and out of the house, the person delivering the newspaper, any deliveries they may get from UPS or whatever. That's a pretty well-established nationwide average. With additional rooms to rent, if you say for instance had each room occupied and each room had a car and they went in and out twice, you know, that would add an additional 12 trips per day onto that 10. So conceivably, you would be at 22, maybe 25 trips. The 60 that the applicant's provided is a conservative number.

Mr. Rhodes: Okay, thank you.

Mr. Howard: Any other comments from the Commissioners? Mr. Hiron, as a separate note, you're from that Magisterial District, is that correct?

Mr. Hiron: Yes.

Mr. Howard: Can you check on that 25 mile per hour sign that's missing?

Mr. Hiron: Yeah.

Mr. Howard: Alright. Just have somebody...

Mr. Hiron: I will sick our Supervisor on that.

Mr. Howard: Right, thank you.

Mr. Hiron: To speak to this, to a certain extent, I think this is kind of a no brainer. The traffic absolutely should be a concern, but Ms. Holbert wants to be a small business owner and she's not currently until she gets through this government process. The property is either inside or adjacent to the Redevelopment Area, which the Falmouth Redevelopment Area text describes types of businesses that we want in that Redevelopment Area, and one of the types of businesses that is highlighted is a

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Bed & Breakfast. So I think this is a very good path forward for the County that we're actually going to do something here that we actually laid out in our Comp Plan I think most people agreed with. With that, I know we typically don't take action the first time we hear things but I know we've done it in the past so I am going to ask the Commissions' indulgence in my motion. My motion will be to recommend approval of CUP1100150 with the conditions that we discussed tonight to include, I believe Mr. Chairman, you had a condition speaking to the sign and you also had a condition speaking to delivery hours.

Mr. Fields: Second.

Mr. Howard: Yes. Second by Mr. Fields.

Mr. Hirons: You want to speak to specific language to those? Did we get those down?

Mr. Howard: Well, the hours of... my recommendation would be nothing before 7 a.m. and nothing past 6 p.m. on the...

Mr. Rhodes: I would say limit it to no more than (inaudible).

Mr. Howard: And... well, the sign, the applicant's representative indicated four foot by three foot.

Mr. Harvey: Mr. Chairman, staff would like to bring to your attention that the property is in the R-1, Residential Zone, so the signs in that zone are limited to two square feet.

Mr. Howard: Okay.

Mr. Harvey: So...

Mr. Howard: That covers that then. Yeah, they would fall under that zoning ordinance for the sign. Okay. So then any commercial deliveries, not any delivery but any commercial deliveries, you know, not occur before 7 a.m. and not past 6 p.m.

Mr. Hirons: After 7... 6 p.m.

Mr. Howard: Yeah.

Mr. Hirons: Very good. As the motion maker, I just want to speak again, you know, here is someone who wants to join the ranks of a small business owner and I want to ensure that we do our due diligence but get out of the way as diligently as possible to allow her to move about her business because every day that she's not operating, she's only not operating right now because she needs to receive this Conditional Use Permit. Every day she's not operating, she's not making any money or generating any tax revenue for the County. So hopefully we can... I ask for your approval for this motion and move it on forward.

Mr. Fields: Mr. Chairman, I would certainly agree with everything Mr. Hirons said and say that I think a long term, particularly, is regards to the whole Falmouth Area and its vision that this is very important as we try to develop more and more of the heritage tourism component of Falmouth Village. Bed and Breakfasts and this type of thing are very consonant with that vision, that all of us... I know

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I've been talking about it ever since 2000 when I first got on the Board. So this is, I think, very consonant with a long term objective. The resident's concern about traffic though is very valid and we need to... that we can't... it's obviously beyond the scope of this applicant to be able to hold them accountable for any event that's not on... they're not in business, believe me, I understand they're not in business on that magnitude. I do think maybe we need to, and even if Mr. Hirons and I need to maybe meet or just talk about it... talk about it with VDOT, I would be happy to meet with Mr. Hirons even though it's not my district but it's sort of connected to a lot of the George Washington District historically in the Falmouth Village... meet with VDOT and see if there's some things we can do, replacing signs, maybe some configurations or small projects, even the possibility of some traffic calming things or some things like that to mitigate the lady's very legitimate concern about safety on Forbes Street because Forbes Street is not the world's safest place. But I don't think, with all due respect to her comments and her concerns, which I share, it is not quite... I can't see holding up this person's business process for that. But she has a very important concern that I think we need to pay some attention to.

Mr. Hirons: Absolutely agree and would love to.

Mr. Fields: Yeah.

Mr. Howard: Right. Any further discussion? I will call for the vote. So the vote is to recommend approval for the Conditional Use Permit for Forbes Street Bed and Breakfast. All those in favor signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 6-0. That moves us to item number 8, which is the Comprehensive Plan Compliance Review for Dominion Virginia Power Fines Corner Substation. And are we combining number 8 and 9 Mr. Harvey or...?

Ms. Ansong: Yes.

8. COM1100040; Comprehensive Plan Compliance Review - Dominion Virginia Power Fines Corner Substation - A request for review to determine compliance with the Comprehensive Plan in accordance with Virginia Code Section 15.2-2232 for the construction of a public utilities facility, an electrical substation, on a portion of Assessor's Parcel 55-199, located on the west side of Newton Road, approximately 4,300 feet north of White Oak Road, within the George Washington Election District. **(Time Limit: September 11, 2011)**
9. CUP1000371; Conditional Use Permit - Dominion Virginia Power Fines Corner Substation - A request for a Conditional Use Permit to allow an electrical substation and an exception to the

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maximum height requirements in an A-1, Agricultural Zoning District on a portion of Assessor's Parcel 55-199, consisting of 0.89 acres, located on the west side of Newton Road, approximately 4,300 feet north of White Oak Road, within the George Washington Election District. **(Time Limit: October 11, 2011)**

Mr. Howard: Yes, okay. So we're talking about both items 8 and 9. The first one in COM1100040 and the second one is CUP1000371, and that's the Conditional Use Permit portion of the public hearing.

Mr. Harvey: Yes Mr. Chairman and Amy Ansong will be making the presentation.

Ms. Ansong: Good evening Mr. Chairman and members of the Planning Commission.

Mr. Howard: Good evening.

Ms. Ansong: I stand before you tonight to present two items. One is the Comprehensive Plan Compliance Review, COM1100040, and the CUP for Dominion Virginia Power Fines Corner Substation, which is CUP1000371. Computer please. The applicant for the Dominion Virginia Power Fines Corner Substation is Dominion Virginia Power. The owner is Ms. Margaret Alexander. The parcel is tax map 55-199, a portion of that parcel. It's located on the west side of Newton Road approximately 4,300 feet north of White Oak Road, and the site area is 0.69 acres. The Comp Plan Compliance Review is a request for a review to determine compliance with the Comprehensive Plan in accordance with Virginia Code Section 15.2-2232 for the construction of a public utilities facility, an electrical substation. The CUP request, CUP1000371, is a request to allow a substation and an exception to the maximum height requirement in an A-1 zone. This is the zoning map; outlined in blue is the site but in terms of the substation, the substation would be located in the yellow which contains 0.69 acres. Once again, the site is outlined in blue but the parcel in question dealing with the substation is outlined in yellow. Here in the red is the house that's currently on the site, kind of like in the middle of the circle. And then to the right, the red line on the right side just shows you where the road is, where Newton Road currently is. Here is the GDP for the Fines Corner Substation. And once again the house is located towards the bottom, approximately 200 feet away from the proposed substation. This is a cross section of the proposed Fines Corner Substation. So the right indicates the proposed backbone and everything to the right is the proposed construction for the sites. So, to the right of it you have... so the red is the backbone and then to the right of it you have the switch, the circuit switcher, standoff pole, transformer, distribution bay, breaker and regulators. This is what's being proposed for the sites. The purpose of the Fines Corner Substation is to decrease the burden on existing transformers and circuits that exist; specifically, the Cranes Corner Substation transformer number one and Cranes Corner 765 and the Arnolds Corner 340 Circuit. The location of the substation was chosen because of its relation to an already established electric transmission corridor with electric transmission facilities in existence since the 1950's. This is a current picture of what the site currently looks like today, and here is another photo of the site for the proposed substation. The CUP has several proposed conditions, such as the site shall be in substantial conformance with the GDP; no commercial vehicles or equipment shall be stored on the property for more than 48 hours except for emergency situations or equipment repair; there shall be an eight foot tall vinyl clad fence which will enclose the site; banners and flags shall be prohibited; lighting and lighting structures shall not exceed 35 feet in height and shall not exceed .5 foot candles of illumination; a minimum of 50% of required tree plantings shall be evergreen; notice shall be given to the County upon abandonment of use of the substation; construction of the site shall be limited to daylight hours during the week and the site shall

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contain no habitable structures. Also, access to the site shall be from Newton Road. No structure on the site shall exceed a height of 80 feet and the CUP shall expire if no building permits are obtained within 10 years from the date of approval. In terms of the Comprehensive Plan, the Land Use Map has designated this site as agricultural/rural. In the Comprehensive Plan in Chapter 2, Goal 4, it deals with the health, safety and welfare of Stafford County residents and Objective 4.5 discusses the policies that should be enforced to minimize the exposure of County residents to visual impacts and environmental hazards dealing with electrical transmission and distribution facilities. So, within those goals and objectives, Policies 4.5.2 through 4.5.4 discuss how the County would like for electromagnetic fields to be minimized in relation to residential uses, schools and businesses. The policies also deal with the visual and environmental impacts of transmission lines and substations. Also, the policy discusses the County's goals in terms of making sure that the public is educated... to make sure that the public is educated when dealing with facilities such as substations. Staff recommendation. In terms of the CUP and the Comprehensive Plan Review, they do confirm with policies of a Comprehensive Plan. The Comprehensive Plan Review will require screening which will minimize the visual and noise impacts. The CUP does have conditions that will limit the negative impacts that may derive from this development. Staff recommends approval of the PC resolution PCR11-11 and the conditions proposed with the CUP in resolution R11-216. Any questions?

Mr. Howard: Thank you Ms. Ansong, I'll bring it back to the Planning Commission. Are there questions for staff at this point? Mr. Fields?

Mr. Fields: No, when the applicant comes... I just need to get a little more background on the projected demand and how that works.

Mr. Howard: Okay. Thank you Ms. Ansong. We'll now hear from the applicant.

Mr. Schultis: Good evening Mr. Chairman, members of the Planning Commission. My name is Jonathon Schultis and I'm here this evening with Dominion Virginia Power and I am pleased to continue discussion on the Fines Corner Substation. If it will please you Mr. Chairman, I have prepared a presentation by a PowerPoint that I would like to present.

Mr. Howard: I don't think we want to see that Jonathon.

Mr. Schultis: You don't want to see it? It's got all the details.

Mr. Howard: I'm just kidding, welcome back. Good to see you.

Mr. Schultis: Thank you sir. It's good to be back. Additionally, I have members of the project team here with varying levels of expertise on different matters. And should questions arise, I plan to engage them in the process.

Mr. Howard: Okay, thank you.

Mr. Schultis: Thank you sir. Computer please. Fines Corner Substation as we're hearing this evening, again my name is Jonathon Schultis. As you all know, the Commission is engaged in this action pursuant to 15.2-2232 of the State Code which requires location, character and extent and conformance with the Comprehensive Plan. I am pleased to say that this substation fits entirely within the Electric Transmission Corridor that is called out within the Comprehensive Plan in Figure 6.8 and

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the Electric Transmission Corridor has been there since 1950. So, this is a corridor that's been around for a while, people have seen it and the substation fits within the corridor that already exists. As Amy mentioned, and did an excellent job in pointing out a lot of the details here, Dominion is committed to service reliability in the area. This substation reinforces that commitment to our service reliability and, additionally, services low growth that has gone on in the South Stafford area. Amy already showed you this shot but once again this is the approximate location of the substation. As you can see, that structure there is roughly where the backbone is going to be of the substation and is roughly the same height of the substation. This again is the Generalized Development Plan and I will just point to your attention that all of the equipment fits within the existing transmission right-of-way. And once again, the elevations that Ms. Ansong has already shown you this evening. The substation, in this case, is not going to exist on a fee piece of property. We have worked out an agreement with the property owner, Ms. Margaret Alexander, an opportunity for a perpetual easement on the site. Additionally, landscape easements, as needed, will be included and stormwater easements will be worked out with the landowner. We do plan to screen this facility with landscaping and, as staff presented, there were some varying heightened landscape screening provisions which we certainly intend to comply with. And additionally, the Stafford County DCSM normally requires a buffer around the subject property for something like this. We were able to work with staff and thought that the landscape buffer directly around the compound of the substation would be a much better way to buffer this facility. Additionally, the features within the substation, outside of the backbone, which is roughly the same size of the structure that's already in the area, will not exceed 18 feet in height. Dominion will work with the property owner, of course, to get the desired screening so we will be able to have that and share that agreement with her. The part that I like that most about this is the fact that Dominion was committed to the outreach of the community. This is a very tightknit community, many of the folks are related, and we started with meeting with Supervisor Crisp to inform him of this substation on the site. Additionally, descriptive letters of the site that provided contact information to a project coordinator that was dedicated to this substation and provided a liaison for the neighbors to contact went out to the adjoining property owners. Additionally, individual phone calls to each of the 16 parcels that this mailing went to and the phone calls persisted until we were able to get in touch with these folks and offered them the ability to meet with us onsite so we could talk about the substation, we could talk about the impacts to the area, what it's going to look like and we had conversations with those 16 folks and those 16 folks decided not to have the meeting onsite but we wanted to make that available for them. And with that, Mr. Chairman, my presentation is concluded and I am available for questioning.

Mr. Howard: Thank you Mr. Schultis. I will turn it over to the Planning Commission. Mr. Fields, you indicated you had some questions for the applicant?

Mr. Fields: Yeah, I don't want to get too lost in the weeds but could you explain how... what makes you project how the demand's going to exceed the capacity there? I mean, where is the demand coming from, etcetera, etcetera? How do you calculate that and what gives you... what makes you decide that you are going to exceed that in 2014?

Mr. Schultis: I'm glad you asked that question. And I could certainly answer it but I'd like an expert to go ahead and answer that. Mr. Doody?

Mr. Doody: Hello, my name is Dan Doody and I'm the Project Manager for this project. The existing circuit that feeds the residential neighborhood there for the people that live around there is from Cranes Corner, which is a substation that's about 10 miles to the east. There has been loud growth there, I

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mean, not only there's been some new growth but people use more power. So we're going to be maxed out there pretty soon within two or three years. The alternative feed for that area would be from our Arnolds Corner Substation, which is 10 miles to the east. So this location is about halfway in between. So it would give us more power to distribute and it will make it a lot more reliable for this area in particular. There were several outages in 2010, mostly from ice and snow and limbs hitting the lines; that's because there are so many lines miles of exposure. So the folks that live near this substation they should see very few outages once this station is built.

Mr. Fields: Okay, thank you.

Mr. Doody: Mm-hmm.

Mr. Howard: Are there any other questions?

Mr. Fields: Yeah, Jonathon, I have a question. I mean, I haven't heard anything, I haven't heard anything from Mr. Crisp, nobody's called or emailed me. I'm assuming there hasn't been... has there been any negative responses from any of the community, any of the property owners or any members of the community? Concerns?

Mr. Schultis: From the outreach that we did have, I will be as transparent as I can, we did have a concerned property owner who mentioned that they might come by this evening. The concerned property owner lives in Spotsylvania, has a vacant property adjacent to this site and her mother lives across the street from the site. She did have some concerns as far as how the site would affect her mother. We looked to meet with this individual; we agreed to meet with them anytime that would work for them, you know weekends. We exchanged emails over the Fourth of July Holiday and were unable to set up that meeting. So I'm confident that this substation will not negatively impact the individual but they may be here this evening to say their piece.

Mr. Fields: Okay, thank you.

Mr. Howard: Mrs. Hazard?

Mrs. Hazard: I do have one other question and forgive me for not bringing my glasses. The road... the shared driveway or road, how long is that road to the point where it's going to branch? Is it a long driveway?

Mr. Doody: I would guess five or 600 feet?

Mr. Schultis: Five or 600 feet.

Mrs. Hazard: My... my only... once it branches, of course, the homeowner can continue to their property. To get to the substation, before you would get to the substation, which I know you have buffering and fences, is there a locked fence from the branch to get to there? So there's sort of a secondary five or 600 feet, a long driveway, could have kids or others just parking along there late at night. I'm just trying to think through... we've had that when involved in another power line easement issue and there had been issues along that Y. And I just want to make sure, you know, I'm just throwing it out there as something to think about.

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Mr. Schultis: Well Mrs. Hazard, I'm certainly glad you brought that up. And I will say that as far as a secondary lock, where the branch is concerned, that's not something that we've considered. But if that was the will of the Planning Commission and this, at this point, would be on Ms. Alexander's property, if that was something that she would agree to, then we would consider that. To address your concerns on some of the other power line easements, this is somebody's house. This is private property up to this point and I certainly think that the property owner, if people were randomly parking on their property, would take care of that. But we would certainly be willing to entertain that if that were something that we're in agreement. I can say that at the substation site, there is certainly a lock there and security that we take seriously and we have to abide by federal regulations.

Mr. Howard: Any other questions for the applicant? Okay, hearing none from the Commissioners, we'll now open public hearing. So this is the portion where the public can come forward and comment on... and again, we're doing items 8 and 9 in tandem, so you may come forward and comment on either the Comprehensive Plan Compliance Review or the Conditional Use Permit application.

Ms. Harris: Hi, good evening, my name is Bonnie Harris. I do not agree, nor do I want a power station abutting against my property or my mother's property that joins to mine, 141 Newton Road. The value of the land would decrease drastically... not only today's real estate value but our history, our heritage, our ancestry would be reduced drastically. The land we now own was farmed and worked by my grandparents, Joseph and Sara Newton. The water on the land, which is a natural stream, was used to hold a bait for fishing and watering of vegetable gardens. That's how my grandfather made his living and provided for his family. Seventeen acres of land was given to my dad, Luther Newton, Sr., upon the passing of his father and mother, Joseph and Sara Newton. My father farmed the land and kept the trees and the timber for the wildlife. My dad hunted on the land, used the timber for heat in the winter. The natural stream that is on the back of the property was used for wildlife to drink and to water the gardens also that provided food for us. Before my dad passed, he had 17 acres of land, including the 141 Newton Road that the home sits on. Mom and dad wanted each of the five children to have three acres of land to be kept in the Newton Family and to be passed down to their children and their grandchildren. Due to the infiltration of trucks, heavy machinery and the whirling and buzzing noise being generated by a substation, the wildlife will no longer migrate to our property. The natural stream that runs along the back of our property would be no longer migrate... would be no longer and would be destroyed by the economic development and infiltration of heavy machinery moving the dirt and destroying the stream. It would take away from ancestry and our heritage as we are now recognized by the State of Virginia as an American Indian tribe, the Patowomeck Indians of Virginia. We are descendants of Pocahontas. The Indian artifacts and Civil War relics that have been found in this area is knowledge that the land is part of our history, the American Indians and the Civil War. We are now in the process of filing with the federal government to be recognized as an American Indian Tribe. The Patowomeck Indians of Virginia settled on the Potomac River at Bell Plains, used the waterways for fishing, transportation, trade, and used the land for hunting, providing food for their families, heat in the winter and clothing. Just as my grandparents taught my dad, my dad taught us and we're teaching our children how to live off the land. We're very proud of our heritage and the land that we own. When my grandparents owned the land, VEPCO put the large power lines on the back of the property that was inherited by my mom and dad. My parents paid the taxes on that property for years; land that could not be built on because of these power lines... land that could only be used for future development by a power company such as Dominion. Haven't we given enough to Virginia Power? I ask you, do not allow this substation to be built. It will destroy a large part of the history of the Patowomeck Indians and the Civil War that was fought in the White Oak area of Stafford County. I oppose this substation. Thank you.

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Mr. Howard: Thank you Ms. Harris. Anyone else wishing to address the Planning Commission on either the Comprehensive Plan Compliance Review or the Conditional Use Permit may do so by stepping forward.

Ms. Alexander: I'm Margaret Alexander, the owner of the property that this substation is going to be built and I support the project and I think it will benefit the community in the future. And I have not had anyone against this project from any of my neighbors. I also say that I have been there all my life. I was born on this piece of property that this substation is going to be built and I've been there much longer than Bonnie that just spoke. And I see no reason that it's going to affect her land because her land is in the back of mine and if it was sold, it would probably have to be sold to Bell Plains subdivision or somewhere a long time than I would be living. So I've been there 78 years. Thank you.

Mr. Howard: Thank you Ms. Alexander. Anyone else wishing to address the Planning Commission may do so by stepping forward. Seeing no one else advancing towards the podium, I will now close the public comment portion of this public hearing and bring this back to the Planning Commission for further discussion. Mr. Fields?

Mr. Fields: Yes, I appreciate everybody coming out and taking time to comment. Obviously Ms. Harris and her family have some serious concerns so we will want to set up... work with Dominion to set up a meeting with them and I will also try to attend that and we'll see if we can't come to some sort of reconciliation for this. It's important to take all of these things into consideration. It's the nature of that area that everything is slightly more complex than you think because of the layers of history and heritage there involved and I wouldn't want to, in any way, misstep or overlook a detail regarding that. So, my motion is to defer until, at least until the August meeting. We'll try to arrange with Dominion and staff and the Harris' and anybody else a meeting to try to work through some of these things.

Mr. Howard: So you want to defer the Comprehensive Plan Compliance Review?

Mr. Fields: Yeah, defer until August 17th.

Mr. Howard: And also the Conditional Use Permit?

Mr. Fields: Yeah, so I'll make a motion if I get a second and we'll have to I guess do these separately.

Mr. Howard: Okay so, the first motion is...

Mr. Fields: Is for the Comp Plan Compliance Review, I move item number 8 to unfinished business on August 18th... August 17th.

Mr. Howard: Is there a second?

Mrs. Hazard: Second.

Mr. Howard: Discussion? Mr. Fields sort of explained it so is there anyone else who wants to comment? I just think that's good practice Mr. Fields and I definitely will support the motion. All those in favor of Mr. Fields' motion signify by saying aye.

Mr. Fields: Aye.

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Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? So this item is now moved to our unfinished business on August 17th.

Mr. Fields: I make the same motion for item number 9, Conditional Use Permit for the Fines Corner Substation.

Mrs. Hazard: Second.

Mr. Howard: Second by Mrs. Hazard. Any discussion?

Mrs. Hazard: Mr. Chairman, I guess, I know Mr. Fields heard sort of my concern. Maybe in that meeting...

Mr. Fields: Absolutely.

Mrs. Hazard: ... just to also and I don't mean to go out to the Sheriff's office but if there's some way to make that the safest or the best way, I would just like to make sure that we do that.

Mr. Fields: I appreciate your comments. And of course any Commissioner comments or public comments are welcome and will be included in the discussion.

Mr. Howard: All those in favor of Mr. Fields' motion signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 6-0. That brings us to item 10 during the public hearing portion of our meeting, which is an amendment to the Stafford County Comprehensive Plan which is a proposal to recommend the adoption of the proposed Stafford County Telecommunications Plan dated May 2011. Ms. Ansong?

10. Amendment To The Stafford County Comprehensive Plan (the "Comprehensive Plan") - A proposal to recommend the adoption of the proposed Stafford County Telecommunications

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Plan, dated May 2011, as revised by the Planning Commission at its meeting on June 15, 2011, as an amendment to the Comprehensive Plan in accordance with Virginia Code Section 15.2-2229. **(Time Limit: August 1, 2011)**

Ms. Ansong: Yes. Good evening Mr. Chairman and members of the Planning Commission. I stand before you tonight to present an amendment to the Stafford County Comprehensive Plan, a proposal to recommend the adoption of the proposed Stafford County Telecommunications Plan dated May 2011, as revised by the Planning Commission at its meeting on June 15, 2011. Computer please. As I stated earlier, this is a proposal to adopt the proposed Stafford County Telecommunications Plan dated May 2011 as revised by the Planning Commission at its June 15, 2011 meeting. And it's also a proposal to repeal the current Stafford County Telecommunications Plan dated June 4, 2002. The Telecommunication Plan is an element of the Comprehensive Plan. This new draft contains maps and tables with current information showing the location of telecommunication towers and the location of county properties in excess of five acres in size. This draft plan also addresses broadband communication. It also encourages the placement of telecommunication towers on county-owned properties, and it also recommends the hiring of a consulting engineering firm to assist the County with the analysis of all new tower proposals. Staff recommendation is to repeal the current Telecommunications Plan and replace it with the new draft plan dated June 2011. Any questions?

Mr. Howard: Are there any questions of staff... for staff rather from the Planning Commission? I think we're very familiar with this whole plan and process and we appreciate all the hard work and effort. Mr. Hirons?

Mr. Hirons: The only thing I wanted to clarify is, there in the presentation, you said that the recommendation was to hire a firm to assist with proposals basically. I think the intent... I was looking for where it was actually written... but I think the intent of that, and Mr. Fields you might be able to correct me, was on a case by case basis or each... basically the County not enter into an agreement, a long term agreement with a firm but as an application is received, enter into an agreement for that application.

Mr. Fields: That's my understanding and I believe the wording is like that in the plan. If this is the same plan that we've looked at several times (inaudible).

Mr. Hirons: I sure hope it is, or someone's pulling a fast one on us.

Mr. Fields: Yeah, that was the intent, that each application will require a third party review by a firm selected by the County, paid for by the applicant.

Mr. Hirons: I just wanted to make sure it was clear that the County wasn't going to be spending a monthly retainer fee when we don't have an application month to month.

Mr. Fields: Right.

Mr. Hirons: Okay, thanks.

Ms. Ansong: Thank you.

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Mr. Howard: Any other questions or clarifications? Hearing none, since there's no technically applicant, we will now open up the public hearing. Anyone wishing to comment on item 10 which is a public hearing this hearing which is a proposal to recommend the adoption of the proposed Stafford County Telecommunications Plan dated May 2011, as revised by the Planning Commission at its meeting on June 15th, which would also repeal the existing plan, may do so by stepping forward to the podium.

Mr. Michal: Good evening Mr. Chairman, members of the Commission, Jim Michal, Jackson and Campbell. I appeared before the Commission several months ago on a T-Mobile matter. I do have another T-Mobile matter pending before the Commission so we're anxious to see this plan move forward. My comment, after reviewing it, is to simply say well done, because the plan as set forth actually replicates what many of the other Northern Virginia jurisdictions have done. I welcome... I think all the carriers welcome the emphasis on use of public lands because I think the sentiment among the carriers is if we have to write a rent check why not send it to the County parks, public school system, county-owned land. By way of example, or anecdotally, Fairfax County has several leased properties to telecom carriers at fire stations, in their parks, on their water tanks, as do other local jurisdictions. The nice thing about that, typically you've got a master agreement, it's easy to come to business terms because you know you pretty much negotiate the rental terms and off you go. And it works well all the way around. The other thing, and I'll give this... maybe you can pass this out... but there was an article in the Washington Post a couple days ago about how these smart phones are now taking the places of computers. And I know, having met with Commissioner Hiron on an earlier application, there is a great need for broadband service in some of the rural areas. And the cable companies aren't going to get out there and the landline companies aren't going to get out there and the only way those folks are going to get broadband is through a wireless device. And what this article said just two days ago is that these smart phones and the iPads are going to be the computers that folks use. And if you've got a cell facility out in some of these rural areas, then they'll be able to access the internet. So it really is a good thing. It's good for public safety, folks are able to use their devices to call the police and in rural counties that's even more important because if you get caught on county road, agricultural area, without a lot of folks living around and you fall off the road and you've got to walk a mile to get help, it'd be awfully good to have a cell phone in your hand to use. So, there are a lot of good features associated with it. So I think the plan does a good job, updating it so to speak to modern technologies that we now face and we just want to move forward with the deployment of what is needed in order to provide reliable services. I did give Mr. Harvey, about four months ago, the name of a consultant that several Northern Virginia counties use and that company is Atlantic Technologies Consultants. He does and has done a lot of work in Fauquier County, Warrant County, he's actually devised Telecom Plans for Warrant County in particular, and some others, and in Fauquier he does it on a case by case basis. Very well respected, he's a professional and he knows the technology, so you get an honest report from the man whenever he's needed. So, good job. We'd like to see it move promptly to the Board of Supervisors so we can get these facilities, needed facilities, deployed.

Mr. Howard: Thank you.

Mr. Michal: Thank you Mr. Chairman.

Mr. Howard: Anyone else wishing to address the Planning Commission on this matter may do so by stepping forward to the podium. Seeing no one else advancing towards the podium I will now close the public comment portion of this public hearing and bring this back to the Planning Commission for discussion. So...

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Mr. Fields: Well, I'm happy to make the motion to recommend approval of the Telecommunications Plan as presented this evening.

Mr. Hirons: I'll second.

Mr. Howard: Okay, any discussion?

Mr. Fields: We've talked about it at length; I'd just like say again a big, big thank you to excellent work by the staff in preparing all the information we had to get through in a fairly abbreviated timeframe. It went smoothly and they did an outstanding job and, as Mr. Hirons and I have indicated, it was certainly a pleasure working with Mr. Hirons on this. I think we moved through information very effortlessly and I appreciate the involvement and the time of the two individuals from the Telecommunications Committee and all of their work as well.

Mr. Hirons: I would just echo that and actually I kind of wish Ms. Kirkman were here to vote on this because this was certainly, to a certain extent, the genesis of her statements that she made during one of the applications that was in front of us and I loved the term that she used of "these cell towers are Stafford's fastest growing crop", which is true. So it really emphasized the need for us to really take this on and sit down and figure out what the best way forward is with dealing with cell towers. And I'm particularly proud of this product and what we came up with and I enjoyed working with Mr. Fields as well as the members of the Telecom Commission, staff and the industry folks that showed up as well and provided their input. So I look forward to this being coming part of our Comprehensive Plan.

Mr. Howard: Thank you. Mr. Mitchell?

Mr. Mitchell: Mr. Chairman, I suspect this will probably be the last Telecommunications Plan I will ever get to vote on. So, because we don't update them that often, so this is a good example. And I sincerely appreciate the hard work that everyone, staff and our members here, put in for it. However, and I will say this for the last time... page 12, item number 13 specifically states that any lights should be the minimum number, the minimum intensity, and the minimum number of flashes. Now, I'm going to go back in time, I'm going to go back in time I was in Heidelberg, Germany, and I came to work one morning and I saw the strangest sight I've ever seen in my life. And that was an airplane sticking out of the Königstuhl. Königstuhl, anyone who's ever been to Heidelberg, is called The King's Seat. But half the airplane was sticking out, the other half was buried inside. Everyone inside the plane was killed. I suspect even today on the Königstuhl, they probably have the minimum number, the minimum intensity and the minimum number of flashes. So I hope and pray to my Dear Lord in Heaven that I'll never have to say I told you so because I don't want to say that. I'm just hoping that this never comes up because my fear is the minimum is not going to help us. Go back several years ago, the plane that crashed at Stafford airport... actually crashed a couple hundred yards I believe south of the airport... Again, had there been intensive marking, it may or may not have helped it. Who knows; I don't know. But that's my concern. I will support the issue. I will support the issue because I think 99.9% of it is good. I think .1% is bad. Thank you sir.

Mr. Howard: Thank you. Any other comments on the proposal before us? No? I think, you know, my comments are this, I think it's an excellent job by the Planning Commissioners who worked on it individually as a group, the Planning Commission as a whole, certainly the Planning Department... Mr. Harvey, your staff... and the external help that we received. It's long overdue. I challenge the

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telecommunications industry to kind of reinvent themselves and figure out a way, which they're going to need to do, to change the technology or spend time on how the signals are transmitted through the airwaves. So I think they have a lot of work to do on that but, at this point, this helps the County and I think it's a positive step to take. So, all those in favor of the motion on the table signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 6-0. That brings us back to item number 1 on the agenda. So, I think we left off where, Mr. Leming, you were about to have one of your expert witnesses, as it might be called, step forward and give us some information.

1. RC2900108; Reclassification - Clift Farm Quarter - Continued

Mr. Leming: I hope we're not to that point. Let me... everybody remembers what I said, right? Let me just make two clarifications. First, going back to the proffers, we had talked in response to a question from Mrs. Hazard about proffer number 4 and the timing of the dedication. That 30 day period when the dedication can be made or can be requested by the Board is actually tied to the preliminary plan; I think I said the rezoning. It's tied to the preliminary plan. So I just wanted to correct that. And, since we had all this time, I also gave you a preview of what Dr. Bellas would talk... was going to talk about but he's had time to go and compute some other numbers and some other possible ways to use the formula. So, he will walk you through all of those. So let me turn this over to him. I thought what we would do is let him talk about the first part of his presentation. If you have questions about that, that might be a good time to ask them while what he's just said is fresh on your mind. Then we have the issue of the land values which Oakleigh Thorne is going to address somewhat unrelated issue from what Dr. Bellas is going to talk about. Your all's call. But Dean, would you come on up?

Dr. Bellas: Good evening. If I may have the computer please? Yesterday I had an opportunity to come down to the County and speak with the Commissioner of the Revenue, Scott Mayausky, for a little over two hours. We had a very productive meeting. We discussed the methodology used in my report, the methodology used in Dr. Fuller's report, we talked about all the differences, the similarities, we went through step by step and looked at all the items we talked about. I think it was a very productive meeting and I think Mr. Mayausky may or may not come up this evening and talk about that. But it was a good discussion and it's my understanding that he's in agreement or satisfied with the methodology used in my report. And now that he understands the similarities and differences, things went well. Next slide please. This slide here is to reiterate what we did in the previous report and some small changes we made as a direct result of the discussion with Mr. Mayausky. Later this evening, Oakleigh Thorne will talk about the appraisals and the values. I'm not an appraiser, I'm an economist. My job is to run, you know, sensitivities... mathematical sensitivities on all the data. And so what we did here is on the single-family, we're holding to the \$457,000 for the single-family home.

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Again, Mr. Thorne will talk about that. Mr. Mayausky mentioned to me that there are no data on condominiums or very, very few data on multi-family in the County. So he went to the City of Fredericksburg and came up with an average value based on real estate data, sales of \$192,495. I used that number in our model so I greatly reduced the value of the multi-family. Townhouses we used... we dropped it from the original value in the report down to \$283,000. Using both the lower \$283,000 number for townhomes and for the \$192,000, the findings of the net fiscal impact do drop and I have a slide that will show that to you, but the project still generates a net fiscal benefit to the County. Next slide please. Mr. Mayausky also mentioned he had a question about the values of the office space. We originally had it in the model at \$225 per square foot and that was based on RS Means data; RS Means data is similar to Marshall and Swift and engineering research reports where they're a national database where they look at construction costs. And in the absence of hard data on sales, there are instances where you can use construction cost data to estimate value. However, Mr. Mayausky asked me to re-examine that and I dropped that down to \$161 per square foot for the office space. And we have the findings in the following slide. He was happy with the 150 so I did not change that. Next slide please. The student generation factors, I had a very good discussion with Mr. Mayausky. I understand where he's coming from. He's looking at the life cycle of housing and, as housing goes through a life cycle stage from young families... young couples with no children to young couples with a growing family to older couples that may not, or children who are in high school or about to leave, to empty nesters. And as we look at the life cycle of housing, over time, you know, over a 20 or 30 year period, there will be times when there's a lot of children in housing and there will be times when there's no children in those housing units. So, using the average student generation factors that were given to me by the School Department in Stafford County and, coincidentally, which are built into your proffer statements as a method to calculate proffers, we're continuing to use that in the model. I do understand Mr. Mayausky's concern about that in the early stages there may be more children and he has data to show that it goes up to 1.02 to 1.09. I don't necessarily dispute that. In the report that you have, that was given to you two months ago, I have a phasing schedule and it shows how the fiscal impacts, the benefits to the County, come in over time. So there will be times where revenues are high one year, revenues are low another year, but using average generation factors, we're smoothing out that data so there will be both housing that has no children we're still charging an expenditure cost for schools. And then we have housing that has more children than the average. And mathematically, we work it out to an average; that's the best I can say on that at this point. But we are using the official data from the School Department. Next slide please. So, hopefully you can read this. It's a little small. So, based on all the changes that I discussed with Mr. Mayausky, what I want to do again is to simply run some sensitivities. So even though, for example in the first row, even though we're using \$457,000 for the average value of a single-family home, I dropped it down to \$350,000. I dropped it \$107,000. The townhomes which were originally roughly \$323,000 for the average value, I dropped that down to \$283,000. The multi-family, we used the City of Fredericksburg data at \$192,000 in average value. For the office space, it was originally \$225,000; we dropped it to \$161,000. So the net effect, when you're looking at this, in my original report the net fiscal impact was roughly \$1.1 million a year. Using the... running the sensitivity using the greatly reduced values that Mr. Mayausky spoke to me about, the net fiscal impact is \$502,000 a year. Now, so your first reaction may be, well, you're losing roughly \$600 to \$700,000 in projected revenue. At the end of the day, as we know, we're making our best educated assessment of the impacts based on the data we have today. If you were to call me back five years from now or 10 years from now and look at these projects after they're built and children are living in these units and people are living in them and we have actual sale values, I'd be curious to see what these numbers look like. But, right now, the most important thing you should get from this is that the project still generates a positive economic and fiscal benefit to the County. It's an economic engine. And in a period in the country now today,

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where we're still trying to recover from the recession, and technically we're out of the recession but we're still coming up in fits and spurts, you know, Stafford County has this ability to create new jobs through a development project that acts as an economic engine. So, on that note, that's all I wanted to say; it was short and to the point because I know everyone's tired. And if you have any questions I'd be happy to answer them.

Mr. Howard: Thank you Dr. Bellas. Are there any questions of what Dr. Bellas just covered from anyone? Mrs. Hazard?

Mrs. Hazard: I guess... could we put that slide back up there and do we have a copy of that? Or have I missed it?

Dr. Bellas: We can get that to you. We made it this afternoon

Mrs. Hazard: Yeah, I mean, that would be... since we've now done a completely new analysis based on...

Mr. Howard: Computer please?

Mrs. Hazard: ... the new figures, it would be somewhat useful to have the analysis. I guess my concern, and I think you for moving the office figure to \$161, because that was recently in the newspaper of a purchase of buildings in Stafford. So I mean, there's some way we can get that. Unfortunately still, for me, the office at \$161 is like a huge office building and I'm not sure yet that that's what's going to go into that space. At \$225, to me that was Quantico Corporate Center which to me in that area is not going to go there. But I do thank you for moving it to a \$161 figure. I'm still not sure that that's the commercial we're going to generate in that area of the County. I believe that buildings that were purchased are fairly big large office buildings and I'm just not sure yet. I mean, you know, if you're asking for my reaction I'm just going to provide it. I do thank you for meeting with Mr. Mayausky. I think we need to in general work on how this analysis is going to work. A UDA is a new animal for us that is required. We do believe there's going to be new families there; I understand why you didn't move the figure but I believe that's something we may, as a Board or as the Board of Supervisors, needs to look at because I do believe we're going to generate a heck of a lot more children next to potentially rectangular fields. So, I just throw that out as I think this is a good process to engage in and I hope we continue to go forward like that.

Dr. Bellas: Thank you.

Mr. Howard: Okay, are there any other questions of Dr. Bellas at this time? Mr. Leming, were you going to bring Mr. Mayausky up to... I'm not sure.

Mr. Leming: I do want to proceed, if he... if you'd like for Scott to respond to what Dr. Bellas has indicated then we can do that and then we can move on.

Mr. Howard: It might be a good time for that. I'm not sure if he was planning on it but, Mr. Mayausky, by all means, I appreciate you waiting as long as you have and I'd like to give you the opportunity to address...

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Mr. Leming: I did ask Dr. Bellas, in response to your question, if the whole thing were retail and none of it were office, you still have approximately the same result; a slight diminish but essentially the same result.

Dr. Bellas: I mean, it drops (inaudible) square foot and it would be a little bit of a change.

Mr. Mayausky: Good evening.

Mr. Howard: Good evening Mr. Mayausky.

Mr. Mayausky: Thanks for having me back.

Mr. Howard: Thank you; I appreciate you waiting, thank you.

Mr. Mayausky: I don't really have any prepared statement. I did have a good meeting with Dr. Bellas and we looked at the model and I was impressed. I think the model looks good but again, with anything, it's the data that goes into it that is the concern. And that was my concern. I think my initial reaction was that when I saw the results there might be a problem with the model. But now I clearly see that the difference is in the data that's going into the model. I appreciate Dr. Bellas using the assessed values that we had discussed; I think they are more realistic and in line with the Stafford County real estate market. And I think we just genuinely disagree on the student generation numbers. I can't say that the number he used is wrong because he is using a published number.

Mr. Howard: Right.

Mr. Mayausky: That's the logical number to use. We tried... I tried to drill down though and get more into what an actual neighborhood of this would look like. And I think intuitively we all know that these neighborhoods have more kids. So that was my mindset when I started out on this project and I worked with the School Board to get specific data for specific neighborhoods. And that's where we generated... I generated the number 1.06 as an average in the three neighborhoods I looked at. That number is significant. The difference between .66 kids and 1.06 kids is almost \$2,000 per house.

Mr. Howard: Would you say those are school-aged children?

Mr. Mayausky: Those are school-aged children.

Mr. Howard: Intuitively, I'm opposite of where your thinking is. Most people want a little bit of a yard and this is not that type of development. To me, this is development where a young couple would go to or a professional who maybe doesn't have children but... or they have very young children and they don't really need that type of yard. I know Mrs. Hazard pointed out the soccer fields; those will be terrific you know in terms of an amenity that's close to your home. But I'm not sure... I mean, speaking of somebody that has four children, I'm just not sure I would even think of that, you know, as an option.

Mr. Mayausky: Yeah, I was looking at the growing neighborhoods; that was my primary goal.

Mr. Howard: Sure. Yeah, Austin Ridge to me comes to mind...

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Mr. Mayausky: Austin Ridge. Right, we looked at Austin Ridge, Leeland Station and Stafford Lakes...

Mr. Howard: Right.

Mr. Mayausky: ... as the neighborhoods. But that's a valid point.

Mr. Howard: I don't know either; I don't know what the number is.

Mr. Mayausky: I don't either.

Mr. Howard: But we use .66... that's fair to say that we do use that number and we do.

Mr. Mayausky: And Dr. Bellas and I had talked about how much we would like to do a broad study to try and determine this number.

Mr. Howard: Sure. He's trying to get consulting fees.

Mr. Mayausky: Well he is, yeah, but you know. Because this is important stuff.

Mr. Howard: Yeah, it is.

Mr. Mayausky: I mean, if Dr. Bellas' model is something we're going to continue to use and I have no reason to not want to continue to use it then I think it would be incumbent upon us as a county to sit down and say, okay, these are the inputs that we all agree on that need to go in here so that we don't have to go through this tug of war every time a new project is proposed.

Mr. Howard: Yeah, I think that's great.

Mr. Mayausky: Do you all have any questions?

Mr. Fields: Well, I have a question. I noticed in your memo, maybe you could speak to the... I noticed you listed average assessments for Park Ridge, Hampton Oaks, Leeland Station, Stafford Lakes and Austin Ridge. Those are the current basic average of value of a single-family home in those?

Mr. Mayausky: Yes, 2010 assessed values.

Mr. Fields: The higher ones, are they... is that primarily the result of lot size or square footage of the house or newness or...?

Mr. Mayausky: Lot size does go a long way to determining the value of the house. I looked at all of the sales that occurred in the last 18 months and I stratified them by lot size and there's a dramatic difference in the assessed value based upon the lot size. I drew a bright line of three acres... anything below three acres I looked at; their average assessed value is 307. Anything above three acres, the average assessed value is 431. So that lot size goes a long way in determining the value of the house because that obviously determines the size of the house in many cases.

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Mr. Fields: Does lot size... I mean, this may be... you start thinking about these questions and you realize that you know you have to spend hours trying to answer each one of these questions. But given sort of a pound for pound comparison of comparable houses, same sort of house square footage-wise, across lot sizes, does the lot size then mitigate the overall value more than just pure land value? Is there a perceived value, purchase value, or desirability value (inaudible)?

Mr. Mayausky: If I understand your question, I think the size of the house is more determinate of the ultimate total assessed value.

Mr. Fields: So if you take a 3,000 square foot house on a 30 acre lot and one on an acre and a half lot and one on a three acre lot, it's probably the house itself that's still gonna really drive the value?

Mr. Mayausky: The 30 acre lot will be more because that's dramatically more land.

Mr. Fields: Right.

Mr. Mayausky: Once you get into a neighborhood... like you'll have varying lot sizes in all neighborhoods. If you've got a corner lot that's maybe 15,000 square foot in a neighborhood where the typical lot size is 9,000 square foot, you typically won't see any price difference due to the larger lot.

Mr. Fields: I see.

Mr. Mayausky: We have a saying, once you get into a neighborhood, a lot is a lot.

Mr. Fields: Okay.

Mr. Mayausky: Developers will sell them at premiums, they'll make them sound real good, they back up to woods, but when that house resells, we haven't seen any evidence that a premium lot resells for any more than any other because people are buying into the neighborhood or the area.

Mr. Fields: Sure, okay. So these are the latest numbers you have from your latest (inaudible)?

Mr. Mayausky: Yes, they are the 2010.

Mr. Fields: Okay. And they're on average down how much from the peak of the real estate market?

Mr. Mayausky: Approximately 40%. I believe in 2008 we went down 14% and 2010 we went down about 24%.

Mr. Fields: Okay.

Mr. Howard: Is there a difference, Mr. Mayausky, between assessed value and retail value?

Mr. Mayausky: Yes, there is.

Mr. Howard: What's the delta between those two?

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Mr. Mayausky: On average we are between 93 and 95% of market value.

Mr. Howard: So about 7%?

Mr. Mayausky: There is a little bit of play there, yeah.

Mr. Howard: Yeah. How about between appraised value... I was trying to think of the word appraisal... appraised value and assessed value? Is there a delta between those two?

Mr. Mayausky: Yes, because you're dealing with opinion. We all have the same data or we should all be using roughly the same data, but it's all a matter of opinion. Two appraisers in my office can come up with different values on the same property, but they should be within reason of each other... because it's all the same data.

Mr. Howard: Right, so if you go to the website Zillow... I'm sure you've done that... you can go into a community like Austin Ridge, because I did that over the weekend, and you pick three homes. And there is a huge gap between what Zillow claims the value, the current value of those three homes are, and some of it, to Mr. Fields' point, somebody actually was on an acre in Austin Ridge which is remarkable when you think about that... but there are homes that are on an acre... somebody else was on a quarter acre but the home was larger. It was one of the larger homes built you know in the development. So, I think all of those, to Mr. Fields' point and your comment, all of that's a factor in determining those three types of values. One, it would be the retail market value, the other one is the assessed value, and then there is the appraised value.

Mr. Mayausky: Yes. I would caution that Zillow is wildly inaccurate.

Mr. Howard: Oh yeah, it's just an example of you can look at homes... you mentioned a lot is a lot is a lot and I think that's true. But to a certain extent at some point the size of your home and some of those amenities within that home will determine that retail value.

Mr. Mayausky: Yes. When you get into a neighborhood, there's a value range there and that value range will fluctuate based upon your finishes, your upgrades, those types of things.

Mr. Howard: Right. And then there's size, the square footage.

Mr. Mayausky: Yeah, absolutely the square footage is the driving factor.

Mr. Howard: Right. Okay.

Mr. Mitchell: Mr. Chairman?

Mr. Howard: Yes, Mr. Mitchell?

Mr. Mitchell: Scott, quick question. I don't want to put words in your mouth but what I'm hearing, and tell me if I'm saying it wrong, if the numbers that we looked at tonight, that were presented tonight, that you both got together and basically agreed on about 99% with the exception being the school number, .66 or 1.09 or 1.06 or whatever. So basically you agreed on basically everything except the school number?

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Mr. Mayausky: I think that's fair.

Mr. Mitchell: Okay, I didn't want to put... I just wanted to...

Mr. Mayausky: No, I think that's fair.

Mr. Mitchell: Okay, thank you sir.

Mr. Fields: Mr. Chairman? You also don't agree though on the valuation of the single-family home, right?

Mr. Mayausky: Well, we... maybe I'm not remembering Dr. Bellas' slide, he used 350 I believe, which 350... what that was, it was an average assessment looking at Austin Ridge and Leeland Station which appeared to be the most comparable to what was being built. That's how the 350 came about. But I believe he used that and if he did, then I have no dispute with that.

Mr. Fields: Then 350 is a ballpark.

Mr. Howard: Thank you, that's been very helpful.

Mr. Mayausky: Thank *you*.

Mr. Howard: We appreciate that. Thank you for waiting around too, Mr. Mayausky.

Mr. Mayausky: Sure.

Mr. Howard: Mr. Leming, the floor is now yours again.

Mr. Leming: Alright, part two. The 350, just for clarification, that was what was being worked on during the gap so we could bring that in as well. And I appreciate Mr. Mitchell's summary. Part two has to do with the value of the land being dedicated to the County, the 262 acres. And what my client did was to hire an appraiser, a very accomplished appraiser, and I want to hand out his resume to you. And he got busy very quickly and put together an appraisal and it's my understanding that you have that appraisal. Is that right Jeff? So you can follow along with him as you like. He's going to walk you through it, he's going to talk about his comparables. You may recall the issue of the Sherwood Forest comparable last time. He's going to provide some additional thoughts with regard to that. But let me give you his resume. His resume doesn't say this but Mr. Thorne has done a great deal of work in Stafford County. He's been involved in a number of condemnation cases and other appraisals, including the airport purchase, the airport condemnation case some years ago when the land was condemned for the Stafford Airport. He is very familiar with the area and although he's centered in Maryland, does a great deal of his work in this area. So, let me let Oakleigh Thorne talk to you.

Mr. Thorne: Thank you. Good evening Mr. Chairman and members, my name is Oakleigh J. Thorne. I'm a licensed appraiser, certified general appraiser in the Commonwealth of Virginia and also hold the MAI designation. You'll note on the front page of my appraisal that I've opined to a value of roughly \$11,150,000 or about \$42,500 per acre. I've been practicing in this region since 1969. Candidly I don't recall what assignments I had prior to 1990, but from 1990 on I've done a lot of bank work on subdivisions, mixed use PUDs, industrial property, commercial shopping centers, Stafford Market

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Square, and a number of other commercial centers both on 17 and on Route 3. I was in Garrisonville Road and Route 1. If you look at page 2, just as an example or discussion of the D. R. Horton acquisition, item number 10, the negotiations for the subject property, that's 501 acres of the total property, I'm here to tell you about the value of only the 262.5 acres. This is not a current value. There's no reason to appraise this property today. The dedication hasn't occurred and the entitlements are not in place. This has to be a prospective value in the future which I suspect is going to occur somewhere in the last quarter of 2012. It may deviate perhaps certainly no sooner than that but it might occur later than that. So the appraisal reflects a value what we call in the appraisal industry a prospective value in the future. Believe me, it's commonly done; when you're doing bank appraisal work, you have to appraise a vacant site and if there is proposed office building or an office building or shopping center, the bank expects you to opine to a stabilized value which may be two to three years in the future. So, if federal law requires you to appraise it as is, which is possibly a vacant site, and then to appraise it as stabilized, which means occupied, it has to get built before you can occupy it, that may be a total of about two to two and a half years from the appraisal date. So, prospective values are fairly common in the industry. The negotiations started for this property in 2005. They range between \$20 and \$70 million; \$20 million was the buyer was going to take all of the entitlement risk so the seller sold it as is... no water/sewer and no entitlements. The \$70 million for 1,623 units was based on all entitlements and all engineering work completed to gain those entitlements. Let's for the moment look at the adjustment grid that looks like this. Appraisers put these adjustments together; this is where we're dealing with comparators or analogues or comparable sales to arrive at an opinion of value. This is the supporting evidence of my opinion of value. The subject that we're appraising, the first column, is really the 262 acres... 262.5 acres and the sale date is really the date of appraisal which is a prospective date in last quarter of 2012. The first subject, or sale one, is the valuation or, excuse me, the listing of the comparable sale when D. R. Horton bought the property for \$17 million and divide by 501,000... or 501 acres roughly. The purchase price, without any entitlements, no water and sewer, was \$33,894. In my opinion, any valuation that's a bona fide sale can't be below that number. That's a fully bona fide sale among all knowledgeable partners, neither one acting under any duress. Then how do you get to \$42,500 from \$33? It's the entitlements and the water and sewer and all of the engineering, plus the enhancements of the Clift Farm amenities and it's HOA. The next sale is in Leeland Station. This was also attractive land of about 324 acres; many of these were lots, subdivided lots, but also included a number of higher density zones and this sole at roughly \$33,915 per acre but recognized that there a number of platted lots already existing in this Leeland Road sale. Let's, for a moment, concentrate on sale number 3, the Sherwood Forest Farm. The transaction that I used, I used one of three transactions that surround this property. This, the sale that I've used, is a sale to a group out of Canada that basically syndicates property for foreign investors; in this case they're mostly Chinese investors. They bought the land for... bought land of 529 acres and it sold for \$14,138,743. The reason for that odd number is there were some interest charges between the contract date and the actual closing date and this is what makes for a very odd sale price. Silver sold about 300 acres in October of 2010 for \$10,000 per acre. And then another party sold to the same group, the Walton VA LLC, the same group, another 300 acres were also sold from some other group to Walton that were abutting this property but not related to the Silver Group or the Silver Companies. If I were to use that entire sale which totals almost 1,200 acres, at roughly a price of \$17,000 per acre, I would have to make considerable upward adjustments because I'm only appraising 262 acres. I think everyone understands the economies of scale. If you go to the supermarket and buy 10 pounds of sugar, you pay a lower price per unit than you do when you buy one pound of sugar. It's more land, a lower price per unit. There would have to be considerable size adjustment. The two transactions that surround the 529 acres were sold at \$10,000 an acre; they do not have the features of the tract that contain 529 acres. In fact, one parcel was totally backland with frontage on only one minor road; I think it was Farm Lane.

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The 529 acres, only about 110 acres of that fronted on Route 3 and was somewhat engineered to a degree where there was an attempt to get a pump station, a sewer treatment facility going, and sewer lines. I used only the 529 acres as the sale price for the \$14 million and it came up to about \$26,700 per acre. The other two sales are zoned A-1 and these are much smaller and appropriate adjustments have to be made to these sales. You will note that the range, in my opinion, is from somewhere between \$42,500 up to \$45,000 per acre and I opine to a value of about \$11.15 million or \$42,500 per acre. If you go to page 3, you'll see some analysis about the value opinion and how that value opinion affects possible home prices that would occur upon this property at my value estimate. Now recognize, as we say in the industry, you're not going to get product out of the ground. Product is a home out of the ground until probably 2013, maybe 2014. If you look, the expected delivery of finished home product is not expected until late 2013, and given that framework I suspect that there's going to be about 75 lots that could be developed on the 262.5 acres with 3-acre zoning. The issue is that I took off about 15% for the loss of land for roads, easements and so forth. Certainly the power line will be part of some of the house lots. But there's some areas that won't be suitable for development or roads, so I deducted about 15%; you divide that by the 3-acre home sites, you get roughly about 75 lots. If my value is correct in using two other inputs that come from the building industry, the cost to finish the lot... because this \$11 million is a raw number, platted part of Clift Farm where lots would have benefit of the enhancements and the amenities of Clift Farm... I'd have to build infrastructure, utilities and roads, \$60,000 per lot and then I'd use a ratio of about 45%. The ratio is the land finished lot price to the helm price. These are not my calculations; I didn't come up with these. This lenders/dirt brokers/builders all use these very same calculations. And using the input of \$60,000 finish the lot and a 45% ratio produces a finished home price of about \$463,900. Now if you go back and look at my table of sales that I had for single-family, that takes you back to the 2009 numbers because we have had a peak in the value in the occurrence of those numbers. I've not run the same analysis for townhomes. Actually, if you look at the list of townhomes, the townhomes have actually increased on an annual compound basis of 6.5% per year. Recognize that I only went after townhome sales that were built, newly built; I didn't take older second generation/third generation townhomes. I looked at townhomes that were built between 2008, 9 and 10 and 11 for those sales only; with sales occurring, the actual sale prices, or the sale transactions, occurring in 2009, 10 and 11. So they've actually increased roughly 6½% per year. I have not opined the condominium values because I couldn't find any and chose just not to go search Fredericksburg. That's my...

Mr. Howard: Thank you. Just a quick couple of questions Mr. Thorne. The purpose of your analysis was to determine the value at what point in time?

Mr. Thorne: The appraisal... the letter states the first quarter of 2012.

Mr. Howard: Is that a common practice where an appraiser would come in and make a determination on the future value of property that is six to twelve months from now?

Mr. Thorne: Oh, absolutely. As I explained, it's common practice for all federally chartered banks that when they're making a loan, which they haven't made recently, on a building to be built and they've obtained an appraiser to appraise the value of the land as it is today, vacant, then the appraiser is given a set of plans for the building. And he sees the developer's marketing plans and has an understanding of the leasing rates and how fast that space can be absorbed. He knows the construction schedule... he being the appraiser. The bank is going to ask that appraiser we want your stabilized value in the future of this property, and so you create a pro forma that may be as long as three years away.

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Mr. Howard: Well, most people would create probably a five year pro forma at this point, but there's a year one starting point. So you would start at you're here and now and then in your pro forma you would, over those five years, would extrapolate the numbers as you've projected...

Mr. Thorne: That's correct; you have to...

Mr. Howard: ... using that similar methodology.

Mr. Thorne: That's correct. You have to look at current... as we do with the fiscal analysis, we're taking our view, our view of the future and the current prices at just as they're shown here.

Mr. Howard: Right. So, we're in the here and now and if you go back to your table and you look at cell 3 which has been... I think Mr. Mayausky, the last time he addressed us... felt that was a pretty good comp for the value, and you looked at your raw sale price per acre, you're at \$26,727. If you went to a bank today and you said yes, that's my raw value but I'm actually going to carry that at \$42,500 and by the way, Mr. Bank, I want you to give me \$42,500 per acre, you know, because trust me... are they going to do that?

Mr. Thorne: No. What they're going to do is develop what they call an ADC loan, Acquisition Development and Construction loan. The bank will lend you 50% of the value of \$26,727; they'll give you that money. Then as you develop infrastructure, you're going to submit construction loan draws and the construction loan draw plus the acquisition price of \$26,000 constitutes that future value, roughly about 70-75%. So there's going to be some built-in equity of 25% in the project.

Mr. Howard: Good answer, thank you. That helps.

Mr. Thorne: You're welcome.

Mr. Howard: Any other questions for Mr. Thorne?

Mrs. Hazard: Yes.

Mr. Howard: Okay; Mrs. Hazard?

Mrs. Hazard: Have you looked at the... right now on this project there is an approved subdivision plan for 114 single-family homes... 141, excuse me. How did that... did you use that to decide what was going to be available on that 262 acre lot because there's the perfect way to figure that out? Is that correct?

Mr. Thorne: That's correct. I looked at a vacant 262 acre tract that does not have complete all, in all of its entitlements and all of its approvals and all of its engineering complete until the last quarter of 2012.

Mrs. Hazard: No, but my question is, you're assuming a brand new subdivision on 262 acres. We have one that's already on the books for 141. Why would we not be using, to get some sense of what that means? I guess I'm just trying to understand how this appraisal works because we have something that's out there.

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Mr. Thorne: I don't believe you can get 141 lots on 262 acres.

Mrs. Hazard: I don't believe so either. But you have a...

Mr. Thorne: But I'm appraising it by-right as an A-1 with 3-acre lots.

Mrs. Hazard: It is by-right and you have a subdivision that's approved... okay. Well, we're just going to disagree on how that should be appraised. But to me that's taking out something that's already approved and on the books of something because I have been told right here by the client's representative, well fine, we'll just build the 141 lots. Well, then that gives me some sense of what you can put on there.

Mr. Thorne: Well, if you can put 141 lots on this tract, it's worth a heck of a lot more than \$11,150,000.

Mrs. Hazard: On the entire tract of the 500? It's an approved subdivision on that 500 total tract.

Mr. Thorne: I understand that. I've been asked to look at only the 262.5 acres. And I recognize that the other section may have its approvals, or some of its approvals, but I am dealing with A-1 ground on the east side of Eskimo Hill Road as vacant and suitable for A-1 development.

Mrs. Hazard: Okay. We are talking a lot about... of saying well this appraisal would be used by a bank. This appraisal is not being used by a bank.

Mr. Thorne: This product that I produce cannot be used by a bank. This is not a full USPAP compliant appraisal. This is a designation of my opinions should a full appraisal be requested by my client.

Mrs. Hazard: So this is not... since I'm not an appraiser, tell me what the difference is between what you've done and what a certified appraisal would be.

Mr. Thorne: About 60 pages and this has been distilled down to five or six with the attachments. But when I do the 60 page appraisal, it'll be consistent with every statement that's made here.

Mrs. Hazard: But you're not willing to say this is a full appraisal that a bank would use.

Mr. Thorne: No. A federally chartered bank has a requirement to use a USPAP code compliant report.

Mrs. Hazard: Okay.

Mr. Thorne: But the values at all my conclusions are going to be the same. There's no intention to have any difference between these six pages and 60 pages of a report that would look at all of the factors that go into... that's in my file and I've complied with USPAP because my file contains all of the information that would be necessary to produce that code compliant appraisal.

Mr. Howard: Mr. Thorne, would it be fair to say the difference though from a bank's perspective, should this have been a full appraisal, they would probably look at the raw sales price per acre and if you were looking to finance the purchasing.

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Mr. Thorne: Oh, absolutely.

Mr. Howard: Yeah, okay. Thank you.

Mr. Thorne: They would... well, many of the home builders do have access to capital; it's favorable in its interest rate (inaudible). And as I said at the outset, the \$17 million price is going to be considered an adequate or a bona fide and it's going to be used to finance the acquisition. Perhaps 50-60% of that would be used by the bank to fund the acquisition. Then what they would do is take the \$10,000 per acre difference that I have between \$33 and \$42,500 roughly and they would come up with their infrastructure funding for the construction loan so that at the end we have a value that's consistent with a value that I've reported here.

Mrs. Hazard: Again though, the purpose of this appraisal or this assessment... I'm going to even call it an assessment... of what this land is worth is not going to be for a bank. The County is not being asked to finance this transaction. We are being asked to take \$11.9 million and say that that can waive cash proffers. I have a difficult time saying that we are going to use a future value as a County policy going forward to assess how the County should purchase, received donations and property. Just maybe that's an issue I have but I think that there is a real danger in us as a County going down a road that we are going to take prospective values to evaluate waiving current cash proffers. And you may not... that's just a general (inaudible).

Mr. Thorne: That's a legal issue. All I can say is a current value has no impact at all because we're not there yet for the complete dedication. We can't dedicate this; we're not going to... my client's not going to give the land away at this point because we're not at that point where proffer dedications are appropriate. We're at least a year and a half away, so any current value is not reflective of what will actually exist when the proffers are in place and all the entitlements are in place.

Mrs. Hazard: I still think that a current baseline which we have really pretty much talked about that a bank would even be required to have is somewhat useful.

Mr. Thorne: It's there... \$17 million.

Mrs. Hazard: How often in an appraisal do we use the current property as a comparable?

Mr. Thorne: Absolutely every chance we get. We have to. The USPAP requires it. We have to. If we're not, we're in violation of USPAP guidelines. If a property just sold and we don't use it, we're going to lose our license.

Mrs. Hazard: No. The property... oh, the \$17 million though is this current property.

Mr. Thorne: Is the 501 acres.

Mrs. Hazard: Correct.

Mr. Thorne: Correct.

Mrs. Hazard: Very rarely in any appraisal do I see in a residential the prior time that that house sold being used as a comparable for telling me what it's worth today. But maybe I'm in the residential area

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but that just doesn't seem to make sense because what somebody paid for it five years ago doesn't tell me what it's worth now.

Mr. Thorne: Well, it's a matter of finding all the sales that you need. And in this market it's very difficult to find comparable sales.

Mr. Howard: Okay, any other questions for Mr. Thorne? Thank you.

Mr. Thorne: Thank you.

Mr. Howard: Mr. Leming?

Mr. Leming: Let me just add a couple of things to his presentation and I know you may want to hear from Scott. There is something unique about this appraisal because of the last point that Mr. Thorne made. The dedication does not occur until a zoning has been approved, until the preliminary subdivision plan has been approved, and maybe not even then. So, you know, that's the issue with regard to trying to assess it presently. What is the value of that? But, in response to some of your concerns, remember the second portion of Dr. Bellas' analysis was to take the total current cash proffer guideline amount, we add them all together, for these units which comes to \$20.7 million. Now, let me add my footnote; we have serious issues with the methodology used for the current cash proffers. And you know my opinion about that and the likelihood and my view that you'll ever see an application willing to pay those cash proffers. But, for the sake of our argument, assuming that we use that number, what Dr. Bellas is to take the value of our infrastructure and add it up and compare it... not across the cash proffer categories, guideline categories... but to add it up and compare it to the total proffer amount. And in our latest calculation, we were approximately \$6 million, including the water and sewer improvements, over and above that. Now, what happens? Why is the value of the land that comes to the County important to the point that we really try to nail down what that amount is, and bring in appraiser and have the Commissioner of Revenue talk to you and try to figure out what the value of this is? It's not because it is in the final analysis essential that a value of \$45,000 per acre be assigned to this land. That's not a critical part of the analysis. What we did was to go back and drop that amount, drop that amount significantly, and using the comparables that Oakleigh Thorne came up with, we looked at the \$26,000 for the Sherwood purchase. If there's objection to using the amount that was used for this property, all of the other comparables, or the two other major comparables, Leeland Road and Sherwood, are in that range. So what we did was to drop the value of the proffered land acreage all the way down to... well, we went as low as \$22/24,000. Making that adjustment, actually cutting the amount in half and not even reaching a median point between the figure you heard last time about Sherwood Forest with regard to that, the \$17,000 per acre which Oakleigh Thorne does not agree with, it's not even the median point there. And we still exceed our total valuation, all of the infrastructure value, still exceeds the current cash proffer guideline. We can drop as low as \$24,000 per acre and still reach that amount. So, it's not a critical analysis. The \$45,000 is not absolutely essential. We think that the land is worth what Mr. Thorne has told you it's worth, and I think the key there is that it hinges on that future dedication, not what the land is worth today because nobody's dedicating land today, so that has to be factored in. But, even if we cut that amount in half, even if we come down to \$24/\$26,000, our total cash proffer package still exceeds \$21 million and the County figure is \$20.7 million. So, that's where we are. I think either way we get to a point where this is a very valuable piece of land that is coming to the County unprecedented in terms of the amount that's coming in.

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Mr. Howard: Thank you Mr. Leming. Mr. Mayausky, I'm not sure if you wanted to have another shot at the podium or not but, since you're still here, we'll give you that option. And that would be a yes; he's on his way down. While he's coming down, Mr. Leming, would you stipulate to putting the sum of \$26,727 on the valuation of (inaudible)?

Mr. Leming: We want you to know that we can come to that number and still meet the current for what it's worth, and still meet the current cash proffer guideline total (inaudible – not at microphone).

Mr. Howard: Okay, that was a yes. Mr. Mayausky?

Mr. Mayausky: Thank you. First let me... the reason why the \$45,000 was important initially was because it was part of the initial proffer proposal. I'm certainly not privy and don't expect to be privy to all the information that you all are. I haven't seen any new recalculation with the \$24,000 value.

Mr. Howard: Oh, okay, I thought you had a copy of this.

Mrs. Hazard: Do we have that? And I'm sorry... am I missing... which page?

Mr. Mayausky: I don't need it, I'm just saying I haven't seen it.

Mr. Leming: (Inaudible); we did not have the number until this afternoon.

Mrs. Hazard: Okay, because that will be useful because I don't see (inaudible).

Mr. Howard: Mr. Mayausky, you have the table that Mr. Thorne was referring to? Or you don't have that?

Mr. Mayausky: I do; I have Mr. Thorne's appraisal.

Mr. Howard: That's the number I just referenced, the \$26,727 for the Sherwood Forest Farm which is the raw sales price per acre based on Mr. Thorne's analysis.

Mr. Mayausky: Yes, I do have that.

Mr. Howard: Okay.

Mr. Mayausky: And that seems like a much more reasonable figure than the \$45,000.

Mr. Howard: Yes.

Mr. Mayausky: I don't really have any comments based upon Mr. Thorne's presentation. I think there were a number of issues that were raised and I think that they're legitimate issues. And I think what I would recommend to the Board before this moves forward is that the Board hire an appraiser to value that property at the time of dedication. I can understand for planning purposes us doing something differently but I can't understand the County basically purchases it, outlaying that cash or deferring or not, you know, writing that amount of money off without having an appraisal in hand. I mean, I can't even buy a desk for my new office here without getting three written quotes. We shouldn't be able to

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write off \$10 million or \$5 million based upon a seven page document. That's the only comment I would make about Mr. Thorne's appraisal or letter, I'm not sure which it was.

Mr. Howard: It sounded like it was a memorandum perhaps, not an official appraisal. Thank you.

Mr. Mayausky: You're welcome. Any questions?

Mr. Howard: Any questions?

Mr. Fields: Yes.

Mr. Howard: Mr. Fields?

Mr. Fields: So, and this is sort of a broad question... I don't know... just asking Mr. Mayausky and I would ask other people to possibly respond to it. What gets nebulous in my mind and hard to get around here is we're starting to shift numbers across time here.

Mr. Mayausky: Yes.

Mr. Fields: And I'm not sure that we're shifting equivalent numbers across time. If we're saying this is the value at its point of dedication likely to be end of 2012 or later, and this even at the lower value exceeds the cash proffers, but have we shifted the value of, you know, the value... I know people argue with the cash proffers but I've looked at that methodology for 12 years. I mean, it's a fairly straightforward assessment of what the County actually spends providing services to its citizens and what the infrastructure cost is of that. And so if that doesn't accelerate... if we're not accelerating that under some similar methodology of change over time, it seems that we may be getting apples and oranges here.

Mr. Mayausky: I think you're right. I didn't make that point, I didn't make that note. In this original analysis it seemed pretty hard and fast and dedicated to 2010; 2010 assessed values, 2010 costs, and that kept everything consistent. But you're right... there's a lot of dates floating around now and I think it is important to come back to a point in time and make sure that you're, you know, if you're costs are going to be... or your revenues are going to be estimated at that point, well your expenses do too. That way everything, you know, the ledger book is balanced so to speak. It's all apples to apples at that point.

Mr. Fields: Okay.

Mr. Howard: Yeah, that's a great point. If the expenditures weren't estimated at the same rate of growth, then it's really not a valid survey.

Mr. Fields: Thank you very much Scott.

Mr. Mayausky: Thank you.

Mr. Howard: Thank you.

Mr. Mayausky: Thank you Mr. Chairman.

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Mr. Howard: Thank *you*. Mr. Leming? So, the question was, you know, for the purpose of moving forward and I think Mr. Mayausky brings up a good point, there might be another point in time where all of us would want to get a third party involved to have the value appraised so your client is getting the full benefit of that as well. I know you feel like you've done that but from the County perspective, we might want to get another appraisal at some point in time.

Mr. Leming: Well, the key is what you said at the end there; at some point in time.

Mr. Howard: Yes.

Mr. Leming: You know, obviously, from our standpoint, we think that we have addressed the questions because we've answered them so many different ways. As far as the first part of the analysis is concerned, we've used the values that we got from Mr. Mayausky, except for the school children, and I don't see us changing that unless the County changed its number. And that is the official number and it's the countywide average and we think that's the valid school number to use. Now, with regard to the appraisal, I understand the point with regard to perhaps getting an independent appraisal. And you all have to decide whether that's something that is important to this process. I hope that you can do that as... in the same timely fashion that Mr. Thorne produced his work and that we can move the process along and not get too far behind that eight ball. And I say that because I think that our willingness to come down substantially from the \$45,000 really discounts the importance of... not that Oakleigh Thorne's appraisal is not a great appraisal... but discounts the importance of the number that he came up with because we don't even need that number. And it seems to me we really are at a place where we have moved so far in the direction of the County that the reasonableness of the value that we're now suggesting be used for that part of the analysis. Keep in mind that I am not at all convinced that this is the appropriate bar to be used here. We got into the proffer guidelines because we thought that they would come up, and they did, and thought we should be ready to address them. But we are dealing with something different here. We're dealing with UDAs and we're dealing with a different kind of infrastructure and a different way of providing the infrastructure and giving the County a finished product that the developer builds rather than money that is spread out over time that the County may or may not get around to using for the purpose that it was originally intended. The proffer system simply has not worked well and will not work well. So, all of those need to be factored. What I want to say to the Commission is that if it is the will of the Commission, I don't want to rush this process to a point where it hurts my client. I'm anxious that the process move forward. If you believe that you need extra time, we're willing to extend. This is the night that you are supposed to act on this and, as I've just reiterated, I think that there is a basis for acting on it because we've come down so far on the appraised value.

Mr. Howard: So, you are... Mr. Leming, you're willing to stipulate to the \$26,262 which is the raw sales price that Mr. Thorne (inaudible).

Mr. Leming: That analysis, the comparison with the total cash proffer, still works.

Mr. Howard: And then to use Dr. Bellas' most recent, you know, analysis from this evening, the table that we were shown on the PowerPoint that was on the computer which used the values from Mr. Mayausky's... well, the agreed-upon value...

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Mr. Leming: Yes. Well, they were Mr. Mayausky's values. Our values are still our values; they come directly from Horton. We engaged in both of those analysis to show the validity of what we've done in both regards.

Mr. Howard: See, I think that there's probably a need... I'm not sure there's a need to "hold us up" at this point, but I do think there is a need to agree, both the Board of Supervisors and the Planning Commission come to some agreement on the methodology in terms of how these valuations are prepared, to include input from Mr. Mayausky's department. I mean, that's what he does; he assesses property values in the County. That's his day job. And we ought to leverage those values and talk about the here and now recognizing the applicant has the right to say yes, that's true, but 18 months to 24 months from now is more probable when I'm going to dedicate that property. So you may have two valuations running in tandem but, at the end of the day, we just want to make sure that we're giving the appropriate credit at the appropriate time. And it would be the same for the proffer; we would do the here and now proffer... we would never say let's add on cost of living, you know, for two or three years down the road.

Mr. Leming: You do that with the proffers.

Mr. Howard: Well, there's a methodology built into the proffer that does some of that, yes, but it doesn't do that in totality.

Mr. Leming: You know, if it helps move the process along... we've done what we thought was reasonable. We moved to make the case simply that the analysis still shows a positive benefit to the County from a fiscal standpoint, even if we use the Commissioner's values for houses and if we drop the second part of the analysis that we still obtain the total for the cash proffer guidelines even if we drop the amount per acre to \$25,000.

Mrs. Hazard: Mr. Chairman? Maybe it's me... the last chart that is provided in our packet that assumes 220 at \$45,000, that's our chart; the last page on our handout. If you plug in \$26,727 instead of \$45,000, and I'm not sure if that's how you did it but that's all that we have, I come up with \$14.9 million.

Mr. Leming: Well, that's because all of the infrastructure has not been added in. The utility costs are not included there.

Mrs. Hazard: I will tell you it will be very hard for me to vote on something that I can't see that you have met that proffer. You know, that you have met that full amount. I understand... I'm not trying to go to your integrity... but right now I have a chart that I've put in \$26,727 and have come up with \$14.9. You say that there's additional things to be added... I don't know what those are.

Mr. Leming: It simply is the utility costs. I understand the point. The thing is somewhat... the thing that the County is going to have to deal with at some point is the validity of the cash proffers even totaled in the manner that we did here. We did it in a way of preparing for questions that would come up, but that amount there is still a significant question I think as to whether or not that is the appropriate bar which we do think we meet.

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Mrs. Hazard: And Mr. Leming, I would agree with you. Unfortunately, I have a memorandum dated December 10th saying this is what the cash proffer guidelines are from the Board of Supervisors; we cannot change that here. We may want to but...

Mr. Leming: Well, you also have Comp Plan language that says here's what the developer is going to do and it's inconsistent with the cash proffer guidelines because it requires that we do certain things and provide certain completed products that go far in excess of what the cash proffer guidelines would be for any given category. The best example of that is the soccer-plex. That is something the developer is required to do under the Comp Plan language. But it so far exceeds the Parks and Recs' category for any kind of development that it... that's why we can't do both. That's why we're looking at totals and not the categories.

Mrs. Hazard: Although you say it is clear from the Comp Plan that there was an expectation that cash proffers were going to be waived, I will tell you having been accused of going way out of bounds, I am not willing to jump out that far.

Mr. Howard: No, I don't think Mr. Leming just said that cash proffers would be waived, I think what he said is from his perspective and his client's perspective is they couldn't accomplish both and they're trying to...

Mr. Leming: And you have an ambiguity now.

Mr. Howard: Well, I'm not even sure if that's the case. I think... it's not one of the other, I think it's probably more of a combination of. And the original premise behind the Comprehensive Plan that was just adopted is to try and have developers participate and help provide infrastructure, which was not occurring in the past, and help provide amenities, which was not occurring in the past, to offset, you know, some of the impacts that the new development would have. And at no time did we ever throw the proffers of the proffer guidelines out but, you know, we've entertained this whole process because it is a good point; it's a valid point. I'm not sure what business entity today could do both. So... but I'm not sure that was the goal either. I think it was a combination of... you know, and in your proffer statement that you reviewed with us earlier, you're going to make some cash, not a lot of cash, but \$56,000 was one and there was some cash in there. And that's the goal of this whole UDA planning process, as far as the Comp Plan is concerned in Stafford County. So, the goal was to have both and try and get the best of both worlds for the Stafford County residents.

Mr. Leming: Well, we're at your disposal and I will extend to your August meeting is that's your druthers. I'm not enthusiastic about a lengthy process where we spend several months getting another appraisal together, but I think that is something that could be accomplished if the Planning Commission wants to do that by the next meeting.

Mr. Howard: Thank you. Are there any other questions for the applicant? No? Okay. I'll bring it back to the Planning Commission for discussion. It's in the Falmouth Election District... or will be... or is now actually officially.

Mr. Hirons: I think they were adopting it. I think we've got a lot... a significant amount of new information tonight. I most certainly don't have the appetite of giving my approval of this at this point so if the applicant wants to... is willing to extend, I would prefer to extend to make our new deadline our first September meeting.

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Mr. Howard: I think we'd have to actually call a special meeting, Mr. Hirons, in order to meet the August 16th deadline, which we can do if that's the will of the Commission.

Mr. Fields: (Inaudible – microphone not on).

Mr. Hirons: Right. As I understood it...

Mr. Howard: I'm not sure if that is...

Mr. Hirons: Perhaps our new attorney can make her first... give us her first opinion on what's available to us.

Mr. Howard: Yeah, well we can ask Ms. McClendon and I think... I recognize that the applicant is willing to extend the deadline. I'm not sure from a procedural perspective if that is in fact appropriate at this point since we're under a deadline because this was given to us at a certain point in time from the Board of Supervisors. So... Mr. Mitchell?

Mr. Mitchell: Mr. Chairman, I'm just a little concerned. I see something happening in the future. I sincerely hope I'm not here for all of it. Are we going to hire appraisers for every project we approve?

Mr. Howard: I don't know.

Mr. Mitchell: And... bear with me, bear with me... and if so, do we need to have the Board of Supervisors give us a special budget for appraising every time a new project comes in? Are we setting a precedent now that if our numbers and their numbers don't jive then we hire an appraiser and then, you know, extend the process...

Mr. Howard: Yeah, I hear what you're saying. My thoughts for this evening were to, if we moved this forward, to include a recommendation to the Board of Supervisors that they either involve us or include us in agreeing or recommending and agreeing to the valuation methodology that, whether we use Dr. Bellas' model I'm not sure, but a way to develop the valuation methodology not only for the dwelling units or dwelling types, the retail, the commercial building, as well as the acreage and the property. Because I think... I said I think we can do that. We need to do that anyway. I'm not sure it has to hold this applicant up especially since they've conceded they don't technically know the correct value anyway and they've dropped it down to... they're willing to drop it down to \$26,000 they stipulated, as well as using Mr. Mayausky's numbers on the housing which is probably a more realistic number in today's world. So, is that right? I'm not sure that that's right either. But to hold this up for another week or two, I don't know what will be different. I'm not sure there'll be anything different.

Mr. Mitchell: But I'm not real comfortable with September. You know, September's another two months off.

Mr. Howard: I love the fall myself.

Mr. Mitchell: Pardon?

Mr. Howard: I love the fall, September. I'm just kidding. That's my point. I don't know that that helps us. Which aren't you making the same point?

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Mr. Mitchell: I'm not... like Scott said tonight, he needs three bids to buy a desk. Are we going to need three or five bids to get an appraiser?

Mr. Howard: No. I don't think so. I don't think that was recommended. But I think understanding the methodology is probably the more critical piece and it sounded like there was agreement from Mr. Mayausky but the input, the values of the input s were necessarily in total agreement. I don't know if anyone else has a comment. I don't know that we can... I mean, I'll defer to our new attorney, Ms. McClendon, if she has the answer for that; if we can actually defer to our August meeting which is scheduled a day past the deadline. And I thought because it was given to us from the Board we have that deadline where we actually need their permission to extend with the applicant's agreement as well, from a legal perspective. I could be wrong.

Ms. McClendon: Based on my understanding, I think you're correct Mr. Chairman.

Mr. Howard: Thank you. So, we can schedule another meeting, Mr. Hirons, if that's your desire. I know we didn't really get new information; what we got was...

Mr. Hirons: Well, we had a PowerPoint shown to us that they don't even have printouts for that they did during the lengthy public hearings. My time's very limited over the next three weeks to be able to attend a special meeting, so you can throw out some dates or someone else can make a motion on this issue.

Mr. Fields: I'll make a motion to recommend denial.

Mrs. Hazard: I'll second that for discussion.

Mr. Fields: My motion is based... I always appreciate people making an effort. There's a lot more to just hitting certain... precise fiscal targets and approving a massive change of land use. There always are and it's very easy to get... though the exercise is good because we're hitting uncharted territory with UDAs, and the application really of the first TND Ordinance, and we're hitting some snags I think that are pretty substantial. My reason for denial though is really based on a very simple process is that (a) I never have supported the location of a UDA there. I never supported the location of a development there. I feel it's an isolated development and I feel there's really only one criteria in the modern world of Stafford for valid residential development which is collocating with serious employment opportunities. I don't mean, you know, a couple of strip centers and a doctor's office. I mean, you know, I've always advocated Courthouse and Boswell's Corner... serious living wage career employment where people can live and work in the same place. That's always been the intent of new urbanism and I think people in the development industry have shaped and molded very creatively those ideas to create a small 500 and some unit subdivision with a small amount of commercial, fairly physically isolated from the existing urban densities. That's reason alone to recommend denial. It's just simply a bad concept from a land use perspective. But the elimination of cash proffers... remember, just because we're getting equivalent numbers and dedications of certain types of things that they're doing, it means we're not getting the money dedicated to build schools. You know, we're getting transportation things, we're not getting the money to build schools or build parks or help defray all of the cost of government... the infrastructure cost of government which every house that's built in every county everywhere incurs. And if there's not a contribution, Mr. Leming and I have had many discussions about cash proffers. I've always been reluctant that we chose to not do the impact fees. The impact fee is probably the most legitimately fair way. But in the absence of impact fees, cash

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proffers is all we have. A cash proffer may not be a perfect number but it's a number calculation in hand and defined. What we're being asked to do is throw away that defined infrastructure cost and allow this other number to substitute for it which doesn't provide the money for those infrastructure costs. And so, just like with every other development that's occurred in Stafford County virtually for the last 20 or 30 or 40 years, what's going to happen is the taxpayers of Stafford County are going to pay for those infrastructure costs therefore subsidizing the profits of D. R. Horton. People I represented for eight years and continue, the part of the County that I know and live resents that, doesn't want any part of it, I've never wanted any part of it... doesn't mean I'm anti-development. But if it doesn't pay its own way and I mean *really* doesn't pay its own way, then it's not a good deal for the County. And I don't think this is a good deal for the County on many fronts.

Mr. Howard: Any other discussion?

Mr. Mitchell: Mr. Chairman, I'll make a substitute motion that we postpone this till August the 17th meeting, come up with a resolution of some sort, and if there's any data someone needs, if that gives ample time to get a PowerPoint, they could mail you a PowerPoint to your house or whatever or we'll show another one here. My motion... substitute motion is to defer this till the August the 17th meeting.

Mr. Howard: Is there a second?

Mr. Fields: I thought we were just told that we couldn't do that?

Mr. Howard: Well, hearing no second the motion doesn't occur. So we're still on the main motion and...

Mr. Rhodes: Would there be... if we were to attempt to have special... if we tried to do something on the 3rd or the 10th, I mean, is there even the time to advertise it?

Mr. Harvey: Mr. Chairman, Mr. Rhodes, there is ample time for public notification if you wanted to have a meeting the first week of August.

Mr. Howard: Again, I just go back to I'm not sure what's... there really isn't anything different so I'm not sure what we would accomplish at another meeting. I couldn't disagree with Mr. Fields more. I think this is a great opportunity for the County. I think it's a good location for an Urban Development Area as well as redevelopment. I think that that is an area in Stafford County on Route 1 that is in serious need of this type of growth and development and would really enhance that part of Stafford. And I'd look forward to something like this as well as the other UDA locations along Route 1 to be built and developed and have people live, work and play right there, right along the Route 1 corridor in Stafford County. So, now I recognize that's the difference in the perspective that we both have and we're allowed to have different opinions. In terms of the proffers versus the UDA language, in terms of dedication and turning over property, I mean, that was the methodology that we all agreed to. Well, not all of us but it was 5 to 2 that we agreed that that would be a strategy within the Comprehensive Plan. And we would look for that in redevelopment areas and Urban Development Areas where a developer would participate by way of providing, whether it's acreage or it's infrastructure or, in this case, it's park land with park being built as well as potential school locations, as well as infrastructure. And I think that's all a positive for the County in the long run and the short run. So, I do think there's a need to come up with a methodology and I would like to see that as part of, you know, however this

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motion turns out, but where we agree to what the valuation methodology is going to be on these types of developments. Is there any other comments?

Mrs. Hazard: Yes, Mr. Chairman. You know, I have struggled with this because... and I have put in the numbers in the chart and I cannot come up with the \$20 million figure. And I think I cannot vote on something tonight that, you know, we have asked that to the maximum extent possible the County should collect funds from land development projects to pay for the cost of growth and development; that's one of our things... I realize we have the UDAs as well. Perhaps there's conflict, perhaps there's not. I am of the opinion there's going to be a melding of those things. But land dedication without the infrastructure that goes with it, at you know somewhere between \$11 million and \$6 million, we need to be more precise. And tonight to not really have a piece of paper in front of me that shows, even under the assumed values... and I appreciate that we have sat and argued over these values. It's only going to get us to a better product. But right in front of me right now I do not have a document that shows me that yes, even under a \$26,727 number, we meet that cash proffer value. Whether or not we agree with the cash proffers, that's what we are required to at least examine as what the cost of new development is. That's the only standard we have right now from the Board of Supervisors. Therefore, at this point, based on the information I have in my possession, I am willing to move this forward but with a denial saying that we certainly need more discussion of how this is going to be handled.

Mr. Mitchell: Mr. Chairman, in my honest opinion, I think this short delay would give Mr. Leming's group the chance to show me...

Mr. Howard: Mr. Mitchell, it cannot occur unless we call a special meeting.

Mr. Mitchell: What's that?

Mr. Howard: We cannot delay this unless we call a special meeting. Is that... I mean...

Mr. Mitchell: My opinion, and this is just my opinion, I'm hoping that Mr. Leming would agree to the short delay (inaudible).

Mr. Howard: He does agree but we cannot because under the Board of Supervisors, the Board of Supervisors sent this to us and we have a certain number of days to react and respond. So, that's my understanding of how the legal aspect of this works.

Mr. Mitchell: So is tonight the deadline?

Mr. Howard: No, August 17th is the deadline.

Mr. Mitchell: (Inaudible – microphone not on).

Mr. Harvey: Mr. Chairman?

Mr. Rhodes: August 16th.

Mr. Harvey: Mr. Chairman, may I clarify?

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Mr. Howard: Yes.

Mr. Harvey: The code stipulates that the Planning Commission has 90 days to consider a rezoning application after it's been presented to you. Throughout the 20 years I've been working here, the process has been, administratively, if the applicant voluntarily agrees to an extension of that time limit, the Commission has proceeded with honoring that and discussing it at meetings beyond the 90 day time limit.

Mr. Rhodes: So we can agree to an extension.

Mr. Howard: Well, because we have in the past and we haven't been challenged legally I'm not sure that that means that it's okay. But I appreciate that, thank you.

Mr. Mitchell: My only scenario, if we voted it in the favorability, it would give Mr. Leming's group a chance to give us the numbers on the infrastructure added to the proffer.

Mr. Howard: You know what Mr. Mitchell? We have had this information for months now and we've been shown it for months and they did show us at one point in time those numbers. And to come back and show us those numbers again, quite frankly, is not a good use of anyone's time. We can make a motion to include the PowerPoint presentation that was shown tonight, which we can do. We can include that we think it's in the Board's best interest to, as well as the Planning Commission, to agree on the methodology and then leverage Mr. Mayausky's department to help us with the proper input values. So, I mean, that can all be done and accomplished right now. So, there's really... to extend this, I'm not sure what value anybody gains out of that. But if that's the will of the Commission, that's the will of the Commission.

(Inaudible person speaking from audience)

Mr. Howard: Procedurally not supposed to... there's a motion on the floor.

Mr. Hirons: Well, Mr. Chairman, if the motion doesn't change, I plan to abstain from the vote because, like I said, I'm sorry, I think we were presented with relatively new information tonight and these numbers keep changing from meeting to meeting. But, you know, I hesitate to vote for the motion because I don't particularly agree with everything that Mr. Fields said in defending his motion. And also I truly do appreciate the time and effort that the developer has put into working with us and in particular in my case, working with my concerns of Parks and Recreation and the rectangular fields. So, as I said, my intention is to abstain from the vote just because I'm not particularly ready to vote yes or no on it.

Mr. Howard: Any other comments? Hearing none I'll call for the vote. So the vote is to recommend denial on the reclassification of Clift Farm Quarter which is RC2900108. All those in favor of recommending denial signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Howard: Opposed nay? Nay.

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Mr. Rhodes: Nay.

Mr. Mitchell: Nay.

Mr. Howard: Abstentions, one. So the motion does not carry 2-3-1.

Mr. Rhodes: So now let's figure out how to go forward.

Mr. Harvey: Mr. Chairman, if you may...

Mr. Howard: Mr. Harvey.

Mr. Harvey: Ms. McClendon and I are looking at the code and there was some question as to how this came before the Commission. And this is a zoning case that's been filed by an applicant and it's before the Commission at their petition. It has not yet been to the Board of Supervisors...

Mr. Howard: Okay, that's different.

Mr. Harvey: ... but the code stipulates that the Planning Commission has 90 days to consider the proposed zoning action and that if the Commission fails to report its recommendations within 90 days after the first meeting of the Commission, then the Commission's recommendation shall be deemed approval. So if you don't take any action before the deadline, it would be sent up to the Board with a recommendation of approval.

Mr. Howard: Thank you.

Mr. Mitchell: When you say deadline, you said August 17th?

Mr. Howard: I misspoke; it's the 16th. It's... August 16th is the deadline.

Mr. Mitchell: August 16th?

Mr. Howard: Our meeting is on the 17th. So here we sit... and we're not standing at ease.

Mr. Rhodes: Okay, so we're out of time, we can't meet the deadline, didn't vote for denial... yep. So I'm just trying to think how to word this here.

Mr. Howard: I don't know if that helps you but those were some of the things I was going to include.

Mr. Rhodes: Just trying to think what I want to get in there. Yeah, yeah... I was just confirming those numbers. What I think I've heard here is that we had some discussion of... not for every instance, but for this unique instance where we've got a lot of dynamics, possibly an independent appraisal to validate and the work of the Commissioner of the Revenue to be included in there.

Mr. Howard: If you can read my chicken scratch. Yeah, my thoughts were to use the numbers shown on the PowerPoint slide today, the valuations that were shown for the dwelling units, and also the commercial and retail, and the \$26,000 valuation that was stipulated to by the applicant for the acreage that is being turned over. And, again, it's a point in time recognizing, you know, that that's going to

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have to be updated. Mr. Harvey, has there been a process in the past where a development had occurred and... when was the last time somebody paid the proffers for this type of development?

Mr. Harvey: Mr. Chairman, I can't recall a specific project that's fallen under our current proffer guidelines or I recent years. There were a few that were approved when the guidelines were at a lesser value.

Mr. Howard: Prior to 2010?

Mr. Harvey: Yes, yes. Probably projects that developed out early part of the previous decade.

Mr. Howard: So, in your best... and you've been here how long Jeff? I hate to give your age away.

Mr. Harvey: Almost 23 years.

Mr. Howard: Okay, so in that time, do you recall where we had to change the proffer amount based on a more current state as the development started to unfold, or the development was put on hold, came back to the table, and we changed the value that the developer was contributing in terms of the proffers?

Mr. Harvey: Well, the proffer guidelines, as they are now, contemplate an annual increase based on the Marshall Swift Construction Index. That's the only adjustment to the proffers that occur typically in a negotiated rezoning. There may be cases where developers in the past have proffered lump sum cash at certain milestones within their project, but usually that's a fixed dollar amount. Or, if it's not fixed, it escalates based on an index similar to Marshall Swift.

Mr. Howard: Right, okay.

Mr. Mitchell: Do you have one, Mike, written?

Mr. Rhodes: I'm getting there; just trying to figure out all we want to include in here. Okay, so... Mr. Chairman, I make a motion to recommend approval of RC2900108, Reclassification of Clift Farm Quarter, with the additional caveats or strong recommendations and endorsements to the Board of Supervisors that they consider the PowerPoint valuation that was shown tonight in their further consideration, as well as consider either directing the Planning Commission or a third party to develop an updated or sanitized valuation of methodology on property dwelling types in the retail and commercial properties, and lastly in that strong recommendation or qualification to this endorsement here, the recommendation that they consider a separate appraisal on the property in the process for their consideration of their decision. Because I think those are the qualifiers that cause concern and we're on our deadline points and I just was not comfortable recommending denial. I think there are a lot of positives associated with it but I know we have some open issues, so I think we should find a way to strongly highlight and endorse what those open items were in their going forward.

Mr. Mitchell: I would second Mr. Rhodes' motion.

Mr. Howard: Discussion? You have the first opportunity Mr. Rhodes.

Mr. Rhodes: I think I said it in the middle of the motion.

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Mr. Howard: Mr. Mitchell?

Mr. Mitchell: I'm fine.

Mr. Howard: Okay. Mr. Fields?

Mr. Fields: I said all I needed to say.

Mr. Howard: Alright; Mrs. Hazard?

Mrs. Hazard: Just my final comment. I certainly want the process to be better, I think that's why many of these questions have been raised. The reason I am not going to be able to vote though to move it forward as an approval is right now, based on the numbers I have, I have that we need to be looking for \$22 million worth of some kind of cash proffers. And based on what I have in front of me, not what has been read to me, I have \$14.9 million being offered by the application. Thus, I don't think that I am in compliance with the plan making sure that it pays for itself. I certainly agree that we need to send this forward to the Board of Supervisors with those caveats, but we also need to make sure that the information that they vote on is presented to them so they have time to consider it.

Mr. Howard: Mr. Hirons?

Mr. Hirons: I just wanted to say I'll continue to abstain on this issue and particularly on this motion for the same reasons I gave before.

Mr. Rhodes: Mr. Chairman, if I may come around, I have an alibi here. I do actually want to make comment and I think we've got some unique dynamics here and I think this is one where we will all want to certainly have some clarifying discussions with our respective Supervisors to highlight some of these interesting dynamics associated. And I know I certainly will be doing that to reinforce some of the, quite frankly, concerns that are in here that need to be explored further to make sure they don't... at least the points here we're discussing don't get missed. Thank you Mr. Chairman.

Mr. Howard: Alright, I'll call for the vote. All those in favor of Mr. Rhodes' motion signify by saying aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Howard: Aye. Opposed nay?

Mr. Fields: Nay.

Mrs. Hazard: Nay.

Mr. Howard: Abstentions? One. The motion carries 3-2-1. Thank you for your time this evening.

Mr. Leming: Thank you all; interesting vote.

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Mr. Howard: Mr. Harvey, on a separate note, can you... when this is cleaned up by Mrs. Stinnette, can we get the motion resent to all the Planning Commissioners along with what the appropriate dollar amounts would have been based on the motion? Alright, this brings us to item 5 which is Sherwood Estates Section 4-8, Preliminary Subdivision Plan.

5. *SUB1100011; Sherwood Estates Sec 4-8, Preliminary Subdivision Plan - A preliminary subdivision plan for 61 single family residential lots on private well and septic systems, zoned A-1, Agricultural Zoning District on Assessor's Parcel 33-2, consisting of 229.47 acres, located at the end of Locksley Lane, approximately one mile south of Warrenton Road, within the Hartwood Election District. (Time Limit: October 5, 2011)*

Mr. Harvey: Thank you Mr. Chairman. Natalie Doolittle will be making the presentation for staff.

Mr. Howard: She definitely drew the short straw today. And Mr. Harvey, can we get a copy of all the slides presented this evening from the applicant?

Mr. Harvey: Yes.

Mr. Howard: We have them on our computer right?

Mr. Harvey: Yes sir.

Mrs. Doolittle: Computer please. Good evening Mr. Chairman and members of the Commission. Item number 5 is Sherwood Estates Section 4 through 8 Preliminary Subdivision Plan, SUB1100011. The applicant is Dave Counts and the owner is Richard Ward, both of the Ward Corporation. The engineer is John Moran of Branca Development, LLC. The application was submitted January 12, 2011 and went to the Technical Review Committee meeting on February 9th. The proposed subdivision is located within the Hartwood District on Assessor's Parcel 33-2 at the end of Locksley Lane, approximately one mile south of Warrenton Road. Sixty-one single-family lots are proposed on 229.47 acres zoned A-1, Agricultural. Here you can see the site, existing Sections 1, 2 and 3 of Sherwood Estates. Here is Warrenton Road, Ely Road and Locksley Lane. The western boundary of the proposed subdivision is adjacent to Assessor's Parcel 42-10, which is adjacent to the Rappahannock River and is owned by the City of Fredericksburg. Here is an aerial photo. The preliminary plan proposes five sections, Sections 4 through 8. Each of the 61 lots will have a minimum lot size of three acres. The proposed subdivision will access the existing state maintained Locksley Lane and extend it into the project, which is right here. Various other streets are proposed within Sections 4 through 8. There are two proposed inter-parcel connections, one with Assessor's Parcel 34-5A, which is right here, and one with Assessor's Parcel 34-7, over here. All lots will be served by private well and septic systems. Water quantity and quality will be achieved by using 42 bio-retention facilities dispersed throughout the site. The bio-retention facilities will be located on the lots and will be owned and maintained by the Homeowners Association. CRPA and wetlands are located on the property and the CRPA is located on lots 54, 72, 73, 97 and 98, and a sign identifying the limits of the CRPA buffer shall be posted on each of these lots. Staff believes this plan is in compliance with all requirements of Stafford County Code and recommends approval of the preliminary plan. I would be happy to answer any questions. Mr. Counts and Mr. Moran are here as well.

Mr. Howard: Okay, thank you. Let me see if there's questions of the Commissioners view.

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Mr. Fields: Mr. Chairman?

Mr. Howard: Mr. Fields?

Mr. Fields: Have the... this project sits right adjacent to the easement that the City owns on the Rappahannock River, correct?

Mrs. Doolittle: Correct.

Mr. Fields: Did they have... has the City offered any opinions... had a chance to review the plan, offer any opinions or any of the Friends of the Rappahannock or DCR, any of the people charged with the integrity of the river, have they looked at this and delivered an opinion on it?

Mrs. Doolittle: Not that I am aware of, no.

Mr. Fields: Do you know what the... I can't quite tell is there a topo in this thing?

Mr. Howard: I think there is Mr. Fields in this huge...

Mr. Fields: The large one.

Mr. Howard: Yes.

Mr. Fields: I am just wondering what the... particularly the topo, the back part... the parcels that abut the easement and thus the river. I am just wondering what the topo there is and what the... is that just going to remain wooded? Is it fairly stable? You know, in terms of protection; is that going to be disturbed in any way or affect the easement? I'm just trying to get a sense of that. It's pretty steep because the bank is pretty steep there. But you have those... nobody has had that... staff has not had those discussion at all?

Mrs. Doolittle: No.

Mr. Fields: Okay. Thank you.

Mr. Howard: Mr. Mitchell?

Mr. Mitchell: Mr. Chairman, I respect Mr. Fields greatly, but I'm not quite sure why we would contact another city in reference to our project in our county. Neither would we contact Prince William on something that was beside the Chopawamsic, so I'm just...

Mr. Fields: They're the property owner of the easement, Mr. Mitchell, not because they're the City of Fredericksburg. If it was Ken Mitchell... if this easement... the owners name on the easement said Ken Mitchell, we'd be contacting... it's just simply the owner of the easement.

Mr. Mitchell: Right, it says Beverly Cameron, City of Fredericksburg.

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Mr. Fields: Right, the Assistant City Manager. I'm not saying we have to defer to the City of Fredericksburg but I am asking that the easement holder... the people who have entered into owning and protecting the river by purchasing this easement.

Mr. Howard: Yeah, the applicant...

Mr. Fields: Our part of the process of understanding whether this...

Mr. Howard: The applicant may have more information.

Mr. Fields: Right... that's all I'm asking.

Mr. Harvey: And Mr. Chairman, as part of the review process, notice letters are sent to the abutting owners which would have included the City of Fredericksburg, when the application was filed.

Mr. Howard: Thank you. Any other questions of Mrs. Doolittle while she's here? Alright, we'll hear from the applicant.

Mr. Moran: My name is John Moran. I am representing Branca Development, LLC and representing Richard E. Ward, which is the owner of the property.

Mr. Howard: I don't know if you have a prepared presentation or just taking questions.

Mr. Moran: No, I don't have anything, whatever questions you have.

Mr. Howard: Mr. Moran, on the septic systems, can you explain what type of systems are being utilized on these lots?

Mr. Moran: From talking with M & M, who did the drainfields on it, most everything on there is either conventional, and there are some, I think they're the puraflows or whatever, and there's I think a couple mound systems on it.

Mr. Howard: So there are three different types of systems being used?

Mr. Moran: Right.

Mr. Howard: And this community is also on well water?

Mr. Moran: Right.

Mr. Howard: Okay. And the well testing has occurred? Or that has not occurred yet?

Mr. Moran: Not that I'm aware of any.

Mr. Howard: Okay. Mr. Harvey when does that normally...

Mr. Fields: I'm sorry Mr. Chairman let me... I just want to follow-up on that. So the well locations... there are well locations shown though right?

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Mr. Moran: The well locations I put on the preliminary plan are normally just to show that I can keep well, house, drainfield, my bio-retentions and everything meet the separation and so forth that I need, so that everything complies with the standards.

Mr. Fields: So that... does that require then that the... when the property is developed that the well be drilled in that location?

Mr. Moran: Not that exact. He just has to know that he needs to stay 50 feet off the... 100 feet off the drainfields, say 50 feet off the house, 100 feet off the bio-retention facilities and so forth.

Mr. Fields: But the actual... of course the... so those are just...

Mr. Moran: I try to show them as close to the house as possible so I'm not disturbing additional property just to come in and put a well in. But there's different spots on the lots they could possibly put it.

Mr. Fields: Well different things... I know different things drive different things and the soils out there are generally not too bad for drainfields, but the very fractured geology underlying it makes well... getting well production somewhat a hit and miss affair. So you're confident that in that layout within those parameters there is no question that each property will get... will be able to get enough well water in that location?

Mr. Moran: All I can say is I don't feel they will but I don't... I'm not...

Mr. Fields: Right.

Mr. Moran: ... somebody that drills wells or whatever.

Mr. Fields: Because with reserve drainfields and all these things and bio-retention ponds, we do... you know, there's some juggling that has to be done. I know these are bigger lots.

Mr. Moran: Right.

Mr. Fields: So I mean maybe there's enough room.

Mr. Moran: Well see I've done preliminary grading on the road too so a lot of my facilities are sitting roughly where they're gonna be when the final design is done.

Mr. Fields: Mm-hum.

Mr. Moran: So I know roughly how everything's going to fit.

Mr. Fields: Okay.

Mr. Howard: Mr. Fields, at what... I'm sorry, Mr. Harvey, at what point will they be required to test the wells?

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Mr. Harvey: Mr. Chairman, the Ordinance requires for a preliminary subdivision plan that the proposed locations be shown but they're not actual locations. They will be determined upon actual... well, the drainfields are determined at the final plat location. But then when the applicant comes in for a building permit, that's where the actual well location will be determined and the well will be drilled and tested prior to occupancy of the home.

Mr. Howard: Have we ever had a situation where the well failed?

Mr. Harvey: We've had a few situations in an area of the county where the wells either had very low yield or one or two did not yield any water. But that's a pretty rare occasion.

Mr. Howard: Okay. Alright, any other questions for the applicant? This is in Hartwood I think Mrs. Hazard.

Mrs. Hazard: Yes... there was a preliminary plan approved on this that was vacated in... that expired in 2008. Mrs. Doolittle, do you know how many homes were in that 2008 plan that expired?

Mrs. Doolittle: That plan showed 58 lots.

Mrs. Hazard: Fifty-eight lots.

Mrs. Doolittle: Yes.

Mrs. Hazard: This plan is substantially similar to that one that had received the approvals. I do understand my Commissioners'... fellow Commissioners' comments about the bio-retention and the storm but we do have a letter that does approve what is on here. I'm not sure we can supersede so therefore I will move for approval of SUB1100011, Sherwood Estates Section 4 through 8.

Mr. Rhodes: Second.

Mr. Howard: Okay, discussion?

Mrs. Hazard: I've stated mine.

Mr. Howard: Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Howard: Mr. Fields, any discussion?

Mr. Fields: No. If the City has not submitted any comments regarding the easement then I'm assuming they're aware of the plan. Maybe... is the back part of those lots abutting the easement generally wooded?

Mr. Moran: Everything... yes, the only thing that's not wooded is up towards the upper portion of the property around... there's a pond up at the top (inaudible).

Mr. Fields: So the back part of those lots is pretty much left in a state of nature there?

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Mr. Moran: Right.

Mr. Fields: Abutting the easement.

Mr. Moran: Yeah, and most of my preliminary grading... I'm barely getting outside the right-of-way coming through there. I've run the ridges so when they build the houses they'll pretty much just cut an envelope out to put the house and the drainfield and that's about it.

Mr. Fields: Okay so there's... there's probably an ample amount of buffer between the developed...the impervious developed part and the river easement.

Mr. Moran: Right.

Mr. Fields: Okay, thank you.

Mr. Moran: Summertime you can't even see the river.

Mr. Fields: Okay.

Mr. Howard: Mr. Hirons? Mr. Mitchell?

Mr. Mitchell: No sir.

Mr. Howard: Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Howard: Okay. Alright, I'll call for the vote. All those in favor of the motion on the table which is the approval of Sherwood Estates, Section 4 - 8 Preliminary Subdivision signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 6-0. Thank you. We're back to item 2 and the reason we didn't go to item 2 initially after item 1 was just for time perspective because Mr. Harvey has an update on this that I think will be pretty quick to...

Mrs. Hazard: Mr. Harvey, can I just... I wanted to just thank the applicant. Thank you for staying so late. I know it was a long evening, but... I'm sorry. Sorry about that.

Mr. Counts: I want you to know how impressed I am that there were no bathroom breaks.

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Mrs. Hazard: But I just wanted to thank you all. I know it's a late night for you all as well. So thank you.

Mr. Moran: We appreciate it; it's tough work you do. Thank you very much.

Mr. Howard: Thank you.

2. *Amendment to Zoning Ordinance - The Board of Supervisors referred proposed Ordinance O11-26 to the Planning Commission. Proposed Ordinance O11-26 would amend and reordain Stafford County Code, Section 28-35, "Definition of Specific Terms" and Section 28-35, Table 3.1, "Table of Uses and Standards," to provide a definition of a Wetland Mitigation Bank and to allow a Wetland Mitigation Bank as an allowed use in the A-1, Agricultural and A-2, Rural Residential Zoning Districts. (Time Limit: September 5, 2011)
(Authorize for Public Hearing by: July 13, 2011)
(Potential Public Hearing Date: August 17, 2011)*

Mr. Harvey: Mr. Chairman, regarding Wetlands Mitigation Banks, you may recall the Commission had last month forwarded a request for the Board to consider rescinding its resolution referring an ordinance amendment to the Commission. The Board had initially told the Commission to hold off on further consideration of the ordinance while it studied matters. It was brought back to the Board for discussion at its July 5th meeting and at that point in time the Board agreed with the Commission and made a motion to rescind its prior referral resolution.

Mr. Howard: Thank you Mr. Harvey. Today Mrs. Hazard and I met with Falling Springs, which is the company who initiated the amendment to the Zoning Ordinance. And it was a very interesting conversation actually. So, I'm sort of in the camp after talking to them to maybe get them to come before us for 15 minutes and sort of high level talk to the Planning Commission about, you know some of the points of clarification that I think helped me understand how this actually could be a benefit to the county in the long term. So, if it's the will of the Commission we can... we can actually leave this on our agenda, obviously the public hearing won't occur but we still have until September 5th basically to continue to discuss this, talk through this and then send a recommendation on to the Board if we so desire. Is that correct?

Mr. Harvey: Mr. Chairman, I guess technically you don't have a time limit since the Board pulled back their referral.

Mr. Howard: Even better.

Mr. Harvey: But the Commission at its pleasure can keep it on the agenda, have whatever discussions you want.

Mr. Howard: So I don't know if that's the will but I would like to... I would like everyone to at least hear some of what they had to say. I thought it was very, very helpful. Is that the will of the Commission? So we'll just leave it on there as unfinished business. Okay.

Mr. Harvey: Mr. Chairman, would you like us to request them to attend your August 17th meeting?

Mr. Howard: Do we have a lot on that agenda?

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Mr. Harvey: We'll probably have a number of public hearings for land use cases. As far as the items that were carried over for further discussion, we have the Dominion Power applications that were deferred as well as Hampton Run. So your unfinished business will end up being fairly lengthy. So you probably won't get all of that done in an hour.

Mr. Howard: Maybe for the 5th, September 5th?

Mr. Harvey: We can shoot for that.

Mr. Howard: Okay. And then we are up to...

Mrs. Hazard: Mr. Chairman?

Mr. Howard: Yes.

Mrs. Hazard: I would just say since we are going to give that type of timing, if there are any specific questions from the Commissioners who would like specific questions perhaps answered on this topic for them maybe to get them to Mr. Harvey or to you.

Mr. Howard: Mr. Harvey is better than me, trust me.

Mrs. Hazard: But I mean since we have that much time if people did have some questions...

Mr. Howard: Absolutely, as always. Sure, thank you. That brings us to the PD RPT, which... Mr. Harvey this is impressive. You fill out this great Planning Directors Report.

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Well Mr. Chairman, thank you. I submitted a report in writing this time because of the extensive number of actions the Board of Supervisors made. I will try to hit the highlights because some of it's already been covered in our meeting discussion. But the Board approved the Quantico Corporate Center Rezoning with clarifications to the proffers regarding construction of the third access point. Basically, the revision stated that if the right-of-way became available to build the third access before their project is complete they'll do it. Also, the Board approved the RDA-1 Zoning category. They adopted the new Floor Area Ratios. They adopted Conditional Zoning, so now we can ask for off-site cash proffers with rezoning applications. They modified the T1 Transect Zone and adopted the Onsite Soil Evaluator update to the Subdivision Ordinance. Rachel Hudson, who is our Zoning Administrator for the County, retired on July 1st. Andrea Hornung is our interim Zoning Administrator until we are able to find a fulltime replacement. The recruitment is ongoing for that position right now.

Mr. Howard: How long did Ms. Hudson serve the county?

Mr. Harvey: She served the county for 27 years.

Mr. Howard: Wow. That's awesome. And Ms. Hudson, if you are listening, which I hope you're not, thank you for your years of dedication and devotion to us.

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Mr. Harvey: Some of the issues that the Commission may want to note is the Board had discussions about potentially exempting certain types of activities from our Subdivision Ordinance. Specifically, dealing with divisions of land associated with wills and dealing with family estate matters, so that will be something that will be brought to the Commission for when you would want to place it on the agenda for further discussion. Likewise, the Board also referred an ordinance to the Commission regarding the definition of Recycling Facilities. We found out that there's a discrepancy in our Zoning Ordinance with regard to the definition of Recycling Facilities and we want to potentially resolve a conflict that we see in that code.

Mr. Howard: Okay. Does anyone have an appetite... I mean we can always put them on as new business and just defer them if we can't get it to them.

Mr. Harvey: So Mr. Chairman, would you like us to put that on for your September 7th meeting?

Mr. Howard: That's fine. I said the 5th, but the 7th, yes.

Mr. Harvey: And finally Mr. Chairman, the Board took up the consideration of the Comp Plan Implementation Plan as recommended by the Planning Commission. And they agreed that the Commission should proceed on and conduct the public hearing. Given the fact that this is a Comp Plan amendment, the Commission only has 60 days to act on the Boards' request. Given the summer schedule, that kind of presses the Commission for time, so the staff would ask that the Commission consider authorizing a public hearing for your August 17th meeting.

Mr. Howard: What was the Resolution R11-210 again?

Mr. Harvey: That was the resolution that referred the item to the Planning Commission for the public hearing.

Mr. Howard: Which is the item? I was...

Mr. Harvey: The Comprehensive Plan Implementation Plan.

Mr. Howard: Oh, the Implementation Plan; okay, great. Yeah, I'm okay with the 17th. Is everybody else... the will? Is that good?

Mr. Rhodes: I make a motion to send it to public hearing.

Mr. Howard: Is there a second?

Mrs. Hazard: Second.

Mr. Howard: Discussion? I'll call for the vote. All those in favor of sending the Comprehensive Plan Implementation Plan to public hearing on August 17th signify by saying aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

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Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 6-0.

Mr. Harvey: And that concludes my report Mr. Chairman.

Mr. Howard: Thank you Mr. Harvey. Well done. Approval of the minutes?

COUNTY ATTORNEY'S REPORT

COMMITTEE REPORTS

CHAIRMAN'S REPORT

OTHER BUSINESS

APPROVAL OF MINUTES

May 18, 2011

Mr. Rhodes: I make a motion for approval of the May 18th minutes.

Mr. Mitchell: Second.

Mr. Howard: Discussion? All those in favor of approving the May 18, 2011 minutes signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 6-0.

June 1, 2011

Mr. Rhodes: I make a motion for approval of the June 1st minutes.

Mr. Mitchell: Second.

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Mr. Howard: Any discussion? All those in favor of approving the June 1, 2011 minutes signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. The motion carries 6-0. Is there any other business we need to take care of?

Mr. Rhodes: Mr. Chairman, I just... if I may have a moment.

Mr. Howard: By yourself?

Mr. Rhodes: Yes please. Reading through the extensive packet that was prepared by staff, reading through the Hampton Run one and the others as I went through them, I just found they were just so thoroughly done. I thought... what I noticed was issues that have come up in the past, how well the staff just very quietly picks up and starts adding those elements, adding those components. So things that we had open questions on and we had to come back another two weeks or four weeks later, they were addressing those in these and they were adding to them. They were just so comprehensive and I felt so... reading through them I felt like... just less and less questions because they keep picking up on those pieces and just quietly doing that. And so I just wanted to commend the staff for... they're always diligent and professional work and I just that it especially showed through in the packets this time. Thank you Mr. Chairman.

Mr. Howard: Thank you. No Chairman's Report. Meeting adjourned. Thank you.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 11:45 p.m.