

STAFFORD COUNTY PLANNING COMMISSION MINUTES
September 7, 2011

The meeting of the Stafford County Planning Commission of Wednesday, September 7, 2011, was called to order at 6:31 p.m. by Chairman Gordon Howard in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Howard, Rhodes, Fields, Hazard, Mitchell, Kirkman and Hiron

MEMBERS ABSENT:

STAFF PRESENT: Harvey, McClendon, Stinnette, Baker, Zuraf, Hess, Ennis, Lott and Hornung

DECLARATIONS OF DISQUALIFICATION

Mr. Howard: Are there any declarations of disqualifications for this evening's agenda? Hearing none I ask if there is anyone that would like to make a motion to adopt the agenda as written.

Mr. Rhodes: So moved.

Mr. Mitchell: Second.

Mr. Howard: The motion to adopt the agenda as written by Mr. Rhodes, seconded by Mr. Mitchell. Any discussion? Hearing none I will now call for the vote. All those in favor of adopting this evening's agenda as written signify by saying aye.

Mr. Hiron: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Rhodes: Aye.

Ms. Hazard: Aye.

Mr. Fields: Aye.

Mr. Howard: Aye. Opposed nay. Motion carries 7 to 0. That moves us to item number 1 on the agenda this evening, which is Amber Oaks, Section 2 preliminary subdivision plan.

UNFINISHED BUSINESS

1. SUB1000355; Amber Oaks, Section 2, Preliminary Subdivision Plan - A preliminary subdivision plan for 27 single family dwellings, zoned A-1, Agricultural Zoning District, on Assessor's Parcels 34-21, 34-22, 34-24, 34-25 and 34-40, consisting of 105.17 acres, located on the south side of Warrenton Road at the end of Richwood Cove, within the Harwood Election District. **(Time Limit: October 5, 2011) (History - Deferred at August 17, 2011 Meeting to September 7, 2011)**

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Mrs. Ennis: Item number 1 is Amber Oaks section 2 preliminary plan. It is a continuation from August 17th where the Planning Commission voted to defer it, asking... requesting an overall map and block length measurement provided. I provided them in the packet and I have an overall. Computer please.

Mr. Howard: Computer please. I think there was the question on the block length and also maybe the connection to Route 17.

Mrs. Ennis: Yes.

Mr. Howard: Right? Okay.

Mrs. Ennis: Okay, what I provided you is... this is a highlighted map I highlighted it this afternoon showing you where the entrance to this subdivision... this is... the pink highlighted here is Amber Oaks Section 2. And this is March Run Estates where this is the access point here, it goes in here and follows the green arrow and goes into Amber Oaks. And that is where it comes in from 17. This is Route 17 down here. This is... this portion here is Richland Forest subdivision, this is RPA creek that goes all the way through here. This road is not connecting into this cul-de-sac. Again this is the overall map again without the highlighted route that shows it going into Amber Oaks.

Mr. Howard: Right. You have also indicated in your memo that the maximum block length that would be allowed by the subdivision ordinance would be twenty-five hundred feet.

Mrs. Ennis: Yes and that is for agricultural, A-1.

Mr. Howard: Right.

Mrs. Ennis: And that is the maximum length on Richwood Cove.

Mr. Howard: And the maximum length shown in the attachment is two thousand...

Mrs. Ennis: Yes Richwood Cove from Snowy Egret is two thousand fifty-six.

Mr. Howard: Okay.

Mrs. Ennis: From Richwood Cove from Chimney Swift is a thousand six hundred and seventy-six feet. And from Chimney Swift Road to... From Richwood Cove to Pentail Lane is a thousand ninety. And then from Chimney Swift Road to Pentail to the end of the cul-de-sac there is four hundred and thirty-seven feet. And Pentail itself is approximately six hundred and fifty feet.

Mr. Howard: And this went before the TRC review that normally would take place?

Mrs. Ennis: Amber Oaks?

Mr. Howard: Yes.

Mrs. Ennis: Yes.

Mr. Howard: And were there any comments or concerns noted at that time from either Fire and Rescue or the Sheriff's Department?

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Mrs. Ennis: For the...

Mr. Howard: For either the entrances or the block lengths or any concerns?

Mrs. Ennis: No, no. The engineering department, we reviewed the block lengths and the length of the streets and stuff and there were no comments from the Fire Marshall about them.

Mr. Howard: Okay.

Mrs. Ennis: The entrance.

Mr. Howard: Alright, let me bring this back to the Planning Commission to see if there are additional questions please. Are there any additional questions on Amber Oaks from anyone on the dais here? Ms. Kirkman.

Ms. Kirkman: Yes, when you define block length how did you define that?

Mrs. Ennis: We take it from the intersecting street or the intermittent stream or something that is breaking the road.

Ms. Kirkman: So you are looking at the street segment.

Mrs. Ennis: Yes.

Ms. Kirkman: Rather than the area that is bounded by various things like streets or streams or other sorts of things.

Mrs. Ennis: We take it... a stream could count as a break in the block length and starting the new length, yes.

Ms. Kirkman: But are you looking at the street segment or are you looking at the area?

Mrs. Ennis: I think... it's the area. I think...

Mr. Howard: Well can you define the area because I am not sure I understand...

Mrs. Ennis: I don't have the definition with me. So I will refer to Mr. Harvey.

Mr. Howard: Mr. Harvey.

Mr. Harvey: I believe we look at block length like Ms. Kirkman is implying. We look at the length of the section of street between two nearest intersections. Our definition of block talks about having a situation where you have a confined piece of property that has other streets surrounding it and/or other streams or railroads surrounding that area. In many subdivisions like this you don't have that kind of condition to form a regular block. So again if we have a situation where you don't have a regular block like in a city type of environment then we look at the length of the street segment.

Mr. Howard: Well...

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Ms. Kirkman: Mr. Harvey, could you please explain to me how a street segment is the same thing as a block, since we have a very specific definition of block in our ordinance.

Mr. Harvey: Yes, that is... again how the staff is interpreted the definition of block in the case of looking at subdivisions, especially new subdivisions where it is not clear that you are in a confined environment where there is a regular pattern of development and land ownership.

Ms. Kirkman: And my concern about this is that if you look at this in fact there are a number of homes... are there some access requirements? Because I am very concerned, it looks like, you know, if you have any kind of natural disaster that blocked off the one connection to Route 17, then all of these homes would be unable to either leave or have emergency vehicles enter into them. Are you telling me that there are no VDOT regulations or subdivision regulations that govern that?

Mr. Harvey: VDOT has a requirement for connectivity in which they review subdivision applications. The connectivity requirement is based on a point score and if the subdivision reaches the point score threshold they are required to provide a connection to existing public streets or provide connections to adjacent subdivisions or properties. The county ordinance does not have a limitation on the number of dwellings units that come off of a single access. In Stafford County we have a lot of areas that are essentially peninsulas, so we would have a number of issues if you zoomed out to the broader scale as to how many access points you have coming in and out of an area.

Mr. Howard: Mr. Harvey was there any... was there any concern that VDOT expressed with Amber Oaks Section 2?

Mr. Harvey: We are not aware of any concern from VDOT.

Mrs. Ennis: They have pointed... they provided on page sixteen of the plan there is the waiver in there for the SSAR for connectivity.

Ms. Kirkman: So this...

Mrs. Ennis: They received a waiver.

Ms. Kirkman: This application does not meet the connectivity requirements.

Mrs. Ennis: No, they do... no because of the surrounding... the existing subdivision and such they granted them a waiver of the SSAR.

Ms. Kirkman: Thank you.

Mr. Howard: Okay. Are there any other questions of staff at this time? Thank you, thank you Mrs. Ennis.

Mrs. Ennis: Okay.

Mr. Howard: Bring this back to the Planning Commission. I believe this is in the Hartwood Election District even though it says Harwood.

Mrs. Hazard: Well based on our discussion and the compliance with the applicant with what we have requested, I know that we did have some concern about this one piece of land that you were unable to buy so there is not much... and I did want to also comment again on the historical... working with the historical

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group. It appears that it is in compliance with the requirements that we have set forth, so I would move for approval of preliminary subdivision plan SUB100355.

Mr. Rhodes: Second.

Mr. Howard: Discussion? Any discussion from any Planning Commission member?

Ms. Kirkman: Is Mrs. Hazard going to speak?

Mr. Howard: I think she is yielding her first comment.

Mrs. Hazard: I am.

Mr. Howard: Mr. Rhodes are you yielding your...

Mr. Rhodes: Yes.

Mr. Howard: Okay. Ms. Kirkman.

Ms. Kirkman: Mr. Chair I am going to oppose the motion to approve this subdivision plan, my primary concern in the access points. I really am concerned... this in not a unique situation such as a peninsula and if fact if there were any kind of natural or other disaster it would be very difficult if the one access point to this multiple subdivisions were blocked for either people to leave the area or emergency vehicles to enter the area. And for that reason I am going to oppose the motion to approve.

Mr. Howard: Thank you. Any other comments? Okay hearing none I will now call for the vote. All those in favor of the motion on the table which is the approval of Amber Oaks Section 2 preliminary subdivision plan signify by saying aye.

Mr. Hirons: Aye.

Mr. Mitchell: Aye.

Mr. Rhodes: Aye.

Ms. Hazard: Aye.

Mr. Howard: Aye. Opposed nay.

Ms. Kirkman: Nay.

Mr. Fields: Nay.

Mr. Howard: Motion carries 5 to 2. Thank you. That moves us to item number 2 on the agenda this evening, which is the reclassification of Fox Chase Commons. And it looks like Mr. Hess is getting ready to approach the podium.

2. RC1100029; Reclassification - Fox Chase Commons - A proposed amendment to proffered conditions on Assessor's Parcel 45-217, in the R-3, Urban Residential, High Density Zoning District and a proposed reclassification from B-1, Convenience Commercial to R-3, Urban

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Residential, High Density Zoning District on Assessor's Parcel 45-217A, consisting of a combined 9.08 acres from parcels 45-217 and 45-217A, located on the east side of Cambridge Street (U.S. Route 1), approximately 700 feet north of Manning Drive within the Falmouth Election District.
(Time Limit: November 15, 2011) (History - Deferred at August 17, 2011 Meeting to September 7, 2011)

Mr. Hess: Thank you Mr. Chairman. All right, staff brings back to the planning commission tonight Case RC1100029, the reclassification and proffer amendment, the case is Fox Chase Commons. If you look at your handout, your memo, we provided information that was requested by the Planning Commission and also addressed an issue that was brought up at the last meeting at the public hearing as far as the right-of-way dedication. I guess I'll go ahead and jump right into that. What we asked the applicant to do is to look at a scenario if they were to provide the 80 feet of right-of-way dedication from the center line from Cambridge Street, Route 1, essentially, and how that would affect their project. And so their engineer went through, did a thorough job of displaying to staff, if you look at your attachment, it's attachment number one, I'm actually going to pull up the floor, computer, please, on this one?

Mr. Howard: Computer please.

Mr. Hess: And as you see right there, we have a display... the engineer shows where the line is for the 60 feet of right-of-way from center line and the 80 feet of right-of-way from center line, and then you have the 15-foot street buffer requirement, which is actually, well, let me backtrack here before I jump too far ahead of myself. The 75 feet goes from the edge of the 80-foot right-of-way dedication. The street buffer would be within that 75-foot strip. The 75-foot strip comes from the highway corridor overlay district requirements that has a height limitation within that section of HCOD, essentially, and what is basically does is only allows two-story buildings or buildings of 30 feet, whatever comes first. So in this case you would have essentially the engineer identified, shading the townhouses in red, the ones that would be affected by the height limitation, that's required from HCOD and there's 14, approximately 14 townhouses. And then there's also... I'm sorry, 14 townhouses that would be affected by this height limitation requirement. Then the other requirement is the one acre of usable open space with a dimension no less than 50 feet. That comes from the subdivision ordinance that's under the R-3 cluster or rather any cluster zoning district. And that was, it was told to us that they would lose approximately five to seven units if, again, they had to proffer the full 80 feet of right-of-way dedication. So what staff had recommended, and I'm going to yield the answer if there's an answer to this one, we asked them if they could proffer any more beyond 60 without townhouses being affected by the height limitation or townhouses being removed by the open-space requirement, and I don't have the answer to that, that was again information exchanged at the last minute before we had to do the mail-out. So they might have an answer, we just asked them to do it from essentially the full right-of-way dedication, which comes from the transportation, is a recommendation from the transportation plan of the comprehensive plan. So that's where we're at with that, that's the diagram showing all the different dimensions if they were to proffer the full 80 feet of right-of-way dedication. Moving along, there was a request that the applicant provide language within the proffers for flexibility for the fire sprinkler systems. Sorry, that was flexibility regarding the monetary contribution, half a million monetary contribution so they added that in proffer number seven. They also agreed to increase financial assistance from \$100 to \$200 per residential unit and then they added proffer 13, which was the buyer's option to install the automatic sprinkler system. Then attachment three was the lease agreement for what they have with all the current tenants as of today, and of course that identifies that when the owner of Fox Chase apartments contracts the sale of property to a developer in the future, all leases can be terminated either by the owner and/or developer with a 90-day written notice. Then we had an additional request from Commissioner Hazard as far as projects that have been approved within the past three to four years within a one-mile radius of this project, and staff identified three different projects, although one of them was approved outside the three to four year timeframe. The first project we identified

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was the Stafford Crossing Community Church, which was a reclassification of proffer amendment that was approved in 2009. And then there's Cambridge Properties, LLC. That was another proffer amendment that was just approved this past June. And then we had the Southgate subdivision, rather mixed-use development that was approved prior to 2007. And I believe that's all that I have. I'll take any questions you might have.

Mr. Howard: Thank you, Mr. Hess. Are there any questions of staff on Fox Chase Commons? Hearing none we can bring the applicant up.

Mr. Payne: Mr. Chairman, other members of the Planning Commission. My name is Charlie Payne with the law firm of Hirschler Fleischer represent the applicants, good evening to you and staff. I guess you want me to address the issues raised by staff regarding the right-of-way. As you can see in the drawing one of our biggest concerns... I guess kind of back up just one more step. I mean our concept here is to improve, obviously, to provide a quality project versus, if you will, what our buy-right 94-unit proposal that we have a preliminary plan approval on. And part of that process was, you know, not only increasing the number of units by five, which we did, which isn't a great increase but was also to be able to provide the quality of townhouse, and that being the garages. And the two or one garages, two-car or one-car garages, which provide the real quality, if you will, in addition to the construction materials and design that we have proffered. What happens with the additional 20 feet is you knock out, if you will, the ability to provide that higher-quality townhouse and you really reduce it two stories, so from an economic feasibility perspective, it simply doesn't work for us. We also lose, in addition to that, with the extra 20 feet, we lose 5 units. So we're kind of back where we started from if you will, back to 94. So from our perspective it's just not feasible. Again, when we went down this road initially in 2007, we got approval with a 60-foot right-of-way, that's what we're proposing with some nice landscaping and sidewalks along the front there. It'll be a nice product, something I think the county will be very proud of, and again, I know not everyone agrees it's the most perfect project, but I think it's certainly, versus what we have buy-right it's a better quality, a higher-quality and, I think, a better-return project for the county. In regards to the lease, just one correction, the tenant or the landlord can terminate with 90 days' notice, not just the landlord.

Mr. Howard: Correct, yeah, that's what we have in front of us. Mr. Payne, the question of the amount of right-of-way dedication obviously has come up again and did you have an answer for what Mr. Hess asked you?

Mr. Payne: I tried to answer that just now. It's just not feasible for us to do it.

Mr. Howard: Well the question was what's the maximum amount of right-of-way that you can dedicate without impacting the project?

Mr. Payne: 60 feet.

Mr. Howard: Okay.

Mr. Payne: What we've proposed. I believe that's accurate, right, Justin?

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: Mr. Chair.

Mr. Payne: It simply just turns upside-down the whole quality scheme.

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Ms. Kirkman: Could we just get confirmation from staff what's required by the warden. Is it 75 feet, is that correct?

Mr. Howard: Mr. Harvey, what is the uh...

Ms. Kirkman: I'm trying to understand exactly what the county requirements are here.

Mr. Harvey: Mr. Chairman and Ms. Kirkman the comprehensive plan recognizes Route 1 as being a six-lane roadway in the future. We don't have any specific design plans. The comprehensive plan gives a range of right-of-way widths that could apply. Many years ago the county did a functional plan for Route 1 that showed 160 feet of right-of-way, which is roughly 80 feet from center line. In some cases we've accepted less, other cases we've accepted more. In the previous proposal that was a buy-right subdivision and we accepted what we could from the developer at that time. In this case we're in a situation where the development scheme is subject to some manipulation and change through the zoning process so that was why the staff was asking for additional right-of-way.

Mr. Howard: But is there a requirement in our current comprehensive plan, which is what Ms. Kirkman was asking... what are we, what's the range, can you state the range...

Ms. Kirkman: Mr. Chair I'll speak for myself about what I'm asking.

Mr. Howard: Thank you, Ms. Kirkman. I'm going to ask another question, what is the range in the comp plan?

Mr. Harvey: I'd have to research that and get back to you, Mr. Chairman.

Mr. Howard: Thank you. Ms. Kirkman.

Ms. Kirkman: So if... my concern is it's very clear that the intention is to widen Route 1 to six lanes. Does what the applicant is proffering, is that adequate for the widening, and given what applicant is proffering, if we cannot get a wider right-of-way there, what does that mean for the alignment of Route 1 along that section?

Mr. Harvey: Some of those questions are unknown because the road section hasn't been designed. We know that there's a hillside coming up to the property and there's a slight curve in the road. When you apply modern geometrics it may shift the road one way or another, not quite sure. Generally speaking, you can fit a six-lane road within 120 feet and make that work if it's in a curb-and-gutter section, but again, we don't know exactly how it's designed. The functional plan for Route 1, I believe, had a shoulder section rather than an actual curb-and-gutter section. When you go with curb-and-gutter section you can make the right-of-way narrower but as a rule of thumb with zoning cases we try to get as much right-of-way as we can for future dedication because we don't know what the construction will turn out like so again we try to get as much as we can so we can accommodate as much as we can in the future without having to buy right-of-way.

Ms. Kirkman: And does that, the ranges that you were talking about, does that accommodate either sidewalks or bicycle paths?

Mr. Harvey: Yes, our typical section shows a sidewalk for an urban part of Route 1.

Ms. Kirkman: And what about bicycle paths?

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Mr. Harvey: I'd have to go back and look to see if one side is a bike path versus a sidewalk.

Ms. Kirkman: And what's directly across from there because if the right-of-way doesn't come out of this property it may very well come from what's across from it. What's directly across from this property?

Mr. Harvey: Across from this property is, um . . .

Mr. Howard: I think it is Drew Middle School.

Mr. Harvey: Drew Middle School and I think there's also privately owned land south, or north of Drew Middle School.

Ms. Kirkman: Thank you. I have a question for the applicant.

Mr. Howard: Sure.

Ms. Kirkman: You stated that this is simply not economically feasible to do the project in any other way. Could you give us your numbers on that analysis?

Mr. Payne: I'm not sure I understand the question. We... if you take away, if you will, 17 units from our 99, I mean the economics isn't too difficult to figure out. I mean we lose, we already have 94, its buy-right from our current proposal that's already been approved from a preliminary plan perspective. I mean you really put this project in sort of an economic situation where it's just not feasible to move forward.

Ms. Kirkman: Well sure, if you've done the economic analysis on the feasibility then you must have some hard numbers about here's what it will cost us to develop the project under the current proffer restrictions, and here's how we can sell those units and here's how we can develop it under what we're proposing and here's what we can sell those for, where are those numbers?

Mr. Payne: That's proprietary, obviously.

Ms. Kirkman: Oh, so you're not going to share it.

Mr. Payne: I don't know that that's the case. I think we've shared with you that we've provided a higher-quality project and I will tell you it's not a very attractive project to have two-story townhouses running along the front of your project if you're trying to sell high-quality townhouses. And there are 14 of them. And we lose five lots.

Mr. Howard: Okay. There was also some discussion on the proffer in terms of the allocation in the wording that we discussed at the last meeting.

Mr. Payne: Yes.

Mr. Howard: Did you have a chance to meet with staff and work through that?

Mr. Payne: We did.

Mr. Howard: And what was the resolution on that?

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Mr. Payne: We provided alternative language because we weren't quite sure where everybody wanted to go with it and we said "up to your discretion" was the alternative language that we provided.

Mr. Howard: So do we have that?

Mr. Payne: It's highlighted in yellow, it should be . . .

Mr. Howard: Unfortunately, some of my pages are upside down.

Mr. Hirons: Mr. Chairman, it's page 3 of 4 and it's highlighted in yellow...

Mr. Howard: Okay.

Mr. Hirons: ...proffer number seven.

Mr. Howard: So it says "Where other option of county applying the funds at its sole discretion."

Mr. Payne: Yes.

Mr. Howard: Okay. All right. Are there any other questions from anyone?

Mrs. Hazard: Yes, Mr. Chairman.

Mr. Howard: Mrs. Hazard.

Mrs. Hazard: Could you review for me some of the transportation improvements. As you know, that is of concern to me, anywhere being near a middle school and when we find all these other projects being approved, which I know are not within yours, but I feel that part of our job up here is to kind of see the big picture of that area and how we can improve, certainly the transportation in that area, seeing that we have other stuff being put up and I admit that there's a middle school right there, that kids do walk and stuff so I would like to really get a, if you could just sort of tick through them again. I know that they're in here but just to review them. That would be helpful.

Mr. Payne: Sure. And I'm going to have Justin Troidl from Bowman come up since he drew the sketch and put the improvements in and if I miss something I'm sure they'll be yelling at me from the background so I'm going to let Justin come up and describe them real quick.

Mr. Troidl: Sure, no problem. My name is Justin Troidl with Bowman Consulting Group. We are the civil engineer on this. With this project there are a couple improvements we're doing along Route 1. We're providing sidewalk along the entire frontage of Route 1, we're also providing a left turn lane into the site, which currently isn't there right now, and we're also providing a right turn lane into the site. Also, as part of the other improvement is we're lining up the entrances with Drew Middle and our site so there's not a staggered entrance, which VDOT typically wants them lined up so we're doing that improvement as well.

Mrs. Hazard: Does the lining up of that, though, start to get us towards a stoplight? And that may be speculation, but I'm just trying to sort of . . .

Mr. Troidl: Yeah, typically that's done at the site-plan stage, but at the previous plan with the 94 units it wasn't anticipated to have a traffic light at that intersection. But a full warrant study would have to be done

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to completely determine whether or not a signal would have to be done at some point. But as of right now, VDOT hadn't determined if there was a warrant for their signal there right now.

Ms. Kirkman: Is the applicant willing to proffer a traffic light if that is found to be needed?

Mr. Troidl: That's correct, yeah. If it turned out it was warranted to do a signal, VDOT would require us to put a signal up. I don't know if, at this time, that's been determined if there's one needed or not. I guess the question is if they want to do a proffer.

Mr. Payne: I guess to answer that question, if it's determined that VDOT requires us to do it, we'll do it.

Mr. Hirons: Mr. Chairman?

Mr. Howard: Yes.

Mr. Hirons: I believe what... Ms. Kirkman, I apologize, I don't mean to speak for you, but I think what she was asking, regardless of if VDOT, during their review, says it requires one, regardless of that, would you, at this point, be willing to proffer for installation of a traffic signal? Is that correct?

Mr. Payne: I don't know if we can supersede VDOT.

Mr. Troidl: No, if VDOT doesn't warrant the signal they wouldn't allow us to install a signal there.

Mr. Hirons: Okay.

Mr. Howard: Okay, thank you. Any other questions for the applicant or staff at this point?

Mr. Payne: Thank you Mr. Chairman.

Mr. Howard: Thank you Mr. Payne. This is in the Falmouth election district. Mr. Hirons? Bring it back to the Planning Commission.

Mr. Hirons: I apologize, I just wanted to make sure I was straight on something, and I was. I personally am ready to move forward on this but there were a couple of questions here... raised tonight that asked for a little bit more information from folks. And I think with that, would the appetite of the Commission be to defer?

Mr. Howard: What other questions that... I know there was one about the range on the comp plan, which I tend to think the 80 feet is on the high end of the range, I don't know that for sure, but... and what other questions were there?

Mr. Hirons: That was the primary one. I wasn't sure if you were ready to make a decision without having that answer tonight.

Mr. Howard: Well I don't think we're going to get the additional footage, so I'm not sure the answer. I think the 80 feet, from my recollection in the comp plan, is the higher end of the range or at the very least the median of the range because it's 160 feet to get the six lanes, but... and that's kind of all in, not mentioning some of the modifications that can take place that Mr. Harvey mentioned, so, I'm not sure if Mr. Harvey has that answer.

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Mr. Harvey: Mr. Chairman, we'll have to research that.

Mr. Howard: Right. Is your recollection, though, that the 80 feet is higher, lower, in the middle, or you just don't recall that?

Mr. Harvey: The 160 would be the largest section we would ask for in the comprehensive plan. That's my recollection.

Mr. Howard: So it's likely that that's... my reason for asking was if... just to know the range, are they within the range or not? I'm not sure that's going to change how I vote on this particular issue. I'm not sure if anybody else needs to know that. You can certainly ask that.

Ms. Kirkman: Mr. Chair, could we get clarification from the applicant if there's any situation under which they would be willing to proffer any more right away?

Mr. Howard: Yeah, sure. Mr. Payne, could you . . .

Ms. Kirkman: I just wanted to get them on record, is this it? What they're proffering now, if this is it, and no matter what, they're not going to proffer anymore?

Mr. Howard: I heard him say that but we can ask Mr. Payne about that..

Ms. Kirkman: I just want to . . .

Mr. Howard: Yeah. So Mr. Payne we have one question for the applicant, and go ahead Ms. Kirkman. He's conferring with his client, just so people who may be watching at home understand what's happening.

Mr. Payne: To answer Ms. Kirkman's question, I think, again, based on the current requirements, that we can only have two stories across those 14 units. If we could have... continue our development project as it is, and then based on the open-space calculations we wouldn't lose lots, I think we would be able to maneuver those numbers or be able to work those numbers, I believe. Justin, is that what . . . I'll let Justin come up and give you more details but the biggest issue, again, in giving the 20 feet is we reduce our three stories to two stories, we'll lose our garages, so the question would be can we waive that and we keep our three-story with the garages within the HCOD and then the open-space question, Justin?

Mr. Troidl: Yeah, it'd be back to the one acre of usable open space. The further we push into that open space, the less we have to provide for the one acre of usable on the project.

Ms. Kirkman: So, Mr. Chair, I would just like a yes or no answer based on given the current requirements with no waivers, is the applicant willing to consider any further proffering of the right-of-way?

Mr. Payne: I don't know if I can answer that yes or no, but based on current requirements, county requirements, the answer is no.

Ms. Kirkman: Thank you.

Mr. Payne: That doesn't mean that we weren't trying to figure out . . .

Mr. Howard: Right, she just wanted it on record that you wouldn't . . .

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Mr. Rhodes: Mr. Chairman, just to confirm, sir, I think that I heard you say, referring just to 20 feet or none, had we considered, just to confirm, 5 feet, 7 feet, 10 feet, is any more footage of right-of-way, does that then preclude you from getting your appropriate amount of open space? Are you to that tight of a margin?

Mr. Payne: Yes, we looked at all that we could. Out of every 2 feet affects 12, 12 units. Is that correct?

Mr. Rhodes: Okay, thank you.

Mr. Harvey: Mr. Chairman.

Mr. Howard: Mr. Harvey.

Mr. Harvey: To answer the previous question regarding the height of the building...

Mr. Howard: Yes.

Mr. Harvey: ... and the administrative process to allow an exception. That would be a variance through the Board of Zoning Appeals. It is a building height requirement in the zoning ordinance.

Mr. Howard: Okay, thank you. All right, any other questions?

Mr. Hiron: It sounds like we got most of the answers from your answer there. I'd move, recommend approval on RC1100029, Reclassification of Proffer Amendment for Fox Chase Commons.

Mr. Mitchell: Second.

Mr. Howard: Seconded by Mr. Mitchell. Is there any discussion?

Mr. Hiron: Mr. Chairman, I just... knowing this area fairly well, as the applicant stated, this is going to make vast improvements to that area. In particular I appreciate that he worked with us, our applicant worked with us, with our proffers, in particular relocation assistance for the current residents of the Fox Chase apartments. I think it's kind of the first time that's been implemented as a new part of the comprehensive plan. I truly appreciate that that was done, as well with everything else that they've worked with us. I think what the applicant stated in his reasoning behind the lack of ability to have the additional 20-foot buffer makes sense to me. It's going to make improvements, it's going to make the project feasible and improve the area as well as improve the county as a whole.

Mr. Howard: Mr. Mitchell.

Mr. Mitchell: None.

Mr. Howard: No comments, any other comments from Planning Commissioners?

Mr. Fields: Yes Sir.

Mr. Howard: Mr. Fields.

Mr. Fields: I'll be opposing the motion. It really goes back to the fundamental issue is that we have... proffer guidelines are not just arbitrary. They were determined to assess the cost of infrastructure of

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different residential, of all types of development, in this case residential development to the county in terms of the infrastructure that the county, and by extension, the taxpayers, are going to have to be liable for to mitigate the impacts of this development. I believe that I understand the by-right scenario, but there are existing proffers that are asking for amendments, and it's always been my understanding that once you open up a proffer agreement for discussion, for amendment, essentially you're back to square one of renegotiating the proffers on the property. And I think the applicant here is attempting to have their cake and eat it too by referring to their by-right, the fact that they're not really liable for the proffers because they have by-right 94 but they want a proffer amendment. I would say it's either or. And so with that I think the county is losing over... I remember we ran the numbers last time, about \$2.3 million, \$2 million in proffers to offset the impacts of this development, therefore, I don't think it's in the best interests of the citizens to rezone this property.

Mr. Howard: Thank you. Any other comments? Mrs. Hazard.

Ms. Kirkman: Mr. Char... or Mrs. Hazard, please.

Mrs. Hazard: I do agree, on balance, that this is an improvement to the area. I still continue to struggle with the transportation in that area. My preference would be in some way to... I do appreciate the lining up of Drew and this property, that perhaps there will be a light there someday, because I do have some concerns in that area. My preference would be for additional funds in that area but it appears, if there is warranted, that you all will have to build it, so... but I will be supporting it but I do just feel the need to state that the transportation part of just this area of Stafford does give me concern and we continue to have projects in that area.

Mr. Howard: Ms. Kirkman, you wanted to say something?

Ms. Kirkman: Yes. Mr. Chair, there are a number of reasons why I will be opposing the motion to approve this rezoning. The first is, once again we've got a rezoning application in front of us which offers zero, not one single penny in cash proffers. What that means is at the end of the day, homeowners will be footing the bill through their property taxes. Secondly, the right-of-way that's been proffered is inadequate, and my concern is this is simply setting up a scenario where it will be necessary to close Drew School in order to expand Route 1 to six lanes. Finally, I don't agree with the assessment that this is an improvement to the area. If you go down and look at Fox Chase apartments, those apartments actually have some character, they're distinct. It's not another big-box glass-and-brick façade that you can see anywhere from here to Woodbridge all the way up to DC. So I do not agree that this is an improvement to the area and for those three reasons I'm going to be opposing the rezoning.

Mr. Howard: Thank you. Are there any other comments from Commissioners? My comments are as follows: There are proffers along with this application. There is a cash proffer in the amount of half a million dollars that was allocated for either schools and/or some recreation, and that was the item we mentioned before that the other option is the county could apply the funds, you know, at its sole discretion. The proffers as they exist in the county of Stafford are not necessarily accurate, and I think most people understand that and know that. And incidentally, proffers that are paid by quote developers and/or builders are really proffers that the potential homeowner is typically paying because that cost gets passed on to the price of the house or the dwelling unit. So times are different, you know we're in different economic times here in 2011 and there's definitely a need in our county to revise our proffer guidelines and sort of restate what the actual impacts are to the county because from a fiscal perspective we need to be responsible on both sides. And I think everyone is indicating that that's the desire, to see that the county is responsible at collecting money that is going to help offset costs of these types of developments but at the same time not prohibiting development because the costs of the development are just too cost-prohibitive where we don't

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have builders and developers coming into the county and looking to invest in our county and our future. So it's an interesting debate and dilemma, one that I don't think we should hold up this particular application with and I also do think this will be a nice, a very, very nice development on that side of Route 1 and when it's completed I'm sure it will be a very desirable location to live in. I'll now call for the vote, all in favor . . .

Ms. Kirkman: Mr. Chair

Mr. Howard: Ms. Kirkman, you've had your comment.

Ms. Kirkman: I do want to thank you for correcting me, you are correct there is a cash proffer...

Mr. Howard: I'll now call for the vote.

Mrs. Kirkman: I had forgotten that there was...

Mr. Howard: All those in favor of the, all those in favor of the vote before us . . . You've not been recognized, Ms. Kirkman, and you've had your say, and that's the way we usually work this, that everybody gets a chance, and . . .

Ms. Kirkman: Yes, and Mr. Chair, often during the discussion, in order to close the debate you have to take a motion to do that. You have not done so, and since you have not done so, I'm going to finish what I was going...

Mr. Howard: No, you're not going to finish.

Ms. Kirkman: ... to say, which is that...

Mr. Howard: I'm going to call for a vote. All those in favor of the reclassification of the proffer amendment as illustrated by Mr. Hirons...

Ms. Kirkman: Point of order, Mr. Chair.

Mr. Howard: Seconded by Mr. Mitchell...

Mr. Howard: Signify by saying aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye.

Ms. Kirkman: Mr. Chair, I would like to make a point of order.

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: Mr. Chair, you are now in violation of the Robert's Rules of Orders...

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Mr. Howard: No, I'm not.

Ms. Kirkman: ...and just to remind you, the circuit court has ruled that the bylaws of bodies in Stafford County...

Mr. Howard: We'll defer to, uh

Ms. Kirkman: ...have carried the same weight as legislate, as uh . .

Mr. Howard: ...Ms. McClendon on this. Ms. McClendon, would you give us a review on what's happening?

Ms. Kirkman had her chance to speak on the subject matter and she did...

Mr. Fields: It's common that we have multiple comments, though.

Mr. Howard: She...

Mr. Fields: It's common that we have multiple comments, though.

Mr. Howard: It's not common that we have multiple comments.

Ms. Kirkman: Mr. Chair, actually, Robert's Rules of Orders allows for at least two comments by each member of the body.

Mr. Howard: Once every member has made a comment, and not every member made a comment.

Mr. Fields: Well, they declined, that doesn't mean they get to stall out secondary comments by not commenting.

Mr. Howard: But as the Chair I can also call for the vote...

Ms. Kirkman: Mr. Chair, you can only close debate if there is a vote to close debate.

Mr. Howard: Well, no, you can call for the vote and then you have to vote on whether you're going to call for the vote.

Ms. Kirkman: That's right. If you want to end the discussion because you want to suppress the comments, you can request a motion to do so.

Mr. Howard: No one's suppressing any comments. You've had ample opportunity in your life to have the microphone. So you've had plenty of opportunity to do that. So I will call for the vote, which is what I was doing. So all those in favor...

Ms. Kirkman: Mr. Chair, you actually asked for an opinion from the attorney. We've not yet heard from the attorney.

Mr. Howard: Well, we'll wait for Mrs. McClendon and for now we'll stand at ease, everyone will stand at ease until she renders her opinion.

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Ms. McClendon: For clarification, are we asking about the vote or about the recognition of who had the floor?

Mr. Howard: We are asking... I think there are three issues. One is, Ms. Kirkman wanted to have a second opportunity to speak, and not everyone on the dais had spoken. The other issue is, I was calling for the vote and Ms. Kirkman wanted to have her say and decided that that was not appropriate, but I was going to call for the vote and see if, in fact, I had the majority to call for the vote but the vote was not able to take place because Ms. Kirkman was interrupting and I did not recognize her, as the Chair. So I think those are the three issues: Was she recognized? Did she have to be recognized? Can you call for the vote? And is she allowed to speak twice on the same matter?

Ms. Kirkman: Mr. Chair, under Robert's Rules of Order, I have, as a member of this body, the right to call for a point of order from the parliamentarian. And the point of order that I was calling for was that the Chair does not have the right to summarily limit debate by the body. In fact, that can only occur when the body itself has voted to limit that debate.

Mr. Howard: Which was my goal to have that occur. So that's what I was attempting to do, was have the body vote on whether we're closing the subject or not. Not everyone spoke on the matter, so in Robert's Rules of Order there's a clause that says everyone must speak in the debate before someone gets to speak twice.

Ms. Kirkman: Madam Attorney, I am again calling for a point of order because I do not believe anywhere in Robert's Rules of Orders will you find anything that says everyone must speak before someone can speak a second time.

Mr. Howard: No member can speak twice to the same issue until everyone else wishing to speak has spoken to it once.

Mr. Fields: Wishing to speak.

Ms. Kirkman: Yes, Mr. Chair, wishing to speak is the key phrase there.

Mr. Fields: Wishing to speak.

Mr. Howard: Well, you've misstated yourself then, Ms. Kirkman.

Mr. Fields: Oh man, we are better than this folks.

Mr. Rhodes: There is a serious side too Pete. She wastes our time many times, every week.

Ms. McClendon: Okay, Mr. Chairman, from what I am understanding from Robert's Rules of Order, it states that a person must, a Commission member must ask the Chair to be recognized and the Chair must recognize any member who seeks the floor while entitled to it. Then if we go to the bylaws, the bylaws state that no member may speak a second time on a motion until every member desiring to speak has done so. So if there was no other member who has not spoken who desired to speak then Ms. Kirkman, once being recognized, could speak at that moment, I believe.

Mr. Howard: Okay.

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Ms. McClendon: And then regarding the calling of the vote, the Chairman does get to call for the vote and if no one speaks up that they are not ready to respond to the question, then that's the only way the vote does not go forward.

Mr. Howard: Where is that?

Ms. McClendon: I'm looking on page 42 of Robert's Rules of Order.

Mr. Howard: Well, I guess where I was going, Mrs. McClendon, is that if two-thirds of the Planning Commission decide that the motion... that the debate is going to stop and they're calling the question, then wouldn't that in fact... the question be called? So if I was making a motion to call the question, does that apply to that same clause in Robert's Rules of Order page 42? Which is putting the question out there. Which is typically how the Chair would handle such debates where we would, the normal Chairman would say, okay I'm going to call the question, are there any other comments? And in this case, what I'm trying to do is call the question as the Chair but allow the group to vote either, yes, we're ending the debate and then we'll go to Mr. Hirons' motion, or no, we'd like to continue the debate and allow the rest of the Commissioners to continue debate. So one would be calling the question and then one is just calling for the vote. So if I'm calling the question, and, which we almost had a vote on that, isn't that in fact Robert's Rules of Order where you can call the question?

Ms. McClendon: Give me one second please.

Mr. Howard: Sure, absolutely.

Ms. Kirkman: Mr. Chair, as a point of order I believe you need a motion to end debate and then a second to that motion and then a vote. There was not a motion made to end debate, there is no such thing as call the question in Robert's Rules of Order, so that is the point of order that I think we're discussing. Honestly, if you had allowed me to express my second comment I could've done in less than a minute fifteen minutes ago.

Mr. Howard: There is a... in Robert's Rules of Order you are allowed to call the question. And that is specifically designed to end debate on a question if two-thirds of the body agrees to that.

Ms. Kirkman: Yes, you are correct the motion is to end debate. It is not to call the question.

Mr. Howard: Well when you call the question that's what you are voting on, whether you're going to end debate or not. So that's... you know, there's different terminology to use, you can say I move to close the debate, I move the previous question, I call the question, I was calling the question. And if everyone didn't understand that, we would need two-thirds of the vote to end debate and then we would go and restate the motion and have to vote on the motion that is on the table. So that's my understanding of Robert's Rules of Order but we'll wait for Mrs. McClendon to discover that. And we'll have a long time to wait because we're about to go into public comments, so...

3. Zoning Ordinance Amendment; Wetland Mitigation Bank (**Deferred at July 13, 2011 Meeting to September 7, 2011**)**Discussed after Public Hearing**

Discussed after Public Hearing

4. Zoning Ordinance Amendment; Rappahannock River Overlay District and Potomac River Overlay District (Referred back by Board of Supervisors) (**Time Limit: October 6, 2010**) (**History -**

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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

5. Discussion of Recycling Definition (**Time Limit: October 3, 2011**)

Discussed after Public Hearing

6. Discussion of Exempt Subdivision

Discussed after Public Hearing

7. Discussion of Farmers Market (**Time Limit: December 6, 2011**)

Discussed after Public Hearing

PUBLIC PRESENTATIONS

Mr. Howard: All right, at this time we'll come out of standing at ease and on the agenda that we adopted this evening we're at 7:30 PM. This is a chance where the public gets to address the Planning Commission on any matter that is not before us for a public hearing. Tonight we have two public hearings, there's a reclassification of the Courthouse Tracts and also a reclassification of Quantico Corporate Center hotel. So anyone wishing to address the Planning Commission on any of those items that are not part of the public hearings may do so by stepping forward to the podium. You can recognize Ms. Kirkman please.

Ms. Kirkman: Good evening, Chair and members of the Planning Commission. I find myself in the unusual position tonight as a member of the Planning Commission having to resort to speaking during the public comment period in order to say my piece on the application that is in front of the Planning Commission.

Mr. Howard: You just need to state your name and address for the record.

Ms. Kirkman: My name is Cecelia Kirkman. I reside in the Aquia district and I actually represent the Griffis-Widewater district on the Planning Commission. Tonight what we've seen is an attempt to limit free speech and debate on the Planning Commission. All I wished to do was make one comment, both to thank Mr. Gordon for clarifying that there were cash proffers, and to point out the fact that staff has established the fact that regarding the Fox Chase rezoning application, staff has established that if this rezoning application were to come in today, the proffer guidelines would suggest more than \$3 million in cash proffers and yet the applicant has offered around \$500,000. That's all I wished to say, and instead, because the Planning Commission Chair wished to suppress free speech and debate on this issue, we've spent 20 minutes wrangling over Robert's Rules of Order. That's all I have to say. Thank you.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission on any item that is not part of the public hearings this evening may do so by stepping forward to the podium. Seeing no one else advancing towards the podium, I will now close the public presentations portion of our meeting and open up the public hearings portion.

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Mr. Hirons: Mr. Chairman.

Mr. Howard: Mr. Hirons.

Mr. Hirons: Point of order, I suppose. Is it possible for us, now that Ms. Kirkman has had her say, to take a vote on this. As I stated to you, I have to leave tonight at 9:15 and I'd like to be on record supporting this particular project.

Mr. Howard: You'd have to, uh, we'd have to...

Mr. Hirons: Is the motion not still on the table?

Mr. Howard: Well, now the motion's not on the table because we're in the public hearing portion of our meeting, which by... I think there's some legal requirements, which is why I went back to the agenda. I think if we were to perhaps... boy, Ms. McClendon's getting a test tonight... perhaps suspend the rules, which is what we'd have to do. Vote to suspend the rules and then bring that back before us and then we could probably vote on that. I would think that's probably appropriate if Ms. McClendon agrees to that.

Ms. McClendon: Yes, you can vote to suspend the rules in accordance with the bylaws. I believe you need a two-thirds vote and then you should be able to suspend the rules and go.

Mr. Howard: Okay, so . . .

Mr. Hirons: I make the motion to suspend the rules to enable us to take a vote on the previously made motion for approval of the reclassification in front of us.

Mr. Howard: Is there a second?

Mr. Mitchell: Second.

Mr. Howard: Any discussion?

Ms. Kirkman: Yes, Mr. Chair, there's still an outstanding point of order regarding the debate regarding this matter and until that point of order is resolved the... I suggest that the motion made by the Supervisor from Falmouth is out of order as well.

Mr. Howard: Any other discussion? Hearing non, I will now call for the vote on suspending the rules. All those in favor of Mr. Hirons' motion, seconded by Mr. Mitchell, to suspend the rules, signify by saying aye.

Mr. Rhodes: Aye.

Mr. Hirons: Aye.

Mr. Mitchell: Aye.

Mrs. Hazard: Aye.

Mr. Howard: Aye. Opposed nay.

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Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 5 to 2. So, I'm not sure if Mrs. McClendon has the answer yet. So from a procedural perspective, Mr. Hirons, to make sure that the circuit court doesn't have to waste their time on something like this, we may want to wait for Mrs. McClendon to make her ruling. So while your motion carried, it still might be prudent to wait for the advice from the attorney on this.

Mr. Hirons: Okay.

Mr. Howard: But I'll defer to the will of the group here, whatever the group wants to do. We did vote to suspend the rules, but I still think it's prudent for the sake of the county to make sure that the Attorney is fully understanding what the implications could or could not be. Ms. McClendon, will you have an answer or should we just move on to the public hearing portion?

Ms. McClendon: I have an answer, it's just I'm trying to find it exactly in Robert's Rules. I'm having a problem locating it in my book.

Mr. Howard: Got it.

Ms. McClendon: But it would appear that we are now to the part of the question regarding the call to question or, as it's in Robert's Rules called a previous question. From what I'm understanding is that that is a call to end the debate but the problem is, and what I'm trying to locate is, from what I understand is that the Chairman cannot place that motion. That has to be placed by another member of the Board and then voted upon to end the debate if the call to question eschews. Calling for the vote is something that's different, and if calling for the vote and then, in a timely manner if another Commissioner would like to speak, according to Robert's Rules that's still applicable. And then it says the member is entitled to the floor.

Mr. Howard: Okay, I'm satisfied with that answer. Ms. Kirkman, you have the floor.

Ms. Kirkman: Thank you Mr. Chair. The simple point I wished to make, again, is this. Thank you for pointing out there are cash proffers, however, those cash proffers are inadequate according to our county proffer guidelines. If this rezoning application were coming today, staff has established more than \$3 million in cash proffers would be what would be consistent with our proffer guidelines. Instead, what we've got is \$500,000 in front of us and homeowners will end up paying the difference in terms of property taxes, thank you Mr. Chair.

Mr. Howard: Are there any other comments from anyone who hasn't had a chance to comment yet? No, okay. Any other comments? Mr. Hirons? We suspended the rules . . .

Mr. Hirons: Is the motion on the table or where are we with that?

Mr. Howard: I would restate the motion.

Mr. Hirons: I move approval of RC1100029, Reclassification Fox Chase Commons.

Mr. Mitchell: Second.

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Mr. Howard: All right, we are open for discussion again. Any discussion? Hearing none, I will now call for the vote. All those in favor of the motion before us, which is the approval of reclassification of Fox Chase Commons, signify by saying aye.

Mr. Rhodes: Aye.

Mr. Hiron: Aye.

Mr. Mitchell: Aye.

Mrs. Hazard: Aye.

Mr. Howard: Aye. Opposed nay.

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: We are now at the public hearings, which is item number eight on agenda, which is the reclassification of Courthouse Tracts, LLC, which is a proposed amendment to proffered conditions for the development of a medical office building on assessor's parcel 39-3 and 39-3A zoned B-2 today. Mrs. Baker?

PUBLIC HEARINGS

8. RC1100141; Reclassification - Courthouse Tracts, LLC - A proposed amendment to proffered conditions to allow for the development of a medical office building, on Assessor's Parcels 39-3 and 39-3A, zoned B-2, Urban Commercial Zoning District, consisting of 4.9 acres, located on the west side of Jefferson Davis Highway, at the intersection with Hospital Center Boulevard, within the Hartwood Election District. **(Time Limit: December 6, 2011)**

Mrs. Baker: Good evening, may I have the computer please. Kathy Baker with the Department of Planning and Zoning. This request is for Courthouse Tracts, LLC, a reclassification. This is to amend proffered conditions on property zoned B-2 for the development of a medical office building. The applicant is Courthouse Tracts, LLC, and it's on Assessor's Parcels 39-3 and 3A and it encompasses 4.96 acres. The assessor's parcel 39-3 was rezoned from A-1 to B-2 in 2003, and there are proffers in your package that were associated with that rezoning that limited some of the development on the site. The assessor's parcel 39-3A was rezoned from A-1 to B-2 in 2006. That was a separate rezoning and proffers on that were limiting the use so it was specifically rezoned at the time for a fraternal lodge. So the new application would actually delete both sets of the existing proffers and a new set of proffers would then apply to both parcels. As you can see the property is located on Jefferson Davis Highway, its south of Courthouse Road, which doesn't show up in this view, and directly across is the Hospital Center Boulevard, the location of the hospital. Zoning of the property again is B-2, to the north is B-3, B-2 across Jeff Davis Highway where the hospital is located. The light green is A-1 zoning and there is some R-4 zoning to the west of the site where there is an existing mobile home subdivision. There's an existing single-family dwelling on the site, built around 1920, and an associated garage. There's a private entrance that serves the property. The majority of the site outside of the dwelling footprint is forested with sloping terrain. There is an RPA buffer located at the western edge of the property. The stream is actually located off-site but some of the buffer exists on this property. As you can see on the

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overhead this is the existing home with the driveway entrance. 3-A currently has nothing located on it, and Jefferson Davis Highway. And then you'll see the residential use to the south of the property. This is the view of the residential structure. What the applicant is showing on the generalized development plan is a medical office facility, 50,000 square feet in size, with parking located to the front and the rear of the building. They are proposing retaining walls to the west and the south of the property. There would be one primary site entrance; the access would be located in the future realigned Courthouse Road, which I'll show you a little bit more on a map in a moment. They're also proposing a right and left turn lane into the site. The inter-parcel access would be provided to the property in the south if in the future it were rezoned or developed as similar commercial use. There's sidewalk proposed along the property frontage and again the RPA buffer shown to the west. It's a little difficult to see this with the lines on it but this is the proposed building with the parking to the rear and the front. The access into the site would be in this location, which is at the intersection with the Hospital Center Boulevard. The gray area shows the potential future alignment of Courthouse Road, and I have one more graphic to show you a little more on that in just a moment. The actual entrance into the site would come at this location. This is a proposed architectural rendering this would be the view from Route 1 as a two-story. The back side of the building is actually going to appear as a three-story building. There is one floor that's underground from this view. With regard to the transportation, there was a transportation impact analysis submitted with the request. It showed 1,807 vehicles per day, with the highest peak PM volume at 222 vehicles per hour. The TIA showed that the Route 1/Hospital Center Boulevard intersection currently operates at a level of service A in the AM and a level of service B in the PM. Under future conditions it is anticipated to operate at a level of service C. The actual approach lanes currently operate at a level of service C and under future conditions a level of service D. So the recommended transportation improvements to offset these conditions include the northbound left turn lane into the site and the Route, uh, southbound right turn lane. And this would allow the intersection to operate overall at a level of service C. As you can see this is the existing intersection the southbound Route 1 and northbound and the Hospital Center intersection and the light, the intersection is signalized. This is the Courthouse Road proposed I-95 interchange. This is actually just a preliminary design which VDOT has chosen as its alternative right now. The yellow line is I-95, the northbound lane. This yellow line is Route 1. This is the current alignment of Courthouse Road with the courthouse in this location. The red would be the proposed future alignment of Courthouse Road, and then the blue is actually a connection from Old Courthouse, right now the firehouse is located in that vicinity. This is Jason Mooney lane, which would be extended down to connect to Courthouse Road. And the site is just to the south of that realigned intersection. So until that realignment takes place, as I mentioned this would be the access into the site on the left-hand side, to the right, with the future improvements, the entrance into the building would actually move to the rear of the property and that would allow for better movement throughout the intersection. It would also be a right in only lane improvement entrance into the front of the site. So the applicant does have several proffers proposed, including exterior building materials, which the retaining walls and signage would also match. There would be screening of any outside storage, rooftop equipment, and trash receptacles. Any lighting would be a maximum height of 16 feet. There are several uses proffered out, which you'll see in the proffers. They would do an architectural survey of the 1920s dwelling prior to that being demolished, and also install the NFPA stand pipe if greater than two stories. Also they would modify the traffic signal at the intersection to accommodate the new leg. They would construct the northbound and the southbound left and right turn lanes as I stated, excuse me the left turn and the right turn lanes. They would dedicate necessary right-of-way for the improvements on Jeff Davis Highway. They would provide inter-parcel access to the south and frontage landscaping improvements consistent with the master redevelopment plan. As you recall, the redevelopment area plan for the courthouse was approved in May of 2011, adopted by the Board of

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Supervisors. And that vision does include a grid street system for optimal vehicle and pedestrian circulation. It also has mixed-use blocks with enclosed parking, which is to basically limit the view of parking from your primary roadways. It also includes open-space and streetscape improvements and squares and plazas throughout the area, see the boundaries here at the site in this location. The redevelopment area plan does anticipate the use of form-based code, except at this time we don't have the form-based code in this vicinity. We did do it in Boswell's Corner but it has not been adopted for the Courthouse area yet. The form-based code would anticipate location of buildings, as I said, near the front of the properties with parking located behind. And there are some interim strategies which are recommended, again we don't have any of the requirements right now but those strategies include incorporating design elements into the buildings such as recesses along the facade, adding entryways, awnings, perhaps roof features such as dormers, pitched roof, that type of thing. Also the public and private open-space and streetscape plan is also recommended. This is just a rendering that comes right out of the redevelopment plan, Jeff Davis Highway and Courthouse Road. So you can see it's along the primary streets we are looking to have the buildings located closer to the front. And this is just a streetscape concept which they've basically indicated they will comply with. There would be ultimately a grass median, landscaped median, along Route 1 and then you'll notice some wider sidewalks with street furniture, street lighting, that type of thing. So the land-use designation it is within the suburban area which is primarily residential complemented by neighborhood and community-oriented retail and business with a density of .4 FAR. The purple that you see to the north is actually the urban development area designation. So with this application staff does find that it is consistent with the established and developing land-use pattern. The proffers would ensure transportation improvements and find it consistent with the comprehensive plan. We do find that it's not fully consistent with the redevelopment area plan, again it's still a vision. If the plan itself is adopted, we don't have specifics to follow but the recommended strategies would include the building features that I mentioned as well as perhaps locating the buildings closer to the road, perhaps eliminating some of the parking or at least moving the parking to the rear. The applicant has indicated that it would be difficult because they're planning a dual-entry at the front and the rear of the building so I'll let them talk about that a little bit more. We do recommend approval with the proffers but again, recommend the consideration of those building design features and the location consistent with the redevelopment plan. I would be happy to answer any questions.

Mr. Howard: Thank you Ms. Baker. Are there any questions of Ms. Baker or staff on the item before us?

Mr. Rhodes: Mr. Chairman.

Mr. Howard: Mr. Rhodes.

Mr. Rhodes: Yes. Ms. Baker, so who owns... where the access will come across from Hospital Center Boulevard, who owns that property or that right-of-way to be able to make their access come in off another property?

Mrs. Baker: You mean to the north of this site?

Mr. Rhodes: Correct.

Mrs. Baker: Can we pull the computer back up, please?

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Mr. Rhodes: Sorry, I missed that part.

Mrs. Baker: I'm not sure if you can see it. Their property line is in this location.

Mr. Rhodes: Right.

Mrs. Baker: This is an adjacent property that is owned by someone else and without looking at the large-size GDP I'm not sure of the name of that. But this road location is generally off-site.

Mr. Rhodes: But they're planning to access from the other property then.

Mrs. Baker: Let me take a look at the large plan, I can't see the small one.

Mr. Rhodes: It appeared that the road coming off of Route 1 was on the other parcel and then they would be connecting to that. I was just trying to understand how that's already been . . .

Mrs. Baker: Actually there's an existing easement that's already been recorded.

Mr. Rhodes: Okay, thank you.

Mrs. Baker: That happened, I think, back when they originally were looking to rezone that other piece of property.

Mr. Rhodes: Thank you.

Mr. Howard: Any other questions for the staff?

Ms. Kirkman: Yes, Mr. Chair.

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: First I want to go to the zoning history and in that you referenced two rezoning applications but I seem to remember that this property also came in front of the Board of Zoning Appeals at least once and I think, actually, two or more times. Could we get clarification on the entire zoning history on the property?

Mrs. Baker: I'm going to have to ask Mr. Harvey. I wasn't aware of any zoning history, or BZA history.

Mr. Harvey: Yes, thank you. I recall that there was a case that went to the Board of Zoning Appeals when the fraternal organization was proposing a site plan. If I recall correctly they needed a variance of one of the setback requirements in order to fit their building on the property.

Ms. Kirkman: So, I guess that just for future reference maybe there's something that could be done to make sure that the zoning history part of the application or staff report is more complete because I think there was even also some waivers granted around parking or something along those lines but I don't remember the entire history. Could you explain... in the staff report it states that when the sort

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of stub out from the hospital road is in place that there will be a level of service of C. Could you explain what that means, when it's a level of service of C?

Mrs. Baker: Level of service C is generally an acceptable level of service which, do you want specifics on what . . .

Ms. Kirkman: Right, like wait times, that sort of thing . . .

Mrs. Baker: I don't have that information at my fingertips. I'm not sure if Mr. Harvey can answer that.

Mr. Harvey: Generally speaking, a level of service C is a factor of how much congestion there is on a street. I don't recall any specifics on traffic volumes or wait times but I know we can pull up graphics that show level of service C relative to A, B, D, E and F.

Ms. Kirkman: What do our... I thought at some point we had a level of service B requirement in the ordinance.

Mr. Harvey: Our comprehensive plan recommends level of service C or better for road improvements.

Ms. Kirkman: And what do our ordinances require?

Mr. Harvey: Our ordinances don't speak to level of service.

Ms. Kirkman: They don't?

Mr. Harvey: Typically it's a VDOT requirement.

Ms. Kirkman: All right. And then could we go back to the map with the interchange?

Mrs. Baker: Computer please.

Ms. Kirkman: But with all the, you know, the colors drawn in... yeah, there we go. So I just wanted to clarify where this is in the process. You stated that VDOT has chosen this as its alternative? Has VDOT already held the public hearings on the interchange?

Mrs. Baker: They've had, I don't recall at what point they had public input. This is a preliminary design. They had different alternatives for their preliminary and this is what they've chosen. I'm going to have to check on what their public input has been to this point.

Ms. Kirkman: Right, so I know they do, like informational meetings which would constitute input, but then there's like a formal process that they go through of public hearings and my understanding was they actually present several alternatives during the public hearing and I'm just trying to determine has this gone through that public hearing process?

Mrs. Baker: I'd have to look. Again, this was something that... the design itself is what they've provided to us but I don't have the information on what their process was at the time to get to this point.

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Ms. Kirkman: And that red line with the future alignment of Courthouse Road, is that something that's included in the VDOT public hearing process?

Mrs. Baker: The alignment in the design is what would have been presented at the public hearing if the public hearing was held.

Ms. Kirkman: Well the interchange would've been but I don't know if the interchange includes that quote realignment of Courthouse Road. Is that particular realignment of Courthouse Road on the transportation improvements map in the comprehensive plan?

Mrs. Baker: It's on this actual design. I highlighted the red just to show the location. If you look underneath that there are additional lines that you're going to see throughout this on this concept. I am not sure if I can zoom in any closer so that you can see that a little bit more clearly. I was just merely highlighting these roads so you could see the comparison of the old Courthouse and the new Courthouse. But this design, if you look more closely at it, does show all of the ramps and everything else that I've not highlighted on this graphic.

Ms. Kirkman: Right, I understand that piece. But Courthouse Road is a secondary road, it's not a highway, it's not a primary road, and I'm trying to understand that particular alignment of Courthouse Road, if that's (a) in our transportation plan and (b) is it really part of the interchange design or is this something that's been added onto the interchange design? I'm just trying to understand where all of this is in the transportation approval process.

Mrs. Baker: I believe the transportation plan showed it generally going south, it did not really have an exact location. This conceptual drawing that was prepared by VDOT does have the exact location coming out at the intersection across from Hospital Center Boulevard because that was their desired location because it's already a signalized access.

Ms. Kirkman: But I thought... so this is the... like that red line goes into the quote "stud out," but I thought that on a previous rezoning application we got, and maybe it was for the Hospital Center itself, we were... the Planning Commission was told that that would not be the realignment of Courthouse Road because the hospital didn't want a connector road feeding right into its road because they said that would be too much of a traffic danger to the elderly patients that would be driving into the hospital.

Mr. Harvey: Ms. Kirkman, yes the county did provide comments to VDOT as VDOT's been working through their design. It's been a number of years now but that was one of the concerns. Staff had provided comments based on Board comments that the alignment be located farther south for that concern. Also, the staff and the Board had requested that Courthouse Road stay open underneath Interstate 95. This current plan has Courthouse Road terminating, so the through movement will actually be the red line rather than the orange line. So Courthouse Road will only pass two-way traffic roughly to where McDonald's is today, and then it will be cul-de-saced. So the through movement going east-west will end up becoming the red line shown on the map.

Ms. Kirkman: And where is this in terms of the County's Transportation Plan and the VDOT public hearing process?

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Mr. Harvey: It's my understanding VDOT has submitted a number of alternatives for interchange justification to VDOT, excuse me the Federal Highway Administration, for them to get an approval from the Federal Highway Administration to proceed with the engineering of the project and going through the formal public hearing process. To my knowledge they have not done the preliminary engineering to get us to a public hearing date but we will check on that and get back to the Commission with that information.

Ms. Kirkman: Well... so here's what I'm trying to understand about all this because it actually relates to the design of the road access points. It was stated that this was VDOT's chosen alternative but now we've heard (a) there's been no public hearings so there's no decision making that's taken place on the route yet and (b) VDOT has actually submitted multiple alternatives to the FHWA for consideration. So I'm trying to understand how that fits with the statement that this is VDOT's alternative.

Mr. Rhodes: Preferred alternative.

Mr. Harvey: Yes, it's my understanding that VDOT's submitted several alternatives to the Federal Highway Administration for their consideration of the location of the improvement. This was VDOT's preferred alternative. It's my understanding the next step is once the Federal Highway Administration says proceed, then VDOT would enter into preliminary engineering and engage in the public hearing process through the preliminary engineering protocols.

Ms. Kirkman: Okay, thank you.

Mr. Fields: Mr. Chairman.

Mr. Howard: Yeah, Mr. Fields.

Mr. Fields: Sort of along these lines, I mean, we just approved last year, right, a large development south of Courthouse, I mean the Stafford... I'm asking Mr. Harvey a question if that's all right, Mr. Chairman.

Mr. Howard: Sure.

Mr. Fields: A large commercial development just south of here, right?

Mr. Harvey: Yes, there was a relatively large rezoning south of Hospital Center Boulevard.

Mr. Fields: And in my recollection, you know, Mr. Harvey or anybody, is that there was an alignment of an interchange road that lined up with that project as being sort of what everybody thought was going to be the preferred alternative. And a lot of our decision making was based on that... the idea that that road that passed through that development and subsequently possibly all the way to Courthouse Road or at least farther in there, was going to be lining up with the interchange road.

Mr. Harvey: Again that was the recommendation from the Board and was passed on to VDOT. That's not what's come out of the VDOT process so far. In our transportation plan we do show the extension of a road that was shown on the map there, Venture Drive, to have it extend further down to Route 1, which could potentially align with the parkway which you were referring to. So there could be direct access from that commercial project to the new Courthouse Road if you cross Route 1.

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Mr. Fields: But the county's done that. Has VDOT considered that as part of their modeling and their decision-making process?

Mr. Harvey: It's not showing up on their concept yet.

Mr. Fields: Okay, I'm just trying to think of how that interacts because I mean there were... we've spent, as I recall, we've spent a fair amount of time on that rezoning looking at different transportation scenarios and it was never... I mean... I'm not trying to imply that anybody was saying that that was definitely the one because we all knew that that wasn't... nothing had been set in stone yet but certainly a lot of decisions were based on certain likelihoods of that happening and now we're looking at a scenario with still-as-yet-undefined likelihoods from VDOT. So maybe perhaps that's a cautionary tale if the transportation modeling and impact statement for this project is in any way dependent on the Courthouse interchange. I'm not sure how you make a logical, intelligent decision and, you know, I look for some help there, from anybody, how you make a logical, intelligent decision on what the traffic impact of this is going to be if we do not know for an absolute this is what VDOT has finally said is the path and they're starting to buy land and do some engineering on it. Until then, it's kind of obvious we're speculating. I don't necessarily want to... I'm not saying we made a mistake before but I'm not necessarily saying it's prudent to go down that road twice. Thank you.

Mr. Howard: Thank you. Any additional questions? Ms. Baker, can you put the slide back up that showed the entrance off of... that's fine, we can work with that one. The question I have is, and I think it's been stated pretty well that there's been several renderings that VDOT has proposed, some based on county feedback, some probably based on feedback from the hospital, and I guess other forums they've held over time. What impact will this actually have on this particular building, because if I looked at the rendering correctly, maybe even go the layout where it shows the actual entrance into the... that's good. So this is... you've indicated this is actually going to be Courthouse Road at some point, we think.

Mrs. Baker: This is the current . . .

Mr. Howard: In prior views that we've had my recollection is this was actually thought to be Jason Mooney Drive, where that was going to be in a, sort of like a quarter of a circle, where it would start on the existing Courthouse Road and then come out to Route 1 and line up with the hospital, and the hospital has completed that road behind to hospital to sort of create a half-circle. Is that correct?

Mrs. Baker: Yes.

Mr. Howard: Okay, so what impact on the project that we're looking at today, would the VDOT rendering that you showed, their preferred rendering, have on this project if in fact VDOT decides, based on many other factors, that we're not going to go with this plan that we thought was preferred, we're going to change this up even yet again. We would end up with... what's to my left?

Mrs. Baker: Actually, yes, the one that I showed you earlier, this is what they would construct. They're likely going to be ready to go before this Courthouse realignment.

Mr. Howard: Which is... which has access under current conditions, so they'll line up with the traffic light

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Mrs. Baker: Yes.

Mr. Howard: Okay.

Mrs. Baker: Their entrance would go in at this location.

Mr. Howard: And the traffic impact analysis showed this rendering or showed both renderings? In other words when they did their TIA, what impact . . .

Mrs. Baker: They looked at both scenarios.

Mr. Howard: They looked at both scenarios. Okay, so under the scenario to the left which is labeled "Access under Current Conditions," that was a C if I recall your slide correctly. Or was that a B because the road didn't go all the way through?

Mrs. Baker: Well the improvements that they're proposing for their site, to mitigate the impacts from their site, are the turn lanes, which are into their site entrance.

Mr. Howard: Which happen whether VDOT moves Courthouse Road or not.

Mrs. Baker: That's correct.

Mr. Howard: Okay.

Mrs. Baker: But the... originally as I said when this property came in for development in previous years, it was anticipated that this was going to be a joint-use access anyway just because of... to reduce the number of entrances on Jefferson Davis Highway. If this doesn't go here, this property may develop and also use this as a site entrance.

Mr. Howard: Correct, sure, there's already an existing entrance off of Route 1 that would make sense.

Mrs. Baker: I mean there's nothing to actually preclude VDOT from coming in and putting the alignment right through this building but that's not likely to happen since you have your alignment here. Until the final design is done, we don't really know if this property would be further impacted but at this point, they have lined it up to coincide with the future alignment.

Mr. Howard: So the purpose that staff has of showing us the bigger picture, if you will, is so we have an understanding of what the potential impacts could be ten years down the road if in fact the Courthouse interchange actually gets done and VDOT gets this particular rendering approved by everyone, including FHA. Okay.

Ms. Kirkman: Could we stay on that slide for a moment?

Mr. Howard: Do you have a question Ms. Kirkman?

Ms. Kirkman: Yes.

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Mr. Howard: Okay, Ms. Kirkman has a follow-up question.

Ms. Kirkman: So that property is currently zoned B-3

Mrs. Baker: The subject property is B-2.

Ms. Kirkman: But the property where the access point is?

Mrs. Baker: Yes, is B-3.

Ms. Kirkman: Is B-3. Did the level of service C take into account the future maximum development of that property on which the access point is located?

Mrs. Baker: As far as the specifics to the TIA, I would prefer you ask that of the traffic engineer. He certainly would be able to answer that.

Ms. Kirkman: Okay, is he here tonight?

Mrs. Baker: Yes.

Ms. Kirkman: Okay, alright. And then... and the easement that exists on that property is sufficient for that type of development because as I recall, originally when that rezoning went in for that property it was for a very different kind of use and was not nearly the scale of this. So, when that original easement was agreed to, does that encompass this scale of development?

Mrs. Baker: I'm not sure there were any limitations on the easement at the time other than being recorded as a joint access. I'd have to look more into the... how the wording was when it was recorded.

Ms. Kirkman: Sure.

Mr. Howard: Okay, any other questions? All right, we'll hear from the applicant now, thank you.

Mr. Hornung: Good evening, my name is Chris Horning. I'm vice president of planning and engineering for the Silver Companies. Courthouse Tracts, LLC, is an entity of the Silver Companies, just to make sure you know the applicant and the owner of the property. One of the most important factors in the success of a hospital is providing medical office space nearby a hospital because a majority of patients in a hospital are not there because of trauma, brought in by an ambulance, they're there for specific services that they are sent to the hospital by a doctor in the region. So it's very important to have medical offices around a hospital to provide medical services that then are referred to a hospital. So it is very important as an employment center for the county, it will help generate revenue, it is consistent with your redevelopment plan of bringing jobs and bringing additional medical facilities to the region. So we think this is a great addition to the corridor. The property itself is steep. It's just like a lot of Stafford County it's a peninsula that sticks out. It runs through, it's a little bit of a challenge to develop but we've come up with a plan that does develop it and we feel maximizes the use but also addresses the county's concerns over existing right-of-way needs and potential future right-of-way needs. We have no idea if VDOT or the county or anyone is ever going to come through with a road through here. We have no idea if it's going to be Courthouse, we don't know if it's going

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to be Jason Mooney Drive, we don't know if it's just going to be a private entrance road. What we tried to do is be proactive and make sure that whatever we designed would work with whatever future road could come through there and if you look at what's designed in that plan I think we're showing eight lanes coming through at that intersection. We have negotiated a new easement, not the easement that we're talking about, with the adjacent property owner to provide for an entrance for our property, which requires that owner in the future, when they develop their piece, to make whatever upgrades are needed for their piece of property. So as they develop theirs, they will come in and be required to do, my understanding is they're currently working on a conditional use permit to be submitted for a particular use that would require a conditional use permit in a B-3. Our analysis looks at our property level of service with our traffic demands. So there may be some additional improvements that could be needed to our entrance on that side. We are accommodating in the future condition, for double lefts through our dedication of right-of-way. And in the interim we're providing the single lefts that work with ours, so if that additional property would require additional turn lanes or additional improvements into that site, on the adjacent piece, then we would, per our easement agreement, we would be looking at that owner to be doing those improvements. We only own the 4.9 acres that we own, the easement agreement that we have with that owner requires us to purchase the land, purchase the easement from them, fill in the property, build the entrance, redo the signal, all at our cost, so we're looking in the range, just to build our entrance to this project, somewhere around \$600,000 just to get into the site and make sure that it aligns with that existing signal. So it's not a small cost, it's a pretty monumental cost to make sure this lines up and meets what we believe could be a future condition. But like you said, we don't know—and our understanding is there has not been a formal public hearing on this, similar to what Mr. Harvey said this, we were told a year ago that the preferred alignment for the interchange was further south, per your previous zoning. When we submitted this plan and started working on it we were told that VDOT was now leaning towards bringing it at this location here. It was our expectation when we started this project that we were going to be dealing with right-of-way for Jason Mooney extension because that's what we believed and that plan was the road that was going to be coming through here, but as we started working with VDOT and the county, we wanted to make sure we took care of the ultimate condition and we did, through our negotiations with the easement with the adjacent owner. The entire region in this area was rezoned by the county to B-3. Our piece, because it was B-2, was not rezoned and I just wanted to mention if this piece had been zoned B-3 this would be an allowed use on the property as a medical office building. It's allowed on a B-3. The requirements to use the redevelopment plan, we have a pretty significant drop-off from the front of the property to the rear, it's around 55, 60 feet within about 600 feet of the property. It is significant, so the ability to provide a grid system and blocks, if you look at the county's vision plan, in some areas we believe it was sort of designed in two dimensions, without regard for topography. In this particular site it's nearly impossible to provide a grid system. We did, however, provide for access to the adjacent owner's so that there was shared access and that as many people as possible could utilize that light in the future and not have additional connections onto Route 1. The zoning history, we've owned the property for, I believe, three years. We haven't applied for anything so if that did occur it was prior to us. On the level of service, our study was not based, it was based on our use, it was not based on the future interchange coming through. We have no idea if that's where it's coming and if so, what those demands will be. That will be part of VDOT's IJS, when they do that. We do know we accommodate eight lanes. We don't know how much more we could provide to meet the requirements of that study but that level of service is based on our build out, which we're looking at, I think it's a three- or four-year window, something along those lines, so we do have our traffic engineer here today. And as far as the level of service, the comment I can... our traffic engineer is here to answer that question. Level of service is based on the amount of delay at different legs. What we're doing here is we're taking a three-legged intersection and we're converting it to a four-legged intersection. So inherently there are

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additional delays because you're waiting for one more movement. But what we've been able to do in the design is maintain the current level of service C to a C even with adding the fourth leg. So even though that's in, is not on the ultimate condition with the interchange, for what we can do with 4.9 acres and a 50,000-square-foot medical office building, that's what we, at this point, can provide and afford to do at this time. Other than that there was an issue brought up about the location of the parking. Because of the topography of this site, the building is sort of splitting the grade. It is two stories in the front and three in the back, and as a medical use, if it was snuggled up to the road. The challenge would be that the parking requirements of the building, your furthest parking space would be around 330 feet from the building. So you're looking at about a football-field walk for people that are going to a medical building, which, that's why we sort of split the difference between the two and there's two entries on either side so the maximum walk you have on either side, I think, is around 175 feet is the maximum you'd have to get from a parking space into the building. Other than that, I'm ready to answer any questions you may have.

Mr. Howard: Thank you Mr. Horning. I will bring it back to the Planning Commission. Did you want to bring the traffic engineer up?

Mr. Fields: Mr. Chairman.

Mr. Howard: Mr. Fields.

Mr. Fields: Maybe you can give us some insight, and I'm not trying to put you on the spot, but obviously... some insight into the dynamics of this. This is obviously... I mean medical offices... this is obviously, you know, something that is a logical and worthwhile extension of the existence of the hospital but, you know, the Board of Supervisors rezoned a staggering amount of land to B-3. We've set up a redevelopment area, now this is the second project spinning off the hospital and they've both been outside of that rezoning and they've both been basically out of the redevelopment area. Is this, I mean, you were looking for a place to build an office building, this is just all that was for sale that you could afford? I mean is that how... you know what I'm saying, my perplexity is like, it's been clear that the county's tried to articulate a plan for where and how, what land is going to be used and this is the second... and again, I'm not saying that either project is not worthwhile but it's just a little frustrating. Maybe you can give some insight into why that's occurring.

Mr. Hornung: Sure, on this particular piece, my personal opinion it was an oversight. I don't know why you would stop the redevelopment area at an intersection when everybody knows the portion that's typically developed is the intersection, so this sort of stops at that future intersection of the hospital. I think at the time it was just drawn as an area. The parcel was zoned B-2, so I don't know that there was a whole lot of thought in that one little 4.9-acre piece of property when you're looking at a redevelopment area that's enormous. As far as locating medical office buildings, we're building multiple medical office buildings. We're currently building, we're almost finished with one down by HCA in Spotsylvania at Cosner's Corner. Nearly the identical building, its 40,000 square feet. It is not on the hospital's property because the HCA hospital down there actually restricted the surrounding land that we had from us building a medical office building because they had their own needs to build medical offices for themselves and their own use. In this particular area we have tried to acquire other pieces along Route 1. The piece next door that we have the easement on is one we've actually talked to the owner about acquiring. The development costs, the slopes with it, and the price of the land were all deterrents in making that work economically, but my understanding is that owner is looking to develop himself or through other parties and most likely will be in here before too long looking for

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some kind of a, either a zoning action or some plan approval to build something on that piece. So I can't speak specifically why, on the other side of the road versus this side of the road, this happened to be one that at the time we bought and it was logical to, immediately across the street from the hospital.

Mr. Fields: Okay, thanks. I appreciate that.

Mr. Howard: Any additional questions for the applicant?

Ms. Kirkman: Yes, Mr. Chair.

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: You stated that you were told by the county about a year ago that the preferred alignment of the Courthouse, the realigned Courthouse Road was further south? When you say the county told you that, who do you mean exactly?

Mr. Hornung: That's a good question. Let me restate that. I don't have anybody specific at the county who said, "Hey, this is where it's going." VDOT has been studying alternatives. Those alternatives have been provided to us through VDOT and the county has been involved in some of those discussions. So my understanding is VDOT has been driving the boat on alternatives, the county has been responding to those and making sure that information is available. So specifically when we started this project, what we saw as preferred alternatives that were VDOT, that it was our understanding had been talked about with the county and others was that that road location was going opposite the other rezoning project that you're talking about, that that was the preferred location at the time, but . . .

Ms. Kirkman: You mean, so staff... I'm just trying to, like, we keep hearing about "the county's preferred alternative"

Mr. Hornung: I didn't say the count... I said VDOT's preferred alternative. We've seen about eight different "preferred alternatives" in the last two years.

Ms. Kirkman: Right, but the notion that this road would be further south keeps coming up as what the county wanted and I'm trying to understand what the county...

Mr. Howard: Why don't we ask Mr. Harvey that question?

Ms. Kirkman: Yeah, and if you had any insight into that, Mr. Harvey has some insight into that . . .

Mr. Harvey: Certainly Ms. Kirkman. The Board of Supervisors passed a resolution requesting that VDOT consider certain design factors with the interchange project. One of those design factors was to have the road alignment landing on Route 1 south of Hospital Center Boulevard. That's probably where a lot of the discussion has been about.

Ms. Kirkman: That would be helpful. Could we get a copy of that resolution?

Mr. Harvey: Certainly.

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Ms. Kirkman: That would be great, thanks.

Mr. Howard: Any other questions for the applicant? Okay hearing none from the . . .

Ms. Kirkman: Oh... I just... so to make sure I correctly understand the question I asked of staff, that they then referred to you and/or your engineer, the level of service C is with no further development on the adjacent property where the access point is. And what you're saying is that if that property gets developed, they would have to go through some process where maybe they will or maybe they won't pay for improvements depending on what gets voted on by the Board of Supervisors.

Mr. Hornung: They'll have to submit a site plan...

Ms. Kirkman: Right.

Mr. Hornung: ...to the county and have VDOT review it just like everybody else does, through TRC...

Ms. Kirkman: Right.

Mr. Hornung: ...and if there are inadequacies in the entrance design or the turn lanes those will be brought up during the TRC. Our understanding is that at least one of the specific uses that they are looking to do there, is a... that they have mentioned to us they would like to do there, is a conditional use permit... it would require a conditional use permit on the site. So that would require them to come before the Board and present this and our discussions with them were that what we were designing would not prohibit them from doing additional improvements that they may need in developing their... I think they own 12 acres total.

Ms. Kirkman: Right, but the level of service C is based solely on your use and does not take into account further development of the property where the access point is located.

Mr. Hornung: Or anything else along Courthouse that could or may happen in the future.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Are there any additional questions for the applicant? Okay, Ms. Baker I have one additional question before we open up the public hearing. Is it typical that the county would work with an applicant and request that they do a traffic impact analysis on future development other than their own development?

Mrs. Baker: Not necessarily, but when they meet with VDOT and the county before they even submit this application, they would go through the scoping process and determine, I guess basically what intersections they're going to look at, what they're going to evaluate, whether it's just this intersection, their site entrance, a different... it may, in some instances, have been Courthouse Road and U.S. 1 intersection. So, it just varies upon each application and what the scoping of . . .

Mr. Howard: Well have we ever asked an applicant to do a traffic impact analysis on parcels that were not included in their subject site, what they were proposing to build?

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Mrs. Baker: Not necessarily parcels but if a property is zoned for something and a maximum capacity of that parcel is taken into consideration . . .

Mr. Howard: I guess what... they're next to a vacant lot. So my question is have we ever asked an applicant, in the process of what they would normally go through when they go through this type of rezoning, have we ever asked an applicant to include in their traffic impact analysis the future, what the future could or could not be, based on an adjacent property owner.

Mr. Harvey: Mr. Chairman, I think I can answer that.

Mr. Howard: Okay.

Mr. Harvey: Where we have known projects that have been approved and will be built out within the projected timeframe of the build out of the subject project, we would include that information in the traffic study. Typically the traffic study will look into the future based on the projected build out of the project that's subject to consideration. So if it's got a five-year time window, that's usually how far the traffic study . . .

Mr. Howard: But if there were some other office complex on this vacant property previously approved you would ask the applicant to consider those future projected vehicles per day.

Mr. Harvey: Yes. Elsewise we would look at background traffic. How much has the traffic volume grown, say, on Route 1 every year for the last four years and then project that out.

Mr. Howard: Wouldn't their engineer do that, though? Isn't that . . .

Mr. Harvey: Yeah, the traffic engineer would take that all into consideration as they're generating the study.

Mr. Howard: Okay. All right.

Ms. Kirkman: Mr. Chair, I have a follow up question.

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: Mr. Harvey, I thought part of what was sort of forward-thinking about the Chapter 527 regulations and the legislation itself, was that it required in the traffic impact analysis to take into account not only the development of the specific parcel, but surrounding parcels as well as even, and what was particularly forward-thinking, regional traffic patterns. Is that correct?

Mr. Harvey: I know that they require broader scope. I was referring to traffic impact analysis when the county was involved in the review process.

Mr. Howard: Yeah, that was my question.

Mr. Harvey: Their traffic engineer is here and he has gone through the 527 analysis and probably can speak to that in more detail.

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Ms. Kirkman: Okay, thank you.

Mr. Howard: Okay, if you feel so compelled, sure.

Mr. Riley: John Riley with Bowman Consulting, I was formerly with Kimley-Horn and I led the preparation of the traffic study for this project. Couple of clarifying statements, this was not a 527 study because the site does not meet the minimum threshold for commercial trips to trigger a study. This study was conducted, as I recall, because we were connecting to a principal arterial in the county and it was at a signalized intersection of importance and it was necessary to establish turn-lane improvements and signal operations that would support the development of the site. 527 or not, it is common practice to analyze approved, unbuilt developments that are in the vicinity, whether they're adjacent or several parcels away, but within an agreed-upon vicinity that approved unbuilt traffic in the future might influence the study area for a given project. In this particular instance we only studied the signal at our connection point, however, having recently done the South Campus rezoning, which I think was referred to, we did incorporate some of that traffic, I think thirty-three percent, and we also incorporated an additional phase of the hospital build out. But only what we thought would be in place at build out of this site. And to clarify what Mr. Horning said earlier, our build out analysis was 2012, next year, which we would assume to be the horizon. Had this been a 527, we may have been asked to look at another 6 years out, which is some of the forward-thinking that you're referring to, Ms. Kirkman, but in this instance at the scoping... we did have a scoping process with VDOT and the county at the table and we just agreed that we would look at build out. We did discuss that adjacent parcel to the north that would, in all likelihood, share access, we don't know. But at the time I don't think there was an approved unbuilt plan that could be brought in and clearly analyzed. We would have been merely speculating so the assumption at our scoping meeting for this project was that that applicant, should they come forward, would then probably piggyback on this analysis and do their own analysis to support their impacts.

Mr. Howard: Thank you.

Mr. Hornung: Do you mind if I... I wanted to make one last comment. I did want to mention that when we were looking to acquire our piece and actually before we acquired the piece, the adjacent property was zoned M-2 industrial. Or I... was it I? This piece was actually rezoned by the county, the adjacent piece, to allow it to be office. The road alignment coming through from Courthouse was not one that we chose, it was one that we were given that the county and VDOT and others were considering. So we're kind of at a point here where we've got a site, we're looking to develop it with a good use for the county and we're willing to make sure that we're planning for the future and we're building what we can build now. But the situation of the adjacent owner, that property didn't go through proffers and it was not required to do proffers because it was zoned by the county.

Mr. Howard: Thank you. All right I'll now open up the public hearing portion where the public gets to address the Planning Commission on the particular public hearing we're conducting now, which is the reclassification of Courthouse Tracts, LLC, which is RC1100141. Anyone wishing to address the Planning Commission may do so by stepping forward to the podium. You have three minutes to address the Planning Commission. When the green light starts, that's when the three minutes start. When the yellow light comes on you have about a minute left to speak, and when the red light comes on we would ask you to conclude your comments to allow the next speaker to address the Planning Commission. We will not address your comments directly but in general we will try and get some answers for you for anything that you bring to our attention during this public hearing. Anyone

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wishing to address the planning commission may do so now. Just trying to see how quiet it can get. Seeing no one step forward, I will now close the public comment portion of this public hearing and bring it back to the planning commission. I think this is somehow in Hartwood. I guess that might be the new boundaries, I'm not sure, but very interesting. So I'm not sure... Ms. Hazard, go ahead, you can certainly have the floor if you're requesting the floor.

Mrs. Hazard: I do believe that there have been some questions raised by the Commission about, sort of where we are in the process about this road, the potential for that, although the applicant has stated, I believe, that they're trying to look at the variety of alternatives, it seems like that the Commission members are saying "We would like a little information about where that process is and what the options are," although you have certainly seemed to have come up with your options for under either case. I do have an additional comment, though, about... I know that staff has mentioned about the form-based code and how that is a vision for the RDA and I guess I should've asked earlier, is sort of the concept put forward by staff about the form-based code something that seems in line with what you're building and it appears that way in the proffers but it sounds like there may be a building that's very similar to this being built and was the slide that was presented, was that a copy of the one that was there? So it would just be to get that. But, I mean I'm certainly willing to go with the will of the Commission, it just seems like many questions have been raised about the alignment of the road, that more information had been requested.

Mr. Howard: Are there additional comments or questions? Yes Mr. Fields

Mr. Fields: To amplify what Ms. Hazard is saying, I think... I don't want to make this unnecessarily complicated but it is. The truth is that the traffic synergy of the Courthouse area is a really complicated thing. It's a big-picture thing that's gonna, you know, if it already worked great it would be a different story but I mean, just the reality is, of course, it's a relatively congested area of the county. So if we defer I would like to have... I wonder if staff could... do we have any current modeling or a little bit bigger picture ability to look at some of the possible scenarios of how different parcels are working at this point. I mean I don't want to ask for something that doesn't exist that would be... that is impossible to deliver, but I am just trying... I still am trying to get my head around the comprehensive overall view. I just don't want to end up with, even with relatively good intentions, in ten years having a traffic network here around the Courthouse that just doesn't function well. That's the last thing we want. Mr. Harvey, do you have anything that you could present that would help us understand, or at least me, maybe everyone else understands it fine, understand better the comprehensive current potential traffic network over, say, five- and ten-year horizons?

Mr. Harvey: We don't have anything that can probably address your comments directly, but I know when VDOT made a presentation to some of the county staff with regard to their preferred alternative, they had a model which showed traffic volumes at this intersection as well as the Courthouse intersection. I am not sure if that... I would assume that would be helpful in probably going along the lines of what you're asking. I could see if VDOT officials could come to a future meeting and address that.

Mr. Fields: That... I mean I wouldn't... I don't know how the rest of the Commission feels, I wouldn't mind at least an opportunity to discuss this project with VDOT directly considering this, like I say with the South Campus thing and everything and I and again I'm not... no aspersions, no blame but obviously we're looking at a very complex decision with lots of iterations and lots of outcomes. If that's a possibility I would certainly appreciate it before I made my final decision on this.

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Mr. Howard: Are there any other comments from Commissioners? Ms. Hazard I'll defer to your... you know what you want to do as the Planning Commissioner from that magisterial district. I don't think bringing VDOT here for this particular project is a benefit to anyone, but I'm not against it either. If VDOT wants to come down and talk to us about what they've talked to staff about I think that's great. I'm not sure it has impact on this particular project. I think the Courthouse intersection on Route 1 and Courthouse Road has got to be one of the worst intersections in our county. And I just don't see how this office complex impacts that and the applicant has already indicated in the future it's going to be, you know, they've allocated for eight lanes, four lanes each way, which is a tremendous road. So I think they've been careful to think about the future and, you know, what they want to do. But I don't object to having VDOT come down to talk to us about it. It would be nice to understand how VDOT's thinking about the overall Courthouse interchange, but again, I'm not sure this applicant, you know, I'm not sure how it factors into the impact of this applicant but it is a point in time.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Yes, Mr. Rhodes

Mr. Rhodes: What I think I heard was interest in, just to clarify, interest in a specific update on where VDOT is on the interchange process, where it stands and what remains. Just for that perspective, I think I heard any larger area view of that area of Route 1 in general traffic impacts which was, Mr. Harvey had indicated possibly could get VDOT out here to give us a larger perspective. I think I might've indirectly heard or think we might benefit from, if we're going to gather a little bit more information and then quickly move forward, possibly what are the other, just an overlay of the other major approved plans in that immediate area around the hospital. Just to have that perspective as we're looking at it. That said, I don't think I would, in my personal opinion, I wouldn't defer this more than one meeting to try and get this coordinated if we can't get all that information then I don't know that it's critical and vital. It would be helpful and useful to have that perspective but I don't think it should take any longer than that. I think for the most part this somewhat stands on its own merits with the volume and the activity as they are in the planning that clearly has gone into place on it. Certainly that larger perspective can't hurt, but be helpful, but I don't think I would wait much more than one more meeting to see what we can gather of that portion just to have whatever elements of that we could.

Mr. Howard: It never hurts to have a broader perspective. You know it's troubling to understand that why would Courthouse, as it exists today, end in a cul-de-sac with the fire station and the sheriff's department... I don't get all that. But again I don't think that has a bearing on this particular project. I absolutely think that's a discussion we need to have at many different levels within the county and make sure that we've thought through that, you know, as clearly as we can as a group of concerned people. Mr. Mitchell.

Mr. Mitchell: Mr. Chairman, I would like to say that I personally have heard about this alternate road for probably 10 or 12 years. VDOT needs two things, they need a plan and they need funding, and they have neither. So like Mr. Rhodes, I would not want this deferred more than one meeting because I think when you're putting a facility like this in place, you're putting people to work, you're letting people reverse commute rather than drive up north, you're letting them drive south. I think it's got a lot of good aspects as far as tax base for the county. I think it's got a good asset of putting people to work in the county. I am concerned that VDOT is probably not prepared to give us an actual true scenario of what they really want or what it'll eventually look like. And personally, I would like to say

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that I will not be here to see it, but I'm not sure there are others that won't be here to see it either. So with that said, Mr. Chairman, I will jump off the road.

Mr. Howard: Any other questions or comments?

Ms. Kirkman: Well, yes. What does that mean? Does that mean you have figured out your departing date, may I ask that?

Mr. Howard: We should keep it germane to the . . .

Ms. Kirkman: Oh, Okay, well he raised that.

Mr. Howard: We're at a public hearing. I understand.

Ms. Kirkman: I'm just trying to understand.

Mr. Mitchell: I will tell you after the meeting.

Mr. Howard: We need to keep...

Ms. Kirkman: I did have a question for Mr. Harvey. Have there been discussions with staff about development of the property where the access point is located? Do we have some notion of what the thinking is about what's going in there?

Mr. Harvey: I'm not aware of any discussions at this point.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Uh, the applicant looks like they would like to say one more thing before we close the public portion . . .

Mr. Hornung: If you don't mind, I want to make sure you're aware that the requirements of the Board of Supervisors that they don't make land-use decisions in an election year in November and December and my concern is a delay may not be a one meeting delay it might be a delay until January of 2012. So we're trying to get to the point where we can start building this building. It is an economic development project, I don't know if we delay one meeting if that means we can be on the Board calendar for October? I'm hoping that is the case, but it would put a lot of pressure to try to hopefully get that approved so that we don't have a two month delay in getting started. We'd like to, I believe our site plan's been submitted.

Mr. Howard: That's fair, fair point. All right, Ms. Hazard, it's back to you. Oh, I'm sorry . . .

Mr. Riley: If I may also add, the question about VDOT. VDOT did review the traffic study and my understanding is that Mr. Oster here, the design engineer on the site, provided the right-of-way that VDOT requested through their review comments and I think that's important to note as you're making your decision this evening.

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Mr. Howard: Sure, Okay. All right, we're back to the Planning Commission now and the public hearing portion is closed. Ms. Hazard.

Mrs. Hazard: I believe, listening to most of the comments, it does sound like most of what the Board is really requesting is information, but it's information about a large road . . .

Mr. Howard: Bigger picture.

Mrs. Hazard: ... that we would really like to get. I would not like that lost though, in this. I mean I do think if there is some way we could get an update on that project or just something on where it is going. I'm sure, as Mr. Mitchell has said, it may continue to move around and it appears that the applicant has come up with alternatives based on, they meet with somebody and something else comes up. It appears, though, that it does comply with most of what we have. I understand their concern about the parking. If it is a medical facility, to be honest, their comments were germane. Based on having to walk to a hospital recently with my parents, the closer you can get that parking to entrances is critical. I do understand what the redevelopment plan was but I believe for a medical facility that their comments were germane, that keeping the parking in that way and the topography. So based on that and just asking outside of this that we do get an update on that particular project then I will move forward with the approval of the reclassification of RC1100141, Courthouse Tracts, LLC.

Ms. Kirkman: Mr. Chair, didn't we already have a motion on the floor to defer?

Mr. Howard: No, she was in discussion . . .

Ms. Kirkman: Okay.

Mr. Howard: ... we were bringing it back to,

Ms. Kirkman: I see.

Mr. Howard: Is there a second? We can't discuss this unless it gets seconded.

Mr. Rhodes: Second.

Mr. Howard: All right, discussion? Ms. Hazard, I think you said what you wanted to but just in case you haven't.

Mrs. Hazard: Covered.

Mr. Howard: Mr. Rhodes

Mr. Rhodes: No sir.

Mr. Howard: Okay, any other comments from Planning Commissioners?

Mr. Fields: Mr. Chairman.

Mr. Howard: Mr. Fields.

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Mr. Fields: I don't know that I've ever actually done this before but I actually think I need to abstain because I don't disagree with this project, but for the reasons I stated I don't think that two weeks to be able to get a comprehensive overview... I understand people's concerns, nobody's trying to drag this out, of course medical officers are a wonderful, high quality employment in Stafford's a wonderful thing. I just feel that I personally have a responsibility to see the big picture, traffic-wise in a very, very critical area of the county whose future trajectory requires a lot of care and study. I'm not trying to be... so I don't really want to vote "no" against the project but I cannot vote in the affirmative without that information.

Mr. Howard: Thank you. Any other comments?

Ms. Kirkman: Mr. Chair, I'm going to oppose the motion to approve. I think a motion to defer is more appropriate primarily because you cannot isolate one project from the overall traffic patterns and we've seen again and again the problems that are caused when that is done. And I simply think that it's irresponsible to rush this through in one night in order to get this to the Board of Supervisors in a rushed fashion. So for that reason I'm going to oppose the motion.

Mr. Howard: Thank you. Any other comments? I'll comment before a call for the vote. I think it is a very good project and I think everyone agrees with that. Certainly having the bigger picture in front of us tonight would've been helpful, the truth is VDOT has been through many, many different variations on the Courthouse interchange and I think Mr. Mitchell stated part of that. Part of that is the funding. It's going to be a very, very difficult and expensive project for the Commonwealth of Virginia to undertake to support Stafford County. And there's a lot of redevelopment that has to occur just based on some of the businesses that are located on the current interchange today. And there's a lot that has to be done to make that happen. I think the applicant did a very good job of projecting potential scenarios. I too, would like to see these types of buildings and office complexes in Stafford County, in particular near the hospital, where we'll bring employment closer to where people live. In fact, I know several nurses who now work at Stafford County hospital who did work in Fairfax and they don't have that commute anymore and they love it. They're home, their quality of life is improved and they've really been able to enjoy their life in Stafford much more so than they had in the past. So those are good-quality, high-paying jobs and they're jobs across the spectrum. So they're the professional, they're the para-professional, the administrative assistant. These types of office complexes really give a host of people an opportunity to work in the county in which they live. I think there has been some good due diligence on the project. I don't, my opinion, I know there's been other opinions, my opinion is it's not irresponsible to vote on this project based on what we've been presented and all the material that we've been provided. Are there any other comments? Now call for the vote. All those in favor of the motion on the table signify by saying aye.

Mr. Mitchell: Aye.

Mr. Rhodes: Aye.

Mr. Hirons: Aye.

Mrs. Hazard: Aye.

Mr. Howard: Opposed nay.

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Ms. Kirkman: Nay.

Mr. Howard: And one abstention. So the vote carries five, one, one. Number nine. Thank you very much. It is the reclassification of the Quantico Corporate Center Hotel, which is a proposed reclassification from the M-1, Light Industrial Zoning District to the B-2 Commercial Zoning District. To allow a hotel on Assessor's parcel 13-C, consisting of 2.7 acres, located on the south side of Corporate Drive, seven hundred feet from Jefferson Davis Highway. Mr. Zuraf.

9. RC1100182; Reclassification - Quantico Corporate Center Hotel - A proposed reclassification from the M-1, Light Industrial Zoning District to the B-2, Urban Commercial Zoning District, to allow a hotel on Assessor's Parcel 13C-H, consisting of 2.7 acres, located on the south side of Corporate Drive, 700 feet west of Jefferson Davis Highway within the Griffis-Widewater Election District. **(Time Limit: December 6, 2011)**

Mr. Zuraf: Good evening Mr. Chairman. I think you have just summarized the presentation. Can I have the computer please?

Mr. Howard: I am trying to get out of here by 9:15 for Mr. Hiron.

Mr. Zuraf: And before I go through the staff presentation, I do want to mention that the issue that we discovered this morning that you... as the Commission were provided, the staff report basically that had the odd number pages. We did check and did confirm that the version that was on the web site was the full report and also the version that was made available for public to come in and look at was a full actual report, so staff does believe that the advertisement process was properly done and carried forth. You did receive the full report in front of you tonight. Again, the reclassification is from M-1 light industrial to B-2 urban commercial for the development of a hotel. The owner of the site is Quantico Business Center, LLC, the applicant is Samer Shalaby with Development Consulting Services. This is parcel 13C-H and it covers 2.7 acres. This property is within the Quantico Corporate Center, looking at the location it is on the south side of Corporate Drive and west of Jefferson Davis Highway. Jefferson Davis Highway in this location here is Corporate Drive and there the site itself is highlighted in red. It is zoned M-1 as mentioned and all the properties surrounding it are zoned M-1 with the exception of the properties closer in towards Jefferson Davis Highway that are zoned B-2, to the east. Looking at the zoning history, in May of 2004, the site was rezoned from A-1 agricultural to M-1 as part of the overall rezoning for Quantico Corporate Center. There are no prior site plan approvals on this specific parcel and there are current proffers that were approved that do limit certain uses and provide some general development standards. Those specific proffers would go away with this rezoning but would be replaced by new proffers that are being offered by the applicant on this specific site, so all of the proffers on other properties would still remain. Looking at the existing features, it's an undeveloped pad site that was graded out with the development of Quantico Corporate Center. There's generally level topography, it does slightly slope over to the east towards Route 1 and then towards the edge of the property drops off down towards Route 1. No sensitive resources were shown on this property. Here's the somewhat recent aerial photograph of the site, again the site highlighted in red. You can see it's all graded out and as our other pad sites within Quantico Corporate Center, this property just to the west is right now under development. There's an office building under construction here as well as another office building under construction here, I believe. Nothing is under construction in this location yet. Here's a generalized development plan submitted with the application. It shows one four-story building, approximately 57,000 square feet. This is specifically

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shown as a hotel that would accommodate 94 rooms in this layout scenario. There's one single entrance onto this parcel off of Corporate Drive. There are no inter-parcel connections shown. Staff did request that, but the applicant said due to the topography issues, there actually is going to be a need for some retaining walls in this location and also to the east towards Route 1. That prohibits the ability to get a good inter-parcel connection through here. And staff does note that the ultimate use on this property is not, may not be limited to a hotel. There are other uses that may be permitted, such as, maybe it still could be an office use or low-intensity commercial retail or even a restaurant without a drive-through. The applicant did provide elevations. This is actually a revised elevation that is different from what's in your package. This was submitted to us yesterday apparently they are working diligently on getting a hotel in this site and getting more detailed plans together, so the applicant wanted me to share this. The specific product being shown is a Courtyard by Marriott. But I will note also that this... any specific elevation is not being proffered in the proffers that you received. With transportation, the Chapter 527 traffic impact study is not required in this case. The trip generation on the site for the hotel is 857 vehicle trips per day. Traffic studies would typically be required if it's over 1,000 vehicles trips per day. We did... staff did look at the previous traffic impact assessments that were conducted in this area, and it assumed office use on this site. Trip generation for an office use is 556 vehicle trips per day, but staff would also note that upon staff's request, the applicant did prohibit and proffer out some of the higher-intensity uses that would take that trip generation over 1,000 vehicle trips per day, including medium-intensity commercial retail. They proffered out that higher use. Looking at some of the comparison of impacts between possible hotel use and an office use, the hotel use does have higher daily trips than an office would, approximately 300 more per day on average, but through the information provided by the applicant in the impact statement the hotel use would actually have a lower peak-hour trips than an office. An office would have 115 trips vehicle trips per hour at the peak, at the highest point, and a hotel would have only 84. That's generally attributed to hotel use. The traffic would be more spread out during the day, whereas with an office, people coming and going to an office generally are, the trip demand is at 2 point, you know, when you're going to work and when you're leaving work, when hotels are spread out more throughout. Looking at the proffers that are being proposed, building materials standards would be consistent with the Quantico Corporate Center, the other buildings in the Quantico Corporate Center. Proffers establish screening standards for storage, trash, and rooftop equipment. There's a limit to monument signage to a height of no more than eight feet. They do prohibit some higher-intensity uses such as car wash, the medium-intensity commercial retail, automobile sales, service, and repair, a convenience center with vehicle fuel sales, and any use that would require a drive-through. Also, enhanced fire-safety features are being offered up, including the NFPA 14-compliant standpipe system for any buildings that are in excess of two stories, and then also providing full vehicle access around the hotel for fire access. Also they are providing a pedestrian connection to an existing sidewalk along Corporate Drive. Staff would note that the applicant has complied with most of, you know, typically staff will provide several proffer suggestions, the applicant complied with most of those. Some additional proffers that the applicant was not able to proffer at this time include the provision of an external closed-circuit TV cameras and the installation of landscaping that would be in accordance with CPTED, which is crime prevention through environmental design guidelines. These specific requests were made due to occurrence of vandalism at area hotels that the Sheriff's office has been experiencing, so that was the reason those comments. You did also receive tonight additional comments provided by Marine Corps Base Quantico. They did cite a few concerns due to the proximity to the demolition ranges on the base. Looking at the comprehensive plan, the land-use plan recommends this area as business and industry, which the business and industry land use encourages large-scale business and industry activities, including retail/wholesale, corporate and professional offices, and research and development uses to name a few. Staff believes this proposal would be

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consistent with the land-use plan recommendation of business and industry. We do also note that this area is within the Boswell's Corner redevelopment plan, which does provide some land-use concepts that envision a mixed-use compact development pattern, but that concept was identified outside of this area. This specific site is in this location and the redevelopment plan does kind of envision the continuation of the kind of more suburban office park pattern that's already been established in this project. Staff notes some positives and negative, the use is consistent with the established development pattern, the majority of the adjacent industrial-zoned land includes office uses that are existing, planned, or under construction that are all of a similar scale and design pattern. The potential hotel would support the expanding employment base in the area, the proffers would minimize transportation impacts and through the proffering out of the more intense uses that could potentially happen if it doesn't happen to be a hotel. And then also the conformance of the site with the comp plan designation of business and industry. Staff does cite the negative of the suggested proffers regarding public safety. But on balance, staff does believe the positive aspects outweigh the negative aspects and recommend approval. We'll answer any questions at this time.

Mr. Howard: Thank you, Mr. Zuraf. Let me bring it back to the Planning Commission to see if there are questions of staff.

Ms. Kirkman: Mr. Chair.

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: Did the applicant receive a copy of the comments from Quantico?

Mr. Zuraf: Yeah, I believe we did pass those on to them.

Ms. Kirkman: And did they modify their proffers in response to that?

Mr. Zuraf: No, they have not. We have not... I guess, that just came in this morning and I have not talked to them, so maybe they can address that.

Ms. Kirkman: Okay, and then, Corporate Drive, I believe we heard a rezoning application earlier this year that also had to do with Corporate Drive and a third access point to Route 1. And when it left the Planning Commission that had not been resolved. What happened with that?

Mr. Zuraf: That rezoning was approved by the Board and the, I guess, third access was still kind of within the proffers as an alternative and not a specific requirement I guess if...

Ms. Kirkman: Could we get a copy of the exact proffer that was approved for that project?

Mr. Zuraf: Sure.

Mr. Rhodes: Mr. Chairman.

Mr. Howard: Mr. Rhodes.

Mr. Rhodes: Mr. Zuraf, what was the reason they could not address the suggestions of staff on the CPTED and the . . .

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Mr. Zuraf: Their comments were that they couldn't commit to it at this time but would take those suggestions into consideration at the time of the development of the design of the building, and I guess for any further information, the applicant is here and maybe he'll expand on that.

Mr. Rhodes: Okay, thank you.

Mr. Howard: Mr. Zuraf, do you have the specific recommendations? I know you mentioned CCTVs but were there other recommendations from the public safety perspective?

Mr. Zuraf: It was the closed-captioned TVs and then just the two points that I mentioned, that and that landscaping be designed around the building to accommodate CPTED principles, which mainly is to ensure clear visibility of windows and doorways and that lighting is designed to make areas visible.

Mr. Howard: Okay.

Ms. Kirkman: Mr. Chair.

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: Could I just ask, in general is the Sheriff's office requesting camera surveillance of all the hotels in the county?

Mr. Zuraf: This was a new one, but, you know, we include the Sheriff's department in our meetings and this actually was the first time I think that was suggested.

Ms. Kirkman: And they cited instances of vandalism?

Mr. Zuraf: There's, I guess, apparently an increase of occurrence of vandalism in the parking lots of hotels and I guess the reason being there are areas that might be poorly lit for whatever reason.

Ms. Kirkman: Could staff get something from the sheriff's office that shows that vandalism occurs more frequently in hotels than other types of properties? I'm just really curious about that.

Mr. Zuraf: I don't think it was suggested that it's compared to other uses, it was just based on this specific use as a hotel, but I can get more information if...

Ms. Kirkman: That would be helpful, like the number of vandalism reports in hotels or any kind of factual basis for that. Mr. Chair, was there a comment from another member of the Commission?

Mr. Howard: Not that I heard, Ms. Kirkman. Do you have any other questions?

Ms. Kirkman: No.

Mr. Howard: Okay.

Mr. Fields: Mr. Chair.

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Mr. Howard: Mr. Fields.

Mr. Fields: So we just got... the report from Quantico has just been received by the applicant today?

Mr. Zuraf: Yes.

Mr. Fields: Okay. In the analysis of this was there any discussion... since the concern of Quantico for the impact on residential properties was obviously discussed at length and actually shaped the entire evolution of the Boswell's Corner area in terms of the UDA and the redevelopment plan, was the idea of, I know this was mentioned here that this is intended as an extended-stay hotel, so was the, I mean that's not exactly a resident, but it's not exactly somebody just pulling off 95 . . .

Mr. Howard: Mr. Fields, I just want to correct one thing, I think a Courtyard Marriott is not an extended-stay.

Mr. Fields: Because I saw the word extended stay here in the report someplace. So maybe some clarification . . .

Mr. Howard: If it's a Courtyard, I'm pretty familiar with the Marriott family of products.

Mr. Fields: Me too. I've played in probably every hotel, so I've seen them all. That's why I wanted to ask the question, because the Courtyards are generally not, though they may sometimes be longer than some others, but is this intended to be... I mean assuming its location its intended to accommodate people working on contracts for the employment centers there. So is it intended or perceived to be long-term, medium-term, short-term, do we know?

Mr. Zuraf: I would have to defer to the applicant on that.

Mr. Fields: Because I'm just concerned, obviously, if Quantico's concerned about the impact to people over a period of time, then I want to see... I'm concerned to see that that's applied this way as well.

Mr. Zuraf: I could see probably a mix, because you're also very close to 95 and you're probably going to get some people...

Mr. Howard: Mr. Zuraf, is it your understanding that they're proposing extended stay?

Mr. Zuraf: I'm not certain.

Mr. Howard: Okay. All right, thank you. Are there any other questions of staff? Okay, we'll hear from the applicant now.

Mr. Shalaby: Good evening Mr. Chairman and members of the Planning Commission. My name is Samer Shalaby, I am with Development Consulting Services and I'm here representing Quantico Corporate Center. I guess everybody's familiar with Quantico Corporate Center, it's approximately 1.1 million square feet of office and we have two buildings that are complete, about 280,000 square feet, and leased, and there's one under construction about 140,000 square feet. And the recurring theme that kept coming from these contractors, etcetera, is that they need the hotel close by that would

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accommodate their people that come in from their other office all over the country. So that's how we kind of started talking to different people and we were fortunate enough to have Marriott kind of interested in that location. It is a Courtyard by Marriott, it is designed as a typical Courtyard by Marriott, so there is not extended stay. Obviously there might be people staying more than one day, but it's a typical Courtyard. A couple of things, in terms of the two main items that we were hesitant to put in the proffers, and not necessarily disagreeing to it, because this is Marriott, it's Marriott International, it's a pretty large organization as you guys might imagine, and not knowing all the specific details of the crime prevention of landscaping, particularly when they like to have their own designs and upscale, they want to study it further. There's nothing that says we disagree and say we will not necessarily incorporate them, they wanted the chance to be able to look at it further and come up with ideas how to incorporate that in their designs without saying, Okay, we'll just do everything not knowing the details. The closed-circuit cameras, also, we talked to them and that seemed to be kind of a little unusual to them and I do have a representative from Marriott here that can answer all those specific questions. I just wanted to make a general comment on that. We did receive the letter Mr. Harvey sent out today for us from Quantico. We looked at that. We've had discussions with them previously in the past about different things. It is interesting because I don't think we're any different from the firing range, distance-wise, from the Marine Corps Museum, and they're proposing hotels there and conference center, so we're not sure how to comment on it. However, Marriott typically, we talked to them they typically do sound studies particularly for locations that are close to interstate because of, obviously, highway traffic and things like that so they will do a sound study on their own to be able to design the glass and the building itself in terms of sound attenuation. And again, the representative can kind of clarify that a little further if you guys want, but that's typically what they do, so hopefully that will alleviate any concerns from the stay or people. The building, as you saw, will be very similar to the buildings we have at Quantico, brick elements, EFIS, Dryvit, glass. We looked at the design in terms of trying to accommodate the inter-parcel connection and unfortunately, like, I guess Chris mentioned earlier, this part of Stafford is pretty hilly and it's pretty difficult so we had to make a juggling act to try to kind of create a balance to get that site to fit between retaining walls, you know, the other sites around it. So unfortunately we weren't able to accommodate any access except to Corporate Drive and we did the best we could but maintained at least a full access around it. Let's see what else. I guess that's most of the comments that were mentioned. I'd be glad to answer any specific questions. I do have John Riley from Bowman, who was here earlier, in case there are any questions on the few adjustments to the traffic and also have Mr. David Mendis from Marriott International also to be able to respond to any questions, particularly about the operation or Marriott itself.

Mr. Howard: Alright, before we bring Marriott up, do you have a copy of the letter from Quantico?

Mr. Shalaby: I don't know if I have a copy with me here, I thought I did but...

Mr. Howard: Well, because I'm not sure, so they've asked to prohibit... Yeah, you can give him one of ours, I guess. Do you want one of ours?

Mr. Shalaby: Yes.

Mr. Howard: Mr. Zuraf has . . . yes. Sorry Mr. Fields, I misunderstood that. On the second page or the back page, one example of what they're asking is the adult daycare center, childcare center, and school uses be prohibited. Would you include that in your proffers? So, I am not... I mean...

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Mr. Shalaby: We could do that, I mean, I will say this, one of the things, again, that's a recurring theme from the people that we're serving at Quantico, they are asking for daycare. So whether it's on this particular parcel or something else, that will come about because, again, most people don't want to have to drive down to 610, drop their children off, to come back to Quantico Corporate Center and then have to go back and pick them up in traffic. They want to be able to have them at least close by, so that is one thing that we are looking at in not necessarily this parcel, but, you know, in the Quantico Corporate Center. So in this particular parcel if you want to, I guess we'd be willing to look at, you know, eliminating that, but I just want to bring to your attention that it will come up again because we feel that it is needed in that area.

Mr. Howard: Okay, and that's what I was wondering, what the thought is on that. Okay, thank you. Are there any questions for the applicant before we bring the Marriott representative up? Okay, can we...

Mr. Shalaby: And again, if you guys have any specific questions for him, obviously I'll bring him up, if not, he does not have a presentation . . .

MR. Howard: Absolutely. I do have a specific question for him, yes. You're trying to shield him, aren't you?

Mr. Shalaby: Well, take it easy on him.

Mr. Mendis: Mr. Chairman, members of the Board.

Mr. Howard: Could you just tell us your name and...

Mr. Mendis: David Mendis, I'm area Vice President for hotel development for Marriott International.

Mr. Howard: Okay. Is there any Marriott that you're aware of that doesn't have CCTVs in them and in the parking lot? I don't want to know where they are if there is but I would think that that's a normal...

Mr. Mendis: We have multiple security systems...

Mr. Howard: Right.

Mr. Mendis: ... throughout the hotel, not always focused on a parking lot. Our safety standards are based on making the guests feel safe when they come and many times, too many cameras send it the other way.

Mr. Howard: Sure.

Mr. Mendis: We have a requirement for candle-watt power lighting in all corners of the parking lot, that's all studied in the approval. But we'll process it... we'll go through with this property. We are very, very aware of issues with vandalism and work closely with local authorities and do require whatever is necessary to keep the guests safe.

Mr. Howard: Sure, I mean that would be in your best interests, right...

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Mr. Mendis: Absolutely.

Mr. Howard: ... to have as safe an environment as possible.

Mr. Mendis: Key controls throughout the building. You can't get into our buildings unless you're a guest or come in through the main lobby, which will have cameras and people entering the building will be filmed.

Mr. Howard: And have you... the Marriott building itself, you're not envisioning that there would be daycare in that building...

Mr. Mendis: Absolutely not.

Mr. Howard: Okay. Also, the Marriott Courtyard that's being proposed, that's part of your portfolio of hotels.

Mr. Mendis: Yes.

Mr. Howard: Is that an extended-stay hotel?

Mr. Mendis: It's not.

Mr. Howard: And is it your intention to make it an extended-stay hotel?

Mr. Mendis: No it is not.

Mr. Howard: Okay.

Mr. Mendis: An extended-stay hotel by industry definition is where at least 60 percent of your room nights are guests that are spending 5 nights or greater with you. At Courtyard the length of stay is generally 2.8 nights, system-wide. I would suspect, given the customer base here we will probably see, an average stay a little higher at this hotel, but not dramatically so that we would call it an extended-stay hotel.

Mr. Howard: Do you know what the average stay is, at the hotel. I know it's a franchise, but that's already on Route 1?

Mr. Mendis: I do not. Our length of stay at the Woodbridge hotels at Potomac Mills, which is servicing...

Mr. Howard: Similar.

Mr. Mendis: Similar accounts, the guests come in out of that area, is no higher than our average length of stay system-wide...

Mr. Howard: 2.8. Okay.

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MR. Mendis: ... on our transient hotels.

Mr. Howard: All right, I think there are other questions. Mrs. Hazard.

Mrs. Hazard: Just out of curiosity, the proposed hotel, does that have conference space within that hotel?

Mr. Mendis: It will have a small conference room, more akin to a board room. Not big enough to handle functions or large meetings, no.

Mrs. Hazard: I would suggest to you all that would be a great addition to Stafford.

Mr. Howard: Yeah, we need a full-size Marriott. Ms. Kirkman, did you have a question?

Ms. Kirkman: I'm sure I'm not as familiar with your hotels as the Chair, but do these rooms have cooking facilities in them?

Mr. Mendis: No, they do not.

Ms. Kirkman: So there's no refrigerators, no microwaves?

Mr. Mendis: There's a small refrigerator and in the double-doubles, meaning two double queen or double double beds we will add a microwave in a certain number of those rooms. That's mainly for people traveling with families, children, the need for beverages, medicines for the refrigerator. It's a service issue to put that in rather than a guest comes in and says I have insulin, I need to keep it cold. Having the front desk then run a refrigerator, a small portable into that room, so we've come to the point where we put it in all the rooms.

Mr. Howard: Mr. Hiron.

Mr. Hiron: Do you have other hotels in close proximity to military bases, in particular as close as this one may be and have you dealt with concerns that Quantico has come up with or indicated in their letter? And do you have a copy of the letter?

Mr. Mendis: I do not. We have a sound standard. Obviously, when our guests get a good night's sleep that's what we're selling, so we will evaluate this and have a sound study commissioned. We're as equally concerned with the traffic noise off 95 as we would be with activity on the base, but we'll address that.

Mr. Howard: Well, not to speak for Quantico, but I know the two demolition, Charlie demolition on the other site, it has a lot to do with the way that the ground is in Stafford and how that sound vibration travels and in particular the proximity. Two and a half miles from those particular demolition sites are, it's loud and it's very... there's a lot of vibration. I'm fifteen miles away in Stafford and I feel it. I didn't react when we had the earthquake, as an example, because I assumed it was Quantico and I think a lot of people in Stafford really were thinking the same thing.

Ms. Kirkman: Until the pictures started falling off the walls.

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Mr. Howard: Yeah, until it kept going, I said that's not right.

Ms. Kirkman: And then you thought something went terribly wrong at Quantico.

Mr. Howard: Exactly. So it is something, you know, as a Marriott customer I would tell you I wouldn't be happy if I was there and I couldn't get a good night's sleep, which could happen because they do some ensign training at different times of the year and also different times of the day, to include overnight. So it's something to think through.

Mr. Mendis: Okay, definitely.

Mr. Fields: Mr. Chair.

Mr. Howard: Yes, Mr. Fields.

Mr. Fields: Actually, and I don't... I think we've made the point, I'm not trying to belabor that point but Mr. Hirons actually did ask a question that didn't quite get answered. Do you have a... have you ever had a Courtyard or a Marriott product of any kind this close to an active demolition range on a military base?

Mr. Mendis: Not that I'm aware of.

Mr. Fields: Okay. Not that you can't solve the problem, but I think we're all trying to make sure that that point...

Mr. Howard: Yeah, if it gets approved we'd love to have the revenue from people staying there frequently, so it's definitely good for the tax base. I don't know if there are any other questions for the applicant.

Ms. Kirkman: Well, it's for the applicant, not for the Marriott representative.

Mr. Howard: Okay.

Mr. Shalaby: Yes.

Ms. Kirkman: So I heard that you're willing to consider or that Marriott has procedures around the sound issue, but are you... can you put into a... is the applicant willing to put into a proffer the language that has been recommended by Quantico about incorporating sound attenuation construction standards?

Mr. Shalaby: Well I guess that's a question. I'm not sure. We don't design their buildings, so...

Mrs. Kirkman: Okay

Mr. Shalaby: Is that something, do you have specific language you can put in there just to...

Mr. Mendis: I'd have to have our architects and engineers study this...

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Ms. Kirkman: Okay.

Mr. Mendis: ... before I could answer it intelligently. We will do everything we can to make sure our guests get a good night's sleep and if it's to come to the standard on foundations and window systems and ventilation systems we'll certainly...

Ms. Kirkman: And I think we probably, if this is not a... and I don't know if staff knows the answer to this, is this an established set of standards, is this a generic concept, I mean we may need some further clarification from Quantico about what exactly we mean by this.

Mr. Shalaby: One thing is obviously, as a business for Marriott, I would sure... like I said they are in the business of people sleeping properly so hopefully they'll take the right measures. I think we can put some language to say that they'll at least be aware of it and address it. If it becomes a problem, it's only hurting their own business, so...

Ms. Kirkman: And then as the applicant are you willing to incorporate a proffer that specifically proffers out adult daycare center, childcare center, and school uses?

Mr. Shalaby: That will be fine, if that's, on this particular parcel's fine. You can add that to the proffers.

Ms. Kirkman: That's all the questions I have for the applicant. I do have an additional... I want to get back to the traffic piece with staff at some point.

Mr. Howard: Okay, just a quick question. The actual language in, I'm going to say paragraph five, it seems as though, when they say staff here they're talking about the Quantico staff, not Stafford County staff, there's a recommendation to the applicant proffer to incorporate sound attenuation construction standards in the proposed structure, which really is a statement affirming that we're going to do what we have to make sure that the sound standard is met or achieved as best that you can. And I think that's all we're asking.

Mr. Shalaby: And we can add a statement that obviously, like I said, they typically do that, like Mr. Mendis said...

Mr. Howard: Okay.

Mr. Shalaby: ... so, yeah, we can add a statement saying that they'll at least be aware of it and take whatever measures necessary.

Mr. Howard: Right, and that's all that that's really asking.

Mr. Shalaby: And that's fine, we can come up something like that, sure.

Ms. Kirkman: Do we have a representative from Quantico here tonight? I know at one point...

MR. Howard: We do in that part of the application process. He usually gets up and speaks during public comment, but we can ask him a question if we have one.

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Ms. Kirkman: Could we ask him to come forward please, Mr. Hundley.

Mr. Howard: You know what, we can do that after...

Ms. Kirkman: Whenever, Mr. Chair.

Mr. Howard: I don't want to gyp the applicant out of their time. Is there any more questions for the applicant? I know you had a question for staff, Ms. Kirkman. We're done for now. You had a...

Ms. Kirkman: So staff now?

Mr. Howard: Yes.

Ms. Kirkman: Okay. So again, I want to go back to the last rezoning that we had that was off of an extension of Corporate Drive and there was a lot of discussion about the third access point and a previous traffic impact analysis that had been done that actually took into account sort of the broader development of that entire area. And where does all of that stand at this point?

Mr. Harvey: Ms. Kirkman are you referring to the improvements to Route 1?

Ms. Kirkman: And the third access point that would cut over from, I think it was from Corporate Drive into Route 1.

Mr. Harvey: Yes, I understand there are still efforts progressing with the Quantico Growth Management Committee to secure funding to design and ultimately build Route 1 improvements. From what I understand they're making slow progress because of competition for funding. With regard to the third access point, the proffers with that rezoning stipulated that if the right-of-way was available, they would construct a third access point before completion of the entire office park. At this point in time I'm not aware of any steps having been made for acquiring that right-of-way.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Okay, are there any other questions? If not I'll open up the public hearing portion where the public gets to address the Planning Commission on...

Ms. Kirkman: Excuse me, Mr. Chair. What's the point at which we'll be able to ask questions of Mr. Hundley?

Mr. Howard: Once we conclude the public comment portion of the...

Ms. Kirkman: Okay.

Mr. Howard: So anyone from the public that wishes to address the Planning Commission on the current public hearing that's before us, which is the reclassification of the Quantico Corporate Center hotel may do so by stepping forward to the podium. We just ask that you state your name and address and you have three minutes to address the Planning Commission. As I indicated before, when the green light goes on the three minutes start, when the yellow light goes on there's about a minute left, and when the red light goes on we would ask that you conclude your comments. Again we don't

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address your comments or questions directly but in general at the conclusion of the public comment portion of the public hearing. We will try and get all the answers possible that we can. Anyone wishing to address the Planning Commission may do so now by stepping forward to the podium.

Mr. Hundley: Good evening. Steve Hundley, Community Plans and Liaison Officer for Quantico Marine Corps Base. It sounds like you had a real good discussion about the Base Commander's letter and I'm here primarily to answer any questions you have.

Mr. Howard: We don't do that during this portion but if there's anything you wanted to add as a citizen, technically, right now, that would be great. We'll bring you up after the public comment portion as a subject matter expert.

Mr. Hundley: Okay, well, the letter did address that he had no objections, we have no objections to the reclassification and due to the proximity to the noise from Charlie demolition range, primarily, there's a high incidence or high probability of sudden impact noise and vibration and we felt like those three remaining permitted uses in B-2 district are more sensitive to noise than some of the others and that's why we picked out those three. And frankly if I'd noticed before I think that other rezoning that we had recently for Quantico Corporate Center we'd have added that comment but it didn't arise to that. Also, we believe that a corporation such as Marriott will do the due diligence to make sure that their customers are happy, so we're not real concerned but we did want to mention that there are construction attenuation, or noise attenuation measures that can be placed into buildings.

Mr. Howard: All right, thank you. Anyone else wishing to address the Planning Commission during the public comment portion of the public hearing 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 the public hearing and bring it back to the Planning Commission. Are there any questions? And this is a time we can bring the subject matter expert up if need be. Are there any questions of any of the Planning Commissioners?

Ms. Kirkman: Yes, Mr. Chair, I have a question of Mr. Hundley.

Mr. Howard: All right, Mr. Hundley, would you mind stepping forward as a subject matter expert?

MR. Hundley: I'm sorry, I thought you could've asked me questions before but I...

Mr. Howard: Technically we don't do that...

Mr. Hundley: ... don't know how that all operates.

Ms. Kirkman: Well, we're still figuring that out. I just wanted to clarify. I wanted to get a better understanding of the sound attenuation construction standards. Are there established industry standards, is that just a concept. Do you understand what I'm asking?

Mr. Hundley: I was looking at it on the web site today and there's a whole range of things that can be done in construction to attenuate sound. And so it's basically up to architects and construction engineers to figure out what's the best mix to attenuate that high-impact impulsive sound that a demolition range would create, or traffic on I-95. So I'm not an expert on that, but I know there are a

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whole range of things and we recommend that for all types of construction that are going to be developed close to Quantico's ranges.

Ms. Kirkman: And can you get us a link to that web site or to those standards...

Mr. Hundley: I can, and I can...

Ms. Kirkman: ... because this issue will come up again, I'm sure.

MR. Hundley: Sure, I can send that and in fact I found several municipal sites around the country that have that in their ordinance...

Ms. Kirkman: In the ordinance themselves.

Mr. Hundley: Those construction standards.

Ms. Kirkman: Okay, thank you.

Mr. Fields: Mr. Chairman?

Mr. Howard: Yes, Mr. Fields.

Mr. Fields: Just to follow up, Mr. Hundley. And by this... by the sound attenuation as, actually, as Mr. Chairman referred to, are we referring to the attenuation of, a lot of that, of course, is the explosions that are transmitted are really vibrational through the ground, not just sound pressure in the air.

Mr. Hundley: Exactly.

Mr. Fields: So that, by that statement you're meaning the umbrella of all vibrational impacts, both transmitted through the air and through the ground and other means? When you're talking about attenuation, the engineering and all of that?

Mr. Hundley: I believe so.

Mr. Fields: Okay, thanks.

Mr. Howard: Okay, thank you. Are there any other questions for the applicant? Hearing none, I'll close the public hearing and now bring it back to the Planning Commission for discussion. This is in the Griffis-Widewater election district. Ms. Kirkman.

Ms. Kirkman: Yes, Mr. Chair, I will make a motion to defer this until our next meeting so we can get the revised proffer language from the applicant as well as I had requested the traffic impact, the proffers from the last rezoning.

MR. Howard: Okay, is there a second?

Mr. Fields: Second.

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Mr. Howard: We're in discussion. Ms. Kirkman.

Ms. Kirkman: Mr. Chair, I made that motion actually for several reasons, one of which is we did not get a complete packet until today, so I do think we need the opportunity to, now that we've got everything in front of us, to look at that. The second reason is we do, we discussed some revisions to the proffers, we need that revised language from the applicant, and the third is the last rezoning we had from Quantico Corporate Center presented to us a traffic impact analysis that was based on the development of the area in general and I do want to take a look at that in light of this particular development. So those are the reasons for my proposal... my motion.

Mr. Howard: Okay. Mr. Fields.

Mr. Fields: No, I defer to the Commissioner from Griffis-Widewater on that issue.

Mr. Rhodes: Mr. Chairman.

Mr. Howard: Yes, Mr. Rhodes.

Mr. Rhodes: Can we just specify exactly what we're expecting to have back for the next session just for clarity?

Mr. Howard: Sure. Ms. Kirkman, would you mind restating...

Ms. Kirkman: No, Mr. Chair, I don't mind repeating myself again. So as I stated, we need the revised proffer language from the applicant, and the specific revisions that were discussed were that the applicant would proffer out the uses of adult daycare center, childcare center, and school uses. The second proffer revision was around incorporating sound attenuation construction standards, and I'm sure the applicant can get together with Mr. Hundley and myself about figuring out the right language for that. I want to take a look at the web site in the additional resources Mr. Hundley stated. And then thirdly, as I stated, because the Commission did not receive the full packet until today I think everybody needs the opportunity to read through that.

Mr. Howard: So, Mr. Rhodes, does that...

Ms. Kirkman: Oh, and lastly, as I stated, was the traffic impact analysis and how it all settled out around the proffer around particularly the third access point.

Mr. Rhodes: Just to confirm, so is staff clear on the general comment about traffic impact analysis and a last proffer statement? Just so that we don't get there next time and you...

Mr. Howard: Mr. Zuraf is that clear, what the expectation is?

Mr. Zuraf: The latest version of the traffic impact assessment and the approved proffers.

Ms. Kirkman: The approved proffers for the rezoning... the last Quantico Corporate Center rezoning that went through this Commission.

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Mr. Zuraf: Okay, not the traffic study?

Ms. Kirkman: We have the traffic study already.

Mr. Zuraf: Okay.

Ms. Kirkman: And it's more, the concern is regarding the final approved proffers because as you'll recall, it left here as unfinished business.

Mr. Zuraf: Okay.

Mr. Rhodes: But what about the question for the traffic impact analysis, just so we don't have confusion.

Ms. Kirkman: Since my colleague seems to appear somewhat confused, I don't need another copy of the traffic impact analysis, I have my...

Mr. Rhodes: You just said that was one of the specific things you required.

Ms. Kirkman: I have my traffic... my copy from the last rezoning. I want to look at the final proffers that were approved by the Board of Supervisors in relationship to that traffic impact analysis, which I don't need another copy of but perhaps other members of the Commission do.

Mr. Rhodes: Mr. Chairman, I don't require another copy since you specifically asked for traffic impact analysis I wanted to confirm because we have a history and a pattern of saying we need additional information each time.

Mr. Howard: All right, Mr. Rhodes. Any other questions?

Mr. Rhodes: No.

Mr. Howard: No, okay. Mr. Harvey, before we vote... Mr. Fields, did you have a question?

Mr. Fields: I did not, no Sir.

Mr. Howard: Before we take the vote, if this goes to the following meeting, which is, what's the date? September...

Mr. Harvey: September 21st, Mr. Chairman.

Mr. Howard: And then it goes on to the Board of Supervisors. What is the Board of Supervisors meeting after that time?

Mr. Harvey: It would go to the Board's second meeting in October.

Mr. Rhodes: October 4th.

Mr. Howard: Second meeting.

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Mr. Harvey: Yes.

Mr. Howard: Okay.

Mr. Mitchell: Mr. Chairman.

Mr. Howard: Yes, Mr. Mitchell.

Mr. Mitchell: Mr. Chairman I would just like to submit, I've listened so much tonight about shockwaves and reverberation, air, ground, atmospheric whatever, you know I do not in my heart believe that Marriott is going to design something for failure. I do believe the man has listened, I believe he knows what we're looking at, I believe he can drive out there and experience some of this himself, but it seems like we're spending a lot of time trying to design the hotel ourselves. So I think he's got the gist of the conversation. I really do, but I think that if his hotel is not somewhat quiet, he will not have occupants staying in his hotel. So I think, you know, if they design the hotel with substandard, I think he will lose customers, he will lose a business base, he will lose money on the hotel and jobs and everything else. So I'm just saying when you look at people like Warren Buffett and Steve Jobs and people like that, these people don't design for failure. I think Marriott is in the same boat. I don't think he's here to design for failure. I think he's listened to us, I think they will make certain things that will make this a better design, especially checking with other areas of the country where there are impacts similar to what we have here. So I'm just concerned we're spending a lot of time trying to beat up standards on a building. I think he'll be looking for the standards himself. Thank you Mr. Chairman.

Mr. Howard: Thank you, Mr. Mitchell. Any other comments? Mrs. Hazard? No? Yes?

Mrs. Hazard: No, just in closing just saying I think it allows all parties the opportunity to respond to a letter dated September 6th and just, I think everybody wants to make sure anything going forward, just like everyone has said, meets the correct standards. Let's make sure we get it right. Thanks.

Mr. Howard: Any other comments? Hearing none, I'll now call for the vote. So all those in favor of deferring the reclassification of Quantico Corporate Center hotel to the September 21st meeting, signify by saying aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Ms. Kirkman: Aye.

Mr. Howard: Opposed, nay. Nay. Motion carries, one, two, three...five to one. Thank you. That brings us to item three on the agenda.

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3. *Zoning Ordinance Amendment; Wetland Mitigation Bank (Deferred at July 13, 2011 Meeting to September 7, 2011) Discussed after Public Hearing*

Mr. Harvey: Mr. Chairman, tonight we have with us Mr. James Parker from Falling Springs LLC and he's here to talk about wetlands mitigation banks at the Chairman's request as a follow up to previous discussions about wetlands mitigation banks and their ordinance amendment that they had petitioned for consideration.

Mr. Howard: Great, thank you. I know one of the reasons that you're here is we did have a meeting with two of the Commissioners which I was one of and you seemed to shed some perspective that I don't think the entire Commission had the opportunity to understand. So we thought it would be prudent to bring you back and have you sort of walk the entire group through that quickly.

Mr. Parker: Right, absolutely.

Mr. Howard: And thank you for staying, appreciate that.

Mr. Parker: Absolutely. First off, I might ask for the computer.

Mr. Howard: Computer, please.

Mr. Parker: And secondly I did distribute... I asked Ms. Stinnette to distribute a package which included an overview of Falling Springs, LLC, as well as a hard copy of the presentation in case you wish to review it in hard copy format and make notes. Again, allow me to introduce myself, my name is James Parker, I'm with Falling Springs, LLC, a mitigation banking and environmental resource company based in Richmond, Virginia. Along with me today, just so in case any questions are to them are my associates Aaron Revere and Duncan Heyward, as well as Bobby Proutt representing our law firm. I want to jump in to the first slide, excuse me. Okay, perfect. Thank you. By giving a quick overview of why we're here today. Falling Springs has submitted a request to amend the Stafford Zoning Ordinance to allow wetland and stream mitigation banks as by-right uses in the A-1 and A-2 zoning districts. The need for this amendment is because Falling Springs is working to establish the first mitigation bank within Stafford County on approximately 310 acres of a farm, the Hampstead farm, located in the Hartwood district. The project will preserve, restore, and enhance 32 wetlands and approximately 26,000 linear feet of stream. That's five miles of stream, much of which includes the currently impaired Potomac Run. We are very excited to deliver this project, which will ultimately improve aquatic resources, habitat, and water quality within the county. Also providing an opportunity for compensation credits which can be used for mitigation of unavoidable impacts to wetlands or streams within the county moving forward. For the purpose of tonight's discussion, at the request of Chairman Howard, I wanted to give you all an opportunity to address Falling Springs with any questions or concerns regarding mitigation banks or the amendment we are currently proposing. And at any time in this presentation, feel free to interject with any questions, as I know this is generally a new topic for most of you. I'm going to describing in this presentation a couple of key points first of which is essentially the rigorous entitlement and approval process that we go through to establish and get mitigation banks approved. Secondly I'll outline some of the regulations, guidelines and conditions that are applied to a mitigation bank once it is approved. And I think you will see both of which justify the amendment that we're currently proposing as well as a few other points we'll make towards the end of the presentation. The first thing I do want to touch on, which supports this amendment is the mitigation bank approval process. The first step is a critical one, the site selection is

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the foremost step but not every site is suitable for a mitigation bank. There are a multitude of environmental factors that are taken into account when evaluating a site as a mitigation bank. Moreover, the bank sponsor takes into account cultural and historical factors that may play into a certain site or region. The bank sponsor is also very careful to take land-use considerations into their evaluation, moreover reviewing the comprehensive plan for a county to assure that this site may not interfere with future infrastructure that the county has planned. Once achieving those steps, the mitigation bank sponsor will enter into the formal mitigation bank approval process. It's a thorough and rigorous one, it can take anywhere from a year and a half to three years. Oversight of the process is provided by the interagency review team, otherwise known as the IRT, which includes multiple state and federal agencies. The two main Chairs or Co-Chairs are the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality. There are other agencies, as you can see from this slide, that sit on the IRT, however the Army Corps and the DEQ are the Co-Chairs. My point here is that each are experts in their respective fields and are directly responsible for approving only the most viable and worthy projects. The bank sponsor works closely with the IRT as well as consultants and engineers to design a mitigation bank appropriately. Also, we navigate the confusing and rigorous entitlement process to ensure that we ultimately achieve approval of the mitigation bank. At that time, when do achieve MBI, or mitigation banking instrument approval, we basically enter into a contractual agreement with the IRT that assures the bank will developed and completed as planned. So right now I just want to touch upon some of the regulations and guidelines that are included in the mitigation banking instrument. Following approval, all banks must achieve a strict set of criteria or conditions for credits to be released over time as the bank is put into implementation. This criteria or the conditions are set forth by the IRT to assure that all bank sponsors are liable for the projects and that the projects will ultimately be successful and sustainable. A few examples begin with the recordation of restrictive covenants, which protect the property in perpetuity. Once that is achieved, the bank sponsor will seek out approval of construction and planting plans and then even prior to beginning construction, we are required to post bonds and warranties to ensure that the work is completed satisfactorily. Then once construction is completed, it must be verified by the IRT and then for a period of ten years following completion of construction, annual monitoring must be performed on the site, reports delivered annually to the IRT assuring the property is meeting the, or the site and project is meeting the success criteria set forth in the MBI. I say that because it's important to point out that the credits are released over time as the bank performs. If the bank does not perform, credits are not released. In addition to these milestones that the bank sponsor is attempting to achieve, there are mandatory escrow funds, which are required to support annual monitoring and maintenance as well as provide funds for the long-term management and care of the property as well as take into account any future catastrophic events. Approximately twelve percent of each transaction is set aside for those funds. And those funds are closely monitored by the IRT. Release of funds must be approved by the IRT.

Mr. Howard: So Mr. Parker, what wasn't clear to me until we met at the last meeting was that the mitigation bank... there were steps in the process in terms of, there are only a certain number of allocations, I guess, or opportunities or... do you call them transactions, what's the proper term? So to trade for a mitigation bank credit. Right, is that...

Mr. Parker: Well, it's a trans...or sale of a credit.

Mr. Howard: So there's only, when you first open the bank, how many credits are there?

Mr. Parker: Approximately 15 percent is considered a pre-release.

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Mr. Howard: Okay, and at what point does that change?

Mr. Parker: Well, as you begin your construction, another small release is warranted, once you get your plans approved and go ahead and begin construction. After that, credits are released as monitoring occurs.

Mr. Howard: Right, well they're released based on performance, which was another...

Mr. Parker: Right.

Mr. Howard: ... another issue for me, anyway that seemed to be an a-ha moment because I wasn't sure I understood that prior to that meeting.

Mr. Parker: That's right. The credits are released up front when you perform certain conditions and meet certain criteria, but absolutely, the majority of the credits from the bank are released over time as it performs...

Mr. Howard: Right, based on performance.

Mr. Parker: ... successfully or not.

Mr. Howard: As measured by the IRT I suppose, is that right?

Mr. Parker: That's right, absolutely. So lastly I just wanted to point out that in the end, when the bank is complete, the bank sponsor must work to identify and designate a long-term steward so that the long-term steward will oversee the site well in the future. Those escrow funds are made available to that long-term steward to help manage it, but it's a surety put in place to make sure that the property is taken care of after the mitigation requirements and monitoring are completed. So with that, these points, I did want to just stress the fact that these conditions are set in place so that the bank sponsor is accountable for the bank and the success of the bank. And not only in the near term but as well as the long term. And so in conclusion I just wanted to touch upon the main points in identifying why we believe and are asking your support to amend the ordinance that would allow mitigation banks as by-right in place of the current conditional use permit. First off, mitigation banks are consistent with A-1 and A-2 zoning classification. The mitigation bank preserves areas of rural character and would go far beyond that in fact, by actually putting Mother Nature back to what it is prior to any farming or agricultural activities that were performed on the site. Secondly, mitigation activities such as planting trees, soil stabilization, those activities are consistent with agricultural and forestry operations. A good example, I think, is a project we're doing where we have actually taken cattle out of streams and planted buffer where the cattle were once trampling down banks and also taking out row crops that were in a buffer that was intended to improve water quality. That would be the same for the Hampstead bank. Secondly I would like to reiterate some of the points I made on the previous slide, mainly that expert oversight by government agencies is in place to oversee the approval and operation of mitigation banks. The rigorous approval process that I mentioned exists to ensure a high quality of banks are approved and also eliminates unsuitable sites. Bank success criteria was established to provide bank sponsors the guidance they need to ensure that the bank performs appropriately, also it provides a framework for the IRT to be able to enforce these banks. And I think again these conditions are in place so the bank sponsor is accountable, which is why we feel that the conditional use permit fees and possible conditions are excessive and inappropriate in this case in light of these

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circumstances. And we cannot reasonably identify appropriate conditions that would be suitable for mitigation banks under a conditional use permit. And lastly, by-right zoning for mitigation banks is consistent in neighboring counties, to better illustrate that point we have worked and are currently operating twelve mitigation banks across the state. If it wasn't already in the zoning language to allow mitigation banks we have worked with the counties to help them understand the situation, make their own assessments and in fact, in all cases, concluded that by-right is an appropriate zoning. With that, again, I want to thank you for your time and I'm available to address any questions.

Mr. Howard: Thank you, Mr. Parker. Are there any questions of Mr. Parker or anyone from Falling Springs? No? Thank you very much...

Ms. Kirkman: I have some questions.

Mr. Howard: Ms. Kirkman, okay.

Ms. Kirkman: So the Hampstead project, is that the project you want to do in Stafford County?

Mr. Parker: Right, the Hampstead mitigation bank. And I should also point out towards the end of the presentation you can find in your hard copies is a little more information, one, about Falling Springs, as well as the Hampstead mitigation bank. I included it as appendices to just provide a little overview on, and I'm happy to walk through that as well.

Mr. Howard: Any additional questions for Mr. Parker?

Ms. Kirkman: Was this the July meeting of the Planning Commission where this was...

Mr. Parker: I believe...

Ms. Kirkman: ... where you met... I'm trying to understand what the meeting is.

Mr. Parker: We had a meeting with Mr. Harvey...

Ms. Kirkman: Okay.

Mr. Parker: ... and it included several other staff and the Chairman to just try to understand how we should answer any questions...

Mr. Howard: And Mrs. Hazard was there as well. At the meeting I think you were not present, or one of the meetings, we decided that Mrs. Hazard and myself would make an attempt to sort of re-engage the Falling Springs group to better understand the wetland mitigation bank and what their motivation was. And quite frankly, in the beginning I'm sure they thought I would be challenging in the entire meeting. They're a for-profit company, we're not talking to a company that's not here trying to make a profit, is that correct?

Mr. Parker: Yeah, for profit, yeah.

Mr. Howard: So in the beginning it was, I thought I made it clear that I get the whole financial piece, side of this, that you have to make money, but the two things I didn't realize is there's very, very strict

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oversight of the mitigation banks that, to me, wasn't as clear when this originally first came to the Planning Commission. So based on that and the fact that the credits get released on, sort of, a performance basis, again that wasn't clear to me either. So you can argue well then why don't we just keep it a CUP process and they still fall under the same guidelines from the IRT, that actually is true. So there may not be a need to change anything that we've changed, the goal was to get you in front of the group again to give them a chance to ask any additional questions they may have, give them time to think through that, you know. Should this be a by-right or not a by-right? I still don't know the answer to that but I do know that I feel better informed after I met with you and I thought it would be good to get the group to hear a little bit more detail about what you have to say.

Mr. Parker: Right.

Ms. Kirkman: And on a project of this size, about, I mean I'm just, this whole process is new to me, on a project of this size, about how many credits do you get? How are the credits determined and roughly...

Mr. Parker: Yes, Aaron Revere will be here to speak to that question.

Mr. Revere: Hello, Aaron Revere, he said my name, just in case I need to say it for the record. In short, it depends. An acre's not always a credit a linear foot on a stream is not always a credit. But this project happens to have a lot of restoration as you mentioned, nearly five miles of restoration. So when you go through the methodology that DEQ developed for this state, I believe that's about 20,000 stream credits that could potentially be made and we will put the construction dollars in that. Further, to your point and clarification on the fifteen percent, I mean, performance even has to be done on that. We are fully bonding and performing that and recording a real estate instrument, even before they entertain any talks of even pre-release on that. So it does depend a little bit on the work that you put in there, in our line of work we call that the lift. You can't just come and propose a bunch of preservation, because that's already protected. You need a permit to have it taking on that right now, so it's already protected, whether it's an RPA or whatever you're going to have to deal with the Corps or DEQ and staff on that so in this project there will be a lot of... and the last picture you saw was a stream restoration example of where the banks will be re-stabilized, and literally that's the work we're going to do, we're going to stabilize that bank, stop the erosion, pull the cattle out, pull the crops away, and plant 50-70,000 trees on this piece of property. So instead of planting acres of corn we're going to plant a lot of trees.

Ms. Kirkman: Well I think certainly a concern I held and that some other members of the Commission expressed is that in fact, just what you said, these credits can't be retained for preserving pristine areas, they can only be obtained for restoring destroyed areas and I think there is a real concern on the part of the Commission that in fact does is create financial incentives for people to not take care of environmental resources and then convert them into credits.

Mr. Revere: So to that point, and we are all very much environmentalists, hence the reason we chose this line of work versus other elements of real estate, so one, Hampstead Farm is an example, as many others, the impairment has happened on this farm before any of us in this room were alive. You know? I mean before the Clean Water Act didn't come around 'til the '70s. So what's happening is we've all learned that that's not the right thing to do. So the pieces that are protected now, and ya'll have wonderful resources in your county, I mean no one knows Crow's Nest, you know that's one of the key things in the state, right? So it's already protected and it's in a great condition and so it's going to

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be protected. To go in there and impair it now you'd have to get a permit, because since the '70s we've got the Clean Water Act, we've got 404, 401, Section 7, all that stuff, rules have come into place. So now we don't have rivers in Ohio setting on fire. So we've moved on past that, now for us to come back to deliver these water quality and resources in the bay that we need, we need to restore those things that we lost. I mean by the '70s we'd lost over half the wetlands in the country. And so this is a farm that has historically been a farm and operated as a farm, following all rules and regulations as other farmers, he's paying to put up his fences, he's paying to maintain his farm equipment, etcetera, etcetera, paying property insurance, so what's going to happen here now on the Hampstead Farm, and we've worked with Mr. Crocker, who's now 82, and all of his family on this project. He's now going to take that part of the land and he's no longer going to try to make money from cattle and corn on those acres. He is perpetually going to say, I'm going to put a preserve back on that. But for that, I'm taking part of my farm out of production. We want to keep the farm intact, and so he gets the ability to get a little compensation for doing that now. So, yeah, if you go way back in time it's an interesting question, but the rules for the state are no net loss. Where we are now, we don't want to lose any more of these critical resources. Going forward we'd like a restorative economy and move it up, and so let's start putting these things back. And for your projects, any and all that you look at, they have to avoid, minimize, and then mitigate. So you go through a rigorous process to avoid impacts to wetlands and streams, to minimize impacts to wetlands and streams, but we all know sooner or later, a road is going to cross a stream. You can't avoid it. And so you avoid, then minimize, and then when that taking has to occur, for them to get the permit, mitigation like ours is already in place before that happens. So not only are you ensuring no net loss, you're actually avoiding temporal loss. Otherwise they could have a taking and they could put money aside in the fund and wait eight or ten years to finally put something back. In the meantime you've got eight or ten years of reduced water quality, right? So we're coming in here doing it now, up front, on these projects so that there's not a de facto moratorium when a road or a pipeline or something hits a critical resource. I hope that answers the heart of your question.

Mr. Howard: In order to qualify...

Ms. Kirkman: No, it doesn't really because...

Mr. Revere: Help me out.

Ms. Kirkman: ... I think the concern that was expressed was that there is continuing lack of stewardship around environmental resources so that there are cows that are still in streams. This is not something that happened ten and twenty and thirty years ago, it continues to happen now, and that this creates a financial incentive for those people who are destroying those wetlands.

Mr. Revere: I'm not sure I see the financial incentive. Right now farmers with cattle happen to probably be, like all of us, victim of tragedy of the commons. For me to make a buck on my cow or something, I need one more cow out there, and so yeah, they're using their land to their fullest to their right, fair enough. They can apply for a CREP program and they can get monies to fence their cattle out if they want to do that, because then that gives them flexibility, all right I'm in CREP for ten years, but maybe I'll stop being in CREP because I want to put ten more house... this, we're putting it into a preserve, a mother nature preserve. Like I said, we're going to put 50,000 trees on this thing, and those trees will be there forever. It's not going to be timber, it's not going to be row crop and it's going to come back. He won't put cattle in there anymore and there would be no other income off of it. It would basically become a bird sanctuary.

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Ms. Kirkman: But you mentioned there will still be allowed encroachments into the stream such as roads.

Mr. Revere: No ma'am.

Ms. Kirkman: So there will be no roads, no utilities allowed in the stream?

Mr. Revere: No, there are a couple crossings that allow them to get to areas outside but these streams, we don't have the stream channel, we will have three hundred foot buffers on each side of the stream, a six hundred foot swath of forested buffer. That is your Brita water filter, right there next to your stream. So if he wants to still, three hundred feet away, put a pasture up there, you know you have three hundred feet between that critical water resource and his land management which, by the way, they do a great nutrient management land plan on, and the IRT reviews that too. So absolutely, so in these areas, no there will no longer be cattle and crops on the three hundred and ten acres on our Hampstead project just like there aren't on the three thousand other acres we've done in Virginia. We put Mother Nature back and it's a perpetual mechanism.

Ms. Kirkman: But I'm trying to understand, and this gets, in some ways, to why a conditional use permit may or may not be needed...

Mr. Revere: Yes.

Ms. Kirkman: ... which is, for instance, one of the conditions that could be imposed through CUP process would be that there would be no further encroachments into the stream or the buffer area, such as road crossings or utilities. How does that get negotiated if there's no CUP process?

Mr. Revere: It's already in, and I don't know if we can go back to the computer but one of the key things he said right up front was a restrictive covenant. And if you look at the map in your handout, there's an area that shows the red area on this farm where our project's going to happen. There's a restrictive covenant on that land that will run with the land forever. You can no longer go in there and do those activities. Plain and simple, it is a preserve. So that runs with the land, it's on the deed records, it runs with any future landowner, we've got it and you cannot amend the covenant, so it's recorded on ya'lls land records in this case. You cannot amend the covenant without working with the IRT agencies on it. They are the beneficiaries of that. In fact, because we've done this mitigation banking instrument, which is a contract between us and the government, in fact, you would argue that we're projects in for them because they're issuing permits on takes that can no longer be avoided, so for them to ensure that we're at a no net loss in our state, we've got to put these things in the ground and protect these resources. And the added benefit, too, is these are positive implications for these upcoming TMDL things anyway.

Ms. Kirkman: Right, and I understand...

Mr. Revere: But the restrictive covenant runs with the land forever.

Ms. Kirkman: Right and I understand what a restrictive covenant is, what I'm trying to understand is what is the public process for determining the conditions in that restrictive covenant.

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Mr. Revere: Okay. The agencies have a template that they've used. This project, I forget the date, but was public noticed, then solicited for various public comment. We sent out a mailer to every neighbor of the property, have talked to neighboring property owners, letting them know what's going on. They're excited about this happening. So we've been through all that. The project... I forget the date but it... November... was public noticed last November and got nothing but positive comments.

Mr. Howard: The issue that we talked... there were two other issues. One is the qualification, in order to qualify the wetlands mitigation bank, it's a rigorous process that's eighteen to thirty months, is what you told me at the last meeting. And you also indicated that the Army Corps of Engineers and the IRT have also gone to landowners and said, you don't qualify because we felt you were abusive because that was a concern...

Mr. Revere: Oh absolutely.

Mr. Howard: ... that I voiced to you that, why do you want to reward somebody for not doing the right thing with the property.

Mr. Revere: For example, to that point, and so maybe that is a little bit more...

Mr. Howard: That's where Ms. Kirkman would like you...

Mr. Revere: For example, if you've recently timbered your property, forget about it, don't talk to them for five years, because it needs to go through a self-healing process. And you can't just go out there and impact wetlands right now anyway. If you do, you're subject to a violation, which means a penalty and, perhaps...

Mr. Howard: Right, and it was also explained to me from the Army Corps of Engineers representative that they've gone on property where people were seeking to become this wetlands mitigation bank and found they didn't do the right thing and subsequently, instead of becoming part of this process, they were fined. Otherwise they never would've been, really, permitted on the property without being invited. So again, once I understood some of those nuances within this program, I thought it would be good for the entire group to hear this, because that's a big concern, why do you want to reward somebody for appearing to not have done the right thing with their property?

Mr. Revere: Agreed. But it all really comes back to no net loss. If we just went out there and preserved the few pristine resources that we have, and how many, really, are in pristine condition? We wouldn't be left with much. There's plenty that are in okay and bad condition. We need to bring those back up. And it's farms like this that give us the ability to take that piece of farm that otherwise, I mean if you've looked at this property and how it lays, you could come up with a lot of cool land plans for this thing. This gives them the opportunity to do something different on these three hundred acres right now and keep the farm, too.

Ms. Kirkman: And again that gets back to why this would be by-right versus conditional use permit. One of the conditions that could be imposed is that the property as a whole would remain in agricultural use rather than be... that it would not be further subdivided and when I look at this I see, you know, for instance using this Hampstead plan as a particular example, it looks like to me you've created access roads, you've carved out access roads for a subdivision.

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Mr. Revere: No. Where do those roads go to and from?

Ms. Kirkman: Well right now they don't go to or from anywhere, but why are they needed?

Mr. Revere: They go to and from the fields where he has cattle and farms and they're going to still continue to run an agricultural operation.

Ms. Kirkman: But you've...

Mr. Revere: If fifty years from now...

Ms. Kirkman: Is there anything that ensures that this property continues in that farming use?

Mr. Revere: Not the properties outside the bank.

Ms. Kirkman: Right.

Mr. Revere: And here's an important point on that I don't want to be disregarded. We are not a non-subdivision project right here. We are a mitigation project. These people can still engage Virginia Outdoor Foundation or somebody else to do a land preservation on that. And if you didn't give them that right, what encourages them to go to that area and do that as well? So they still have the ability to go and look at doing those types of options here as well. And furthermore, I've been on properties that are subject to... well two things, I've been on properties that are subject to VOF and other similar easements right now and they did a great thing of getting rid of subdivision. Their water quality is terrible. So it's a bundle of sticks, and we are, on these pieces, we're focused on the water quality and biodiversity and habitat elements of this. And Potomac Run is impaired. And we're well over twenty percent of that reach. We're going to make a difference in your water quality on that area when we implement this project. And they intend to hold the land for long term, but we're only working with them on this project on these acreages right now. And I would ask, back to the point on CUP versus by-right, do you guys approve VOF easements? Do you approve TNC easements? Land trust easements? Do they have to get a conditional use permit to do that? Do you have to get a conditional use permit as a farmer to go from corn crops to planting trees? We really very much are by-right. We're unique but we're by-right.

Ms. Kirkman: That actually brings me to my other question, which, I'd like to know why this is even before us? If this is something you can do anyway, why do you need the legislative change?

Mr. Revere: Do you want to speak to that? One, we submitted it, I forget the member's name but, thought it would be cleaner... we've had plenty of counties we've submitted it, their zoning ordinance didn't specifically say an Ag/wetland. Oh, I'm sorry, Jeff, sorry.

Mr. Howard: Mr. Harvey.

Mr. Harvey: Thank you. The Zoning Administrator had rendered an opinion that the wetlands mitigation bank was a specified use and was not called out in our Zoning Ordinance, so therefore it's unlisted use and would require a conditional use permit.

Mr. Howard: Requires a conditional use permit.

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Ms. Kirkman: Okay, so this is, the reason is because of the Zoning Administrator decision. Well then that gets back, if the applicant could step forward. I want to go back to the discussion we were having about the advantages to the county and the residents of the county of the CUP process. For instance, one of the conditions that could be imposed, reminding you that the CUP applies to the property as a whole, not just the part that's in the wetlands mitigation bank, is that would give the opportunity for the county to impose the condition that that land would remain in farming use rather than, for instance, being further subdivided. Isn't that an advantage to the county, to be able to impose that condition?

Mr. Revere: I'm not sure that it's an advantage to the county but I can say it's a disadvantage to the Crocker family that owns the farm today. They will not be able to generate any potential VOF benefit by doing it. And they would not do it. They wouldn't do it right now. So it's a disadvantage to them to do that. Why doesn't the county engage them and purchase their development rights that remain on the rest of that property? You know, do those kind of things, or let them donate them and do that kind of stuff. And further, on the conditional use permit application, you know, typically, you charge a fee per acre because there's a lot of stuff to review. Stuff you guys were talking about earlier tonight. We're talking about planting trees. It's a real simple design so there's not a lot of stuff to talk about on this.

Ms. Kirkman: We could find some.

Mr. Revere: Even that per acre fee, on the design, I mean we've got a native plant palette and we'd love for you to come see the work we do. We're so proud of it, we'll bring you out there any time you want. We are putting Mother Nature back into the ground so it just didn't come back together with the way CUP is really done. But we just want to move ahead with the project. We want to button it up and we didn't want to have a loose string on this. Typically, you know what happens in most counties? They say okay on this, whether it did or didn't perfectly fit in the Ag, they may have made a little different decision than the Zoning Administrator did here. And then oftentimes they aren't very much involved with the project unless they decide they want to do E&S review and plan review. But many times most of our plans are already pre-reviewed and approved statewide on an annual basis for DCR anyway. Because they're the ones that are really running and reviewing our projects. We spend so much time with the people at the state and federal level that we oftentimes find that it's not needed at this level. And additional benefits to the county, I don't how much I can say about the water quality benefits on five miles of stream being restored and planted around. And not only that, you will now have an option to meet your compensatory mitigation needs within your own county. Your own projects, right now, unless you find and secure rights on properties in your own county and do exactly what we're suggesting we do...

Mr. Howard: We have to go outside the county.

Mr. Revere: You got to go outside the county. So at least you'll have an option where we can try and serve local needs, public and private needs on it. That's a great benefit to the county.

Ms. Kirkman: So are all the buffers, on these types of projects, are they always three hundred feet on each side or is that negotiated specific to each project?

Mr. Revere: It's negotiated specific. Three hundred feet is maximum. The minimum requirement's usually a hundred, we're going three hundred here. We usually go to three hundred. And all regard

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that... there's performance requirements in here, so not only is that the design and the plant palette spec, the performance, back to the (inaudible). You've gotta have certain number of survivability so the performance, I mean, Inspector 12, if ya'll remember those old Fruit of the Loom commercials. Well we have Inspector 12 annually out there that looks at these. So you've got stem counts that are coming along, diversity, coverage, eventually canopy coverage and development. There are so many pairs of belts and suspenders on this that some days we wonder, you know, what it is. And again, the funds are running with the land, so you have a warranty reserve that is set aside for ten years. That's your powertrain warranty, guys, on the product. And then, too, there's long-term funds that are running with this land into perpetuity. For simple things, whether there's signage that needs to be put back or it got a bad case of invasive species, some allantois just popped in on an area and you'd like to treat that and pull it out. Those funds will run with the land.

Mr. Howard: Okay. Are there any additional questions? Mrs. Hazard.

Mrs. Hazard: Just a few comments. I too... I enjoyed at least learning a lot more about this process, because it was not particularly clear to me how this ran. It does seem like the overview process, the IRT or whichever the name is, is a pretty rigorous process and I guess a potential concern could be you go through all of that and we do have a CUP process that could maybe be inconsistent with something that's been studied for eighteen or thirty months which, I'm trying to think from the person who's gone through that whole thing. We could start imposing, I mean, I certainly am no environmental expert but I can see that that would be of concern to you all, that we get through this whole thing and then all of a sudden we put something in there and then it all goes away after eighteen to thirty months of study. I was very intrigued about the performance credits and how much it's monitored. That was actually very useful information for me. And I guess I just, well you know, am thinking about we did just pass a comprehensive plan that does state a lot about environmental resources and its protection through some voluntary efforts and I haven't gone through, I mean I've looked through some parts of that and perhaps this is a piece of that. I don't know for sure, but I think it's something maybe we need to look back into.

Mr. Howard: All right, any other questions? I think, I'll take the poll of the Commission here, is there an appetite... Mr. Harvey, how much time do we actually have on this?

Mr. Harvey: Well Mr. Chair...

Mr. Howard: It was referred back to us, right?

Mr. Harvey: Yes, this is unspecified time. If you recall, the Board rescinded their previous resolution referring this to the Commission and then there was a letter written to the Chairman of the Board and yourself requesting reconsideration. The Board Chairman thought it was appropriate to start at the Planning Commission level, so here we are.

Mr. Howard: All right, so...

Ms. Kirkman: So it's up to us to generate, or not, the legislation?

Mr. Harvey: To make a recommendation to the Board whether to proceed or not.

Mr. Howard: Right.

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Ms. Kirkman: Okay.

Mr. Howard: So why don't we just get this on the agenda under unfinished business for the next meeting. Is everybody okay with that? There's nothing else we need to do tonight, I don't think. Can we get it to item one? So we'll start the meeting with that and see what we want to do. That gives everybody some time to absorb what they heard tonight and think through the presentation. I do appreciate your staying. I apologize that we kept you late, but certainly appreciate your time and efforts and I think you have to travel back to, probably Richmond I think, right? Sorry about that. The only good news on... well I shouldn't even say that, I'll jinx you. There may not be any good news on 95 but we wish you well nonetheless. Thank you very much.

Mr. Parker: Thank you.

Mr. Revere: Thank you very much.

Mr. Howard: That brings us to item number five, which is the discussion of the recycling definition.

Mrs. Hornung: Good evening. Mr. Chairman, members of the Commission. The Board of Supervisors, at their July 5th meeting, had referred Resolution R11-212 to you with a proposed ordinance of O11-37. And what this does is, this takes the recycling center definition and brings it in line with the uses that are stated in the M-1 and M-2 zoning districts. The recycling center definition currently is listed as a structure or confined site or place where recycling activities, such as the extraction and processing or reprocessing of useful materials from waste, refuse, garbage or other discarded materials take place. What is being proposed is that center is stricken and adding facilities, and that also, within the definition toward the end, useful materials from presorted waste, etcetera, is incorporated into the definition. Because what happens is that in our M-1 and M-2 zoning districts, it is not classified as a use for recycling center it's a classified use of recycling facility. So this definition just brings the zoning district in line with the definition. And the Planning Commission's recommendation for this definition should be returned, or is required to be returned to the Board of Supervisors in ninety days from July 5th, which that makes October 3rd as your deadline.

Mr. Howard: Yeah, which we won't meet because we meet on October 4th, right, in October?

Mrs. Hornung: October 7th, I think.

Mr. Harvey: October 5th.

Mrs. Hornung: The 5th.

Mr. Howard: The 5th, okay. So the first thing is, maybe we need to ask for more time, to... I mean, I don't know how everybody else is thinking about this but... yes?

Ms. Kirkman: Well we can't even get a public hearing...

Mr. Howard: Right, in enough time, so. All right, why don't we have a resolution, somebody make a motion, make a resolution to request more time for...

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Ms. Kirkman: Before we do that, can we ask staff some questions?

Mr. Howard: Absolutely.

Ms. Kirkman: Because we may need to tinker with it depending on the answers. Why is this coming up now?

Mrs. Hornung: We have some requests for recycling facilities to operate in the county. There's actually one zoning determination that is under review in the process to make a determination for the use of recycling facility on that M-2 property. And also another facility that wants to operate as a recycling facility within the county. And when those uses were... or the first one, when that was coming about, it was noted that the facilities and the M-1 and M-2 zoning districts classified as a recycling facility. We don't have it in our zoning districts classified the use as a recycling center. So that was bringing it in line with the use already listed.

Ms. Kirkman: So you're saying the issue is in one part of our ordinance we use the word facility and in another we use the word center? I'm trying to understand what's trying to be solved here.

Mrs. Hornung: The definition states recycling center but the use is listed in M-1 and M-2 are recycling facilities.

Ms. Kirkman: Okay, and...

Mr. Howard: And there was a second, though, definition, right? That you... what did you say about a sorting, something about sorting?

Mr. Rhodes: Presorted.

Ms. Kirkman: Pre-sorted, why is that important?

Mrs. Hornung: Oh. That's added so that it's clarified that it, the recycling facility would have pre-sorted waste, refuse, and garbage. So that it's not gonna be confused with what our landfill does.

Mr. Howard: Landfill, okay, so in other words, it has to be a truck that pulls up and has only, you know, the plastic and metal, and there's no other trash associated with that because they've sort of pre-sorted or picked up plastic...

Mrs. Hornung: Correct. It would be a single-stream, as they call it, single-stream line, single-stream recycling.

Mr. Howard: Whereas they won't be sorting trash at that facility like a landfill would do.

Mrs. Hornung: Correct. They'll be sorting recyclable materials, specifically.

Ms. Kirkman: And will this... will the recyclable materials include auto parts?

Mrs. Hornung: No.

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Ms. Kirkman: And what specifically excludes those?

Mrs. Hornung: The auto parts? That would be a different use. We have different definitions for automobile distribution and...

Mr. Howard: There was an auto graveyard, there's an auto, I looked it up today, there's an auto graveyard explanation, definition, in Stafford County.

Ms. Kirkman: I just... we have some creative attorneys and I just want to make sure that we don't run into more salvage yard problems by having a creative attorney argue that what they're really doing is recycling.

Mr. Howard: So why don't we get the definition, it's on the internet, I was able to pull it up but there's a lot there.

Ms. Kirkman: Mr. Harvey, can you...

Mr. Harvey: Yes, Mr. Chairman, Ms. Kirkman, I was going to bring to the Commission's attention we've provided a copy of the section of the solid waste ordinance to the Commission. Recently it's been brought to our attention that potentially we could have a conflict with the solid waste ordinance and the zoning ordinance so in the request referral back to the Board the Commission may want to consider asking the Board permission to also examine the solid waste ordinance. Normally that's not under the Commission's purview because it's not a zoning or subdivision code amendment, but they are integrally related because there are some issues with the definition of refuse and refuse remover and how the recycling centers receive their products. Because under the current definition, solid waste ordinance, if you have a recycling center, you cannot go out and pick up the materials and bring them back to your facility. They have to be delivered by the owner of the materials. So that's something that needs to be discussed in more detail.

Ms. Kirkman: But I was hoping for some clarification from you about why recycling of automobile parts would not come under this definition.

Mr. Harvey: They may fall under this definition if they're considered scrap metal, but if they're, say, taking automobile parts off of a vehicle and reselling them as used parts, that's not considered recycling. That's considered to be either auto salvage yard activity or, potentially, retail sales, depending upon how those parts are sold and how the process is worked with the facility where the cars are.

Ms. Kirkman: And the way the resolution was sent to us, do we have the authority to change the language in the resolution? I mean the amendment? Because if we don't we need to ask for that to address the issue you raised around the solid waste and potentially around the...

Mr. Harvey: Yes. I would recommend the Commission consider that in your request is to get, when the referral comes back is to provide latitude for additional adjustments to harmonize the ordinance with solid waste code and Ms. McClendon's also pointing out to me that the current referral does give the Commission ability to make modifications.

Mr. Howard: So we'd want to retain that ability when we make our resolution.

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Ms. Kirkman: And because of the two pending projects, are there any time constraints or urgency to getting this done? I don't know how all these issues are stacking up.

Mrs. Hornung: Not specifically that the one that's going through the process for the zoning determination, but the other facility that wanted to operate wanted to start conducting their recycling business, which they have done in other counties where they drop off the recyclable trash can and show the items that are to be recycled in a quote single-stream line, then they would pick up those trash bins and take them to their facility to sort those recyclable materials. And that's what they want to do in Stafford, but currently they are not able to do that because our solid waste ordinance classifies that anybody that picks up materials is classified as a hauler and they could only take any material, whether it's recyclable or trash, to the Stafford County landfill.

Ms. Kirkman: And then I guess that gets to my last question. Has anybody looked at the potential financial impact on the regional landfill if we're decreasing the recycling stream there?

Mrs. Hornung: Well there would be an impact but there's no information that we have how much that could be. Because if you take the recycling ability away from the landfill, there would be an impact.

Mr. Howard: Well, this wouldn't take it away, but to Ms. Kirkman's point it would reduce...

Mrs. Hornung: It would reduce, right.

Mr. Howard: ... yeah, it would reduce their...

Ms. Kirkman: I just don't know how important that is as a revenue stream for the...

Mr. Howard: Yeah, we should find that out if there's a way for staff to get us some numbers on what are we generating from recycling as a county? And if there's projected impact on... actually, if this has been done in other counties we can find out from them, what impact if any, did it have on the revenue stream from the recycling portion of the landfill.

Mrs. Hornung: I know from where I live, they just started it, so I don't know how much information would be from that other county.

Mr. Howard: Right, okay.

Mrs. Hornung: But I'll check with our landfill staff to see if there's anything.

Mr. Howard: In some cases it could make our landfill more productive, too, by taking some work out of there. I don't know. So who knows. Yeah, absolutely. So we need the resolution and Ms. Hornung, you'll get that information on the recycling dollar amounts, right?

Mrs. Hornung: Sure. Yes sir.

Mr. Howard: Anyone want to make that resolution?

Mr. Fields: I would like to make a point. From serving on the R-Board my recollection is that recycling is... a lot of it is... the revenue stream from recycling is used a lot to simply underwrite

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making recycling possible. It's not a lot of return. But it is, if the flow went below a certain thing it would make it hard for the landfill to actually... the time I was on the yard board they were constantly working to try to add the capability to recycle more materials because it's not always cost effective. Sometimes it's hard to get a company to even do it. As far as the real revenue, the tipping fees from the commercial haulers is certainly the vast lion's share of what funds the big costs of the landfill. So my recollection is that the... but, you know, someone from the R-Board, I'm just throwing that out for everybody just to consider that the recycling, a lot of times is sort of its own orbit. But its viability may be impacted by this. Doubtful that the landfill operation in terms of the millions of dollars it takes to open a cell and build a cell would be affected, but that might be affected in and of itself.

Mr. Mitchell: Mr. Chairman, you have the potential also, if someone else is recycling you also have the potential of extending your lifetime of cells, cells have a specific lifetime. Once they're full then they have to be closed and then monitored. So if someone else is recycling, it could help from that perspective and extend our landfill to a much greater timeframe. The things I remember was cardboard and aluminum were two of our best sellers. So much of the plastics have minimal effect and some of the ones were threes and fours on the bottom, the higher the numbers, the worse it is to recycle. The ones and twos are good, but those are things we could sell, but cardboard and aluminum were the two big money makers.

Mr. Howard: Okay.

Ms. Kirkman: So I think the question to the R-Board is not just about the revenues, then but also the impact on them being able to maintain the recycling program.

Mrs. Hornung: I have the... I know the information that you want from the landfill about the monetary value, and then you want the request to go to the Board to ask for an extension. Do you...

Mr. Howard: We're going to make a resolution on that...

Mrs. Hornung: Okay.

Mr. Howard: ... and vote on that, so...

Mrs. Hornung: Well then I was going to ask you when you wanted the information to come back to you, maybe sometime in October? To give time to get the information ...

Mr. Howard: No we probably should, I would think we would continue to work on this because I'm sure we're going to want to wordsmith some of what we have here. So I would think this would stay on the agenda even after our, well it has...

Mrs. Hornung: No, it'll stay on the agenda...

Mr. Howard: ... to because we have to take action if they say no, so . . .

Mrs. Hornung: ... but as far as the information, what you want at the next meeting, or do you want at the first October meeting because it's, to compile the information.

Mr. Howard: I don't think we'll be taking action on the first October meeting...

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Mrs. Hornung: Right.

Mr. Howard: ... so if it had to be the second meeting I think that's okay.

Ms. Kirkman: I think she's asking when do we want to hear back from her...

Mrs. Hornung: Right, because . . .

Mr. Howard: Yeah, the second meeting in October's fine.

Mrs. Hornung: No, I'm... the first meeting in October would be fine to bring you whatever information I had, I'm just asking that I don't think I'll be able to have much for you at the next meeting.

Mr. Howard: The first meeting in October is fine.

Mrs. Hornung: Okay.

Mr. Howard: Thank you.

Mrs. Hornung: Thank you.

Mr. Howard: Okay, so now we just need the resolution... we need somebody to make that. So we're looking to extend our time limit.

Mrs. Hazard: I can take a crack at it.

Mr. Howard: Okay.

Mrs. Hazard: That we pass a resolution requesting more time from the Board of Supervisors to consider the issues raised by proposed Ordinance O11-37 relating to recycling and to harmonize that with the solid waste code provisions and other related recycling issues and coordination with the R-Board in time to have a public hearing.

Mr. Rhodes: Second.

Mr. Howard: Did we cover everything, Mr. Harvey?

Mr. Harvey: Yes.

Mr. Howard: All right. Seconded by Mr. Rhodes. Any discussion? Ms. Stinnette you have that motion? Sort of, I know you're going to go to the videotape. Okay, all those in favor of the motion which is really requesting additional time from the Board of Supervisors to include harmonizing the solid waste authority with the recycling definitions signify by saying aye.

Ms. Kirkman: Aye.

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Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Fields: Aye.

Mr. Rhodes: Aye.

Mr. Howard: Aye. Opposed, nay. Motion carries 6-0. It should be noted that Mr. Hiron has left the meeting a little earlier. All right, that brings us to item six, discussion of exempt subdivisions.

6. Discussion of Exempt Subdivision

Mrs. Hornung: Hello, Mr. Chairman, members of the Commission. At the July 5th Board of Supervisors meeting there was discussion of the possibility of exempting certain divisions of property from the subdivision ordinance. And Supervisor Snellings raised the issue of families settling the terms of their will and family estate matters. So the Board is requesting that the Planning Commission look into that and do some research and send the information back to the Board in the way of an ordinance to exempt subdivision... exempt wills or settling family estate matters in the way of an ordinance in the subdivision ordinance.

Mr. Howard: So in the subdivision ordinance today there are no provisions that allow for family subdivisions?

Mrs. Hornung: No, there are provisions for family subdivisions but it doesn't distinguish between a will or an estate being settled by a will or settling an estate and another matter. They have to follow the family subdivision rules and definitions as governed not only by the state but what's in our ordinance. They still have to comply with the subdivision ordinance for all recommendations or requirements that are in the ordinance for shape, width, even sometimes road frontage. And they do, they are required to dedicate right-of-way as well.

Mr. Harvey: Yes, the overall discussion at the Board level was whether we should have regulatory review of these types of divisions of property. The alternative would be for them to be exempt, they would not come to the county for any review at all, they could go to the courthouse, record a deed. Staff's recommendation would be that if we are to exempt certain divisions of property from the subdivision ordinance that we stipulate that the resulting lots still must meet the minimum zoning requirements for lot size and those types of features.

Mr. Howard: At the current zoning of the property, right?

Mr. Harvey: Yes.

MR. Howard: Okay.

Ms. Kirkman: I don't understand what the issue is.

Mr. Howard: Are there fees? There must be fees involved.

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Mrs. Hornung: That is correct, there are fees.

Ms. Kirkman: But what is... so, fees can be waived without having to waive the regulatory process. And that's what I'm trying to understand, is what is... For instance can't the family go to the Board of Supervisors and have them be the applicant?

Mr. Harvey: Ms. Kirkman, that would be the option for the Board to consider, would be to be an applicant for a subdivision plat, which gets to be a little difficult because typically the applicant is a landowner but that's the only way that you can get around the fee payment issue. There's not a direct waiver process where the county can, or the Board can say well this person pays a fee, this person doesn't.

Ms. Kirkman: Is the fee the issue like there's 40 acres that's willed to five kids and the issue is...

MR. Harvey: Well I think there are two concerns. One is the county regulatory process and the fee associated with it and also the time to get through the county regulatory process. Typically it will take a number of months for someone to go through the subdivision plat process with the county and the health department and VDOT versus if someone was to have an exempt division they would have a deed drawn up by their attorney and maybe an exhibit plat that's attached to the deed and it gets recorded through the courts but there would not be any extended review process on the county's part.

Ms. Kirkman: Would there be any review process?

Mr. Harvey: Not if it's an exempted subdivision.

Ms. Kirkman: So there would be no way to know if the lots that were created meet... I mean you can stipulate that they meet the zoning requirements, but there would be no process to ensure that they do.

Mr. Harvey: Not directly, no. So if someone did create a lot that violated zoning requirements then they would probably have an unlawful nonconforming lot.

Mr. Howard: Well I think there's more to think through on this so why don't we...

Mrs. Hazard: Mr. Chairman.

MR. Howard: Yes, Mrs. Hazard.

Mrs. Hazard: A suggestion for me but it's partly how I think, is if we could sort of have an outline of the current process, like somebody comes in, kind of, that process and then what are... having it clearly set out what the current process is may help us figure out if we do need to tweak it at all or not.

Mr. Howard: Yeah, that does...

Mrs. Hazard: It's sort of like the decision points going down and saying is this the real concern? What's the real concern? If there's a way to relieve pressure on one of the points we may not throw the whole thing out but let's... that would be helpful for me as a starting point.

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Ms. Kirkman: Because the family subdivisions are waived from a lot of the subdivision requirements already, right?

Mr. Howard: Yeah, there's a lot of benefit to those so I'm not sure...

Mr. Harvey: Yes. The main difference is that they do not require dedication of right-of-way. The plats typically have fewer notations on them than major subdivision plats but they do have to go through a similar process.

Ms. Kirkman: And they don't, they don't go through the Planning Commission, unlike others.

Mr. Harvey: No. They're administrative review.

Mr. Fields: Mr. Chair

Mr. Howard: Yes.

Mr. Fields: Also in the terms of helpful things, this is a case where I would really like a story. I need to see in the real life where this has happened or a real-life example of what this is trying to get at if at all possible because you've really got to get your head around, I mean...

Mr. Howard: All right, so...

Mr. Fields: I want to get past my first reaction to just go, what in the world were we thinking to just exempt subdivisions from any kind of regulation or review? So if there's a compelling reason I would like to hear it.

Mr. Howard: So we're looking for if there's an example out there?

Mr. Fields: Yeah, some kind of real life example of how this... of how what the ... what this accomplishes that the family subdivision doesn't already accomplish. Because at the end of the day, I mean, if you... just for the sake of complying with an estate or a will, you have these arbitrary pieces of land that are nonconforming and unbuildable, you haven't, you know, everybody loses just because you lost a... you didn't have to pay some fees at the time of recordation, if the family ends up with, the siblings all have unbuildable lots they haven't won at the end of the day either.

Mr. Howard: Yeah they have lots worth nothing.

Mr. Fields: Yeah.

Ms. Kirkman: And perhaps my colleague from Hartwood could... I thought there was a... like if the family can't reach agreement on properties, I thought there's a court... a partition. Isn't it called partitioning? There's a court process to resolve some of those issues, right?

Mrs. Hazard: I think we just, we need to...

Ms. Kirkman: Yeah.

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Mrs. Hazard: ... figure out what the current process is and then figure out where the points are...

Mr. Howard: Okay.

Mrs. Hazard: ... so that would be my suggestion.

MR. Howard: So we'll move it to the agenda under unfinished business but we ought to put a timeframe on this since there is none. Could we get through this by the first meeting of December, you think? Yeah? So why don't we put a timeline on the first meeting of December. And then put it on the agenda under unfinished business. And now we're up to item seven. So you know what we need from you, Ms. Hornung? We want...

Mrs. Hornung: Yes. Well I was going to mention that during my tenure in Spotsylvania they had an exempt subdivision process that was a little different than the family, but you still had to comply with the subdivision ordinance but your lot sizes were not as what was required in those zoning districts. So that was the big thing. You could go down to a two acre lot size in the A-3, which was a ten acre minimum. So they did have an exempt subdivision ordinance which did end up going away about, I think, 2006, 2007 after I left. But then now they brought something else back in, which I'm not familiar with that, obviously, with being here. But I can call my colleagues and get that and then I think there might be some type of different subdivision ordinance for large lots in Orange, if I recall correctly. I know there was something in Culpeper but that was strictly family, one acre lots, whether it was on a public road or not.

Mr. Howard: Okay.

Mrs. Hornung: And so I just...

Ms. Kirkman: Those also were for much larger lots than what we've got here.

Mrs. Hornung: Exactly.

Mr. Howard: So we can we get the... I'm going to call it method steps...

Mrs. Hornung: Sure.

Mr. Howard: ... for the process.

Mrs. Hornung: I'll put a chart together and a descriptor of the neighboring localities or localities who have subdivision ordinances that might vary a little bit from their entire ordinance.

Mr. Howard: Great. Thank you. That brings us to item seven, which is the discussion of farmers market and this has the same time limit, December 6th. Ms. Baker.

7. *Discussion of Farmers Market (Time Limit: December 6, 2011)*

Mrs. Baker: Can I have the computer please? I apologize, I am going to do a brief presentation on farmers markets and I do thank Jeff Adams for sitting through this evening and waiting for this item. He is currently serving on our Agricultural/PDR Committee. So he is also here if there are questions

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specific. He is a participant at numerous farmers markets throughout the state. So he's here to answer those more direct questions. But this is a proposed ordinance amendment to create a definition for farmers markets and to allow farmers markets in various zoning districts. It was recommended, has been discussed several times by the Agricultural/PDR Committee to facilitate and promote locally grown produce. If you'll notice just the brochure on the right, Buy Fresh, Buy Local is a national initiative but we do have an area program which is geared towards Fredericksburg, Spotsylvania, Stafford, King George, and we do have local farms that currently advertise, more or less, in this program. So the Board did refer this to the Planning Commission on August 18th... 16th, excuse me. So currently, a farmers market is allowed in the PT&D zone, but there's no definition associated with that. The zoning ordinance has definitions for similar activities, including flea market and wayside stand. Flea market, really, allows any type of commercial retail, indoors or out, it doesn't limit your products and you can really only do that by-right in B-1 and B-2. A wayside stand is more the sale of agricultural, horticultural products on the property owned by that person. The proposed ordinance would allow farmers markets in several districts, including the A-1, A-2, the rural commercial, which is RC, B-1, B-2, B-3, the PD-1 and PD-2 as well as RBC and Suburban Commercial ones. It would also allow, by special exception, in your R zones. And just, briefly, we do have several area farmers markets. There is one in Stafford County currently that operates out of the VDOT commuter lot at Staffordboro Boulevard. And it operates on Saturdays and Sundays. It's privately operated and has a permit that expires in November. That's actually on B-2 property, so that's an allowed commercial activity on the B-2 property.

Ms. Kirkman: So, could I just... so it's allowed on the B-2 property as a commercial activity?

Mrs. Baker: Yes.

Ms. Kirkman: Okay.

Mrs. Baker: Spotsylvania has two locations. They operate April through November. One's in the government center and they also have a location at a commuter lot. They do have a designated market manager and they ensure that their production of goods takes place within a hundred mile radius. Again, that's to focus on the buy fresh, buy local. The City of Fredericksburg, you're probably familiar with their year-round, seven day a week operation down at Hurkamp Park at the city. They have a designated market manager as well, and they want their production of goods within a 75 mile radius. They actually have standards that they set every year when they review their market guidelines. King George has Saturdays from May to November and they added a Wednesday market throughout the non-school months because their two markets take place at elementary schools. Also, their producers must be within the county. And just to note that these markets all belong to the Fredericksburg regional farmers market consortium, which is just a loosely based organization to promote locally grown produce. And recently GWRC applied for a grant for these localities and it would help promote farmers markets, including adding money to pay for part-time managers. So really this is kind of the first step in trying to facilitate the establishment of a market or markets within the county. The committee does want to pursue options for potential markets. They want to, you know, should we expand in the current location, should it be run by the county, should we try and engage private entity in creating one, do we want to create a destination market as opposed to just allowing them wherever they want to go? They would look at wanting to establish market guidelines and work with the Board and the Planning Commission as well as the farming community and Fredericksburg regional foods initiatives. So that's all I have prepared and would be happy to answer questions at this time as well as Mr. Adams.

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Mr. Howard: All right, are there questions for Ms. Baker?

Ms. Kirkman: Yes. What... the various localities that you mentioned, how are those farmers markets possible under their zoning ordinance? Are they all through, like, it would be helpful to see not just what's being done in the counties but what's the zoning under which it's being done?

Mrs. Baker: Okay. Yeah, they are different and so it's some of them just allow them, they don't have a definition, they don't have it specified, it's just because, for instance the city, it's a government sponsored farmers market so it's there within the confines of a city operation.

Ms. Kirkman: Yeah, I'm interested in questions like are they uses? Are they accessory uses?

Mrs. Baker: Okay. We have that information...

Ms. Kirkman: Yeah.

Mrs. Baker: ... so we can provide that.

MR. Howard: Any other questions for Ms. Baker?

Ms. Kirkman: Can we hear from Mr. Adams?

Mr. Howard: Sure.

Ms. Kirkman: Since he's been sitting here all night, bless his heart.

Mr. Howard: He finished that novel he was reading.

Mr. Adams: *Farmer Boy*, by Laura Ingalls Wilder.

Mr. Howard: All right. Ms. Kirkman, you have a question?

Ms. Kirkman: Yes, first I want to say I'm all for finding a way to make farmers markets work. I drive all the way out to King George on a nearly weekly basis because it's a great farmers market.

Mr. Adams: I leave the county four times a week because there's none in the county.

Ms. Kirkman: Right, so I'm all for this but I do think we need to carefully construct it, and I wanted to find out more about certain... you mentioned you are leaving county, like, what is it that you are selling and what's your experience and what you think is important as we consider crafting this.

Mr. Adams: I sell chicken, beef, pork, lamb, eggs, and some milk products. All come from the farm. I go to Dale City on Sunday, Warrenton on Saturday, tomorrow morning, 4:30, pack up and leave to go to Manassas, but what I see and the reason, I go to farmers markets where there's literally \$50,000 to \$100,000 of cash and the county's not getting any taxes off of it. On a given Saturday I know \$100,000 worth of produce drives through this county and goes to DC, Prince William, Maryland. The county's not getting anything because there's nowhere in the county for the truck to stop to sell.

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That's the reason I'm pushing it. I want to stay at home and sell. I don't want to get on the road three and four days a week.

Ms. Kirkman: Do you mind my asking which is your farm?

Mr. Adams: Walnut Hill Farm.

Ms. Kirkman: Oh, okay. Yeah. And the Staffordboro lot, that hasn't worked?

Mr. Adams: Personal opinion, I don't consider that a farmers market. When they start selling pineapples and lemons, there are a lot of people out here that, if it's at the farmers market they assume that it's a local product.

Ms. Kirkman: Right.

Mr. Adams: So there are people actually believe that lemons and limes and pineapples come from the area.

Ms. Kirkman: So for instance, one of the things I really like about the King George farmers market is one of their restrictions is everything that's sold there has got to come from within the county.

Mr. Adams: Right.

Ms. Kirkman: How do you feel about a restriction along those lines?

MR. Adams: That's fine with me but then you have to realize there are certain products you'll never have at your farmers market.

Ms. Kirkman: Right.

Mr. Adams: And that's where generally there's a market committee that formed that make those rules on an annual basis. Most of the markets that I go to are run governmentally. It's either a parks and recs, in Manassas it's actually, the city of Manassas has Historic Manassas Incorporated run the market but I mean we're city facility, in a pavilion and we set up on their property, we're there for from 7 in the morning 'til 1, so people start arriving at about 6 and by 1:30 everybody's gone.

Ms. Kirkman: And for you, I know you sell right out of your farm because I've seen your sign there but I imagine that doesn't generate the kind of traffic that you're hoping to get. Is that why you're looking towards a farmers market?

Mr. Adams: Yes. The idea of a farmers market generally... we're looking for a destination spot, we're not looking to be the main attraction. So on Saturday you've got people, well they're going to the post office, they're going to the bank. Oh! The farmers market's open, they pull right in. When you have a setup like we have at the farm, that's an express purpose. We're going to go see Jeff, we're going to buy and leave. But I can't exist on that alone. The farmers market is all about convenience, like a lot of things, you know, is it convenient? And is it, I want to say a hub, you know, so for instance they work in places and they don't work in places because there's just no drive-by traffic to attract anybody. It's got to be where somebody's already going anyway.

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Mr. Howard: So where in Stafford do you see a good spot for a farmers market?

Mr. Adams: We haven't really even talked about that in the Committee. I mean, places that I go... it would be a commercial center, like somewhere up maybe near Target on 610. Somewhere, if Wal-Mart would allow one on 17, where there's a lot of people already coming and they're making multiple trips.

Mr. Howard: Why would a Wal-Mart or a Shopper's allow you to sell the same product on their property... I'm not sure that that would occur. In fact there's probably, in their leases, there's probably some lease protection that already exists for those larger businesses.

Mr. Adams: Whole Foods has farmers markets on their property.

Mr. Howard: Where?

MR. Adams: The one in Clarendon does, the one in Charlottesville does. They actually invite farmers in and give them space to sell and compete against them in their own stores. That's part of their business model and they're the only ones that do it. But I've... Prince William County on Sunday at Gainesville they have a farmers market set up...

Mr. Howard: Isn't Clarendon a...

Mr. Adams: That's Arlington. But they actually allow people to set up on the sidewalks...

Mr. Howard: Okay.

Mr. Adams: ... right outside their store.

Mr. Howard: Yeah, that could be an ordinance for the, for... is that Arlington?

Mr. Adams: Yeah.

Mr. Howard: Yeah, they probably have an ordinance that allows that activity. It's the same thing in the District of Columbia, you can't necessarily, if the permit holder has the permit and the location, they can sell the same product that the business has. They have no say in that, it's public sidewalk.

Mr. Adams: But I've been to a farmers market in Gainesville where we're in the Target parking lot that has food, you know...

Mr. Howard: Yeah, I'm sure you have experiences, I'm putting my retailer's hat on, there aren't too many out there that, because honestly some of those retailers are buying produce locally as well, or they're trying to, and they're trying to mix that into their assortment, so . . . I love farmers markets myself and my kids love fruit and vegetables and we buy them all the time.

Mr. Adams: Plus our price structure makes it so that we're not competing against them usually.

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Mr. Howard: How does the county actually... I'm not sure I understand that piece about the revenue. How does the county...

Mr. Adams: Sales tax.

Mr. Howard: How is that..

Mr. Adams: Maybe I'm doing it wrong, but when I pack up and go to Warrenton on Saturday mornings...

Mr. Howard: Right.

Mr. Adams: ... that sales tax goes back to Fauquier County, it doesn't come to Stafford.

Mr. Howard: How does that occur? I am not...can you tell me the process how that occurs?

Mr. Adams: When I do my sales tax...

Mr. Howard: Yes.

Mr. Adams: I have to break down, all right I sold this much in this county, this much in this county, right on down the line, so I mean, by far...

Ms. Kirkman: And then you make a payment to the county...

Mr. Adams: To the State.

Ms. Kirkman: To the State. And they send the revenue back to the...

Mr. Adams: However that works.

Mr. Howard: So you're not paying sales tax based on where your business is, because you have multiple locations, is that what happens?

Mr. Adams: I'm basing the sales tax on where the sale takes place.

Mr. Howard: Okay.

Ms. Kirkman: One of the reasons why I was asking, sort of trying to understand what you're trying to accomplish is to make sure we can structure an ordinance that will meet your needs without creating some unintended consequences. Now let me ask, so a location like the county lot here, is there any reason why that wouldn't be appropriate?

Mr. Adams: It could be appropriate, if, but...

Ms. Kirkman: Particularly given all the development that...

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Mr. Adams: See, this is one of the things that was driving this. There was an individual last year that tried to start a farmers...what's the name of the park down there... at Falmouth Waterfront. She contacted several of us to see if we'd be willing to participate and when it came time to do the paperwork, well we can get you in as a flea market, but... you know, so it was an event that already happened that sort of drove this and what happens is from the farmer's point of view, we don't want to be associated with a flea market. That's a bad word to us.

Ms. Kirkman: So Jeff, the issue there was that the park was zoned A-1?

Mr. Harvey: The park is zoned R-1, believe it or not.

Ms. Kirkman: Okay.

Mr. Harvey: But I don't...

Ms. Kirkman: There's no commercial use... I'm trying to figure out how they can run it out of the Staffordboro parking lot, commuter lot, but they couldn't run it out of the county park.

Mr. Harvey: I'm not familiar with all the details. Kathy is more familiar with them.

Mrs. Baker: Well again, the commuter lot's B-2, which allows retail activity. R-1 doesn't allow any type of retail so they weren't actually going to be able to do it as a farmers market down at the park, because under R-1 we didn't have the ordinance to allow it. They were going to be able to get a temporary use activity through the parks to be able to go down there.

Mr. Howard: That's why I was asking the question of where do you think is a good location because how many B-2 locations do we have in the county?

Mrs. Baker: And that's why we don't want it to be restricted to B-2.

Mr. Howard: I'm just...

Mrs. Baker: Yeah, we want to expand because you do have the opportunities even on schools in the summertime, you have the option of going, yes, at the Courthouse and our T&D developments, we've got civic spaces that could be appropriate, when those are developed in the future. So the part of the Committee's, you know, next steps from here on, if you all and the Board want to pursue this, is to go out and start making those contacts and seeing where is going to be a good idea. Where would the farmers be willing to go and where would the people be willing to come to. And that's part of even this grant that's through the GWRC, that helps pay those types of studies for your county to pursue that. But they don't want to go forward to that level unless...

Mr. Howard: I understand but it's visibility, access and convenience. That's where you want to go.

Mrs. Baker: Exactly. So, they want to look...

Mr. Howard: So, every business out there wants that corner, so...

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Ms. Kirkman: Can I clarify, where are we with the... like, this got sent to us. Can we change it? Because if we can't change it I think that's one thing we should consider at least doing tonight to get moving to the Board a request that they give us the ability to change some of the language in here.

Mr. Howard: Let's ask Ms. McClendon if she knows that answer. Is this, sort of...

Ms. Kirkman: Because it keeps being spoken as a work in progress but I think we have more than a work in progress in front of us.

Mrs. Baker: And I think this, well I'll let her answer. But the discussion at the Board level was we'll get an opportunity to see it again, let's let the Planning Commission work with it.

Ms. Kirkman: Right, but I don't think... I don't see anything in here that gives us the ability to change it. So I just want to hear that we do have the ability to do that. Please, someone.

Mrs. Baker: Oh, I'm sorry I thought you were deferring to Rysheda.

Mr. Howard: Ms. McClendon is reading the...

Mrs. Baker: If you look at the ordinance itself...

Ms. Kirkman: Because I was looking... usually there's some language in there about the Planning Commission can...

Ms. McClendon: If you look at the resolution, it is on the last page R11-230. It says that the Planning Commission can hold the public hearing, take action, report its recommendations on the ordinance within 90 days.

Ms. Kirkman: Right, but that doesn't give us the ability to change what we...

Ms. McClendon: No, it does not.

Ms. Kirkman: And see I think we need that and let me just point out, and here's why, like I fully support this. I want to make it work, but if you look at where all the farmers markets are currently located, in most areas it's where there's some established commercial use, there's already established parking areas, there's all those things in place. And the way this ordinance is structured right now you literally could, as a by-right use, put a hundred vendors on a piece of A-1 property with a single dirt road going into it and there would be no way to manage the impacts of that. And I know that's not the intention of this, but the way the ordinance is written, that's what could occur with it.

Mrs. Baker: And that's why the Agricultural/PDR Committee wants to hear those concerns. I understand we have the issue of the Board giving you 90 days to do it and not make changes, but I know that's the intent of the Ag/ PDR Committee is to hear what your concerns are, what kind of further regulations do you want to see in this type of an ordinance. So we may need to go back to the Board with these recommendations and ask for time and the ability to make changes.

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Ms. Kirkman: I guess that's what I'm suggesting, is that we should, tonight, pass along a request to the Board that we have the ability to actually work with the Ag/PDR Committee to come up with language rather than vote this language up or down, which is our only choice right now.

Mr. Howard: Yeah, you can make that motion, Ms. Kirkman, and we can...

Ms. Kirkman: So made.

Mr. Howard: Okay.

Mr. Fields: Second.

Mr. Howard: All right. Any further discussion?

Mr. Fields: I'd just like to reiterate, you know, fabulous thing, obviously, everybody in the county wants to make this succeed but the ordinance, as written, is not exactly workable, it is too broad. We want to be able to facilitate it wherever it ends up being the logical place, but we don't want to end up with competing or secondary types of, attempts at a farmers market that just ends up not working for anybody.

Mr. Howard: I agree. In particular, I'm intrigued by the comment about, you would be okay with just Stafford, you know, Stafford grown product, but yet, you know, you'd miss out, you wouldn't have a full assortment of a farmers market. But I'm curious how you validate the 75 mile radius as well. You know, I don't think you can, but there's probably other language that we have to consider and think through to make sure some of it's actually enforceable and there's a way to evaluate the success and/or failure or issues that it causes. There could be some unintended consequences not only for the farmers market people but other businesses within the county. So the motion's on the table to request the Board of Supervisors send us back the revised, something revised that allows us to amend the language in...

Ms. Kirkman: If they could address that at their next meeting.

Mr. Howard: ... yeah. Any other comments? All those in favor signify by saying aye.

Ms. Kirkman: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Fields: Aye.

Mr. Rhodes: Aye.

Mr. Howard: Aye. Opposed, nay. Motion carries 6-0. Thank you. Mr. Harvey, Planning Director's report?

PLANNING DIRECTOR'S REPORT

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Mr. Harvey: Thank you, Mr. Chairman. The first order of business I have to report is that Ms. Stinnette has recently received a promotion and will be moving to the County Attorney's office.

Mr. Howard: That's awesome. Congratulations.

Mr. Harvey: So we will start our job search for her replacement. In the meantime, you may see Ms. Knighting come back to a few Commission meetings

Mr. Rhodes: She'll appreciate that.

Ms. Kirkman: Only if she brings supper.

Mr. Howard: I'm sure she's looking forward to it, yeah.

Mr. Harvey: Actions that the Board took yesterday that affect the Planning Commission. They granted the Commission the requested additional time to advertise the proffer implementation plan public hearing. The Board gave the Commission an additional 60 days to go forward with that public hearing again and make a recommendation. The Board referred Transfer of Development Rights to the Planning Commission. In doing so we have a copy of the Board package at your desk, but there was a modification to the resolution which is not reflected in the Board package. The Board made some adjustments to the referral resolution to give the Planning Commission some more latitude. So in essence, the Commission could... the Commission must hold a public hearing on the Board's alternative proposal or the Board's proposal. But the Planning Commission can develop its own alternative and go to public hearing on that as well. So there would be more to come on that, the Planning Commission has 90 days to...

MR. Howard: Well, we'd probably want that for the next meeting, right? All of that information?

Mr. Harvey: Yes.

Mr. Howard: Get that on the agenda? Okay.

MR. Harvey: We will provide information to the Commission at your next meeting. It is a fairly involved issue and can be an involved process as well, so there'll be a lot to discuss. The Board also approved the Hampton Run commercial project, that's a commercial rezoning on Mine Road south of Garrisonville Road. There were some minor adjustments to the proffers that were taken care of last night, specifically dealing with where the proffered funds for sidewalk improvements would occur, there was some clarification on that and also some clarification on inter-parcel connections to the adjacent properties. And that concludes my report.

Mr. Howard: Great.

Ms. Kirkman: I do have a question for Mr. Harvey.

Mr. Howard: Yes, sure.

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Ms. Kirkman: Mr. Harvey, I had started discussing this with you and I just wanted to follow up on the AT&T tower on Quarry Road out on Widewater. That application was filed in March, and I'm just wondering why it hasn't come before us yet?

Mr. Harvey: Ms. Kirkman, that application, partly, it's still going through the process to make sure that they have a complete application and also the applicant has requested that the item not move forward at this time...

Ms. Kirkman: Have they withdrawn the application?

Mr. Harvey: No, they have not withdrawn it at this point in time.

Ms. Kirkman: And what's incomplete about the application?

Mr. Harvey: I'll have to verify that and I can report back to the Commission.

Ms. Kirkman: Thank you, because I did notice the language the Attorney got us said that it has to be mutual consent for delay, and I'm assuming, of course, that there'll be some consultation with either or both myself and Supervisor Woodson as the representatives for Griffis-Widewater before that consent is given.

Mr. Harvey: We can make that happen.

Ms. Kirkman: Thank you.

MR. Howard: I would follow whatever normal procedure we follow. Any other comments Mr. Harvey?

Mr. Harvey: No sir.

Mr. Howard: Ms. McClendon?

COUNTY ATTORNEY'S REPORT

Ms. McClendon: I have no report at this time, Mr. Chairman.

CHAIRMAN'S REPORT

Mr. Howard: Okay, great. Thanks. I do have one item to mention and I don't think anybody's watching, but who knows. The Virginia hot lanes, Virginia Department of Traffic is actually holding a design... citizen information meeting and design public hearing in Stafford on Thursday, September 29th, between 5 and 8 PM at the North Stafford High School, which is 839 Garrisonville Road in Stafford. There's also two other meetings, one's in Woodbridge on September 26th and the other one is in Springfield on September 28th. And it's probably good that citizens go and understand what's going to happen with the Virginia hot lanes on Interstate 95. That is it for me. The meeting is adjourned. Thank you.

COMMITTEE REPORTS

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OTHER BUSINESS

APPROVAL OF MINUTES

None

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 11:09 p.m.