

***STAFFORD COUNTY PLANNING COMMISSION MINUTES***  
***October 5, 2011***

The meeting of the Stafford County Planning Commission of Wednesday, October 5, 2011, was called to order at 6:30 p.m. by Chairman Gordon Howard in the Board of Supervisors Chambers of the County Administrative Center.

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

MEMBERS ABSENT: Kirkman

STAFF PRESENT: Harvey, McClendon, Knighting, Baker, Zuraf, Doolittle, Ansong, Hess, and Hornung

DECLARATIONS OF DISQUALIFICATION

Mr. Howard: Are there any members of the Commission that would want to disqualify themselves for anything that's on this evening's agenda for any reason? Hearing none, before we adopt the agenda as written, item number 7 is an item that we've had on the agenda previously. And I believe there are representatives here from the Ag Committee. And it's likely that we may take some action based on one of their recommendations that could be quick and may not be quick. But in the spirit of the fact that they were here until midnight with us I think at the last meeting, would anyone want to entertain a motion to move item 7 to actually item number 2, and then leave the agenda in the remaining subsequent order that exists numerically?

Mr. Apicella: So moved Mr. Chairman.

Mr. Howard: Is there a second?

Mr. Rhodes: Second

Mr. Fields: Second

Mr. Howard: Any discussion? Okay, would someone like to... well, I'll call for the vote on changing the agenda. All those of in favor of changing the agenda as just described, indicate by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Apicella: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Okay, now we need a motion to adopt the agenda as written.

Mr. Fields: So moved.

*Planning Commission Minutes  
October 5, 2011*

Mr. Howard: Mr. Fields moves to adopt the agenda as written; is there a second?

Mrs. Hazard: Second

Mr. Howard: Second by Mrs. Hazard. Any discussion? All those in favor by adopting this evening's agenda as amended signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Apicella: Aye.

Mr. Hiron: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 6 to 0. We have with us this evening Mr. Pat Taves who has been with us the... for the most part almost the... well for a couple of years... on the Comp Plan. Maybe not the whole length of the time we have been working on the Comp Plan, so that's why you see a different face this evening on the agenda. Mr. Taves has been outside legal counsel to us, to help us navigate through the Comprehensive Plan. Item number 1 on the agenda this evening is actually the Comprehensive Plan Amendment and Zoning Ordinance Amendment which involves Transfer of Development Rights. So he's here this evening as we... as we discuss that to help us again navigate through that appropriately. Also, this evening we have Mr. Steven Apicella who has just recently joined us. This is his first meeting and we'd like to welcome him to the Planning Commission. Ken Mitchell has retired as a Planning Commissioner and is heading down to Texas to be with his children and grandchildren. So welcome Mr. Apicella. We now... that bring us now to item number 1 on the agenda which is the Comprehensive Plan Amendment and Zoning Ordinance Amendment, Transfer of Development Rights. Mr. Harvey, I have to look to my right now... tonight.

UNFINISHED BUSINESS

1. Comprehensive Plan Amendment and Zoning Ordinance Amendment; Transfer of Development Rights (**Time Limit: December 5, 2011**) (**Deferred at September 21, 2011 meeting to October 5, 2011**)

Mr. Harvey: Yes Mr. Chairman. Ms. Ansong will be giving the Commission an update from our last meeting.

Mr. Howard: Thank you.

Ms. Ansong: Good evening members of the Planning Commission. A few weeks ago I presented the Comprehensive Plan Amendment and Zoning Ordinance Amendment for the Transfer of Development Rights. And at that meeting a few additional items were requested, so each of you have the pieces of information that were requested at the meeting. And I'd also like to go through a brief presentation. Computer please.

*Planning Commission Minutes  
October 5, 2011*

Mr. Harvey: Computer please.

Ms. Ansong: I'd just simply like to go over the TDR definition again. The TDR, Transfer of Development Rights, is the process where an owner of a parcel of land in the sending area may convey development rights in a sending area to another party such of the development rights so conveyed are severed and extinguished from the sending property and may be exercised on the receiving property in addition to the development rights already in existence on the receiving property. Once again, we are here to consider Ordinance O11-25 which amends the Zoning Ordinance to allow TDR. And the Planning Commission is being asked to review and provide recommendations regarding Ordinance O11-25, the sending and receiving areas map, and a draft Comprehensive Plan amendment to adopt the sending and receiving areas map and relay updates to the plan text. Here is a map which shows the sending and receiving areas for the TDR. There are two receiving areas, Brooke Station and Courthouse; the sending areas to the right outlined in blue. Here is a depiction of the Courthouse UDA and the purpose of this map is to show you the areas which are zoned A-1 and R-1. This will be a receiving area, Courthouse UDA, so this just gives you a better depiction of where the current A-1 and R-1 zones are in the Courthouse UDA. The purple is the shading for the UDA. And at the last meeting this map was requested, so this map shows the USA outlined in red and then the UDAs are in purple. And they are all within USAs (Urban Service Areas), UDA (Urban Development Area). And when the TDR process first started, there was debate over how much land would be needed in order to be a sending area. So that kind of teetered back and forth so finally it was decided that in order to be a sending area the land would have to be at least 20 acres or greater. And so this just shows the update to the numbers regarding that. And as you can see, the potential dwelling units based on zoning would be 920, down here. Any questions?

Mr. Howard: Ms. Ansong that... can you go back to that last chart, please? That chart where it shows 920 on the bottom right.

Ms. Ansong: Mm-hmm.

Mr. Howard: The second column. That's 920 potential dwelling units based on the existing zoning...

Ms. Ansong: Yes.

Mr. Howard: ... of the current identified sending area?

Ms. Ansong: That's correct.

Mr. Howard: Okay, thank you. Are there any... I'll bring it back to the Planning Commission. Are there any questions of Ms. Ansong? Mr. Apicella? Oh Mr. Hirons, sorry.

Mr. Hirons: So the 920 is the potential dwelling units from the sending area, correct?

Ms. Ansong: That's correct.

Mr. Hirons: The receiving areas are Brooke UDA and Courthouse UDA. I believe, if I'm not mistaken, the text language in the Comp Plan for Brooke UDA, is it supposed to be built out a hundred percent by TDR?

*Planning Commission Minutes*  
*October 5, 2011*

Ms. Ansong: I can't remember. I'll have to check that. I don't want to give you the wrong information about that.

Mr. Hirons: Okay and then, I believe Courthouse falls under... I forget the exact language... but it's something along the lines of all the UDAs should be made up by way of seven percent of TDR. I don't remember if that's correct or not.

Ms. Ansong: Yeah, I'll have to check that as well. I'll check that for you.

Mr. Hirons: So it'll be...

Mr. Harvey: That is correct.

Mr. Hirons: I think it might be interesting to see how many dwelling units we need to bring in to fill out the receiving areas based off of the text language. Because... what is Brooke, 750?

Mr. Harvey: As far as the Urban Development Area?

Mr. Hirons: Yes, the total dwelling units it called for.

Mr. Harvey: It's over 800.

Mr. Hirons: Okay. So, we're using a large chunk of them up just in Brooke, if not all of them or we might not even make it, I don't remember if it was 750 or 1,000. So my concern would be do we have enough sending property to make up for the... to have enough dwelling units for these UDA's?

Mr. Howard: So that's a...

Mr. Fields: Mr. Hirons or...

Mr. Howard: ... question that you would like to have answered. Is that it?

Mr. Hirons: Yes.

Mr. Howard: Okay.

Mr. Fields: Mr. Chairman?

Mr. Howard: Yes.

Mr. Fields: I'm sorry, I just wanted to qualify... get an understanding of Mr. Hirons questions. You mean do we have enough sending areas in this map to send to all the UDAs or do we have enough potential...

Mr. Hirons: No, for the Brooke and Courthouse, being that they're a part of... this is a pilot program...

Mr. Fields: Uh-huh.

*Planning Commission Minutes  
October 5, 2011*

Mr. Hirons: ... so...

Mr. Fields: Can you accommodate all the possibility... the capacity... the receiving TDRs from this one area...

Mr. Hirons: Right.

Mr. Fields: ... in both of those UDAs. Is that what you're asking?

Mr. Hirons: Correct.

Mr. Fields: Thanks.

Mr. Howard: Right, so the two receiving areas, for clarification, are marked on the map; one is the Courthouse area and the second one is the Brooke Station. And I think Mr. Hirons' question is the sending... the current sending area that's identified as the potential of 900 and something dwelling units with its current zoning... right?

Mr. Hirons: Yes and just to clarify that...

Mr. Howard: Those dwelling units once they're transferred, the rights to build are transferred out to each receiving area. Is that enough to meet what's in the Comp Plan in terms of the seven percent for obviously the Courthouse UDA, but then specifically he believes in the Brooke Station UDA, there's language in there that requires all of the development rights to be transferred in from the receiving area. Is that correct?

Mr. Hirons: Right. And just to clarify, that 920 is all of the potential dwelling units in the sending area. So that's a lot of different property owners that would have to agree to... want to participate in the program. So that's 920... universe... potential universe so...

Mr. Howard: Well, I apologize for interrupting but the question I would have is you made a statement earlier on that it had to be a 20 acre assemblage or is that a parcel? So you mentioned 20 acres before...

Ms. Ansong: Contiguous parcels, exactly.

Mr. Howard: Right, so at some point that would have to... is the vision of the County that the 20 acres would have to be assembled property under one owner, and then be transferred, those development rights be transferred from that?

Ms. Ansong: I believe so.

Mr. Harvey: That is correct Mr. Chairman.

Mr. Howard: Right. So that... I think that covers your question.

Mr. Hirons: Well, there's also a designation of if it's designated park land on the Comp Plan it can be a smaller parcel. So it's going to be multiple owners anyway you look at it.

*Planning Commission Minutes*  
*October 5, 2011*

Mr. Howard: It could be multiple owners with no less than 20 acres per owner... unless it's park land.

Mr. Hirons: Unless it is designated parkland.

Mr. Fields: So all of the Crow's Nest Harbor parcels would have to be assembled into secondary parcels, which is 970 units... that's a lot of units there; right? So right now under the current terms none of that would be eligible for the TDR unless you could buy chunks of those parcels contiguous to each other, vacate the lot lines and... or at least... I mean would you have to do that to assemble all those Crow's Nest Harbor lots... platted lots into a TDR? Do you know Jeff or...?

Mr. Harvey: Mr. Chairman?

Mr. Howard: Yes.

Mr. Harvey: To answer Mr. Fields' question, the Crow's Nest Harbor lots are designated as park land so they're not subject to the 20 acre minimum.

Mr. Howard: What's the minimum for the park land?

Mr. Harvey: There is no specified minimum lot size.

Mr. Howard: Okay.

Mr. Fields: So those could be literally bought piecemeal... one at a time?

Mr. Harvey: They could...

Mr. Fields: Purchased by a developer, the TDR... the development right could be purchased one lot at a time.

Mr. Harvey: Yes, they could be severed one lot at a time.

Mr. Fields: Okay.

Mr. Taves: Mr. Chairman, can I also point something out? The requirement under the TDR statute is that the... you have enough capacity in the receiving area to receive all of the units capable of being sent from the sending area. And my understanding is we're over that amount. It doesn't work the other way where if you have more units in the sending area that can be... than can be received in the receiving area, that's where you need to bring that number up. But here, the 920, there is capacity as I understand it in the receiving areas to take care of those 920 units.

Mr. Howard: Correct, thank you Mr. Taves. Mr. Apicella?

Mr. Apicella: Mr. Chairman, I have a few questions. The first question is what's the full range of voluntary land preservation tools in Virginia?

Ms. Ansong: What's the full range of preservations tools?

*Planning Commission Minutes  
October 5, 2011*

Mr. Apicella: Right.

Ms. Ansong: I wouldn't know the full range. I could find out.

Mr. Apicella: So PDR's, conservation easements... what else besides those... and TDR's?

Ms. Ansong: I'm not too familiar with that, honestly.

Mr. Harvey: Mr. Apicella, I know that you've hit on two of the major ones that we're familiar with and deal with on fairly regular basis. A conservation easement is where a landowner voluntarily has an agreement with an organization, such as the Virginia Outdoors Foundation or some other non-profit organization, to put an easement on their property to limit development. And that's one means to conserve land where the owner may gain some tax benefits from the tax credits associated with easements. Also, there is the Purchase of Development Rights. The County has an active program that we coordinate for buying development rights from property owners who have agricultural land as a means of preservation. The State Code also allows other measures for land preservation. One measure that we use is not really a zoning tool; it's partly the Land Use Taxation Program where people get lower tax value for their property if they have it in agricultural or forestal use. So that's an incentive for people to keep their land in active agricultural use. It's not necessarily a preservation measure but does in some regards help people conserve their land. Also, the State Code does allow for people to consider voluntarily reducing their zoning density as a means to conserve their land through a zoning mechanism. We discussed that several years ago in lieu of maybe having the land uses tax program, but it was something that the County decided not to pursue at the time. So those are the kind of measures I am aware of right now, but I'm sure there may be others.

Mr. Apicella: So you would say that the primary three for permanent preservation would be conservation easements, PDRs and TDRs?

Mr. Harvey: Yes.

Mr. Apicella: What's the primary difference between TDRs and PDRs?

Mr. Harvey: The difference between a PDR and a TDR is that the PDR program the County is actually purchasing a development right from a property owner. In the case of a TDR, a property owner is selling their development rights to a land developer or a land speculator. And that developer or speculator would apply those development rights to a development project elsewhere in the County, so it's essentially shifting where the development might occur; whereas Purchase of Development Rights is more so precluding development from occurring.

Mr. Apicella: Okay, we have a PDR program, I served on that Committee. We had basically one venture that we were successful with based on the money that we had at the time. Have there been any other purchases since then? Is there any additional money, and if there is additional money, is there a sustainable source of funds for that program?

Mr. Harvey: Yes, there is additional monies. The Board of Supervisors has decided to set aside, through the budget process, some proceeds from rollback taxation where people take their property out of the land use tax program. Those funds would be used to potentially match with state funds; the

*Planning Commission Minutes*  
*October 5, 2011*

Board of Supervisors yesterday authorized the staff to proceed with pursuing state grants to match those funds.

Mr. Apicella: Can you tell us how much that might be?

Mr. Harvey: Right now it's approximately \$66,000, so we can match it to be around \$132,000. The state program is a two year program, so we hope we'd get an opportunity for an additional distribution of rollback tax monies at the local side and also to be able to ask the state for an equivalent match. So we don't know exactly how much it will equate to but we're starting on our way.

Mr. Apicella: Do you recall how much money we had for the first round, and how many acres we bought?

Mr. Harvey: Mrs. Baker can answer that question. I forget the details.

Mr. Apicella: Great.

Mrs. Baker: Our first round the County had \$300,000; it was matched by the state with \$300,000 and we purchased a 98 acre parcel... purchased the development rights on that 98 acre parcel.

Mr. Howard: Where is that parcel Mrs. Baker?

Mrs. Baker: It's down off Belle Plains Road, in the White Oak area.

Mr. Howard: And what is the County planning on doing with that property?

Mrs. Baker: The County doesn't do anything, it's retained... the ownership's retained by the landowner. The landowner is allowed to have one home built on that 98 acres, the rest of it will be retained in farm land.

Mr. Howard: Thank you.

Mr. Apicella: You answered one of the questions on my list about how many total development units there would be from the proposed sending area. And Jeff and I traded emails... Mr. Harvey and I traded emails today about the number of development units at Brooke Station and Courthouse UDA. I think you wrote that it was 870 at Brooke Station and 1,386 at Courthouse. Does that seem right?

Mr. Harvey: Yes sir, that's what the Comprehensive Plan recommends for both Urban Development Areas for their total build-out within the next 10 years. The anticipated TDRs that could be accommodated based on the densities and proposed in the Ordinance would be 797 future units in Courthouse and 552 future units in Brooke Station.

Mr. Fields: Mr. Chairman?

Mr. Howard: Yes.

Mr. Fields: Mr. Harvey, that's assuming that you implement this by-right density bonus in the receiving areas, correct?

*Planning Commission Minutes*  
*October 5, 2011*

Mr. Harvey: That is correct, yes.

Mr. Fields: What... do you know how many could be accommodated if the existing... the standard... the zoning densities were kept equivalent to all the other zoning districts?

Mr. Harvey: In that case...

Mr. Fields: If you could only do... you know, if A-1 translated to A-1, R-1 to R-1, etcetera.

Mr. Harvey: I'd have to go back and check to see what the existing acreage is for those zones to see what the current by-right development potential is.

Mr. Howard: In the receiving area?

Mr. Fields: In the receiving area, right.

Mr. Harvey: We can check that.

Mr. Apicella: We traded emails on another topic and I'm not quite sure if bonus is the right word. My question to you was, for the units that get transferred to these UDAs, would they be on top of the authorized number or would they be a subset of that number? And I think you indicated they would be a subset so they wouldn't be an add to it... it wouldn't add, I think you said it was 772 for Courthouse UDA, it wouldn't add 772 to 1,386.

Mr. Harvey: That's correct. Our Comprehensive Plan specifies a certain anticipated amount of growth within these Urban Development Areas. It says, this is for instance in Courthouse its 1,349 units. It doesn't say where... what source those dwelling units come from. It's anticipated that it'll be all new development. So in theory there could be a substantial portion of those units be from TDR.

Mr. Apicella: Okay. Just one more question for right now. Has the Ag Committee taken a position or have individual members of the PDR Committee taken a position on TDRs, to your knowledge?

Mr. Harvey: I understand that they have not taken an official position yet.

Mr. Apicella: In their private capacities, have they taken a position, any of the members?

Mr. Harvey: We do have two of the members here in the audience tonight. They may be able to speak to that.

Mr. Apicella: Is that permissible Mr. Chairman?

Mr. Howard: We can get to that. Let's see if there's any more questions of staff before we do that. Mrs. Hazard?

Mrs. Hazard: Yes, since we are looking at this as a pilot program and we're trying to figure out if this is an innovative tool, which it seems to be, this is more on the implementation but something to think about. I'm trying to figure out how do we engage our schools in figuring out that this density might be moving around among, you know, that area identified out on Widewater, that they may have their

*Planning Commission Minutes*  
*October 5, 2011*

planning for how schools are built and how... how can we... how do we do that kind of coordination with the schools? I'm just sort of thinking, how do we let them know, yes TDRs may be being transferred in here so the density may increase so that they can do sufficient school planning. And I'm not... I know right now it's not part of our, you know, certainly the ordinance but I would like to get some of the input from the school on how they plan for schools in the future and figure out where growth is going. So I... just sort of maybe a reach out to the School Board about what this means that its reshuffling the deck potentially and how do they... how do they... how can they track that with better coordination among the County. So it's more just a, I'd like to kind of think about how that works and how many schools it may impact. You know, when it moves from here to here, that could be some planning. So maybe some reach out to them and whether they have any particular comments on how they want to be engaged in the process, or once it's done.

Ms. Ansong: Sure.

Mr. Fields: Mr. Chairman?

Mr. Howard: Mr. Fields?

Mr. Fields: Another question for staff. Ms. Ansong or Mr. Harvey, or anybody involved, Mrs. Baker. Do you know of any examples in Virginia or anywhere else outside of Virginia, TDR programs... successful TDR programs where land actually has been purchased... where rights actually have been purchased and transferred where the TDR program didn't also work as partly as compensatory for down zoning of the rural areas?

Ms. Ansong: I know there's Frederick, Virginia.

Mr. Fields: Mm-hmm.

Ms. Ansong: They have... they have a TDR program. I'm not quite sure how many parcels have been since in that program. But that's the main one that comes to mind.

Mr. Fields: And did they... was there... was there a downzoning involved in the setting up the TDR program... of the downzoning of the rural lands?

Ms. Ansong: I'm not quite sure how they regulated their program, but I can definitely look into that.

Mr. Fields: Okay, thank you.

Mr. Howard: Along the same lines, Ms. Ansong, what other jurisdictions in the Commonwealth have a TDR and PDR together? Do you know that?

Ms. Ansong: I don't know who has TDR and PDR together. I know TDR in terms of Frederick County, but I don't know what other counties...

Mr. Howard: Does Frederick County also have a PDR a program?

Ms. Ansong: That I'm not too sure about honestly. But I can find out for sure.

*Planning Commission Minutes*  
*October 5, 2011*

Mr. Howard: Could you... yes, when you ask them could you find out?

Ms. Ansong: Yes.

Mr. Taves: Mr. Chairman, I'd note that as of a couple months ago when I talked to the Frederick County Attorney, Frederick County was the only locality in the State the actually had a program.

Mr. Howard: Okay.

Mr. Taves: Any program, and at that time he indicated that they didn't have anybody who used the program.

Mr. Howard: Right.

Mr. Taves: So, that's just something to keep in mind.

Mr. Howard: Appreciate that. Maybe we can have Ms. Ansong validate that and see if anything has changed in the last couple months. I doubt it but it's worth a phone call.

Ms. Ansong: Okay.

Mr. Howard: Are there any additional question for staff at this time? Alright, so can we...

Mr. Harvey: Mr. Chairman I apologize, there was a carry-over question from the previous meeting. It was a legal question with regard to rezoning in the context of TDR. Ms. Kirkman had asked that question. I believe Mr. Taves is prepared to respond to that question.

Mr. Howard: Okay.

Mr. Taves: The question, as I understand it, was can the County require properties to go through the zoning process in order to receive TDR's? And the answer is really kind of twofold. First of all, the TDR program that is laid out by the General Assembly and that is proposed by the Board, is an administrative program. The legislative part is the actual adoption of the program, of the ordinance. But once that ordinance is adopted, the tools are in place and under the proposed program the Director of Planning would be approving these TDR applications if they came forward. Somebody wouldn't necessarily be required to come in and get a legislative approval. Now I would note however that practically speaking the program could be set up so that you would have to have a rezoning. That's not the program that we have here. And the reason I say that is the under... under the proposal of the Board the TDRs, the receiving areas are A-1 and R-1. And as you saw from the maps that Ms. Ansong put up earlier, a lot of properties in the two receiving areas, the Brooke and the Courthouse UDAs, are already zoned A-1 and R-1. So obviously for those properties, you wouldn't have to come in and get a rezoning because they're already zoned to that effect. But you could set up a program... the Board could set up a program for the County where the receiving... if the receiving areas were... if in order to qualify to be a receiving area, you had to be a certain zoning category that did not already exist within those receiving areas. Then obviously anybody in those receiving areas who wanted to qualify would have to first get a rezoning to that category. Again, that is not the proposal that has been laid out. But I think, practically speaking, that would meet the muster of the legal requirements here in the TDR statute.

*Planning Commission Minutes  
October 5, 2011*

Mr. Howard: Thank you Mr. Taves. Mr. Apicella?

Mr. Apicella: Let me just ask a follow-up question. What would the Planning Commission's role be vis-a-vis TDR's after property is transferred from the sending area to the receiving area?

Mr. Taves: I'm not sure that the Planning Commission would have too much of a role. The way the statute is laid out is they talk about the Planning Commission; they talk about the agent of the Planning Commission or other agent designated by the locality. That's the, what I would call the approving authority for TDRs and under the scenario that has been drafted and proposed, that would be the Director of Planning. Theoretically, the Planning Commission could be the agent of the Planning Commission but again it's not a... a property owner would not have to come in and get a legislative approval, get a rezoning necessarily or any legislative approval in order to qualify for TDRs. Once the program is established, then the program determines whether or not they qualify.

Mr. Apicella: But would the Planning Commission not be involved when somebody comes in with a subdivision plan?

Mr. Taves: I think the Planning Commission would be involved in that respect, yes. But you wouldn't have the right, as I understand it, to say well you can't do that because we don't want any TDRs in this area. The ordinance will determine whether or not they qualify in that regard. But to the extent that you have review authority over site plans, subdivision plans, and that sort of thing, I don't think that would change.

Mr. Apicella: Thank you.

Mr. Howard: Thank you Mr. Taves. Thank you Mr. Apicella. So can we summarize the questions or the to do's for staff on the questions that were asked, unless it's very clear to Ms. Ansong, which I'm not sure whether it is or is or isn't...

Ms. Ansong: Please summarize.

Mr. Howard: Okay. So, Mr. Apicella, you had some questions, I know Mr. Hirons did and so did Mrs. Hazard.

Mr. Fields: I did also.

Mr. Howard: And Mr. Fields had a question as well. Who wants to go first? Mr. Hirons?

Mr. Hirons: It's been awhile. I believe my questions were related to the total number of receiving areas and dwelling units that need TDRs.

Mr. Howard: And in the Brooke UDA, is it required that every... you know, that every build-out be received from the sending...

Mr. Hirons: Right, that it would be a hundred percent, so everything that's not already by-right, how many more dwelling units are needed. And is it... do a hundred percent of those need to be done by way of TDR?

*Planning Commission Minutes  
October 5, 2011*

Mr. Howard: Mr. Apicella?

Mr. Apicella: I think most of my questions were answered but the one hold-out question was what, if any, position has the Ag Committee taken with respect to TDRs? Can I ask another question though at this point, or do we need to...

Mr. Howard: Only because you're new.

Mr. Apicella: We heard about PDRs where they negotiated the owners continued use of the property, irrespective of the... them selling their development rights and I think in that case they were able to continue farming their land. Does this ordinance specify what the owner in a sending area can do with his or her property after they've sold off the development units?

Ms. Ansong: I think once they've sold it, it's severed. I don't know if they have any additional rights. Pat, do you agree with that?

Mr. Taves: I think we did layout certain uses and I would also point out that when development rights are transferred from a sending area or a sending property, there isn't any requirement that all development rights be transferred. So you might have, let's say you have 20 development rights that could be transferred but you decide to transfer only 10. You might only be able to sell 10. You would keep those other 10 and the ordinance does lay out in some detail, the uses that would still be allowed on the property. It's not like it would have to be empty, barren and not used at all.

Mr. Apicella: So again in this particular case, somebody who had 20 acres and they were farming, presumably they could continue farming on the property, they just couldn't build residential units on that property?

Mr. Taves: They couldn't build those 20 units. In fact I think there was... and Mr. Harvey may be able to confirm this... we talked at one point about whether one unit had to remain on the property or whether they could transfer all the development units. Jeff, do you recall what... where we ended up with that at that point?

Mr. Harvey: Yes, there was a discussion at the Joint Committee of the Commission and the Board at the time. The ordinance initially was drafted to say that you had to retain one development right on the property, but that was later changed to specify it's not necessary to have a development right on the property. So you could have property that could be totally conserved in agricultural use.

Mr. Howard: Did that clear that up? Okay, very good. And then I know if we don't get to ask that question tonight, Ms. Ansong can follow-up with the Agricultural Committee, right?

Mr. Apicella: Sure.

Ms. Ansong: Mm-hmm.

Mr. Howard: And see what... because I think Mrs. Hazard has a similar question for the School Board, right?

*Planning Commission Minutes*  
*October 5, 2011*

Mrs. Hazard: I think it was just to reach out to the school in terms of how they want to be involved in this process; maybe not in a completely formal fashion, but certainly for planning purposes. If we're moving density around the County they're going to need to use that, in some way in their planning and I think just making sure that someone over at the School Board is aware of the program. And if they want some, either input, not that they can change it but how they are notified regarding it for planning purposes because it does increase density and we don't get to receive proffers on that if it is moved. So thank you.

Mr. Howard: Mr. Fields?

Mr. Fields: I had two questions. In the receiving areas, what is the current by-right... theoretical densities of the R-1, A-1 and I guess if there's any A-2 in the receiving areas; I don't think there is. Whatever residential... currently residentially zoned properties in the two UDAs, what is the current by-right density allowed in those, irrespective of any... prior to any implementation of any part of this TDR Ordinance. And then second, can you give... find any examples from probably not from Virginia, but possibly from Virginia and certainly from across the country of TDR programs that were successful, meaning development rights were actually sold and moved and transferred that wasn't set up partly as a compensation for downzoning of rural property.

Mr. Howard: And then there were the follow-up questions with Frederick, Virginia, right, so if you could just find that out.

Ms. Ansong: Yes.

Mr. Howard: I think that was all. Thank you Ms. Ansong, appreciate that. So... we... Jeff, I don't think there's anything in terms of a public hearing on the 19<sup>th</sup>, is that correct?

Mr. Harvey: That is correct Mr. Chairman.

Mr. Howard: Does it look like there'll be anything on the horizon on the 19<sup>th</sup>?

Mr. Harvey: As of now we have no new business.

Mr. Howard: Okay.

Mr. Harvey: So it would be conducting unfinished business.

Mr. Howard: So we could really get into the TDR piece in depth if we choose to. It looks like there'll be time at that meeting to do that.

Mr. Harvey: Yes, Sir.

Mr. Howard: Alright, so is there a motion on the table to, you know, defer item 1, Comprehensive Planning Amendment and Zoning Ordinance Amendment, Transfer of Development Rights to the 10-19 meeting?

Mrs. Hazard: So moved.

*Planning Commission Minutes  
October 5, 2011*

Mr. Howard: Is there a second?

Mr. Rhodes: Second.

Mr. Howard: Mr. Rhodes seconded, is there any discussion? So we are deferring item number 1... we're not taking action tonight. We're going to wait for staff to come back with answers on the 19<sup>th</sup> and get a little bit deeper into the TDR process here. All those in favor of the motion of deferring item number 1 to October 19<sup>th</sup> signify by saying aye.

Mr. Fields: Aye

Mrs. Hazard: Aye

Mr. Rhodes: Aye

Mr. Apicella: Aye

Mr. Hirons: Aye

Mr. Howard: Aye. Opposed nay? The motion carries 6 to 0. Thank you. That brings us up to the new item number 2, which was the old item number 7, which is the Zoning Ordinance Amendment, Farmer's Markets, and we have a time limit on this of January 19<sup>th</sup>. Mrs. Baker?

7. *Zoning Ordinance Amendment; Farmers Market (Time Limit: January 19, 2011)*

Mrs. Baker: Good evening Mr. Chairman, members of the Commission, Kathy Baker with the Department of Planning and Zoning. You all did discuss this farmer's market proposed ordinance back in August and requested that you all have the ability to make some changes to that. That wasn't allowed in the original referring Resolution. So this did go back to the Board on September 20<sup>th</sup> and they have referred a new Resolution which basically is asking you all to draft the ordinance so that would also give you extra time to do it instead of the standard 90 day procedural timeframe. So, you now have till January 19<sup>th</sup> to take the ordinance and basically craft your own version of it and then forward it to the Board of Supervisors. So, the Agricultural/PDR Committee did discuss this at their last meeting and they recommended that a subcommittee be formed between the Planning Commission and the Agricultural/PDR Committee so that we can work out any concerns that the Planning Commission has. I know there were some land use type issues that were raised at your last discussion of this so, that's the recommendation. We do have Jeff Adams and Gayle Clark here from the Committee. They are here if you have questions of them or if you would like to hear from them on this topic.

Mr. Howard: Thank you Mrs. Baker. We could bring them up and just hear their perspective on their meeting and how they came to this recommendation.

Mrs. Baker: Okay. Mr. Adams is going to be the original spokesperson.

Mr. Howard: Great, thank you. Good evening Mr. Adams

*Planning Commission Minutes*  
*October 5, 2011*

Mr. Adams: Good evening, glad to be here again. Like I stated before, we're looking to try to establish a farmers market within the County, and one of the reasons I'm behind it personally is, as I explained, I farm and I travel outside the County several times a week to attend other farmers markets. And last year an individual tried to get a market started down in the Falmouth area. It was no designation, they could just kind of call it a flea market was the best that Planning could come up with and it kind of dropped. And as a committee we've kind of taken the ball up from there to get a, you know, the framework of what it would take to get a farmers market going. But we're looking... you know, rules are one thing, every market has their own rules. And we're going to have it Saturday morning at seven o'clock and we're going to go until eleven, and these are the fees. We're not asking the Commission get involved in any of that unless at some point, like the Parks and Recs decides to have a farmers market in the County's name and then they would form their own rules. Rather we're just looking for a broad scope of where we could have it, what our needs are, and what it takes to run a farmers market. One of the questions that came up last time was the idea that maybe we would try to set up in a townhouse development just because it fell into a certain zoning. But I guess if you've ever seen a farmers market, the way it shows up, sets up, sells, tears down... it would never work that way. I mean, you need a large area like the ones that I go to are usually in municipal lots that aren't used on Saturday and Sunday. At Dale City, it's not unusual to have 700 or 800 cars in the parking lot at one time between vendors and customers. So it just doesn't work in a residential area; you know, you'd be looking... I was talking with M.C. Moncure earlier in the week. In two places... and this was just us talking... like the Target shopping centers on either end of the County where you could go to the far end of the store where those spots are rarely used, you know, 15 people could set up and cars come and go, but you're not really disturbing the parking from the actual shopping center itself.

Mr. Howard: So the goal is to work with the Planning Commission to come up with an ordinance that allows a farmers market to operate within our Zoning Ordinance in a specific way and/or on commercial property and/or private and/or government owned land is really what you're saying. And then the rules of hours of operation; what can be sold and what can't be sold, you guys all work that out with your group, is that right?

Mr. Adams: Right.

Mr. Howard: Okay. So you're looking for... how many people have you decided from your group will participate in this Committee?

Mr. Adam: We were talking two.

Mr. Howard: Two, okay. Alright, let me... well first let me see if there are questions of the Planning Commission. Are there any questions?

Mr. Apicella: Mr. Chairman, since we have two members of the AG Committee here, can I beg your indulgence and ask them about that TDR program?

Mr. Howard: Sure, absolutely.

Mr. Apicella: Mr. Adams and/or Mrs. Clark, in your private capacity what do you think of the proposed TDR ordinance?

*Planning Commission Minutes  
October 5, 2011*

Mr. Adams: As an individual, because we haven't taken it up as a committee, so I'm speaking for myself not for the committee, I'm in favor of it for several reasons. Now I am on the AG/PDR Committee. The thing that I like about TDR is the County, in my opinion, can preserve more in a more timely fashion and I'll give you what we're look at right now is a budget; we got sixty-six and as Mr. Harvey said, you know let's assume that we get sixty-six from the state. Based on the way we worked the formula the last time, we can preserve four lots right now and that's all that we have in the budget. Whereas if a developer came in with a large scale plan, and offered a proffer to save 50 lots somewhere or 100, you know whatever would work out in negotiation, then he's not bound by that formula that says he would have to pay \$30,000 for every unit. He would negotiate with each and every individual, produce an easement, and then in my interpretation, the way that I know some of these programs work, the County would only have to approve the easement yes or no. And each easement would be individually worked out because like on my case, you know, I'm still going to retain the right to build a chicken house, or a hog barn, but I realize I can't ever build a dwelling for humans. But I can still build sheds and barns and things of that nature.

Mr. Apicella: Okay, thank you. Mrs. Clark?

Mrs. Clark: Good evening. I would say that anything that allows the County to save productive farm land is something that should be pursued. I don't want to do that to the exclusion of PDRs or land use, but to do it in addition, I think it's well worth taking a look at. Although I don't know the particulars and I would want to make sure that the people that were giving up their development rights were not giving up their farming rights.

Mr. Howard: Alright, thank you.

Mr. Apicella: Thank you.

Mr. Howard: Perhaps your group could take it up in more official capacity and render an opinion one way or the other. Back to the committee to...

Mr. Fields: Mr. Chairman?

Mr. Howard: ... discuss... yes Mr. Fields?

Mr. Fields: And this is in reference to that, I'm just trying to move things along. I think I would like to suggest... I'm not trying to undermine or change anything... but particularly given the comments and the conversations with Ms. Moncure, I think it might be particularly productive to also have a member of the EDA on this committee because I think the perspective of the economic development, I mean this is really...though it's an all-encompassing kind of thing, of course, it's an agricultural, it's there to help facilitate and preserve viable agricultural in Stafford which you know I've been a champion of ever since day one. I think the economic... the perspective of the EDA and the Economic Development Department plus the potential sources of funding that the EDA could possibly bring to bear on its eventual outcome might be very helpful in the discussion.

Mr. Howard: Yeah, I actually think that's a great suggestion because I think there are other implications. There are some unintended consequences also that I think need to be thought through carefully. I'm not sure, you know, we obviously don't have the purview to tell the EDA that they have to give us a person.

*Planning Commission Minutes  
October 5, 2011*

Mr. Fields: Sure.

Mr. Howard: We certainly can...

Mr. Fields: Ask.

Mr. Howard: ... ask, and also volunteer one or two members from the Commission here tonight to do that. We have until January 19<sup>th</sup>: is there any Planning Commissioner who has a desire to participate in this committee?

Mr. Hirons: What is...what committee?

Mr. Howard: That we would have a committee of the Planning Commission, which would be in conjunction with Agricultural Committee, to discuss creating an amendment to the Zoning Ordinance which would be a farmers market.

Mr. Hirons: No, but I had a question.

Mr. Howard: What's your question Mr. Hirons?

Mr. Hirons: (Inaudible), before we get to moving too far off, and I apologize. The last time we discussed farmers market was the meeting I had to leave early and it was before we were... before we discussed it. But how does an operation like pumpkin sales differ from a farmers market? Like the folks up on 610; Mr. Adams mentioned, you know, you could do it in a Target parking lot and up on 610 right out in front of Target there's a plot of land that they sell pumpkins, they sell garden stuff and during the other seasons, Christmas trees, etcetera.

Mrs. Baker: And those uses are typically... they're already zoned B-2 and under B-2 those are being sold under a retail, so it's not specifically a farmers market that's being established there. Where you have the vendors and you have... where you actually sign up and go through, you have certain licenses and things that you need to go through in a fully established farmers market. So they're really doing it in a commercial parking lot under a retail authority.

Mr. Howard: I actually think that parcel is also a separate owner and I think they lease space and... No that's a good question.

Mr. Hirons: (Inaudible)... 610 and they used to do it in the old Giant parking lot. There was always a nursery that would set up during the spring and then they do pumpkins and so forth.

Mr. Howard: Yeah, that was actually Giant that ran that. Giant would run that on their own; I don't why they don't do it in their current parking lot.

Mr. Hirons: Well, regardless, I was just interested in what the difference is that as opposed to a farmer market and it does sort of make a sense. Thank you.

Mr. Howard: Alright so...

Mr. Fields: Mr. Chairman if...

*Planning Commission Minutes  
October 5, 2011*

Mr. Howard: Mr. Fields?

Mr. Fields: I'm interested... willing to help. Of course my term will not extend through the deadline so if that's... if you care to have my participation up until the point where I'm not longer on the Planning Commission then that's fine.

Mr. Howard: Well, I think that would be welcomed...

Mr. Fields: But it may extend pass my tenure.

Mr. Howard: Sure.

Mr. Fields: But certainly the George Washington District, you know, is one of the really only districts that has viable agricultural left in the County, so I would be happy to try to facilitate the folks that I represent there.

Mrs. Hazard: I'd also be interested.

Mr. Howard: Great. So we have Mrs. Hazard and Mr. Fields to be part of the group and then, Mr. Harvey, can you contact the Economic Development Department and just ask them if they want to participate in this, or at the very least give us... give the committee some perspective on the pro's and con's and where they see value and where they see there could be some hiccups.

Mr. Harvey: Yes sir, will do.

Mr. Howard: Great; and if there is any additional funding, to Mr. Fields point, to facilitate the farmers market. Alright so we will move...well, we won't move this; we'll leave this as unfinished business on the agenda as it exists. And that gives us 10 minutes to go to item number 3, which is... was item number 2, so it's the Brentsmill Section Preliminary Subdivision Plan, Subdivision 1100059.

Mr. Fields: Mr. Chairman?

Mr. Howard: Yes.

Mr. Fields: If I may, you know I didn't... I wasn't thinking when we were talking about agenda things. We can be pretty brief with number 4, the Telecom Tower, if you want to try to wrap that item up by 7:30, because I suspect Brentsmill will take longer than 10 minutes. But I'm not trying to tell anyone what to do, just offering.

Mr. Howard: Mr. Fields is making a motion to move item... which item Mr. Fields?

Mr. Fields: Number 4.

Mr. Howard: Item 4 and 5.

Mr. Fields: Four and five.

Mr. Rhodes: (Inaudible.)

***Planning Commission Minutes  
October 5, 2011***

Mr. Field: Oh, well they're all one thing yeah. Despite their geography, they are very compact.

Mr. Howard: Right, move the Telecom Tower which it two parts of the agenda, ahead of the new item 3 and the new item 4.

Mr. Apicella: I'll second that.

Mr. Howard: Okay.

Mr. Fields: Thank you.

Mr. Howard: Any discussion? All those in favor of amending the agenda during the meeting signify by saying aye.

Mr. Fields: Aye

Mrs. Hazards: Aye

Mr. Rhodes: Aye

Mr. Apicella: Aye

Mr. Hirons: Aye

Mr. Howard: Aye. Opposed nay? The motion carries 6-0. That brings us to the Telecom Tower.

4. COM1100171; Comprehensive Plan Compliance Review - Telecom Tower, Telemedia Broadcasting Tower - A request for review to determine compliance with the Comprehensive Plan in accordance with Virginia Code Section 15.2-2232, for a telecommunications facility, specifically for a radio broadcasting and wireless communications tower, located on the north side of Hollywood Farm Road, approximately 350 feet east of Fisher Lane on Assessor's Parcel 60-7A within the George Washington Election District. **(Time Limit: November 20, 2011) (Deferred at September 21, 2011 meeting to October 5, 2011)**

5. CUP1100167; Conditional Use Permit - Telecom Tower, Telemedia Broadcasting Tower - A request for a Conditional Use Permit to allow a telecommunications facility, specifically for radio broadcasting, in an A-1, Agricultural Zoning District on Assessor's Parcel 60-7A, consisting of 8.09 acres. The property is located on the north side of Hollywood Farm Road approximately 350 feet east of Fisher Lane within the George Washington Election District. The Applicant requests a permit to build a 480 foot-tall tower to accommodate a minimum of three (3) wireless communication service providers, broadcasting for a radio station, and future public safety communication equipment. **(Time Limit: December 20, 2011) (Deferred at September 21, 2011 meeting to October 5, 2011)**

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission; Mike Zuraf with the Planning and Zoning Department. This item was... a public hearing was conducted on this item at your last meeting on September 21<sup>st</sup>. The issue was tabled at the time. There were some additional questions that were raised and issues. We've provided you a memo and then tonight you did receive

*Planning Commission Minutes*  
*October 5, 2011*

an add-on item with some additional information. There were questions about potential impacts of the tower should it fall down and there were suggestions about how to deal with that, including placing an easement on the property or other issues. And we did provide... the applicant did provide additional information and documentation; that letter was from an engineer who designs the towers and that provides information on the design specifics for this specific tower, factors affecting tower collapse, and also a discussion of historical data on fall radiuses for towers. And that issue was also discussed then at a site visit that we conducted last Thursday at the site. And through that discussion it was understood that the fall radius kind of extended out into Hollywood Farm Road, so because of that we asked the applicant to adjust the tower location, to actually move it into the property a little bit so that the fall radius is outside of the right-of-way. You received tonight at the... in the back of your add-on package, they revised the General Development Plan that moves that tower in the fall radius. If you recall from the discussion from the applicant was typically at a point that extends out to the guy wire anchors at a radius; so that circle is identified on that tower and it's shown not extending out into Hollywood Farm Road. So that modification was made. Also, then at the site visit there was discussion of the possible additional outreach to additional citizens beyond just the adjacent property owners. Staff has attached a draft letter for you to look at that we would possibly could send to additional residents, and we also did include three maps of different areas that extend out from the tower location; that extend out a quarter mile, half mile, and a mile and those maps are included in your add-on package. And they also... they identify how many properties are within those... that fall radius or that circumference and then also we were asked by the Chairman to identify what the cost of notices might be for either first class or certified mail. And those costs are provided at the bottom of those maps for you to consider. And at that point, you also did receive a notice... a letter from one of the adjacent property owners that we received after the public hearing and that was in your original package. I'll turn it back over.

Mr. Howard: Mr. Fields?

Mr. Fields: Certainly; thank you, Mr. Zuraf. That pretty well sums it up. We had a very good site visit with the folks, the tower folks there. And I took a good walk around the property and I think moving the tower back inside the lot so that the fall radius is entirely contained within the property solves a whole world of issues. Well, there was an attempt to avoid that theoretical line where the length of the tower extends across the ground into a property. Given the fact that towers never fall that way, right, they always collapse inside that guy wire and I researched, you know, looked online for all the tower collapses and they do collapse. The one example that ...and I think we can get some research on this too... but it happened right here in Stafford; the one we actually just dealt with when we built a monopole there at that sight, the Mountain Avenue Tower. That tower collapsed in the last... in the 80's; it was actually sabotaged. A disgruntled employee actually cut one of the guy wires and that tower, which is on a much smaller parcel than this one, fell... just collapsed right in on itself... within... and if you've seen that parcel you know that's a very tight thing with houses all round it. So if that 500 foot tower can, you know... collapsed and didn't touch a single thing, didn't even get on the road, I'm fairly confident that even if this one, if something should happen to this one it would collapse into essentially a larger wooded, exclusively wooded lot. So, that theoretical line of the length of the tower does extend to that house, but the fact that since it does collapse in the guy wire circumference, I insisted that that had to be move out of the Hollywood Farm Road right-of-way. That was by far the more... if it's going to collapse it's going to collapse there... I wanted to make sure that that's what happened. So I... what I would like... I hope the Planning Commission is okay with what I would like to do is to have this letter sent out to the people within about a mile radius explaining all of these aspects of the tower. Also how cosmetically we could change the tower; the applicant has said

*Planning Commission Minutes*  
*October 5, 2011*

that they... it could be painted... the FA can permit it to be painted a silver color which tends to blend visually with the skyline; remembering there is a 200 and some foot lattice tower on that property already so this is not completely unknown. But I would like the citizens within a reasonable distance of this, not just adjacent, because obviously when you're talking a 480 foot tower, adjacent property owners are... actually if you're right next to that tower you can, because its wooded, you can probably see it less than if you're a little farther away. So if the Planning Commission hopefully can support that, I would like to send these letters out and give about a 15 day response time which will mean that we'll need to take this up at our first meeting in November. If we get... and then we can address whatever citizen concerns we have at that point and hopefully move forward. Because of the by-laws moratorium on land use actions, this can't be acted on anyway until the first of the year. So the applicant understands that and knows that there's no harm in taking extra time to make sure that everybody in the region is satisfied with this. So, if we're good with that we can move ahead with the letter and defer to November... first meeting in November.

Mr. Howard: Just a few questions Mr. Fields.

Mr. Fields: Sure, please.

Mr. Howard: And maybe Ms. McClendon can help answer this but from a precedence perspective we typically... we held a public hearing and we notified adjacent property owners which is typically what we would do. What, if anything, does this do in terms of opening up an unintended consequence which could be a can of worms for future issues that could be similar or even different, but yet a public hearing was held and then the Planning Commission decides to go and contact additional homeowners to give them, you know, additional time and contact them in a very specific way. I definitely appreciate Mr. Fields' thoughts on that but on the other side I'm wondering, you know, an unattended consequence could be, wow maybe we're setting a precedence for a Planning Commission, that I'm not sure we're prepared to do, or want to do.

Ms. McClendon: Well, generally you have to meet the minimum requirements at the statute which would be holding the public hearing. Then after that you look at each individual situation differently and so you can make individual judgments. So in this particular case, if you feel like there is more public input that is necessary, then you're able to hold that, and that wouldn't hold any type of precedence for the future. You would still be able to act independently in each situation as long as you're meeting the minimum statutory requirements.

Mr. Howard: So you don't feel that it exposes the County to a future litigation because two years from now, we have something similar and a homeowner says, well that, you know, that's not the way to handle it and I was expecting to get this letter, it never came and I never had the chance to, you know, to give my input or feedback or explain why this thing is really interfering with me. You're comfortable with that?

Ms. McClendon: I'm comfortable with that generally. Basically there's always a chance for a liability...excuse me, a litigation... but when it comes down to it the statutory requirement are there to protect the homeowners and the legislature of the General Assembly feels that what we have in place is protective.

Mr. Howard: What would...we're going to have to open up our public hearing... but the other question was really more for either staff or the applicant. So let's say out of the... I don't know how

*Planning Commission Minutes*  
*October 5, 2011*

many letters this is but there's 99 parcels... out of the 99 letters that go out, 20 tell them a whole bunch of different things, I'm not sure what the applicant is going to do.

Mr. Zuraf: Well it's just... and, by the way, its 289 parcels for the mile radius.

Mr. Howard: Oh it is, okay.

Mr. Zuraf: Yeah, and but regardless of whatever input we receive, we'll just send it all your way and it's up to the Planning Commission as to how you'd want to respond to that information.

Mr. Howard: Well is there an expectation that the applicant is going to change what they're doing based on the feedback from the letters, or is it more just the awareness piece?

Mr. Fields: I think we're looking for feedback and then the opportunity to explain and kind of think of the way, sort of to me, how we proceeded with the substation, which was in this general area too. We reached out to people; there was one property owner was very unhappy with it, but in balance we felt that the public good of the substation unfortunately maybe outweighed maybe one individual's unhappiness. I think the same thing applies here. If people are concerned and mostly want information about the tower, that's mostly what we're trying to give them. If there is, out of 289 property owners, 200 of them are here with pitch forks opposing the tower, I think we'll have a very interesting public policy decision to make. But I'm not anticipating that, but I feel that because the adjacent property owners are such a small... we've had this occur before with other cell tower proposals that I've looked at and worked on and the adjacent property owners' statute simply has not captured the view shed impact of a tall tower, and so I'm just trying to see. You know, if the applicant has proven to me that they're very willing in whatever way possible, one of the things that should go out with the letter that we discussed is also the other sites that were looked in Stafford County, and how this site is probably the best and least intrusive. So, that's what we're looking for; to make sure that everybody understands what's coming in the near future.

Mr. Howard: Any other comments or questions from any of the Commissioners? No? Okay. So Mr. Fields do you want to make a motion to...

Mr. Fields: I would like to make a motion to send a letter to... a letter of explanation to the property owners within about a mile radius of the tower, and to defer this to the first meeting in November.

Mr. Rhodes: Second.

Mr. Howard: Second by Mr. Rhodes. Okay, any other discussion? I'll call for the vote; all those in favor signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye

Mr. Rhodes: Aye

Mr. Apicella: Aye

*Planning Commission Minutes  
October 5, 2011*

Mr. Hirons: Aye

Mr. Howard: Opposed nay? Nay. The motion carries 4 to 1... 5 to 1, yeah. Okay, we will now open up the public comment portion of the meeting. At this time anyone from the public may come forward and address the Planning Commission with any comments they have for the Planning Commission. What we ask is that you don't address anything that's on the public hearing this evening. I believe it's just one item this evening on the public hearing. You'll have time during that public hearing to speak to that issue. So anyone wishing to address the Planning Commission on any item that's not on the public hearing may do so by stepping forward. We just ask you to state your name and phone number and you have three minutes to address the Planning Commission. The green light goes on, your three minutes begin, the yellow light gives you about a minute, and the red indicates that we'd ask you to conclude your comments and allow the next speaker to address us. Anyone wishing to address the Planning Commission may do so by stepping forward.

2. SUB1100059; Brentsmill, Section 3, Preliminary Subdivision Plan - A preliminary cluster subdivision plan for 28 single family dwellings, zoned R-1, Suburban Residential Zoning District, on Assessor's Parcel 21-148, consisting of 15.95 acres, located at the intersection of Naples Road and Bismark Drive in the Brentsmill Subdivision, within the Griffis-Widewater Election District. **(Time Limit: December 20, 2011) (Deferred at September 21, 2011 meeting to October 5, 2011)**

Discussed after Public Hearings as new item number 5.

3. RC1100077; Reclassification - Stafford Sports Center - A proposed reclassification from A-1, Agricultural Zoning District to B-2, Urban Commercial Zoning District to allow retail, office, and indoor recreational enterprise uses on Assessor's Parcel 20-12, consisting of 23.79 acres. The property is located on the south side of Garrisonville Road approximately 250 feet west of Parkway Boulevard within the Garrisonville Election District. **(Time Limit: December 20, 2011) (Deferred at September 21, 2011 meeting to October 5, 2011)**

Discussed after Public Hearings as new item number 6.

4. COM1100171; Comprehensive Plan Compliance Review - Telecom Tower, Telemedia Broadcasting Tower - A request for review to determine compliance with the Comprehensive Plan in accordance with Virginia Code Section 15.2-2232, for a telecommunications facility, specifically for a radio broadcasting and wireless communications tower, located on the north side of Hollywood Farm Road, approximately 350 feet east of Fisher Lane on Assessor's Parcel 60-7A within the George Washington Election District. **(Time Limit: November 20, 2011) (Deferred at September 21, 2011 meeting to October 5, 2011)**

Moved up as new item number 3.

5. CUP1100167; Conditional Use Permit - Telecom Tower, Telemedia Broadcasting Tower - A request for a Conditional Use Permit to allow a telecommunications facility, specifically for radio broadcasting, in an A-1, Agricultural Zoning District on Assessor's Parcel 60-7A, consisting of 8.09 acres. The property is located on the north side of Hollywood Farm Road approximately 350 feet east of Fisher Lane within the George Washington Election District. The Applicant requests a permit to build a 480 foot-tall tower to accommodate a minimum of

*Planning Commission Minutes*  
*October 5, 2011*

three (3) wireless communication service providers, broadcasting for a radio station, and future public safety communication equipment. **(Time Limit: December 20, 2011) (Deferred at September 21, 2011 meeting to October 5, 2011)**

Moved up as new item number 4.

6. Zoning Ordinance Amendment; Recycling Definition **(Time Limit: January 19, 2011) (Deferred at September 7, 2011 meeting to October 5, 2011)**

Discussed after Public Hearings as new item number 7.

7. Zoning Ordinance Amendment; Farmers Market **(Time Limit: January 19, 2011)**

Moved up as new item number 2.

8. Zoning Ordinance Amendment; Exempt Subdivision **(Time Limit: December 7, 2011) (Scheduled for October 5, 2011)**

Discussed after Public Hearings.

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

NEW BUSINESS

10. SUB2800773; Westlake, Preliminary Subdivision Plan - A preliminary subdivision plan for 701 single family detached units, zoned R-1 and R-2, consisting of 446.46 acres located on the south side of Warrenton Road between Richards Ferry Road and Cedar Grove Road along Horsepen Run on Assessor's Parcels 35-20, 20A and 21 within the Hartwood Election District. **(Time Limit: December 28, 2011)**

Discussed after Public Hearings.

\*\*\*\*\*

**7:30 P.M.**

PUBLIC PRESENTATIONS

Mr. Townsend: Good evening, my name is Robert Townsend. I noticed in the Q&A session, but I'm confused, we had something on the closed portion of the session dealing with the rezoning of A-1 to B-2 for the Stafford Sports Complex. Is that just being deferred to your next meeting or will we cover it later in the evening? I don't know the procedures of how we address it but just trying to figure out whether you plan to discuss that this evening...

*Planning Commission Minutes*  
*October 5, 2011*

Mr. Howard: We don't answer questions directly but when you sit down we'll give you a general answer.

Mr. Townsend: Okay. That's all I have; thank you very much.

Mr. Howard: Thanks. Anyone else wishing to address the Planning Commission may do so by stepping forward to the podium. Seeing no one else advancing to the podium, I'll now close the public presentation portion of the meeting. Before I open up the public hearing, the item was only moved on the agenda, the complete agenda will be completed this evening. Every item on the agenda gets addressed in one way or the other. Okay, that brings us to the public hearing. So this evening's public hearing is a public hearing on the amendment to the Stafford County Comprehensive Plan, and we'll hear from Mr. Zuraf on that.

PUBLIC HEARINGS

11. AMENDMENTS TO THE STAFFORD COUNTY COMPREHENSIVE PLAN (the "Comprehensive Plan") - The County proposes to amend the Comprehensive Plan by amending the textual document entitled "Stafford County Comprehensive Plan, 2010 – 2030" (the "2010 – 2030 Plan"), dated December 14, 2010 and last revised on June 7, 2011, in accordance with Section 15.2-2229 of the Code of Virginia (1950), as amended. The proposed amendment would add an Implementation Plan as a new chapter (Chapter 7) to the 2010 – 2030 Plan. The draft Implementation Plan provides concrete, actionable steps required to implement the goals, objectives, and policies of the Comprehensive Plan. It includes an Action List that divides the tasks into the main goal topics affected by growth, including, but not limited to, Land Use, Environment, Transportation, Utilities, Other Community Facilities and Infrastructure, Housing, Public Safety, Fiscal Responsibility, Cultural Resources, and Economic Development. A timeline is included that prioritizes the tasks with completion dates and responsible government entities. In addition, the draft Implementation Plan identifies how monitoring and tracking may occur. **(Time Limit: November 5, 2011)**

Mr. Zuraf: Can I have the computer please? Okay, good evening Mr. Chairman, members of the Planning Commission. This item was originally scheduled on your public hearing schedule for August 17<sup>th</sup>, but we did not hold the public hearing for your call because there was improper advertisement of the item at that time. So, we kind of had to back track and go through the process again, but now we're all back on track. And this proposal would be an amendment to the Stafford County Comprehensive Plan, the 2010 - 2030 document, to add an Implementation Plan as a new chapter into the document. As background and basis for the plan, the plan was the Comp Plan 2010 - 2030 document was approved back in December of 2010. In Chapter 2 in the goals, objective, and policies of the plan there is a recommendation that an Implementation Plan be provided to the Planning Commission within 90 days of that adoption. That did occur and there was an Implementation Plan Committee formed by the Planning Commission at that time, including Mrs. Hazard and Mr. Howard. And that committee developed a draft and sent it to the Planning Commission... back to the Planning Commission. The Planning Commission review than occurred, and on June 7<sup>th</sup> the Planning Commission sent it on to the Board for their review. On September 6<sup>th</sup> was the latest time that the Board initiated the public hearing for the Planning Commission through resolution R11-243 for the Planning Commission to conduct a hearing on this Implementation Plan. The purpose of this plan, it provides concrete actionable steps required to implement the goals, objectives, and policies of the Comprehensive Plan. It is made up of a few main elements, there are several... there is a section on

*Planning Commission Minutes*  
*October 5, 2011*

actions, an action list. It's divided into main areas that are effected my growth including land use, transportation, the environment, housing, cultural resources to name a few. And then there's a... the second section is a timeline that prioritizes the tasks; it includes some timing and completion dates and then also spells out who the responsible entities are for the different tasks. And most of the tasks are spread out over the next five year timeframe. Then also the last section in the Implementation Plan is the section on monitoring and tracking and suggested methods as to how that could occur. Some of that is in the form of possibly doing like an annual report or status updates on how the elements of the plan are being carried out. This is just a kind of a snapshot of a portion of the timeline where you can see each item is broken out... this is several actions related to land use, you have the actions spelled out and they're linked back to the action table and also it calls out the responsible entities as I've mentioned, and then identifies when the item would need to be implemented or conducted. Some of them are ongoing... some of the items are ongoing as you can, some are kind of periodic actions, and then some are one-time deals and that all varies throughout the plan. So as far as the progress, we're already doing several things to work to move the Implementation Plan along because there's a whole lot of work that will need to be done over the next five years so we've went ahead and started. The redevelopment plans were already adopted earlier this year, the Telecommunications Plan is at the Board of Supervisors level; they've already conducted the public hearing but just have not acted quite yet. The TDR Plan and Ordinances, of course you're reviewing that now, and then the Courthouse Urban Development Area Small Area Plan, that's in process and is moving through and may get back to you sometime soon. Also, staff is working on a process to track development to identify and work on seeing how we measure against some of the recommended goals in the plan. Also, as far as general comments, this is a new feature to Stafford County's Comprehensive Plan. This does provide a work program for the County leaders for County staff so we can determine where our future staffing needs might be needed and provides a framework for measuring the overall success of the plan and whether there needs to be adjustments to what we thought at one point. And as far as the recommendation, staff recommends the amendment to the 2010 - 2030 Plan to add the Implementation Plan and the Planning Commission Resolutions are included in your package relating to however you may want to act.

Mr. Howard: Thank you Mr. Zuraf. I'll bring it back to the Planning Commission for any questions of staff. No?

Mr. Hirons: I just have one question Mr. Chair.

Mr. Howard: Mr. Hirons?

Mr. Hirons: In the Boards' Resolution that sent this to us, there was one no vote, does anyone... do you or Mr. Harvey recall why that there was a reason given behind that no vote?

Mr. Zuraf: I wasn't there that night.

Mr. Harvey: Mr. Hirons, my recollection was that the Supervisor voted in the negative so that he in general terms opposed the plan; therefore he would not indorse the implementation of that plan.

Mr. Hirons: Oh okay, that makes sense. Thank you.

Mr. Howard: Okay. Alright, we'll now open up the public hearing portion of this public hearing. Anyone wishing to address the Planning Commission on the public hearing that's before us which is

*Planning Commission Minutes  
October 5, 2011*

the amendment to the Stafford County Comprehensive Plan which is item number 11 on the agenda, may do so by stepping forward to the podium. We just ask that you state your name, your address, and then you have three minutes to address the Planning Commission and you must speak to us on this particular topic during this time. Anyone wishing to address the Planning Commission may do so by stepping forward now. Seeing no one in the audience advancing towards the podium, I will now close the public comment portion of the public hearing and bring it back to the Planning Commission for further discussion and/or action.

Mr. Apicella: Mr. Chairman, I move for approval of Resolution PCR11-12.

Mrs. Hazard: Second

Mr. Howard: Second by Mrs. Hazard; any discussion?

Mr. Apicella: Mr. Chairman, in previous lives I've done strategic plans, annual plans, performance plans; I was involved in the Comp Plan Steering Committee. I think it's an outstanding document. We talked about doing an Implementation Plan way back then. I would say it's in a too hard locker. You guys have done an outstanding job pulling this together. I think it's going to be a great tool to steer the course and to monitor and track progress and make real measurable and meaningful goal posts along the way, so I definitely support this implementation of this plan.

Mr. Howard: Mrs. Hazard?

Mrs. Hazard: Somewhat to echo Mr. Apicella's comments, but also having worked with Mr. Zuraf on this, I'd like to give him a lot of credit for helping pull all the document that he knows very well, inside and out, but to make it into something that we're going to work towards and that we're going to achieve, a document is only as good as it's implementation. And this gives us a place to go; that doesn't mean it won't be revised or looked at over time, but it does give us a tracking of where we're going, where we've been, and maybe if we need to change things. But I believe having something that we can all be looking at as part of the plan is critical. That's why I'm supporting it.

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

Mr. Fields: Mr. Chairman? Similar to actually Mr. Hirons' comment and believe me I respect the work that everybody has done with this, but still my opposition of the current Comprehensive Plan has never changed and so I feel personally to be consistent with my point of view I will vote against this implementation. But it's not a sign of disrespect to the work that went into it, I want to make sure that everybody understands that.

Mr. Howard: Thank you.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Mr. Rhodes?

Mr. Rhodes: I ruled I will vote in favor of the Implementation Plan. I think tremendous effort, tremendous work, and certainly as was identified a year and a half ago or so, a key element was to the development of an Implementation Plan. Having a way to track as Mrs. Hazard eluded to, what gets

*Planning Commission Minutes  
October 5, 2011*

done is what gets measured and what gets tracked, and I have the greatest respect for Mr. Fields but I think once the decision is made, that is the now that next step of the work of the body and then we take the action on that piece there. So I think we all should be working towards how to do this best once it is the element of governance that we're going to be moving forward with. Thank you Mr. Chairman.

Mr. Howard: Thank you. Mr. Hirons, did you have an additional comment?

Mr. Hirons: If we pass this, does it actually complete the Comprehensive Plan?

Mr. Rhodes: It'll never be completed.

Mr. Howard: No, it's just (inaudible).

Mr. Hirons: That's alright; (inaudible)

Mr. Howard: Now just to echo some comments that have been made, before I call of the vote, you know, staff has done an outstanding job. Mr. Zuraf, you always continue to impress us and a lot of work and effort went into this and I know you had lots of help form other members of the staff to include Mr. Harvey. And it's well done and the key to this is to really now following the Implementation Plan and keeping ourselves honest by measuring and reporting on those measurements; so, much success in that. I'll now call for the vote. All those in favor of the motion before us which is to include the implementation timeline in the Stafford County Comprehensive Plan as an amendment signify by saying aye.

Mrs. Hazard: Aye

Mr. Rhodes: Aye

Mr. Apicella: Aye

Mr. Hirons: Aye

Mr. Howard: Aye. Opposed nay?

Mr. Fields: Nay

Mr. Howard: The motion carries 5 to 1. Thank you. That does bring us now to the Brentsmill Section number 3 Preliminary Subdivision Plan which became the new item 5.

- SUB1100059; Brentsmill, Section 3, Preliminary Subdivision Plan - A preliminary cluster subdivision plan for 28 single family dwellings, zoned R-1, Suburban Residential Zoning District, on Assessor's Parcel 21-148, consisting of 15.95 acres, located at the intersection of Naples Road and Bismark Drive in the Brentsmill Subdivision, within the Griffis-Widewater Election District. (Time Limit: December 20, 2011) (Deferred at September 21, 2011 meeting to October 5, 2011)*

Mrs. Hornung: Good evening Mr. Chairman, members of the Commission.

*Planning Commission Minutes  
October 5, 2011*

Mr. Howard: Mrs. Hornung, before you start let me just clear one thing up. We're on Brentsmill Section Preliminary 3 Subdivision, right... the next item is going to be the Stafford Sports Center, then the item after would be the Zoning Ordinance Amendment for the Recycling, and then we're back on track with 8, 9 and 10.

Mrs. Hornung: That is correct.

Mr. Howard: Thank you.

Mrs. Hornung: In your packet you have the Brentsmill Section 3 Preliminary Cluster Subdivision Plan, Subdivision 1100059. There were a number of questions that were asked of staff and also that arose during discussion, and I have that information submitted to you and I would like to summarize those points. One of them separate from the questions about the open space was what is the BOOTS Program? That is the Bringing Occupational Opportunities To Students of the Stafford County Vocational Education Foundation and that would be students who are enrolled in carpentry, masonry, electricity, and drafting programs at Stafford High School. And they design and build homes in the County and then they sell those homes and those proceeds go back into the foundation to further supplement the program as they continue to build and design and build other homes in the County. And they're always looking for locations within the County that are donated to be utilized as a site for that program. Some of the other questions that came up, one of them would be about the open space requirements. And in Section 22-268, number 5 of the ordinance, it does state that in subdivisions approved for cluster development there shall be provided at least one area of open space, consisting of lands outside of the floodplain, being at least one acre in size and having no dimension less than 50 feet. And there is designated on, I believe it's sheet 3... sorry page 4 of your handout which is sheet 4 of the preliminary... that it designates that one acre, and this is designated as open space, and the confusing or the discussion was about the confusion that it was open and usable. But in the cluster space regulations, it does say in number 5 that in subdivisions approved for cluster development there should be provided at least one area of open space consisting of lands outside the floodplain at least one acre in size and no dimension less than 50 feet; which the applicant has complied with that by designating that one acre of open space.

Mr. Howard: There was also the question of accessible.

Mrs. Hornung: Right. What may be confusing in that requiring that to be accessible would be that in number 6 it does state that in subdivisions approved for cluster where the required open space is approximately one acre or greater, that open space shall be located in such dimension...and shall have such dimension in topography as to usable open space. They also did comply with that and the engineer had designated the different areas of open space by alpha numeric designation as parcel A and parcel B; those are the usable open space parcels that are accessible to the subdivision which they'll have the tot lot requirement, and then parcel C is the open space that contains the one acre required of open space having no less than the dimension and the 50 feet... dimension of 50 feet and no floodplain or steep slopes greater than 15%, but the parcel C also includes the stormwater management facility. Then the designation of parcel D is that part of the open space that will be eventually dedicated to the School Board for their BOOTS Program provided that that's suitable for them. In conversations that we've had, staff, the applicant, engineer and the representative from the School Board did meet this week... I'm sorry, last Monday and they were agreeable that that would be an ideal parcel which that's why they designated it as parcel D, that that would be for the BOOTS Program... provided that the... they'll accept it. It still has to go to the School Board for finally acceptance.

*Planning Commission Minutes  
October 5, 2011*

Mr. Howard: Mr. Fields?

Mr. Fields: Mr. Chairman, I'm having a hard time understanding how you're going to build a house on parcel B if it's not part of the subdivision. Maybe I'm missing... am I completely missing something? Where's the... is this house part of a... is this part of another set of houses along this road here or where is it... where is the water and sewer... I mean, I don't understand how this becomes (inaudible).

Mr. Howard: I think I read in your narrative, Mrs. Hornung, or staff's narrative that, when... if and when that the School Board decides to let BOOTS... this become the BOOTS Program, I mean they still have to go through the same ordinance requirements that anyone else would have to go through, they don't... is that correct?

Mrs. Hornung: That is correct. The reason for the designation of parcel D is to already tentatively create this on the preliminary so that when that becomes a lot that will be used by the school, they will...

Mr. Howard: Well if it does...

Mrs. Hornung: If it does...

Mr. Howard: Right.

Mrs. Hornung: ... then if they decide to build a house on that lot, they still have to make sure that they meet the requirements for density, open space for the cluster regulations, and also the other requirements of the subdivision ordinance when your... I'm sorry, for when they're building a house and there're setbacks in the Zoning Ordinance for constructing a single-family dwelling on that parcel. So it wouldn't be that all of a sudden once this is platted that they'll be able to just build it, they still have to comply with the regulations. Now, the density of the subdivision is 1.75, so one more lot is not going to bring you to 3 units per acre which in a cluster that's your maximum.

Mr. Howard: Has the school every received waivers through the BOOTS Program that you're aware of?

Mrs. Hornung: I'm not aware of any. From what I understand whenever they built a house they've still had to apply for the building permit and follows those. Now whether they have to pay or not... if it's... you know, I don't have any information on that. They normally would be required as anybody who would build a single-family dwelling in the County, but they still have to meet the regulations for open space because they could eventually sell that, which they would, to a homeowner that could be anybody.

Mr. Howard: Mr. Fields, I don't know it that helps answer your question.

Mr. Fields: Yeah, it kind of does.

Mr. Howard: Mrs. Hazard?

*Planning Commission Minutes  
October 5, 2011*

Mrs. Hazard: I guess going back at the last meeting, I had asked for some clarification of the letter that was contained in our packet last time from the Stafford County Public Schools because the sentence that they have written in there says that the school... I mean it's a mangled sentence, but it says that the School Board division request with the exclusion of the tot lot. My understanding is that the School Board division... school division request is only for this parcel D of the 1.29 acres, not any other remaining space as you see the C, B, and they specifically call out the tot lot. I'm just trying to make sure that this letter does not seem to track with what we're saying; I'm just trying to make sure that that's the case, they're really talking about D.

Mrs. Hornung: You are correct. After our meeting on... a week ago we clarified that so that they knew what area because there wasn't any expressed interest in... in owning the entire parcel which is designated parcel C with the stormwater pond...

Mrs. Hazard: Right.

Mrs. Hornung: ... because then they would be responsible for all of the maintenance in that, and everything that goes with it. So that's why the decision... the decision resulted in classifying each open space parcel with a numar... with an alpha designation so it's very clear. Then they said that that would be the area they'd be interested in, in the BOOTS Program. So by designating it early on in the preliminary, when that becomes a buildable lot, we wouldn't have to come back through the Planning Commission or go through a technical change. So that's done at the beginning because if we didn't show it as a separate lot, then the applicant would not be able to create any additional lots unless they came back before the Planning Commission to get a new... obtain a new preliminary or essentially revise the preliminary because it was different from the initial approval. The letter probably in the beginning... I mean the letter that you had was something that was sent in the beginning as a standard letter before some more concrete discussions had taken place at that time.

Mr. Howard: Mrs. Hazard, would feel more comfortable if that letter was amended, you know, with the correct wording?

Mrs. Hazard: Well, I mean, the sentence doesn't make sense as it's written at all, but it just seems like with the exclusion of the tot lot the open space land is deeded to the School Board. That to me says that the School Board wants...

Mr. Howard: All of it.

Mrs. Hazard: ... all of it, including the stormwater. And I'm just... don't want there later to be this nobody knows what anybody wants later that there's just confusion because this may not be acted upon for a few years or maybe, I guess, we intend it to happen soon but as we know I have a project called Westlake that's been here for a long time. So, I'm just saying things can change and I just think we would like to make sure that everybody... I understand that you've had that meeting with them but I would really like to make sure there's some real clarification from the School Board.

Mrs. Hornung: If you'd like, I can contact them and have them issue another letter designating that parcel D is appropriate for the BOOTS Program provided that the School Board will accept that, and they'll go from there and further clarify that first letter that was submitted early on and I can get something from them in writing. I will try to obtain something in writing to clarify that whether by an email or a formal letter.

*Planning Commission Minutes*  
*October 5, 2011*

Mrs. Hazard: And as much for the developer as well so that later everybody's not confused.

Mrs. Hornung: Sure.

Mrs. Hazard: I do have a follow-on question just to make sure I understand.

Mr. Howard: Sure.

Mrs. Hazard: Based on your... the staff report which was very helpful I just want to make sure that I understand this. Under the cluster subdivision, 7.69 acres of open space was required for this project. If it gets donated to or deeded to the County, the 1.29 acres, that of course takes it to 6.99. These... our current subdivision or the ordinance that applies to this, the developer still remains... still gets the credit for that open space even once it has been deeded away.

Mrs. Hornung: That is correct.

Mrs. Hazard: Okay, I just wanted to make sure...

Mrs. Hornung: Yes ma'am.

Mrs. Hazard: ... I understood the paragraph, because let's say they do go ahead and do the stormwater then, you know, then we're down to .5 of open space on this whole project if it gets deeded. Okay, I just needed to make sure that tracks with our ordinance and that there had been a reading of that.

Mrs. Hornung: Right, that is correct. It's explicitly stated in the cluster regulations that once they've met their requirements and they've made it available for either Parks and Rec or the School Board, they've met their requirements for open space. And then however the school decides to use it, they're able to do that provided it does meet the other regulation that we have subdivision or zoning ordinance.

Mrs. Hazard: Okay, thanks. I just want to make sure that's how I read it and just wanted to clarify, thank you.

Mrs. Hornung: Yes ma'am.

Mr. Howard: Thank you. Any additional...?

Mr. Fields: Mr. Chair?

Mr. Howard: Mr. Fields?

Mr. Fields: Once again I don't have... I just have a couple of notes here but I'm a little confused because it seems like Section 22-267, right, says that in its definitions of open space... right, those are definitions... in its definition of open space it says, open space shall in general be available for entry and use by the residents or occupants of the development. And it also tends to say that open space shall not include roads, driveways, parking lots, or other vehicular services, any areas occupied by a dwelling nor areas so located or so small as to have no substantial value for the purposes stated in this definition. So, even though you've clarified some aspects of it in this part of the code, can you help

*Planning Commission Minutes*  
*October 5, 2011*

me clarify how that part of the code doesn't still seem to conflict with some of the configuration of the open space here, the lack of access to the bulk of it primarily?

Mrs. Hornung: Yes.

Mr. Fields: Because this seems to clearly state that to some degree you have... it has to be reasonably accessible.

Mrs. Hornung: Right.

Mr. Fields: (inaudible) but you have to be able to get to it.

Mrs. Hornung: Right, and to maybe make it easier to understand, they have dedicated a certain amount of open space which is the total 8 plus acres which are the parcels A, B, C, D. And it does, in general, allow for entry which we have the parcel D that allows entry from Telegraph, parcel A and parcel B that are accessed on... can be accessed off of Naples Road. Parcel C, it is maybe technically accessible since it is adjacent to the lots of 26 to 21 and there is also access to that part of it through parcel B. So there is... there is available for entry I guess I should clarify it... it is available for entry and it is... the ordinance while it... this part of the ordinance while it is confusing it doesn't specify the requirement for access for the entire open space. While they have been separated by these A, B, C and D, in general for the most part, most of it is available for entry.

Mr. Howard: Mr. Apicella?

Mr. Apicella: In the absence of obtaining a cluster subdivision, how many development units would they be able to have based on the situation on the ground?

Mrs. Hornung: This is zoned R-1... excuse me, I'd have to go back to the R-1 zoning regulations because it's based on density.

Mr. Apicella: Right.

Mrs. Hornung: As a matter of fact I think I even said three units per acre.

Mr. Apicella: I'm saying if it wasn't a cluster subdivision.

Mrs. Hornung: Right... or oh...

Mr. Apicella: How many units would they be able to develop?

Mrs. Hornung: R-1 density is 1.5... allocated density is 1.5 dwelling units per acre.

Mr. Apicella: So if it's 15.95 acres, it's what... 23 development units?

Mr. Howard: Was 1.93 correct?

Mrs. Hornung: Twenty-one?

*Planning Commission Minutes*  
*October 5, 2011*

Mr. Apicella: Is that right?

Mrs. Hornung: Twenty... what did you say, I'm sorry?

Mr. Apicella: Twenty-three? You might want to check my math, that's not my forte.

Mrs. Hornung: I think I need a calculator.

Mr. Harvey: I think you're correct sir.

Mr. Apicella: Okay.

Mr. Howard: Yeah, well it's close enough. It's...

Mr. Apicella: And if they were to go to the full amount of development units they were allowed to have under a cluster subdivision, what number would that be?

Mrs. Hornung: That would be three per acre, so it would about half. Oh, I'm sorry double. Not half, double.

Mr. Apicella: Double what? Twenty-three? So it would be 40... 46.

Mr. Harvey: Forty-six.

Mrs. Hornung: Forty-six, right.

Mr. Apicella: And they're asking for 28?

Mrs. Hornung: Twenty-eight.

Mr. Apicella: So the delta between what they would otherwise be able to get under I'll call it regular zoning versus cluster zoning is 5 more units?

Mrs. Hornung: Yes, yes sir.

Mr. Apicella: Okay, that's all I want to know. Thank you.

Mr. Howard: Alright, we can bring the applicant up to see if there are questions of the applicant at this time.

Mrs. Hornung: Excuse me Mr. Chairman, would you like me to finish the questions that ...

Mr. Howard: Yes, I thought we were done with the staff's questions... we weren't? What did I miss?

Mrs. Hornung: No, I was going to summarize all the questions that came up, unless you would like to stop...

Mr. Howard: No, no... I thought we were done. Just continue.

*Planning Commission Minutes*  
*October 5, 2011*

Mrs. Hornung: I apologize. Well we did touch on the use of the open space by the School Board, so I won't repeat any of that. The other item was about the use and the maintenance of the stormwater facility. Ms. Kirkman wanted to make sure that the school would take ownership of that and in the discussions what would happen is that there would be an easement from the stormwater pond to the school for use of that. And what would happen is the HOA would be required to provide maintenance of the facility but then if the School Board chose to acquire the parcel, the plat would indicate the easement surrounding it for the benefit of the HOA, which they would still maintain the facility and they can do that by deed. That would be the agreement between the School Board and the Homeowners Association. And then if the pond would only serve the HOA, of course it would be maintained by them. But if the School Board would need to expand it, then they would take over full maintenance of that prior to expansion and that would be the agreement between the HOA and the School Board, which would most likely happen at the final plat. The other question would... was... is... on the last meeting was also about the soils information; I think we touched on that. The soils on the preliminary were general in nature because detailed investigations would happen at the construction plan and more detailed soil reports would be on that construction plan during the construction plan phase. LID was also a question on why didn't they chose LID versus the pond. They had to look at evaluating the low impact development practices... God bless you... and that on sheet 8 limited LID would be implemented with the final stormwater design which would also happen at the construction plan. The final question touched on the covenants. Currently the covenants that you have are general in nature and they are modeled that many developers use for the subdivisions, but the general limited and restricted language that was submitted was just typical for the modern community documents and that the open space areas would be general common area that's used by all. And so the distinction in the documents would be that they would need to create or designate these areas in the future they would have the ability to do so without having to completely rewrite those documents. And those documents would be finalized at the final plat stage. And if you have any questions, I would be happy to answer those and we also have the engineer here for some more technical answers to the questions you might raise.

Mr. Howard: I think we'll bring the applicant up now and see what other questions we have for them. Thank you Mrs. Hornung.

Mrs. Hornung: You're welcome.

Mr. Howard: You just need to state you name again for us.

Mr. Furnival: Sure. Rick Furnival, Sullivan, Donahoe and Ingalls. Good evening ladies and gentlemen... lady and gentlemen.

Mr. Howard: Good evening. Alright, are there questions for the applicant at this time? Mr. Apicella?

Mr. Apicella: Forgive my little soliloquy here but bear with me. I was an HOA President many years ago and as part of the plan, the developer was supposed to put in a tot lot but no timeframe was provided as part of that plan. We were more than half built-out and went to the developer and asked him if he would follow through on his commitment to finish the tot lot and he reiterated that there was no marker in the sand and therefore he was not going to do it at that point in time. So we wound up basically putting in a tot lot at our own expense and never got reimbursed by the developer because it's still to this day not built out. So I guess my question to you would be are you willing to commit to a

*Planning Commission Minutes*  
*October 5, 2011*

benchmark for completing the tot lot either with a date certain, or when a certain number of occupancy permits have been granted?

Mr. Furnival: Excuse me, I'm reading the fine print... I think it's addressed in here.

Mr. Apicella: Okay.

Mr. Furnival: It shall be dedicated in accordance with a development control... let's see... go ahead if you have the answer, I'm reading. I can't remember exactly.

Mrs. Hornung: Mr. Apicella, anytime that there are amenities on a preliminary plan, they're required to be in place at the time of the record plat or the securities to be posted. I think that's how we've done it with other more recently... some other subdivisions because some of the older subdivision we have had problems with that so at the time of final plat if they're not in place because they can do that at the time of construction plan, then at the final plat we will not record those lots unless a posted securities for those amenities that... if they don't build. But most likely the plat would not be recorded until those amenities are in place. So that...

Mr. Furnival: Constructed prior to the first OP.

Mrs. Hornung: Constructed prior to the first OP, yes... I'm sorry.

Mr. Apicella: That makes it even more clearer for me. Thank you.

Mrs. Hornung: Yes, so the plat won't even be recorded until those are in place.

Mr. Apicella: Okay, thank you.

Mrs. Hornung: You're welcome.

Mr. Howard: Alright, are there any additional questions of the applicant at this time? Mrs. Hazard?

Mrs. Hazard: Actually I don't know if this is really for the applicant, and it goes back to just trying to make sure that we have a real clear picture of what the School Board is asking. And I hate to keep harping on this, but it's just, it's so unclear. In the staff report we talk about unless and until the School Board takes ownership of the open space parcel B, the HOA will take care of the stormwater management facility. Is it... and I'm sorry not to follow this... what it says on the plat is that they definitely want parcel D.

Mr. Furnival: That's right.

Mrs. Hazard: But they want an easement I thought over parcel C.

Mr. Furnival: That is also correct.

Mrs. Hazard: So, it is not your thought that they want parcel C, they just want an easement over parcel C. Okay, I just needed to make sure I understood it. So, as you can see, I am hoping to have the School Board clarify that so that we're all clear later that there is no... and it's for your protection as

*Planning Commission Minutes  
October 5, 2011*

well. So, just how this reads we were calling that whole open space parcel B, and now we've divided into pieces; I just think we need to track it to follow that.

Mr. Furnival: That is exactly right.

Mr. Howard: Okay, are there any additional questions of the applicant at this time?

Mrs. Hazard: Oh, one last one. Sorry.

Mr. Howard: One more, Mrs. Hazard.

Mrs. Hazard: I know...

Mr. Howard: That's okay.

Mrs. Hazard: This one actually will be probably for you. We do say in the staff report about the soils saying that there's going to be the detailed geotechnical investigations and testing. Can you tell me a little bit about that since we are looking at a lot of geological issues in our County at the moment? I just would like to understand that a little better.

Mr. Furnival: Yes ma'am. When we go in, the portion of this project that is to be... provide houses on it is going to be completely over lot graded. That's the open space area B... excuse me, C and D are going to be... remain natural but parcel A, parcel B and the remainder of the lots are going to be fully graded. And at that time prior to and then during the development there'll be soil testing that tests for shrink well compaction, suitability of the soils, and those kinds of things that will ensure that the houses are on firm ground.

Mrs. Hazard: Thank you very much.

Mr. Furnival: Mm-hmm.

Mr. Howard: Thank you. I don't believe there are any additional questions for you at this time.

Mr. Furnival: Okay.

Mr. Howard: And I'll bring it back to the Planning Commission for further discussion.

Mr. Fields: I was figuring since out of deference for the Wideswater Commissioner we'd certainly push this to the 19<sup>th</sup> of October. So I'll move to defer to 19 October. I think we want to resolve some of the School Board issues in the interim anyway.

Mr. Howard: Alright, motion to defer to October 19<sup>th</sup>... is that right Mr. Fields?

Mr. Fields: That's correct.

Mr. Howard: Okay. Is there a second?

Mrs. Hazard: I'll second

***Planning Commission Minutes  
October 5, 2011***

Mr. Howard: Alright, discussion?

Mr. Rhodes: I just want to clarify. I think the...there was the item of getting clarity in the letter but I really didn't hear any other open items. I just want to confirm that there wasn't anything else hanging out there because I didn't catch it in the note.

Mr. Fields: As far as I know, other than... yeah, I think most of the things that I had have been explained at this point. Maybe we're looking for clarification from the School Board.

Mrs. Hornung: And the tot lot requirement will be in place before the lots are recorded creating the second (inaudible).

Mr. Rhodes: The only open item I heard... I mean that I had a note...

Mrs. Hornung: Is the School Board letter.

Mr. Rhodes: ... is the School Board letter.

Mrs. Hornung: That is correct.

Mr. Howard: Okay, any other discussion? Alright, all those in favor of deferring the Brentsmill Section 3 Preliminary Subdivision Plan to October 19<sup>th</sup> to clear up any open issues, signify by saying aye.

Mr. Fields: Aye

Mrs. Hazard: Aye

Mr. Rhodes: Aye

Mr. Apicella: Aye

Mr. Hirons: Aye

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

Mrs. Hornung: Thank you.

Mr. Rhodes: Thank you.

Mr. Howard: Alright, that brings us to the Stafford Sports Center, it's RC1100077 which is the reclassification of Stafford Sports Center. We'll hear from Mr. Hess on this.

3. *RC1100077; Reclassification – Stafford Sports Center – A proposed reclassification from A-1, Agricultural Zoning District to B-2, Urban Commercial Zoning District to allow retail, office, and indoor recreational enterprise uses on Assessor's Parcel 20-12, consisting of 23.79 acres. The property is located on the south side of Garrisonville Road approximately 250 feet west of*

*Planning Commission Minutes  
October 5, 2011*

*Parkway Boulevard within the Garrisonville Election District. (Time Limit: December 20, 2011) (Deferred at September 21, 2011 meeting to October 5, 2011)*

Mr. Hess: Thank you Mr. Chairman. As you just mentioned, staff brings back to your attention reclassification RC1100077, reclassification for Stafford Sports Center. As you recall, this is a reclassification for parcel 20-12 consisting of approximately 24 acres. The property is proposed to be rezoned from A-1, Agricultural, to B-2, Urban Commercial, for the purpose of recreational enterprise and other commercial uses on the property. At our last meeting, the public hearing on the 21<sup>st</sup> of September, the Planning Commission requested staff look into some information or rather gather some background information on questions you all had, and there was also some revisions to the previous proffer statement which you received the night of that meeting from the applicant. But going into the requested information, the first question that came up for was, what were the hours of operation on the former athletic club there in Park Ridge? I contacted Landmark Real Estate which is the managing member if you want to call them of the Park Ridge subdivision. They were unable to provide actual hours of operation. The information they gave us was that the entity itself, the athletic club, was a private entity on its own separate from the subdivision. So it served... it could potentially serve residents there in Park Ridge and outside of Park Ridge. The second question was, what was the rental fees for swim lanes for swim clubs using Woodlands pool? Staff did some research, contacted the Department of Parks and Recreation and found out that they charge \$16 per lane per hour to year-round swim teams. The third question was, what was the... or what is the status rather of the YMCA or proposed YMCA at Mountain View Road? Again contacted Department of Parks and Recreation on that one and they were really unclear as far as the status remains unknown right now; there are still talks as far as this occurring but only talks were really maybe a potential change in location for it previously proposed, but nothing really has gone forward. So staff really determined that the... staff remains unknown at this time. The fourth question was, did the school administration division talk with the applicant about cut-through traffic on Wolverine Way? Of course Wolverine Way goes through the North Stafford parking lot. Are there currently calming... traffic calming measures that are to be employed rather? There was conversation between the school administration division and the applicant. They talked... currently Wolverine Way does have speed humps... speed bumps there as traffic calming measures. They did relay to me that or rather staff that they plan or intend on increasing the height of those speed humps and speed bumps in the near future to enforce the traffic calming measures. Then the... let's see, I guess the fifth question or rather research we did on... was the crime report information for the Fredericksburg Fieldhouse in Spotsylvania County. So we contacted the Spotsylvania County Sheriff's Office and they relayed to us that there have been approximately 35 calls of service from January 1, 2010, to September 28, 2011; so just a little over I guess about 12... 10 months rather... excuse me... more than that... a year and about 20 months of data rather or 35 calls in a 20 month span, excuse me. Most of the calls they said were for legal advice, traffic violations, property checks, found property, 911 hang ups, etcetera. They said there were a few specific calls; 3 of them dealt with assault and disturbance, and 3 of them dealt with larceny and then gave a couple examples of what... specific examples were given to me from the deputy that gave this information to staff. And then lastly the applicant has revised or modified the proffer statement; they've added in the requirement of the proposed swimming pool be built within the recreational center. As you will see in attachment 1, that's new language added under proffer 4C that states that, and then of course they... since they revised the GDP which is attachment 2, that was also changed. They changed on the GDP from what you saw at the public hearing, as they took out the two proposed emergency access points that were connected to the subject property and the Park Ridge subdivision. They also added a fence along the site, along Park Ridge property and their property. I believe they're going to make it a opaque or board on board fence and it's going to be eight feet in

*Planning Commission Minutes*  
*October 5, 2011*

height which is the maximum allowed height of fence on B-2 property. And then lastly, there's a third attachment that is a copy of the flyer that was handed out or rather sent out to the citizens there at Park Ridge subdivision. There was a community meeting that was held this past... this previous Monday and the applicant is here to discuss more of what took place at that meeting. And if you have any questions I'm available.

Mr. Howard: Thank you Mr. Hess. Let's see if there's questions of staff. Mr. Fields?

Mr. Fields: Mr. Hess or any other staff member, I still have some very... deal with me a couple seconds, there's a reason for this... I have some very serious questions about this YMCA status because this... the need for swim lanes is one of the compelling reasons of considering of course the creation of the YMCA in North Stafford. The current location, proposed location, of course is the facility next to Mountain View High School. That property was called the Armstrong Tract and it was developed under a public/private partnership agreement where the retirement home was built there and the high school is all part of one deal. Part of that whole public/private partnership agreement and part of the whole package there was that the Board of Supervisors, the County, agreed to lease the land for the YMCA for a dollar a year. The Board also, I didn't support it, but the Board voted also to appropriate over 20 years the four-point-something million dollars that it was going to cost to build the YMCA over the annual appropriation I think of two hundred and some thousand dollars. I don't know that that's continued; it was pointed out at the time, one reason I didn't support it, that you can't actually obligate a future Board for Supervisors for an annual appropriation like that. But, however, the County at that point had made a substantial commitment and I want to know is that land still being offered and available and reserved for the YMCA for a dollar a year? If a private entity wants to come along and build a pool for the use of the citizens of Stafford, and the YMCA isn't going to build in that location, why couldn't the County offer that to them for dollar a year in a location that probably would have less impact to a neighborhood than the current one? So, do you... does anybody in the staff know what the current status of those two aspects are, the lease of the Armstrong Tract land to the YMCA and the appropriation to the YMCA? Anybody?

Mr. Howard: Mr. Harvey, do you know the status on that?

Mr. Harvey: No sir, but we can find that specific information out. As Mr. Hess mentioned I... the only thing I'm aware of is there is no activity actively going on.

Mr. Howard: Right.

Mr. Fields: I mean, and if the YMCA thinks at some future date, they you know... there was a lot of... there were a lot of things done in the public/private partnership agreement and some subsequent actions that all revolved around the eminent creation of that YMCA at that tract. If that does not look possible, before we jump ahead with this I would certainly want to know what some alternative possibilities are. Thank you.

Mr. Apicella: Mr. Chairman?

Mr. Howard: Mr. Apicella?

*Planning Commission Minutes*  
*October 5, 2011*

Mr. Apicella: I just so happen to be on the YMCA Board of Directors. I could tell you that there is certainly an interest in doing something in North Stafford. The problem is that the YMCA is highly leveraged and so there's no plan on the horizon to do something with that parcel at this point in time.

Mr. Fields: Do you still have the lease with the County?

Mr. Apicella: I believe so, yes.

Mr. Fields: And it's like 99 years at a dollar a year or something, isn't that correct?

Mr. Apicella: I don't know.

Mr. Fields: Are the receiving any appropriation from the County or is that ceased?

Mr. Apicella: I don't know the answer to that question.

Mr. Fields: Okay, thanks.

Mr. Howard: Okay, are there any more questions for staff on this item that's before us? Okay, we can hear from the applicant now.

Ms. Karnes: Good evening Planning Commissioners and staff, my name is Debrarae Karnes, Lemming and Healy, and I'm here representing the applicants for the Stafford Sports Center Associates. Let me tell you that staff did a great job summarizes the... summarizing the proffer changes we made that you received in your last handout. I now have the potential to give you still another revised GDP and another set of proffers based on the community meeting. But first I'd like to summarize the community meeting and answer other questions that I've received in the past week. Okay, the community meeting occurred on Monday night and it was attended by... by my count more than 30 people. And I can't tell you as a 20 year experienced planner how great it was to see people come out and discuss matters politely even though some at the end of the night agreed to disagree. And although I hate to try to put myself in the place of summarizing other people's concerns, the group broke into three general levels of opinion. First set of people were either actual supporters of the proposal or were parents of kids who swam or participated in sports and absolutely supported it. There was a second group of folks who pretty much said, next to my house I don't want it, I don't like it. A third group of people, and I guess I'll summarize this one gentleman who said, "Quite frankly I wish it wasn't next to my house but I thank you for sitting down and talking to me. I think it's a better use of the land than residential which is what it's probably going to develop as if this doesn't go through, and I have specific suggestions for you that I'd like to implement." And we took some of the suggestions to heart and that's what we have... or we are planning to make changes to the proffers. The bottom line, the single biggest issue that I heard the neighbors express was that they do not want pedestrian activity through their site. Apparently there's a big... right now kids are walking through their site to get to the schools. They very much liked the proposal that we made last week to erect an eight foot tall fence; they also felt that it had the potential to block noise and light and sound from the property. We spent a lot of time talking about the design of the fence and the landscaping that would be placed in front of the fence. Very specifically... you know, going back to the County code, a fence when it's used as part of a buffer it's supposed to be located the closet position possible to the other community, and the landscaping is then placed between the fence and the property being rezoned. And so in this case, theoretically, the landscaping would be between the fence and the sports center. They were very

*Planning Commission Minutes*  
*October 5, 2011*

interested in having the landscaping located between their property and the fence. They felt it would provide a further buffer, provide a further block of sound and noise and, therefore, we're proposing to change the proffers and the GDP to provide for that. I will note that under the County rules, as I read them, we're going to need an administrative waiver, and I wrote that letter today and I'm turning it in tomorrow requesting it. The second biggest concern we heard was the impact of traffic. And I think there was, you know, some questions asked about the impact on the traffic on Garrisonville Road, but mainly what I heard was a fear that the traffic, particularly when exiting the site, would all, or just proportionately most of it, leave through the Parkway Boulevard exit. And they asked us to explore if we could make that inter-parcel connection serve as an access into the site but not out of the site. And so the very next day I got on the phone with our traffic engineer Mike Workosky and said, Can we do this? And he got back to me saying that he really feared it would disproportionately put an unreasonable amount of traffic onto Garrisonville Road, and he recommended that we not investigate that further. What we are willing to consider is working out a signage program, a directional signage program on the parking lot property to make sure that traffic exits out of the appropriate exit and not out of... onto Parkway Boulevard. That exit, by the way, is really intended to serve local traffic that would be headed... what... south on Parkway Boulevard. Traffic heading out on Garrisonville Road would more properly exit at the Wolverine Way or the main entrance. Lots of other suggestions; suggestions asking us to relocate... turn the building around, asking us to discuss how parking in the parking lot after hours would be handled. In the proffers that we propose to amend tonight, we're proposing the change in the fence. We would also entertain proffering, although I have not yet, a directional sign package. It was... I want to thank... many of them are here I think... some of them are here, if some are listening I truly want to thank everyone, even the ones that came out and said, You're nice people but we don't want you next to us, for all of their assistance and their suggestions. Just to finish up on the concern about parking after hours in the parking lot, the owners have indicated to me that they will be looking into security issues and making sure that the parking lot is not misused after hours. They do not want people parking or otherwise using it after hours just for their own security. Other questions... and feel free to interrupt me at any time... I received some other questions from folks and one question involved the number of employees that would be lightly employed by the recreational enterprise which, you know, is the indoor swimming pool, as well as the sports fields. And my information from the applicant is that there will be approximately 10 to 12 salaried employees, full-time employees, employed by the recreational enterprise and, in addition to that, there will be 18 to 20 part-time hourly employees such as lifeguards. Another question had to do with the sales tax to be generated by the recreational enterprise, and my clients estimate conservatively that once it's fully open the recreational enterprise will generate a least \$300,000 annually in sales tax. And that, of course, will be an addition to the sales tax generated by the commercial uses in front. I guess my question to the Planning Commission is how would you like us to proceed? Would you... I have I believe staff has loaded the revised GDP; I would like to illustrate one additional change we have made to the.... in response to the neighbors' concerns. But would you prefer that I submit a new GDP, a new proffers, for your review or would you prefer to ask me questions or... how would you like?

Mr. Howard: Ms. Karnes why don't we do this. The first question is on the estimation of the \$300,000 in sale tax; that excludes the additional commercial development?

Ms. Karnes: Yes.

*Planning Commission Minutes*  
*October 5, 2011*

Mr. Howard: Okay. Why don't we let you show us the revised GDP and then verbally you can tell us that that last modification you just made, and then we'll bring it back to the Planning Commission as we normally do and see what other questions we have for you this evening.

Ms. Karnes: Okay, computer please?

Mr. Howard: Computer please?

Ms. Karnes: And if we can focus in on the area near the Coldwell Banker property... I am looking up there when I can also see it here.

Mr. Howard: That's it.

Ms. Karnes: The... if you look into the lower middle of the property you see the eight wooden fence labeled there, and that was part of your packet last time. But if you move toward the Coldwell Banker property and Garrisonville Road you will see that we are now proposing the extension of the wooden fence all the way to Parkway Boulevard to give additional protection to those houses on what is I guess the north side of Southampton Court. By the same token, if we then move to the other side of the property, if we move the screen, there was some concern that the wooden fence did not extend to the end of the southern side of the property adjacent to... if we keep going south... keep going south.... the computer moves slower than my mind... keep going south... so all the way you're going to see the fence and the eight foot fence and the landscape buffer... all the way to Kimberly Drive. If we keep going and show Kimberly Drive and the houses there you will see... keep going... there you are... the fence now makes a right-hand turn up to the property boundary. There is a nearby fence on someone else's property that it could connect to if we got permission but that would, at that point, totally fence the property and keep pedestrians or other folks that have no business there out of the property and allow the school children to use the pedestrian pass that we've previously proposed. There is one other thing, Mr. Chairman, that I forgot to answer. There was another question posed about the status of the School Board's review of the Wolverine Way inter-parcel connection. We have negotiated... we have drafted an agreement with the School Board; the staff... the School Board's staff has review it and has scheduled it for one of the next School Board meetings. It's not clear to me if it's going to be in October or November for the School Board to... we trust to endorse the agreement. And the agreement basically contains all of the terms that we've discussed here, the use of the swimming pool by Stafford County swim teams, the school swim teams for six years, the reciprocal use of overflow parking, the reduction of the buffer on the school side, and we were quite happy to work with the school and look forward to bringing that to finalization. And I think that's all I can address.

Mr. Howard: Okay Ms. Karnes. I'll bring it back to the Planning Commission to see if there are additional questions of the applicant. Mr. Hirons?

Mr. Hirons: Ms. Karnes, the extension of the fence on the north side... you don't have to go all the way back there...

Ms. Karnes: Okay.

Mr. Hirons: ... that goes to, pretty close to Park Ridge Boulevard, was that done at the request of the citizens at this meeting or the discussion of it?

*Planning Commission Minutes  
October 5, 2011*

Ms. Karnes: It came about through the discussion, yes.

Mr. Hirons: Okay. How is that going to be... is that going to be landscaped... that little extension, is that going to be landscaped the same way as the remainder?

Ms. Karnes: Exactly, yes.

Mr. Hirons: It looks like it gets close to...

Ms. Karnes: It does get close, but there is room to do that, yes.

Mr. Hirons: Okay. And will there be any landscaping... now I know the request from the citizens was pretty much landscape on our side of the fence, but for that section will there be any landscaping along that access road?

Ms. Karnes: On the Coldwell Banker's side of the fence?

Mr. Hirons: Yes.

Ms. Karnes: Let's see, I'm being told yes.

Mr. Hirons: Okay. Great, thanks.

Mr. Howard: Any other questions for the applicant? Mr. Fields?

Mr. Fields: Ms. Karnes, a couple questions regarding the... again, regarding the... I don't want to keep harping on this YMCA issue but if the YMCA were to build out... build their pool as well, how would that impact the viability of this pool? I mean right now I can understand you're filling a market that has... is completely wide open, the need for swim lands in North Stafford. But if the YMCA pool at the Mountain View tract were to come into existence, is the demand so high that this would simply add availability or would this severely... because the Y... one of the problems... you know one of the advantages depending on how you look at it or problems with the YMCA is because they're not private, non-profit of course they receive a substantial tax benefit to provide the same product that the private sector provides without that tax benefit. So, if that were to occur, that doesn't impact your business model or your plans at all?

Ms. Karnes: I think there is such a deficiency of available swimming pools in the area that the impact would be to increase healthy competition for businesses and I do... I believe their model as indicated to me will still work.

Mr. Fields: Can you point to any... are there similar facilities anywhere in the Washington area that are up and running... that are like this privately swim... private swim... indoor swim facilities?

Ms. Karnes: The owners have visited several locations across the state, and they believe there is a market. The interesting thing here is that it's a combination swimming pool and sports facility which gives a little bit of diversity and both are really, really needed.

*Planning Commission Minutes*  
*October 5, 2011*

Mr. Fields: Can you point to another pool facility in the Washington Metro area that is similar in nature?

Ms. Karnes: That's privately operated?

Mr. Fields: Privately operated.

(Inaudible from audience.)

Ms. Karnes: And that name is?

(Inaudible from audience.)

Ms. Karnes: Okay I'm being told Sonova Aquatic Center in Richmond.

Mr. Fields: Okay.

Ms. Karnes: That doesn't fully get to your question but I think it... yeah.

Mr. Fields: Okay, thank you.

Mr. Howard: Any additional question for the applicant? Mr. Apicella?

Mrs. Hazard: Yes, just one.

Mr. Howard: Oh Mrs. Hazard, I'm sorry.

Mrs. Hazard: Just for point of clarification and I know that you touched on this, about the trails, what was the comment...what were the comments that were raised? In proffer 10 when you talk about the trails is those... are those pedestrian trails the ones that were in question or that you received a comments from the public?

Ms. Karnes: The primary concern with the public, based on two plans ago, were pedestrian trails that were running perpendicular from the sports facility through the buffer into the Park Ridge. They had started out just as trails and then the Fire Marshall saw them and said, Well, if you're going to have pedestrian access why don't you widen it a little bit for emergency vehicle access? Apparently children are now cutting through the development anyway to get to especially Park Ridge. They did not want anything that encouraged or opened that up. So that was their focus; they were happy to see, if I can speak for them... I am a little uncomfortable doing that... but it was my impression that they believed... they liked the trails that we're putting in because they were off of the residential area and the fence would keep the people on those trails out of the residential area.

Mrs. Hazard: The ones that are noted on here, the eight foot wide, it that... because some of that appears to be off property; who will be responsible for those... for the upkeep of those trails? If I'm looking correctly.

Ms. Karnes: It's... okay, it's up to the applicant to build it to the school standards and then it will be turned over to the schools.

*Planning Commission Minutes*  
*October 5, 2011*

Mrs. Hazard: Is that something that the school is also... they're aware of that I assume.

Ms. Karnes: Not only are they aware of that but they requested it to begin with.

Mrs. Hazard: If we're going to continue to... we may just want to clarify that the maintenance of those would be... just as a thought going forward so there's no... just a thought.

Ms. Karnes: Okay.

Mr. Howard: Mr. Apicella?

Mr. Apicella: You mentioned the recreational enterprise and its potential job increase and sales tax revenue, I know it's speculative but do you have a sense or a range of the number of jobs and tax revenue that might occur as a result of the commercial... the other commercial aspects of the project?

Ms. Karnes: It all depends on exactly what uses are built and so I would tell you, if I had to calculate it speculatively, I would use the same standard that I've used when doing demographics for the County, which would be assuming one employee per every 300 square feet of retail, and one employee for every 450 square feet of retail. So 300 square feet office, 450 square for employee for retail.

Mr. Apicella: And just again my math skills are deficient, could you help me understand what that might...

Ms. Karnes: I would have to get my calculator out and run that, and I can if you would just give me a minute or I'll turn around and ask Rob to. We're talking 24 a maximum of what... 24,000 square feet to start?

Mr. Apicella: It's more than that though, at build-out.

Ms. Karnes: At build-out, yes.

Mr. Apicella: So that's what I would be interested in... at build-out what would that be?

Ms. Karnes: Okay.

Mr. Apicella: So in the interim while they're trying to figure that information out, can you give me just for some perspective the building, the rec center... that's what I'll call it for now... is I think planned to be 55 feet tall? Is that correct?

Ms. Karnes: Yes.

Mr. Apicella: Can you give me a...

Ms. Karnes: Maximum

Mr. Apicella: Can you give me a building on 610 that's of comparable size just to help me understand what that might look like? It doesn't have to be exact.

*Planning Commission Minutes*  
*October 5, 2011*

Ms. Karnes: I don't... I can't quote you an exactly 55 foot building on 610.

Mr. Apicella: I understand.

Ms. Karnes: I would wonder whether the office building located, what, a block behind the Giant, which is, I believe 3 or 4 floors... it reaches that height.

Mr. Apicella: So maybe Lowe's, or that medical center behind Lowe's?

Ms. Karnes: The medical center is what I'm thinking of and my engineer is telling me that we're... at build-out we're looking at another 130 to 200 jobs generated by the commercial which would be both the retail and the office.

Mr. Apicella: Okay. I want to ask you a couple questions about ingress and egress from the parcel. I think I read that the main entryway and exit would be off of Garrisonville Road; that would be a right turn only.

Ms. Karnes: Yes.

Mr. Apicella: So, if you're inside the parking lot and you have to go west but you really... I'm sorry, you have to go east but you really want to go west, would you typically do?

Ms. Karnes: If I want to... if I want to go west?

Mr. Apicella: You make a right turn off onto 610, but you... and you can't make a left turn, where would you go to go left?

Mr. Rhodes: Wolverine.

Ms. Karnes: If I was trying to get back to Route 1 do you mean?

Mr. Apicella: Not Route 1, 610. You want to go left on... or west on 610.

Ms. Karnes: Okay, I would head out the Wolverine Way exit, which has a stop light.

Mr. Apicella: Okay, alright. You all indicated that the project was reviewed by VDOT and one of the proposed measures to mitigate congestion early on is to do phasing of the project.

Ms. Karnes: Yes.

Mr. Apicella: The commercial development would be, I think you said...what was it, 29,000... 39,000?

Ms. Karnes: Twenty-four thousand?

Mr. Apicella: Okay. But VDOT's report indicated that there would still likely be congestion irrespective of the development phasing. What do you have to say about that?

*Planning Commission Minutes  
October 5, 2011*

Ms. Karnes: I have two sentences and then if you want more detail I'm going to bring the engineer up.

Mr. Apicella: Okay.

Ms. Karnes: What I understand VDOT to say it that as proposed, our traffic mitigation improvements and other measures resolve the impact of our traffic. By 2021 I believe, VDOT says there will be congestion on Garrisonville Road if it's not improved to six lanes, with or without our project. The Comprehensive Plan chapter basically indicates... expects an applicant to mitigate the impacts of the traffic it causes and we've done that. And I'll be glad to bring up the traffic engineer to give you as much detail as you care to listen to on that.

Mr. Apicella: Okay, I'd like to hear that.

Ms. Karnes: Okay.

Mr. Howard: What's the question, Mr. Apicella, specifically for the engineer? You can come up sir.

Mr. Apicella: Again, just more specifically from somebody's technical expert how the traffic flow would not be severe enough to cause congestion on 610.

Mr. Workosky: Yes sir, my name's Mike Workosky; I'm with Walls and Associates. Again Debrae characterized our analysis and our mitigation measures. We're proposing widening on Wolverine Way, as well as Parkway Boulevard and what that does is it reduces the overall delay that's caused by the additional traffic that's generated by the site. So, she did characterize the VDOT comments correctly; they agreed that our mitigation measures do mitigate our site generated traffic but that by 2021 if we're in a situation where Garrisonville Road is still two lanes, just the continuous growth and through traffic begins to push those intersections to their capacity limit.

Mr. Apicella: And how would those inter-parcel connections impact the people how are either at the high school or in Park Ridge subdivision?

Mr. Workosky: Well on the... on the east side on Parkway Boulevard one of the comments that we received was should that be inbound only. In other words, traveling northbound on Parkway Boulevard, turning left into the development and then traveling... and not being able to go eastbound and turn right to come out. Both that connection and the connection on the Wolverine Way side I think are both essential for how this parcel will work. The idea of the inter-parcel connections is to disperse that traffic onto Garrisonville Road and give people options to come in and out and not have to get on Garrisonville Road to do so. And so that local traffic from the south and east could use that Parkway entrance. There is a left turn lane proposed there that's shown on the GDP to be provided so that those movements could be made safely. That movement operates at an acceptable level of service so we're not going to have a capacity issue there. And allow right turns back out so that that traffic would not have to go up to Garrisonville Road, get into the through traffic and then travel to Parkway Boulevard, that is a key intersection and I think those inter-parcel access points really help out the way this site will function. It gives other options for traffic to get in and out of the site.

Mr. Apicella: I understand what you're saying, but again my concern is how will it impact... how will that increased traffic load impact the high school and the neighbors off of Parkway Boulevard?

*Planning Commission Minutes*  
*October 5, 2011*

Mr. Workosky: Well, it certainly will impact the high school, but primarily in the morning peak hour when the site itself generates fewer trips. In the evening when the site generates more trips and you have more events and those kinds of things, the school is in operation and that traffic never makes it the whole way into the school property if you will, it just makes it to the entrance that comes into the site. So, and also providing the additional lanes and such on Wolverine Way, that'll help the cue and reduce the overall delay at the intersection.

Ms. Karnes: Does it make sense to explain the traffic improvements that we're committing to make, the additional lanes?

Mr. Workosky: Yeah, in addition to the right in/right out, which would be between Wolverine Way and Parkway Boulevard, there'll be an eastbound right turn lane there so that traffic will be able to get out the through lanes to turn in comfortably to come into the site. Then on westbound, the left turn lane that currently serves the high school at Wolverine Way, that'll be extended further to the east so that the storage length would be maximized. That lane is roughly in the 300 foot range today I believe; we're going to extend it beyond 700. Or, in other words, taking advantage of what's out there, what's available, thinking that if we are going to have to modify the median we should maximize it and do it all at once. And then in addition to that the lane improvements on Wolverine Way itself, providing additional lanes there for traffic coming out of the school, going northbound, and then over on Parkway Boulevard a similar improvement there that would provide another lane for northbound traffic in that direction too. And I would also mention that westbound left from Garrisonville to Parkway Boulevard, there's a piece of the median that's to the east that sort of limits the access to that left turn lane; that would be removed as well so that that left turn lane is longer, so there are not storage issues there and any blocking of any of the through traffic on Garrisonville Road. So that's sort of the short version of the traffic improvements.

Mr. Apicella: Okay, thank you. I got a couple more question for Ms. Karnes.

Mr. Workosky: Thank you

Ms. Karnes: Thank you.

Mr. Apicella: As a newbie to this Commission, I don't know if you actually get a copy of the staff report... do they?

Mr. Howard: Yes they do.

Mr. Apicella: Okay. So, on one of the pages it list positives and negatives as well as a recommendation. And I just want to be sure whether some of these recommendations were or were not addressed and then if there's some willingness on the part of the applicant to reconsider if they've chosen not to offer these potential proffers. It says under B-2 zoning, certain uses conflict with nearby residents such as night clubs, vehicle fuel sales, motor vehicle sales, automobile repair, auto service. How did you all deal with that in the latest proffer?

Ms. Karnes: The last proffers? We took them all out.

Mr. Apicella: Okay great.

*Planning Commission Minutes  
October 5, 2011*

Ms. Karnes: So we took it... we resolved that one.

Mr. Apicella: The other big one I see here is that the project doesn't meet the open space ratio for suburban areas?

Ms. Karnes: It does not meet the Comprehensive Plan guidelines, that's correct.

Mr. Apicella: So is there some willingness on the part of the applicant to reconsider?

Ms. Karnes: There is no way we can meet those guidelines. I'm a big believer in the Comprehensive Plan and it's there to ensure compatibility with the adjoining residential neighborhood, but it's a suggestion. We believe by putting in the fence, by making sure the landscaping is on the residential side, we're choosing other ways to mitigate that impact.

Mr. Apicella: Okay, thank you.

Mr. Howard: Mr. Hirons?

Mr. Hirons: This has been marketed to us and to the County and our decision is heavily based on this project is filling a need; in particular, a swim need. Does the...do the owners plan on having a swim team of their own a part of the facility? Where I'm going with this is I deal with a facility in Richmond; it's a baseball facility, that...I don't know the history of it... but I could assume that they probably, when they got approval and such, said well, if we're going to fill a need, to have the ability to have baseball batting cages available to teams for when they're training, but in the meantime they also created their own internal teams, their house teams. They have first access to it and at this point they've grown so large that no other outside team... you know, it's not even useful to them to offer rental because you can't get in, there's no access time. So, in that light, I just want to make sure that as I'm making my discussion that this is actually filling a need in the County, that they're not just saying yeah we're filling a need but oh yeah we're going to... we're not going to have that access to the swimming pool that we expect because they're going to have private teams of their own in the facility.

Ms. Karnes: Kind of like a team that they sponsor themselves?

Mr. Hirons: A house team, right.

Ms. Karnes: Let me ask the developers.

(Inaudible from audience.)

Mr. Hirons: Okay.

Ms. Karnes: And just to repeat that on microphone, the owners are telling me that they plan to service the existing swim teams in the County; the private teams as well as how we previously talked about providing service to the public schools. They won't have their own in house teams so to speak.

Mr. Howard: Well, I would qualify that and caution the applicant because, you know, if you look at the Fredericksburg Fieldhouse, they do run their own leagues during certain times of the year and I'm sure they could ultimately run some type of a swimming league that they would host and sponsor and

*Planning Commission Minutes*  
*October 5, 2011*

encourage others to come in and leverage so I think, you know... I think it's... I'm not questioning the business model, you know, I understand what Mr. Hirons is asking. I would just caution that as an answer because I'm not sure... I'm not sure you'll know 5 years from now if that in fact will be the case.

Ms. Karnes: And that's a point well taken.

Mr. Howard: Yeah.

Mr. Hirons: Yeah, I wouldn't go as far as asking to even try to shove that into some sort of proffer, I'm not asking that, I'm just asking out of good faith. If I'm making my discussion... you know, that's going to leave an impact to some homeowners and some residents of the County that true that they're satisfying a demand that we actually have so you know... where are the scales and you know if they're going to have a private team and, well we're not going to really have lanes available all the time... the scale's going to dip so... thank you.

Mr. Howard: Any other questions for the applicant?

Mr. Rhodes: Yes Mr. Chairman.

Mr. Howard: Mr. Rhodes?

Mr. Rhodes: I did recall one thing and I don't think that we highlighted it as we left last time but as I understood, Ms. Karnes, you all have... you have a proposal with the school staff to try and go before their board or you are preparing one? What is the status?

Ms. Karnes: The proposal is prepared. It's my understanding that school staff has written their report and turned it in to be on whatever is the next agenda in the schedule, and I'm not sure if that's October or November.

Mr. Rhodes: Do you know if it addresses the security gate on Wolverine Way as you enter because where widening will be which I think will be very helpful, the queuing up there on 610 for the students in the morning having further area for them to get off the main lanes is going to be great for that left-hand turn because they go way out into traffic. And on afternoons the one at Parkway Boulevard extending that left turn lane is going to be great because everybody's wandering out into traffic in the rush hour. But that fence certainly is going to have to be moved back because right now it's further up where they have security fence and the way I read these drawings you will be going further up to get your inter-parcel connector and its make sense but they'll need to have to place that further back on behalf of the schools. I just wasn't sure if that was addressed in there.

Ms. Karnes: Relocation of that security fence is not addressed. What is addressed is that we're giving the schools the right to review and comment on the exact design of the inter-parcel connection subject to VDOT regulations, County regulations, and the proffers. And there's even a provision that say's we will not unreasonably withhold consent to any reasonable input they give us.

Mr. Rhodes: Okay. If as in the process... it's clear you're trying to accommodate all the requirements and issues; I don't doubt it from everything you're trying to do here. So the degree to which you can

*Planning Commission Minutes*  
*October 5, 2011*

address that, that's going to have to be relocated anyways. I think I'd go ahead and do it if that opportunity presents itself. I'm confident you'll incorporate that comment but...

(Inaudible from audience.)

Ms. Karnes: Why don't we stand up and tell them that. Rob is telling us... and this is the owner... that he shows the relocated fence on the GDP.

Mr. Williams: It's depicted, it's not specifically labeled...

Mr. Rhodes: It's the small black line there right next to the Y in Wolverine Way?

Mr. Williams: There's a line that crosses just beyond... yes sir.

Mr. Rhodes: Okay, I was wondering if that was it... awesome.

Mr. Williams: There's a hatch in it and that was anticipated that the school would want security.

Mr. Rhodes: Yeah, okay, great. Alright. Thank you Mr. Chairman.

Mr. Howard: Thank you Mr. Rhodes. Ms. Karnes, just a question on the agreement with the school there was also discussion at the last meeting, as it relates to parking.

Ms. Karnes: Mm-hmm.

Mr. Howard: Shared parking? Is that still a desire of the applicant?

Ms. Karnes: Yes.

Mr. Howard: And have you discussed whether this facility itself... I recognize the other retail is different in my mind anyway... but the use of this facility, because of the potential agreement of shared parking, and I brought up the sale of alcohol...

Ms. Karnes: You did.

Mr. Howard: And has that been further discussed or...?

Ms. Karnes: I have discussed it further with the applicant. First off all they tell me there's never been any intention to sell alcohol within the pool facility; that would be absolutely unsafe. They would like to reserve the option to sell alcohol... and by alcohol I mean beer... within the sports field area. But we're certainly willing to work with you guys.

Mr. Howard: Right. No, I understand but my concern is if...because of the shared parking if there wasn't shared parking then it's a business operating their own business on their own property. But when you start to share property and agree to utilize parking spaces on a public school property, you know, it makes me think twice about that. So definitely I would like to have more discussion about that if we can. Any other questions? Okay. Thank you very much. I'll bring this back to the Planning Commission for discussion; Mr. Rhodes, this is in the Garrisonville district.

*Planning Commission Minutes*  
*October 5, 2011*

Mr. Rhodes: Yes Mr. Chairman, I would like to take a moment to try and recap a few of the items I think we still have to be addressed or that we asked for, or just kind of left open just to make sure we've captured them all. And if anybody has something different, I'd just like to make sure we've captured those pieces there. I do understand that you're trying to be responsive to the homeowners. I think those seem to be positive modifications where they're moving on the GDP the side of the fence and putting the buffer land on the other side that will be maintained on the other side facing the homeowners, that they'll need an admin waiver. Mr. Harvey, is that something that goes into you or it that something is forwarded to us? How does that work?

Mr. Harvey: Mr. Chairman, Mr. Rhodes, it depends on the extent of the exception they're requiring. Certain administrative exceptions can be granted by myself.

Mr. Rhodes: Okay.

Mr. Harvey: Others may have to go to the Planning Commission if they cannot meet the required number of plant units.

Mr. Rhodes: Is that something... I'm sorry, is that something that needs to be addressed before we act or...?

Mr. Harvey: Normally that's something that's addressed at a site plan.

Mr. Rhodes: Gotcha.

Mr. Harvey: But we could address it after the zoning has taken place because the current zoning would not require necessarily the same buffer standards as being proposed with this application.

Mr. Rhodes: I see, thank you. And there was the comment of a few modifications associated with that to the proffer, the final version that incorporates that. And then there was the action by the School Board; I would ask, Mr. Chairman, if we could try and engage the School Board to get a sense of when they may be able to act on that so we'll have that information to inform us on our...

Mr. Howard: I think that's a good request. Mr. Harvey, do you know if in fact the School Board has received the information from the applicant?

Mr. Harvey: Mr. Chairman, I personally do not know, but we will find out.

Mr. Howard: Right, if we could find out and then understand when they plan to take action on it that would be helpful.

Mr. Rhodes: Mr. Chairman, in light of that, I think the applicant is... I mean, there are residents here, they're wanting to see good things here, I think it's going to meet a need. Certainly we want to be sensitive to the homes that are next door and I think they are working in great faith to accomplish that. It is a developable property. It's going to be developed at some time so I want to see it developed in the best manner for the County and this is certainly a positive manner. We do have a couple more items here; we need to finalize the proffer statement, get the information on the School Board. We won't necessarily... I don't think we'll be held hostage to it but we certainly want to try and

*Planning Commission Minutes*  
*October 5, 2011*

incorporate that to the best we can with the time limits that we have. In light of that Mr. Chairman, I'd like to recommend deferral to the next session until we can get an update and see where we act on this.

Mr. Howard: Motion to defer by Mr. Rhodes; is there a second?

Mr. Fields: Second.

Mr. Howard: Second by Mr. Fields. Any further discussion?

Mr. Fields: If I could Mr. Chairman... Mr. Rhodes, are you... are you through?

Mr. Rhodes: Yes.

Mr. Fields: I just... I don't want to harp but I would like an answer to the question of whether the County is still appropriating or has the appropriation to the YMCA in its budget. I think Mr. Apicella has answered the question about the lease.

Mr. Howard: Mrs. Hazard, any discussion? Mr. Apicella? Mr. Hirons? Just to echo Mr. Rhodes' thoughts, I think it's a good project; I support it. I'm not sure that the Planning Commission... the Planning Commission should be making decisions about land use decisions in the County and whether or not it's the right use of the land and are those zoning ordinances being followed and/or met and, if not, what have we done in the past and what can we do today to make the right adjustments in order to make the property useful to the County. You know in terms there's been a lot of discussion over the last couple of meetings about the business model and other things and while we have a right to ask those questions, those answers don't necessarily sway how we may vote or not vote, because at the end of the day we're trying to make a land use decision, not criticizing or examining someone else's business plan or marketing plan for a particular property. That's probably one of the good things about living in the United States of America, you can operate a business and if you're successful that's great and if you're not that may not feel so good but that's on you as well. You know my concern as I indicated because of the shared parking with the school, I'm struggling with the soccer facility, with the indoor complex having alcohol, the other commercial businesses are different in my opinion because they're not using... they're not getting access to public property... school property in fact so that to me you know is an issue. But overall I think it's a good project. I think the pools are sorely needed. As you travel through the other HOA's throughout Stafford, you see everyone has their own little swim team and they compete during the summer and then what happens in the winter, everyone tries to use the Woodlands pools and they can't, or they go to Quantico because there's a pool there that can be utilized. But there's really not enough pools; there could probably be two or three Olympic size swimming pools with 16 lanes or whatever the requirement is and I'm sure they would all do very well. So I'll support the motion but I just wanted to get those comments out there. So I'll call of the vote. All those in favor of the motion of deferring the reclassification of the Stafford Sports Center to October 19<sup>th</sup> signify by saying aye.

Mr. Fields: Aye

Mr. Hazard: Aye

Mr. Rhodes: Aye

*Planning Commission Minutes  
October 5, 2011*

Mr. Apicella: Aye

Mr. Hirons: Aye

Mr. Howard: Aye. Opposed nay? The motion carries 6 to 0. Thank you very much. That's going to bring us to the new item 7 which is the Zoning Ordinance Amendment, Recycling Definition. While the room clears out before we get to that, I didn't have a chance to explain my no vote earlier today about the Telecom Tower. For the sake of time I wanted to make sure we got to the 7:30 mark as quickly as we could. But just for the explanation of the no, in case it's ever asked in the future, I think if there's a problem with the zoning ordinance or the ordinance that requires us to notify you know abutting property owners we should fix that. To determine by drawing a circle on a map that these people should be notified because I think so, I think it's very dangerous and to me sets the wrong precedence; so that's why I voted the way I did. I'm always in favor of informing the public, but I think in this particular case the way we went about it, in my opinion, I couldn't support it. So that's why I voted that way. Now we're up to item number...the new item 7 which is the Zoning Ordinance Amendment Recycling Definition and I believe that's Mrs. Hornung.

*6. Zoning Ordinance Amendment; Recycling Definition (Time Limit: January 19, 2011)  
(Deferred at September 7, 2011 meeting to October 5, 2011)*

Mrs. Hornung: Thank you Mr. Chairman, members of the Commission. At the last meeting I brought to you the amendment to the Zoning Ordinance to amend the recycling definition. And the question that was raised was regarding the revenues and recycling in the County landfill. And the information that I received from Mr. Andrew Mikel who is the Superintended of the landfill which the landfill is owned by the R Board which comprises Stafford County and the City Fredericksburg, and the information that he relayed to me was that only 10% of the revenues at the landfill comprise recycling materials. And what that actually equates to, the revenues in 2010 were \$339,000, the revenues in 20... this is FY, Fiscal Year... 2011 was \$333,000. For the FY2011 the total revenue was 3.283 million so about 10... a little bit more than 10%... about 10.1% is the \$333,000 that was received from recyclable materials. Some of the questions were if the definition was amended to encourage additional facilities to operate as a recycling facility, that would be in line not only with the ordinances but also with the Regional Solid Waste Management Plan which requires regional cooperation for recyclable materials.

Mr. Howard: Can you... Mrs. Hornung, can you just clarify that again? So if... we wouldn't need to be going through this if they reclassified the title, is that what you just said? I didn't understand what you said, I'm sorry.

Mrs. Hornung: Oh, what I was saying was that if an operation was conducting recycling in the County, that is allowed because we already have facilities operating in the County conducting recycling which they not only take to their site... and the one facility was Northern Virginia Metal that operates in the County, they're a recycling facility and so they're conducting...

Mr. Howard: They also transport, don't they?

Mrs. Hornung: Right, but...

*Planning Commission Minutes  
October 5, 2011*

Mr. Howard: So what's the difference... then I'm really not understanding the difference then between them.

Mrs. Hornung: Transporting the recyclable materials within the County to a facility is allowed, but once you, the way the definition is written in the solid waste ordinance, once you transport the solid waste/rubbish/trash/garbage, you become a hauler and you're required to take those materials to the landfill.

Mr. Howard: So the issue is they're transporting more than just recycling material?

Mrs. Hornung: Right; from the DEQ permit, by rule that was received by the county, the information in there.

Mr. Howard: Okay.

Mrs. Hornung: But as long as it's classified as presorted recyclable materials, they would be able to recycle those materials as long as they're brought to their facility.

Mr. Harvey: So Mr. Chairman, we have a situation where our zoning ordinance doesn't clearly reflect that any of these recycling facilities have to be in compliance with the solid waste plan; that's where we have potential conflict. That's what staff was bringing forward to the Commission and would hope that we could harmonize the zoning ordinance definition with the solid waste ordinance.

Mr. Howard: Right, which we would like to. I think we would like to but the other question was what are the unintended consequences to the current landfill and would we be interfering with that operation either from a financial perspective or some other element that we hadn't considered.

Mrs. Hornung: From the information I received for recyclable materials, since it's only 10% of the revenue, it's not that much. But if another facility or an operation decided to come into the County and conduct its solid waste material operation, they would be competitive with the County and they could I think he said bargain for the tipping fees and that could be negligible... I mean that could be affecting the revenues for the landfill because the most 90% of their operation is solid waste. So if another facility came in to conduct solid waste operations, they would be competitive or be in competition with the landfill that it would eventually hurt the landfill operations.

Mr. Howard: Hurt it from the perspective of revenue coming in or because now there's a lower provider... lower cost provider?

Mrs. Hornung: Well, if somebody were to do that, come in and they were to compete for the tipping fees, they could have lower costs and then the land fill wouldn't...

Mr. Howard: Lower revenue coming into the landfill.

Mrs. Hornung: Correct.

Mr. Howard: I got it.

*Planning Commission Minutes*  
*October 5, 2011*

Mrs. Hornung: But then in the same sense the County residents can go to the landfill for free to dispose of their trash...

Mr. Howard: Many do today.

Mrs. Hornung: ... and another facility might charge.

Mr. Howard: Sure. Mr. Fields, you have a question?

Mr. Fields: So, well, wouldn't other recycling facilities also cut into that 10% possibly?

Mrs. Hornung: Possibly, yes.

Mr. Fields: Right. Well that's... then you are cutting into the operating ability. I mean a landfill does well; it's been a real success story for the region. But it's not... it takes a lot of... and I served on the R Board... it was one of the things I really enjoyed most about being a Supervisor because it's one of the things on this region that just works extraordinarily well and we're very lucky to have it. When you... well one of the things we're very lucky to have and we're so lucky that it's become something over the years... it wasn't even that way when I first got on the Board in 2000... we're very lucky to have a landfill we can use for free. I mean *very* lucky to have a landfill we can use for free. That's not a very common phenomenon because the cost of operating landfill is quite often not recovered. We've discovered a formula between all the things that the landfill... that they do at the landfill, the recycling, the tipping fees, the commercial construction materials recycling, there's all these things, we over the years, particularly during when a lot of the housing was at its boom, we had to restrict and limit commercial construction debris because it was filling the landfill up too fast for our business model so that the tipping fees would always pay for building the new cells and the recycling would continue. And the business model is dependent on all these things working in concert. I would be very... I'm very leery right now of messing with something that's working extremely well for the County... for the citizens of the County particularly... plus environmentally, of course, and just convenience-wise. So even if you cut it... even though it's only 10%, if you cut into it, you're cutting into the revenue of the R Board. If the revenue of R Board dips below a certain point for tipping fees, either the citizens have to pay to use the landfill or the County has to come up with a way of subsidizing it from general fund tax dollars. So the consequence is...

Mr. Howard: It could be or it could extend the life of the cells, too, so there's...

Mr. Fields: Absolutely... you're absolutely correct. Well, the recycling doesn't really, since that's not going into the cells, the recycling....

Mr. Howard: Well, the solid waste is the issue. So, the issue is we actually have a definition for recycling centers and we don't have, in the ordinance we don't have it worded appropriately or correctly in the solid waste ordinance for a waste transfer station I guess. Is that... is that... I paraphrasing what you said but is that close enough? Yes?

Mr. Harvey: I think what staff would recommend is we specify in a definition recycling facility that we... that they are permitted pursuant to the solid waste ordinance at that caveat in there so...

Mr. Howard: And not address the solid waste ordinance or waste transfer station?

*Planning Commission Minutes*  
*October 5, 2011*

Mr. Harvey: Correct, because that's already regulated through the solid waste ordinance in that solid waste ordinance requires any trash hauler must deposit their materials at the landfill.

Mr. Howard: Okay. So... and they would pay a fee for that anyway, right?

Mr. Harvey: Yes.

Mr. Howard: So, we could end up generating additional fees. Go ahead Mrs. Hazard.

Mrs. Hazard: I was just going to mention that I believe last night the R Board gave to the Board of Supervisors their annual report and I think it was like a few slides. But I... if... as we move forward with that I don't think it would be too difficult but it would be nice to actually get a copy of that.

Mr. Howard: Yeah.

Mrs. Hazard: I only saw part if it but they did present I believe last night at the Board of Supervisors meeting. It was an interesting discussion; it would have been... it might be nice for us to just review that.

Mr. Howard: Sounds like you're volunteering to be on this committee... that will be potentially be formed. Mr. Apicella?

Mr. Apicella: If I... I appreciate what everyone has said, but if I understand the intent of adding this language or modifying the definition, the intent is to essentially create a public utility with a monopoly of service for the County. Is that ultimately the goal?

Mr. Howard: No.

Mr. Apicella: No.

Mrs. Hornung: No its...

Mr. Howard: It's the opposite of that. There's a business that was operating... there's some history with this when the Zoning Administrator I guess rendered an opinion and I guess subsequently the state got involved. Mr. Harvey, do you want to give Mr. Apicella a quick update or Mrs. Hornung can? No?

Mr. Harvey: Certainly. Do you want to go or would you like me?

Mrs. Hornung: I'll provide some information and then you can...

Mr. Howard: Fill in the blanks.

Mrs. Hornung: ... fill in the blanks, yes sir. What happened was when a particular facility came in for their permits from the state, there is a local government form... when I was with DEQ at one time they called it LGOF, Local Government Ordinance Form I think or something of that nature that the local government had to sign off on it stating that that operation or that company conducting operations in the County were in compliance with all codes and ordinances. Then when that permit by rule was

*Planning Commission Minutes*  
*October 5, 2011*

submitted to the County, the then Zoning Administrator read that in detail and it added additional items that this particular company could operate under which not only included recyclable materials but then solid waste. Well, by looking at that, then that company was in conflict with our solid waste ordinance because if you are a hauler in the County you can only haul to the landfill. And not another company or agency could operate to pick up solid waste and conduct solid operations... solid waste operations at their facility. So in that the approval from the Zoning Administrator was rescinded. And through that this definition was proposed to be modified; instead of calling it a recycling center, which could be any number of materials including trash, it was revised to replace center with facilities and add presorted waste so that it would be recyclable materials only that would be processed or that operation would be at that site. So it wouldn't be in competition with the landfill for solid waste, refuse, garbage, that type of thing.

Mr. Howard: Well, Mr. Apicella's question was limiting, would we want to create a monopoly so the County can only do it? Which I think was his perspective listening to what we were talking about, but at the end of the day...what we may do is accomplish something different which could create some competition.

Mr. Apicella: Yeah, but the monopoly is that the trash ultimately has to be sent to the landfill.

Mrs. Hornung: That is correct.

Mr. Apicella: So... and only Stafford County's landfill? It can't be sent to another landfill in the regional area?

Mrs. Hornung: Well, if somebody takes it out of the County, yes.

Mr. Apicella: Okay.

Mrs. Hornung: But only within the County can the trash/solid waste/refuge be taken to the Stafford County Landfill.

Mr. Apicella: Gotcha.

Mr. Howard: Which I think is a typical method of operating for most jurisdictions because you...

Mrs. Hornung: That's correct.

Mr. Rhodes: This does not perpetuate that; this allows the recycling operation to operate independently, separately.

Mr. Howard: Correct. You want to control what people are... from a solid waste perspective (inaudible).

Mr. Harvey: Mr. Chairman, with reference back to the solid waste ordinance, therefore we would get the concurrence of the facilities manager at the R Board to verify that what's being proposed is not in conflict with the solid waste plan.

Mr. Howard: Okay. Mr. Hirons?

*Planning Commission Minutes*  
*October 5, 2011*

Mr. Hirons: I believe it's DEQ has a mandate on localities that all waste, 25% of it should be recycled. For these private facilities do we get credit for the recycled materials taken to them?

Mrs. Hornung: I believe so. When I was talking with Mr. Mikel, he was saying that having recyclable facilities in the County is also in compliance with the Regional Solid Waste Management Plan... right, Regional Solid Waste Management Plan, which has a component in there discussing recyclable materials.

Mr. Howard: One of the things I believe we asked for more time... and I think we were given more time till the 19<sup>th</sup>?

Mrs. Hornung: Yes, I'm sorry, I failed to mention that, and the memo should have stated January 19<sup>th</sup> 2012; I apologize for that.

Mr. Howard: Correct, right.

Mrs. Hornung: But yes, on September 20<sup>th</sup> the Board did grant you additional time.

Mr. Howard: So there is an opportunity to create, two people, if they wanted to hammer out the issues with the staff and sort of work through this, I don't know if there's a desire or appetite to do that. Then to Mr. Harvey's point get the operator of our current solid waste plan involved in terms of the perspective and making sure there are no unintended consequences from whatever the outcome is. Does anyone have an appetite to do that?

Mr. Fields: I don't know that there's... I guess from my perspective I don't know that there's a ton of issues. I think if we had Mr. Mikel and some of the other people from the R Board here to just work through this in a committee of all seven of us, I would be content that we could get through ... from my personal perspective... I'm just giving my personal opinion but I understand...

Mr. Howard: Well we do have some time so, it's not... a committee as a whole is fine.

Mr. Fields: Yeah, I think if the R Board people were here and we could ask them questions in detail, we could probably resolve it. That's my personal opinion.

Mr. Howard: Mr. Harvey, so if we could get them here the 19<sup>th</sup> if not the following meeting which would be the first meeting in November.

Mr. Harvey: Yes sir, we'll work towards that. I guess just thinking ahead to the 19<sup>th</sup>, we still have a number of items on the agenda; would we want to push it back to November 2<sup>nd</sup>?

Mr. Howard: Yeah, I think that's fine... if we can guarantee the right people can be here, sure.

Mr. Harvey: We'll shoot for that.

Mr. Howard: Okay.

Mr. Rhodes: Mr. Chairman?

*Planning Commission Minutes  
October 5, 2011*

Mr. Howard: Mr. Rhodes?

Mr. Rhodes: Is the... but is the main issue simply just making sure they're not uncomfortable, that it's not causing a problem there and unintended consequence?

Mr. Howard: From my perspective, yes. I'm not sure what other are thinking.

Mr. Rhodes: Okay, thank you. In fact better stated would be if that is the case... if that is the case, rather than pulling some people out here another evening when they commit other time to their efforts, it might be just as well to have staff engage on the particular question, bring back the answer and we may be able to resolve there would be my thought.

Mr. Howard: I think that's okay if the answer is comprehensive enough for additional questions that may arise. So I would defer to their judgment; I would explain to them what's going on. The Planning Commission is looking for this type of an answer, would you prefer to be there in person or do you think you can give us an answer that we can bring on your behalf?

Mrs. Hornung: And the question is basically any unintended consequences?

Mr. Howard: From their perspective.

Mrs. Hornung: From their perspective; anything additional?

Mr. Howard: What would concern them about making this change in the zoning ordinance, if we mended the zoning ordinance?

Mrs. Hornung: Yes sir.

Mr. Howard: Great.

Mrs. Hornung: Thank you.

Mr. Howard: And that brings us to the real item 8 which it the Zoning Ordinance of Exempt Subdivisions. Is that Mrs. Hornung again?

8. Zoning Ordinance Amendment; Exempt Subdivision (**Time Limit: December 7, 2011**)  
(**Scheduled for October 5, 2011**)

Mrs. Hornung: Yes sir. Thank you Mr. Chairman, members of the Commission. The last meeting staff was asked to look at... excuse me, the item that we're discussing is an ordinance, a possible ordinance amendment to the Subdivision Ordinance that would be classified as exempt subdivisions. Mr. Snellings from the Board of Supervisors had recommended that the Planning Commission look into this topic which there is no ordinance provided, but to look at what could be a process for creating a subdivision separate from our current regulations of family subdivisions, minor subdivisions, and major subdivisions. And just a brief update; family subdivisions, they have to hold that property within their family name for at least five years prior to subdividing, and then obtaining those subdivided parcels within the family with an additional five years. And we do have a specific definition that is actually a vertical lineage, mother, father, sister, brother, parents, grandparents,

*Planning Commission Minutes  
October 5, 2011*

adopted, guardian, in the way our definition is classified. And the attachment you have gives you a brief overview of some of the adjacent localities and what type of subdivisions they have that are separate from the family or the minor. King George, the only types of subdividing that is allowed in that county is a minor which is three lots or less. And then, of course, they do have family but then also any subdivision greater than three lots would become a major subdivision that would go to the Planning Commission. Orange County has one that's a little different. You're allowed to create four lots every four years, but when you do that they have to be 50 acres minimum in size of what they're created and it can only be in the agricultural zoning districts. And that could equate to one lot every year... one lot every four years but no more than four lots in four years.

Mr. Rhodes: Do you mean one every (inaudible)?

Mrs. Hornung: I mean... yes, I'm sorry. In Prince William County they don't have any minimum parcel sizes to be created and it's all zoning districts and it's just single divisions of land that follow their subdivision ordinance. In Spotsylvania, they do have two types. One is an exempt subdivision that they could create six lots based on the parent parcel of February 12, 2002. That means whatever the parent parcel was existing at that time, so since that time they could only create six lots under that "exempt classification", otherwise it would either come under a family classification status or a major plat... major division which would be one of those in a preliminary plan status that would go to the Planning Commission. The other one, which was just recently created in about the last year, was that 100 annual division lots within 365 days which was effective 3/10/09. I think I wrote that wrong.

Mr. Rhodes: A hundred family members can...

Mrs. Hornung: I'm sorry... the numbers start going together after a while. One annual division within 365 days, and on the agricultural lots which they're designated as RU Rural, RA Rural Agricultural, RR Rural Residential, A-1, A-2, A-3, rural and anything agricultural. They have a minor which is anything less than 10 lots. So, in these localities and the ones adjacent to us that I researched, no one has a, except for Orange and I'll explain that, no one has a subdivision of land that goes straight to the court. In Orange they have one that's called a court order, but they still have to follow final platting requirements. From that information, that was something that was from a will, a division of land. But other than that, I couldn't find anything that anybody could go to the courthouse and subdivide their land without platting requirements from the Planning Department.

Mr. Howard: Okay, are there any questions of Mrs. Hornung?

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Yes Mr. Rhodes.

Mr. Rhodes: Just to restate, so ours is it has to have been in the family at least...

Mrs. Hornung: Five years.

Mr. Rhodes: ... five years...

*Planning Commission Minutes*  
*October 5, 2011*

Mrs. Hornung: That was changed recently. The state allow... the General Assembly has given the... authorized the localities to have a family subdivision ordinance if they do so. And you can have 15 years or you could require a five year holding of the land before and after platting.

Mr. Rhodes: Okay.

Mrs. Hornung: But the Board in Stafford County does allow for a hardship to go before the Board and to ask for a reprieve of that family subdivision status if they need to sell off a part of one of those lots for financial hardship to a member outside the family.

Mr. Rhodes: Okay, thank you.

Mrs. Hornung: And the other attachment I didn't get to also shows a process that the platting process in Stafford County when you want to subdivide a piece of property. It does not include the preliminary subdivision status; that would be an extra step prior to actually creating the lot... which would come before the Planning Commission and then they would follow the construction plan process and then the final platting process. So, for a preliminary plan, anything that has infrastructure or more than five lots would come before the Planning Commission in a preliminary plat plan status.

Mr. Howard: Alright, are there any other questions for Mrs. Hornung? Mr. Fields?

Mr. Fields: Yeah Mr. Chairman. If you could really just help me get a sense; what... so compared to a family subdivision, what would the exempt subdivision not have to do?

Mrs. Hornung: The... currently, the family subdivision does not have to provide right-of-way dedication... That's about the only thing that's left.

Mr. Fields: So what does the exempt subdivision not have to do that the family subdivision has to do?

Mrs. Hornung: They don't have to hold it in the family name. If you look at other localities...

Mr. Fields: Oh, so the exempt subdivision doesn't have to hold it in the family name.

Mrs. Hornung: Right.

Mr. Howard: You know what would be helpful, is if we had that little matrix that had the family subdivision criteria and then the exempt subdivision proposals and then a little check mark, so if this one... color coded or whatever you want to do... but if it's in the exempt subdivision one there's a check in it and if it's in the family subdivision there's also a check and if there's nothing, it's blank. And then I think we can look at it and sort of think well here's the differences between the two; do we want to do this in Stafford or not? There's a lot... you've done a lot on this I know and you certainly have given us a lot of information. But at the end of the day, if we could just go high level with that little matrix, I think that would help.

Mrs. Hornung: Okay.

Mr. Howard: In my opinion.

*Planning Commission Minutes  
October 5, 2011*

Mr. Fields: No, that's exactly... I mean, the family subdivision is fairly... is you know a fairly good deal for the property owner. It pretty much only requires you to do sort of the minimum amount of things, so I'm trying to figure out what the exempt subdivision accomplishes that isn't accomplished with the family subdivision.

Mr. Howard: Right, and that'll tell you.

Mrs. Hornung: Right, and in some jurisdictions... well, I know Spotsylvania from having worked there, but... and also from Culpeper they had their family subdivision ordinance at one time allowed one acre which was less than the requirement of the zoning ordinance for that particular district. Spotsylvania was the same, or is similar in that respect, that a family could be two acres instead of maybe the required ten or five or three, whatever that zoning district is. So in some aspects, some localities to allow the family subdivision to be a less minimum lot size than what is required in that particular zoning district.

Mr. Howard: But if you think we... if you put that into the matrix it would reveal that? We would see the exceptions for both?

Mrs. Hornung: Yes, I would put the minimum lot size for that...

Mr. Howard: Right. I think that would be very helpful.

Mrs. Hornung: ... and then I'll just leave out the particular zoning districts because it's predominantly agricultural...

Mr. Howard: Right.

Mrs. Hornung: ... in most of the localities

Mr. Howard: That's fine.

Mrs. Hazard: Mr. Chairman, just one other clarification. The impact of a will or an estate I believe was part of what was driving this.

Mrs. Hornung: Yes.

Mrs. Hazard: If you could touch on that in there is, when there's a family subdivision, is there a provision that deals with the will and is that potentially the way we should go? And just when you're assembling the information; I believe that was something that was raised by Mr. Snellings and I just want to make sure how that's... that we accommodate that as you gather the information.

Mrs. Hornung: Sure. Sometimes what typically happens is a parcel is partitioned, divided by will. But according to our ordinance, once that property becomes officially divided, then it still has to follow the subdivision ordinance for the regulations. And in many particular instances, when they are divided, the Commissioner of Revenue assigns a tax map ID number to that but it's not a valid official lot that has been created for planning purposes. So there's confusion there because you could look at the tax maps and you could presume that this pie shape of lots looks... has a tax map ID so I can build on it. And if there's already a house then they wouldn't be getting a... be able to have a building

*Planning Commission Minutes  
October 5, 2011*

permit issued because you cannot have two single-family dwellings on a parcel; they'd be told to come to the Planning Department to go through the subdivision process. So, there's that issue when whether it's by will or by whatever reason it gets created from the court, many times the people or the families aren't aware that they need to come to the County to plat it and divide it according to our ordinance. So that is a problem a lot of the times because we find that somebody wants to build on a lot and it's not officially created but it's still is given a tax map for tax purposes because they have been, for lack of a better word, divided through the deed, through the will, for each heir getting a portion of that property, whether it's divided interest or shared interest. So that's where confusion would come in.

Mrs. Hazard: I would just say, from a professional standpoint, there are several banks who have found that out the hard way that they have insured a lot that has a tax map number but does not have a subdivided lot.

Mrs. Hornung: Right.

Mrs. Hazard: And when they try and foreclose on it they have a major problem.

Mrs. Hornung: And so we would call that not a legal lot because it wasn't legally subdivided through our process.

Mr. Howard: Right. Okay, any other questions for Mrs. Hornung on this item? Alright, because we're talking about a zoning ordinance amendment, why don't we have a motion to defer this to the next meeting. Can somebody make that motion?

Mrs. Hazard: Motion to defer to the next meeting to assemble the information requested by the Planning

Mr. Apicella: Second.

Mr. Howard: Second by Mr. Apicella. Any discussion? Alright, I'll call for the vote to defer... we're voting on deferring an amendment to the subdivision ordinance, exempt subdivisions, to the October 19<sup>th</sup> meeting. All those in favor signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Apicella: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 6 to 0; thank you.

Mrs. Hornung: Thank you.

NEW BUSINESS

***Planning Commission Minutes  
October 5, 2011***

10. *SUB2800773; Westlake, Preliminary Subdivision Plan* - *A preliminary subdivision plan for 701 single family detached units, zoned R-1 and R-2, consisting of 446.46 acres located on the south side of Warrenton Road between Richards Ferry Road and Cedar Grove Road along Horsepen Run on Assessor's Parcels 35-20, 20A and 21 within the Hartwood Election District. (Time Limit: December 28, 2011)*

Mr. Howard: We're onto new business. And I believe it's Mrs. Doolittle; it has to be because she has not stepped up. She's on her way. Good evening Mrs. Doolittle.

Mrs. Doolittle: Good evening.

Mr. Rhodes: Why'd you send us so much stuff?

Mr. Howard: So Mrs. Doolittle is going to present new business item 10, SUB2800773, which is Westlake, the Preliminary Subdivision Plan.

Mrs. Doolittle: Computer please? Item number 10 is the Westlake Preliminary Subdivision Plan, SUB2800773. The applicant and owner is William D. Pleasants, Jr. of Westlake Development, LLC, and the engineer is William J. Flynn of the Engineering Groupe. The date of the application is December 26, 2007 and it went to the Technical Review Committee on February 3, 2009. The plan includes Assessor's Parcels 35-20, 35-20A, 35-21, a portion of 35-31, and also includes 35-32A and a portion of 35-31 for offsite construction of the road that will become primary access for the development. The site is located on the south side of Warrenton Road between Richards Ferry Road and Cedar Grove Road along Horsepen Run. Including the proposed offsite right-of-way, the size of the site is 492.13 acres. The site is zoned R-1, Suburban Residential, and R-2, Urban Residential, and is within the Hartwood Election District, and the plan proposed 701 single-family lots. Here is an aerial photo of the site and you can see the boundary of the site in blue. And here is Warrenton Road, Route 17, and Cedar Grove Road. It's very light on this but in the green is the Vulcan Quarry easement and the site actually abuts Horsepen Run. And here's the zoning map; you can see where the site is split-zoned R-1 and R-2. And here you can actually see the Vulcan Quarry easement more clearly. Westlake was rezoned in 1989 from A-1, Agricultural, to R-1, Suburban Residential, and R-2, Urban Residential, and is vested to the 1989 Zoning Ordinance requirements. A proffer amendment was approved in 2006 and the amendment primarily revised the location of the school site and increased it from 55 acres to 65 acres. The current proposed location for the school site is located just south of the proposed entrance road. Also, a proffer determination in 2007 stated that the dwelling units could only be single-family detached based on the Land Use Concept Plan dated August 2, 1989. The subdivision will have access from Warrenton Road using Cedar Grove Road. A portion of the existing right-of-way will be incorporated into the right-of-way for proposed Brigade Boulevard which will be the main road through the development. The subdivision will use public water and sewer and will use 10 retention basins for stormwater management. The property is grandfathered to VDOT's 2005 Subdivision Street Requirements. Proffer highlights include the dedication of a 75 acre college site which has already been satisfied thereby allowing the maximum number of single-family detached dwelling units modified from 372 to 796. Proffered amenities include a pool, two tennis courts, a hard-surfaced all-purpose court, pedestrian paths, picnic area with covered shelter and tables, four tot lots, and areas of passive open space. The proposed road network is proffered to be generally located as shown on the Land Use Concept Plan and subject to current VDOT and U.S. Army Corps of Engineers standards. The secondary entrance from Route 17 shown on the Concept Plan is not shown on the Preliminary and will not be constructed because it does not comply with VDOT standards for

*Planning Commission Minutes*  
*October 5, 2011*

intersection spacing and median breaks. It also does not comply with the U.S. Army Corps of Engineers' Avoidance and Minimization Standards with regards to stream crossing impacts. Also, one of the proffers was that the applicant will be required to create architectural design guidelines and establish the Westlake Architectural Review Board to carry them out. As part of the proffer amendment in 2006, the proposed school site was relocated. And the site is 65 acres. A portion of the Vulcan easement is going through the site and will need to be relocated prior to the dedication of the site to the County. If relocation of the easement is not possible, the original 55 acre school site, as shown on the Land Use Concept Plan, would be dedicated instead. A water tank site is proffered and is proposed to be on the school site. Also, the applicant must make improvements to Cedar Grove Road prior to construction of the school, and a pedestrian path to the school site is also proffered. Also, a multi-purpose playing field must be constructed by the 300<sup>th</sup> occupancy permit, as long as the 65 acre school site is dedicated to the County. And here's an overall of the proposed subdivision. Here is Route 17 and existing Cedar Grove Road, and here is the proposed Brigade coming in and it goes through... oops... all the way through. Here's the school site, the proposed 65 acre school site. And here's the water tank site and here is a portion of the Vulcan easement that would need to be vacated and relocated.

Mr. Howard: Mrs. Doolittle, can you point out the eight inter-parcel connections while you have that up?

Mrs. Doolittle: Yes. Alright, the first one is with the Vulcan easement once relocated. Here is the second one.

Mr. Howard: Okay.

Mrs. Doolittle: Here is the third one; is that Charlie Coakley? I can't read it. And...

Mr. Howard: There's four.

Mrs. Doolittle: Here's four and five, six, seven and eight.

Mr. Howard: Thank you.

Mrs. Doolittle: Mm-hmm. There are also three proposed traffic circles; one, two and three. And here's Horsepen run; there is RPA up around Horsepen Run and there's also floodplain and there are proposed conservation easements. And the RPA, floodplain, and proposed conservation easements are all within open space parcels. Staff recommends approval of the Westlake Preliminary Subdivision Plan. Are there any questions?

Mr. Howard: We'll see. Thank you; I'll bring it back to the Planning Commission. Are there any questions of staff right now? Mr. Apicella?

Mr. Apicella: I'm sorry if I'm a little confused because I haven't seen this before. The school site and the college site; are they two separate entities?

Mrs. Doolittle: Correct.

*Planning Commission Minutes*  
*October 5, 2011*

Mr. Apicella: Okay, and in the proffers, under dedication, it's attachment 4, page 8 of 13, it talks about a school site and it talks about proffer fees. So, I guess my question is, where it says proffer fees, in the event of the 65 acre site being conveyed to the County the applicant agrees to pay \$38,000. So the site has been conveyed; that stipulation is in effect.

Mrs. Doolittle: Correct.

Mr. Apicella: Okay, that was my only question.

Mr. Leming: No; we'll be happy to explain that.

Mrs. Doolittle: Okay. I'll let them do that.

Mr. Leming: (Inaudible) a proffer amendment.

Mr. Apicella: Okay.

Mr. Howard: So you can hold that question for the applicant.

Mr. Apicella: I will do that.

Mr. Howard: Mrs. Hazard?

Mrs. Hazard: Do we have one that has the alternate 55 acre site? I know we've talked about it several times... just the, I call it the alternative... but if there's so much that if the 65 acre site isn't conveyed, then we go backwards in time. So, this may be for the applicant, just to sort of give you some ideas of just seeing where that is. Plus, I guess, even... actually most of mine are for the applicant so I guess I'll hold mine.

Mr. Howard: Okay. Thank you Mrs. Doolittle; we'll now hear from the applicant.

Mr. Leming: Good evening Mr. Chairman, members of the Commission, new members of the Commission. My name is Clark Leming; I'm here on behalf of the applicant. This project has been a long time in the works. Actually this was my very first major residential zoning in Stafford County in 1989. The preliminary plan...

Mr. Rhodes: It was your first action out of law school.

Mr. Leming: That's right, that's right. The preliminary plan has been ongoing for a long time also; I think it was filed in December of 2007. So, a lot of effort and time have gone into this. It's a big development, so we also understand that you have... you may have some questions about it. And most of you are probably seeing this, with the exception of Mr. Fields who was here when the proffer amendment came through, probably seeing this for first... and Mr. Rhodes, you were here at that time too. I have with me Mr. Jerry Connolly and Mr. Andy Ferretti from the Pleasants Company. They purchased the Westlake property in 2000...? The property was originally zoned... this is perhaps interesting background... the property was originally zoned by a developer by the name of Mark Vogel who was a large Maryland entity at that point and this was his first venture into Virginia and he would come down in his helicopter. There were three zonings going on at the same time actually; this one

*Planning Commission Minutes*  
*October 5, 2011*

and what is now Stafford Lakes and Vulcan. And they were all actually adopted by the Board on the same night. So that was a rather tumultuous event in Stafford County zoning history. Mr. Chuck Hudson purchased the property out of... well, it had gone in default. Mr. Vogel had lost the property. Mr. Vogel had a number of personal problems. Mr. Chuck Hudson purchased the property and owned the property for a number of years. He was the one that orchestrated the conveyance of the land for the college site and these are two completely different things and then ultimately sold the property in 2002 to the Pleasants Company. There was the proffer amendment in 2005 and... can I get the map of the whole site, 2006 it was Jeff?

Mr. Howard: Computer please?

Mr. Leming: At the very rear of the property... let's see, actually I can work with this... at the very rear of the property, do you all see my little arrow?

Mr. Howard: Yes.

Mr. Leming: This area back here was originally designated for an elementary school site and that's the 55 acre site that is referenced in the proffers.

(Inaudible from the audience.)

Mr. Leming: Okay, it's down this a way? I'm sorry, I'm turned around here. Here? Down? Are you sure? Okay. In any case, the original proffers had an elementary school site, but it was at the rear of the property. And the proffer amendment relocated the school site and put forward a much larger school site. The proffers that you see referenced in the statement now only go to the land that was encompassed by the old school site. So these were... that was part of the consideration for moving the site much closer to Route 17, the new school site, bigger school site. That in the event for any reason that site does not come to the County, the new school site which is up front here, if that does not come to the County and the old school site stays in effect then there would not be any cash proffers. But the only cash proffers would be those in that land that was encompassed by the old school. Do you know how many units are envisioned for that area? Do you know that yet? Okay. So, that's the answer. If the new school site is the one that the County actually utilizes, the old school site goes away, that area becomes residential and the houses that are built on the old school site are subject to the proffer guidelines that were in place at the time that the proffer amendment came through.

Mr. Apicella: So it will just be for those units that are coming on board as a result of moving...?

Mr. Leming: That's correct. At the time that Westlake was originally zoned, there were no cash proffers and there was one of these agreements that the County thought at the time might be a way to bring some money in for some services. Those were incorporated into the proffers at a later point in time, but they were for very, very small amounts. And some of you may recall that the original cash proffers, the first proffer guidelines that came into effect in I think like 1994/1995... is that right Jeff?... were for you know like four or five thousand dollars for a single-family unit. So they have increased incredibly since that point in time. But there were no cash proffers on the original zoning. Alright, so that I think addresses the question that came up. And we're happy to address other questions; we understand that there may be some... you all may need some time to get your hands around this one.

*Planning Commission Minutes*  
*October 5, 2011*

Mr. Howard: Thank you. Are there any additional questions for the applicant at this time?

Mr. Fields: Mr. Chairman?

Mr. Howard: Mr. Fields?

Mr. Fields: I believe in my recollection... I'm just sort of checking my memory of this... is that just by way of background, when these proffer amendments came to the Board of Supervisors there had been some controversy, at least prior, some questions and it took a while to determine about the dedication of the college site, right? But at the time that we finally resolved these proffers, it had been that the dedication of the college site had occurred and was a significant governmental act that vested the extra density of 700 and some units.

Mr. Leming: Well, stated precisely, the significant affirmative governmental act is the old zoning in 1989.

Mr. Fields: Right.

Mr. Leming: But that's right. It was the act of the conveyance that led to the vesting letter by the Zoning Administrator.

Mr. Fields: That vested the 700-some...

Mr. Leming: (Inaudible) that met the prongs of the vesting test under Virginia law.

Mr. Fields: So, despite our desire probably to do otherwise, in 2006 our ability to renegotiate downward the density was not... the density at that point was vested.

Mr. Leming: That's right. Because the proffer conveyance... the land that had been conveyed to the school which triggered the higher density. Although I would note that they are at... they're almost a hundred units shy of theoretically where they could be.

Mr. Fields: Sure. Thank you.

Mr. Leming: Though they didn't go quite as far as they might have.

Mr. Howard: Okay.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Mr. Rhodes?

Mr. Rhodes: Mr. Leming, what is the width of the main road, Brigade Boulevard? Is that the name of it all the way through?

Mr. Leming: You may be a little beyond my capacity.

(Inaudible from audience).

*Planning Commission Minutes  
October 5, 2011*

Mr. Leming: A hundred foot right-of-way?

Mr. Rhodes: So, but where it goes in through the subdivision, you've got tremendous connector roads which is great, you know, throughout the subdivision, but the one main road that feeds it all... is that just a two lane...?

Mr. Connolly: Hi, Jerry Connolly with Pleasants Development. If we could bring the map back up...

Mr. Rhodes: Computer please?

Mr. Connolly: ... I can show you.

Mr. Howard: Computer please?

Mr. Rhodes: Next one.

Mr. Connolly: Brigade Boulevard, as it comes in from Route 17, it comes in as a four lane boulevard and then it crosses Horsepen Run and then it hits that first roundabout. At that first roundabout, it's four lanes all the way to there and then it transitions into a two lane, which I believe Andy is checking right now, is a hundred foot right-of-way at that point. And so when you cross Horsepen Run, you're going to come to the first roundabout which is... if you can see it... it's...

Mr. Rhodes: You should have a mouse there. Right there.

Mr. Connolly: This is the first roundabout, of course, where it transitions the Vulcan easement. Then it comes across Horsepen Run here and it's going to come up to the first roundabout in this location here. And that's where it's four lanes to there and then it transitions to a two lane road. And actually right...

Mr. Rhodes: So the rest of that road going through there though is a hundred feet?

Mr. Connolly: All of this is a two lane hundred foot and its classification is... Andy?

Mr. Ferretti: It's a collector road.

Mr. Connolly: I don't know if you could hear him, it's a collector.

Mr. Rhodes: Okay.

Mr. Connolly: And this section is... what's this pavement width? Yeah, a hundred foot right-of-way but the pavement width is

Mr. Ferretti: Twenty-five feet on each side; it's a divided (inaudible).

Mr. Rhodes: Okay, so when cars park in front of their houses you've still got another 30 feet.

Mr. Connolly: One of the requirements is, is that no houses could have access...

*Planning Commission Minutes*  
*October 5, 2011*

Mr. Rhodes: Okay.

Mr. Connolly: ... where it's a collector standard and so, for the majority of that road all the way down, wherever it's a collector, you won't find any houses with access.

Mr. Rhodes: Okay, okay... and it's 25 feet on each side then. Okay.

Mr. Connolly: And there's a buffer requirement also along that road on both sides.

Mr. Rhodes: Great, thank you.

Mr. Connolly: It's a 25 foot buffer.

Mr. Howard: So you'll see the backs of houses but there's no home that has an entrance on that... no driveways.

Mr. Connolly: No.

Mr. Rhodes: Got it.

Mr. Connolly: And if you'll look at the plan, in detail there's actually very few backs of houses. We try to design the cul-de-sacs and so you'll have the ends of houses on a main arterial like that and so you get a much better streetscape doing that.

Mr. Howard: Okay, Mrs. Hazard?

Mrs. Hazard: Sure. This just might be for clarification. I see that, just even in the staff report, that we have the Assessor's Parcels listed. And it says 35-31, portion and offsite, and 35-32A, offsite, and it just might be the way I'm reading this. It looks like there's a second either owner, this GHA-Westlake, LLC, or at least that looks like the owner of 35-31 where, if I'm right, it looks like those are the places where we have the approximate water... well, no, that's somebody else, sorry. It just looks like in that section there's several owners. Am I...?

Mr. Leming: This isn't the entire Westlake rezoning. There's an industrial component... an industrial commercial component which is owned by GHA. So, this... the Pleasants purchased the residential portion of the development; GHA is the owner of the commercial and the industrial portion of the development.

Mrs. Hazard: However, since part of that is covered in the proffers with the schools, so the school site sits on whose property?

Mr. Leming: Yes.

Mrs. Hazard: No, who... could you clarify who?

Mr. Leming: Well, there's an agreement between the parties.

Mrs. Hazard: Okay.

*Planning Commission Minutes  
October 5, 2011*

Mr. Leming: In the event that the County wishes to proceed, then the new site comes through these guys, through the residential owners to the County. So, it all is triggered by certain events that would occur as far as the County's interest in the school site.

Mrs. Hazard: Okay, I must be not asking the right question. How it appears to me is that the applicant of the residential does not own this part...

Mr. Leming: They do not yet, that's correct.

Mrs. Hazard: Okay, that gives me some pause of how to sort of react to the proffers that are on here. And I'm just chewing on it myself.

Mr. Leming: The proffers pertain to both of the... to all of the parties, so the proffers don't govern simply the residential section. The proffers also govern the commercial and the industrial section. So these parties have agreements between themselves as to how those things are going to work. From the County's standpoint, the proffers govern the entire property and they're bound by the proffers and so is GHA.

Mrs. Hazard: But the applicant tonight is just your portion of it. So, I'm just trying to figure out in my mind how this works.

Mr. Leming: Yeah, keep in mind that the commercial and industrial portion of this wouldn't be subject to a preliminary subdivision plan. So this is simply the preliminary subdivision plan.

Mrs. Hazard: I'm just trying to get my hands around how the school site... has there been discussion or do we have any indication from the School Board whether this is in their plans?

Mr. Leming: Well, when we did the proffer amendment, there was considerable interest in the site. Now whether or not, you know, that interest is still there I think you're better off asking the School Board. One way or another you get a school site. It seemed to us, and I think it seemed to the Board of Supervisors when the proffer amendment came through, that the site closer to Route 17, the larger, flatter site closer to 17, was the more viable school site. I think that was the consensus of the Board of Supervisors. So that's how that proffer was arranged.

Mrs. Hazard: Well, I would certainly agree with that because of just the distance to be travelled from school buses. I live out in the country; I know how long a bus trip can...

Mr. Leming: (Inaudible) say anything more about the agreement (inaudible)?

Mr. Connolly: Yeah, I was just going to add a couple things. One, the school site, the original, was bifurcated by two stream valleys and so when you look at the flat area needed for the school and you look at it's really actually one of the flattest sites we're offering up as one of the flattest areas out there and that was where everybody focused. They thought it would be a good location compared to the other. For us, if you look at our plan, we could save those stream valleys because we need to buffer against them anyways but they may make a desirable place, you know, to put the houses in each little section, you protect without having to grade the complete stream-out. As far as the school site in our agreement, you know, working this out, GHA and Westlake... and I represent Westlake, it's just we create an entity for every property... but we were both applicants on the proffer amendment when we

*Planning Commission Minutes*  
*October 5, 2011*

agreed to that so both parties went into that in agreement. And then if you notice on our application here, GHA is on this also signing off because in order to facilitate the development of this, the road improvements that we're building coming into the site cross GHA-owned property. And so they needed to be an applicant to this. So we are working on this in lockstep; it's not just us or them and that's why you'll see that they're an applicant as well. An owner I should say; not applicant, owner, as well, but consenting to this.

Mr. Leming: It's not an unusual thing for there to be multiple owners for a development... owners that control different portions of the development. Augustine is set up that way for instance; there are three discreet sections of that. From the County's standpoint though that group comes in, asks for the zoning, the County accepts proffers... all of those parties are bound by those proffers. The proffers run with the land regardless of who the owner is.

Mr. Howard: Thank you.

Mr. Connolly: We did misspeak earlier; I just wanted to clarify one thing on the collector road coming in on Brigade. When it does transition to the two-lane road, the pavements widths are variable based on vehicles per day. And so the actual paving varies from a maximum of 40 feet to a minimum of 28 feet, which would be towards the rear of the project. It's just based on trips. So I just wanted to give you that; you were asking. And then where it's a divided roadway, then it was 25 feet of pavement on each side for two lanes and 25 feet and that's a boulevard section, your standard. Thank you.

Mr. Fields: Mr. Chairman?

Mr. Howard: Mr. Fields?

Mr. Fields: It's sort of in here but can you visually give us a sense how close currently is water and sewer to this project?

Mr. Leming: Water and sewer I think the staff report is pretty clear. It's contingent on a couple things; one is the Rocky Pen Run Reservoir coming online.

Mr. Fields: Sure.

Mr. Leming: So, trunk line improvements that are necessary along Route 17 for sewer to come to the property that the County is currently engaged in, there are a couple of phases of that. There are improvements that have to be made in order to bring water and sewer to the property. The actual distance for sewer right now... do you know how far approximately?

Mr. Connolly: I believe sewer altogether is approximately 10,000 feet.

Mr. Ferretti: Yeah, that's about right. Plus you have forced main which is even longer than that as the pump station wants to be located in the back of the property, so we have to run forced main all the way down to where you hit gravity. But the gravity, there's a gravity extension we'll have to do a connection for that and then you'll have water line extension all the way up 17 into the project.

Mr. Fields: Is the forced main also part of the grandfathered standards? Because that would not be permissible under current standards, right?

*Planning Commission Minutes*  
*October 5, 2011*

Mr. Connolly: No, I believe that's incorrect. And the reason I will say that is the improvements that were required for this project were based on what was in the original master plan and it showed the facilities being a sewer pump station and the water tower. Over time, since the actions of the County, there may be less need as in a smaller pump station; that's yet to be determined. You haven't finalized your updated Water and Sewer Master Plan. That may go down slightly in size but as far as it still being there and still, you know, the transmission mains, those have not changed. The only thing that's changed is the addition of the improvements and one of them being that they've changed the water tower elevation to be higher; it's created, if you will, a hybrid zone and then it's necessitated the need for a booster pump station. And so while that was not shown originally, as your plan has involved, you know, and partly that's seeking greater pressures, I think all utility departments, one of the issues they... that's a vein of the department is when people complain about low water pressure. And so it's been changed; we're in a higher zone now which requires more facilities, they've upsized the lines over what was originally anticipated I believe, and Andy can fill you in but I think the lines now are 18 inch water...? The lines along Route 17 have grown in diameter both dependent on your updated plans and what the Division of Utilities thinks is necessary. So none of that is grandfathered; that's just based on what is required to serve the project. Having worked with the Division of Utilities, they go through and tell us exactly what's needed and you know, we have, of course, in the proffers, what items are major infrastructures that we've agreed to build. Those have not changed.

Mr. Fields: Okay, so the... so how will you... eventually is it the County's master plan to get that extra 10,000 feet of sewer to your property, or are you participating in the cost of extending that to serve this property specifically?

Mr. Connolly: We're funding that construction to build those facilities. To the extent there's pro rata contribution from other developers, we would certainly seek reimbursement, but as far as we're required to build that.

Mr. Fields: Because 10,000 feet is a lot of sewer line; it's almost two miles of line... with right now nothing in between it.

Mr. Connolly: We understand.

Mr. Fields: Right, okay.

Mr. Leming: But there are master plan improvements.

Mr. Connolly: That's correct.

Mr. Leming: I don't think the concept of grandfathering really covers water and sewer like it does zoning. I think what it comes down to with water and sewer is you have a master plan. You may recall at some point, at one point there was an effort to change the master plan and take this out of the Urban Service Area. I think that was abandoned because of legal concerns of the vested zoning which indicates that these are going to be on water and sewer. So I think that what that does is it poses a burden on the County to (inaudible).

Mr. Fields: There's varying legal opinions on that, depending on which attorney you're engaging. But, yeah, I understand what you're saying.

*Planning Commission Minutes  
October 5, 2011*

Mr. Leming: But that's where we are now.

Mr. Fields: I understand.

Mr. Leming: We're simply... we're simply implementing the water and sewer plan that is now in place.

Mr. Fields: Understood. But that will leave... at this point... so obviously there's assumptions. The 10,000 foot extension is consonant with, you know, I mean I don't have all the master plans in front of me... the 10,000 foot extension from where the sewer is now to west just to the point where it starts to serve Westlake is apparently consonant with all of our land use and other water and sewer master plans, so we're not extending sewer to any area... to get it to Westlake, sewer is not running past any area that isn't slated to be part of the sewer shed eventually, right? Is that correct?

Mr. Leming: The first part of what you said is absolutely correct. The second part I think... I think Westlake is shown under your current plan as an area to be served. I don't think it's an island but I don't think there's an effort to go significantly beyond Westlake toward (inaudible).

Mr. Fields: Not west, but I mean east, between the eastern boundary of Westlake and current sewer... maybe I'll defer to Mrs. Hazard. I don't know... what exactly is planned for all that area? Because once sewer comes to an area, obviously your capacity for density and development should occur because if you're going to take the time to run sewer to it, you want to maximize its use.

Mr. Leming: But keep in mind that actually east and south, for the most part, of the residential portion of this is the commercial and industrial portion of the same zoning. And then you're to the college site and then you're into Stafford Lakes. That's basically the sequence.

Mr. Fields: Okay, thanks.

Mr. Howard: Mrs. Hazard?

Mrs. Hazard: The proffer that we see here, when it talks about 1.3, Mr. Leming, it says access to school site, and it talks about, and I'm just clarifying this for me, is that the applicant agrees that Cedar Grove Road shall be improved to meet current VDOT standards prior to construction of any school. When we say that, you're saying current VDOT standards 1989? 2006?

Mr. Leming: Yeah, this would be the recent VDOT standards and I don't think that is going to change much since 2006.

Mrs. Hazard: Okay. I mean, just when we talk about a school, we just need... I mean, no matter how we look at it, it's got to be the safest we can make it. And I just want to make sure we're not (inaudible).

Mr. Connolly: It would have been as of July 12, 2011, that's when VDOT gave their letter. So it's current.

Mrs. Hazard: Okay wait... now I'm...

*Planning Commission Minutes*  
*October 5, 2011*

Mr. Leming: VDOT looked at our plans in 2011.

Mrs. Hazard: Okay. And they read it as VDOT standards current, like... okay. Could I also ask about the playing field? I know that you will not have to build it if the 65 acre site is not constructed. Is there a planned area for that playing field to the Homeowner's Association? If it's on there, I apologize I missed it. It is a lot of material.

Mr. Leming: Show her what you have in mind for that.

Mrs. Hazard: I mean, I see it was in consultation with Parks and Rec, but I'm sure you have some idea where, if you can help me.

Mr. Leming: We do.

Mr. Connolly: It's in the community center I think.

Mr. Rhodes: Computer please?

Mr. Connolly: This area here which is the whole recreation area with the pool. It's just a lot of writing over top of it so it's hard to see it, but it's right where the arrow is.

Mrs. Hazard: Okay. I guess I read that as the recreation center, that that was more like a building.

Mr. Connolly: There is a building but...

Mrs. Hazard: Okay.

Mr. Connolly: The plan is deceiving. This area is 450 acres total and so that area, in a larger scale, is much larger than you realize.

Mrs. Hazard: How big did you think that area might... I mean...

Mr. Ferretti: If you were to take this whole area here, I would guesstimate that's at least 20 acres. If you've got the parking lot, you've got your tennis courts there, your pool, bathhouse, and your area for your field.

Mrs. Hazard: Okay.

Mr. Connolly: This total area inside this triangle area here, the field being in this corner.

Mrs. Hazard: Okay.

Mr. Connolly: Right there.

Mr. Leming: If you have your full size plan, you can get some sense of the size of it if you look at the lots that are adjacent to it.

Mr. Howard: Okay, thank you. Any additional questions for the applicant?

*Planning Commission Minutes  
October 5, 2011*

Mr. Rhodes: Yes, Mr. Chairman.

Mr. Howard: Mr. Rhodes?

Mr. Rhodes: A final couple. The timing of amenities... what's the concept there for the pool, for the other items?

Mr. Leming: When would you build those things?

Mr. Ferretti: There's a proffered requirement; I think it's the 300<sup>th</sup>... after the 300<sup>th</sup> unit.

Mr. Rhodes: That applied to all the amenities?

Mr. Ferretti: That specifically is to the pool I believe.

Mr. Rhodes: Okay.

Mr. Leming: That's proffer number 4, residential amenities. The last sentence of that says, the swimming pool and tennis court shall be constructed prior to the issuance of more than 300 residential occupancy permits.

Mr. Rhodes: Okay, thank you. And lastly, and this may be for staff but I'll ask, I thought I heard the comment in the staff report, or I thought I understood it to be that some of the road standards were not necessarily current but only held to 2005 or something along those lines. So I'm just curious... what differentiation is that? What are the significant points as to what's different between the 2005 and current?

Mr. Leming: We can address that also.

Mr. Howard: Well, specifically, in the staff report it says, this development is grandfathered and designed to VDOT's 2005 Subdivision Street Requirements rather than the current 2009 Secondary Street Acceptance Requirements. So I think Mr. Rhodes is asking...

Mr. Rhodes: Yeah, what is that difference? I'd be happy to hear from the applicant; if there's anything to be filled in from staff, that's fine too.

Mr. Ferretti: As best I know, there wasn't a major difference. It talks about inner-connectivity as the new standard, but the plan that we have actually meets the... has the eight inter-parcel connections. And when we had done a little analysis, it really didn't make a difference. Just when we got into it, we were vested to this standard and that was what was initially designed when we submitted in December of 2007 and then it was a matter of well, do we go back and make changes for slight variations. There wasn't any substantial difference and VDOT indicated they didn't care as long as it was clear on the plans. Now, any plan going in has to state which one you're going under.

Mr. Rhodes: So there wasn't significant road widths differentiations associated with those standard changes?

*Planning Commission Minutes  
October 5, 2011*

Mr. Ferretti: No, there are some minor ones and I would have to have the engineer specifically address them.

Mr. Rhodes: Okay.

Mr. Ferretti: But by and large conceptually there was not a major impact. I think, in fact, some of the new standards would have allowed us to do some slightly smaller...

Mr. Harvey: That is correct. The new standards are a little bit more flexible than the older standards have been.

Mr. Rhodes: Okay.

Mr. Leming: And actually that is addressed pretty specifically in the staff report. The primary difference between the two regulations is that the SSAR regulations require developments to meet a connectivity index based on street segments and intersections. But then they go on to say that we've got the eight inter-parcel connections.

Mr. Rhodes: Okay. My curiosity I guess was more so with road width dynamics, differentiations between the two. So, thank you for that. That's all I have Mr. Chairman.

Mr. Howard: Okay, any additional questions for the applicant?

Mrs. Hazard: I just have one last one.

Mr. Howard: Yes Mrs. Hazard?

Mrs. Hazard: We continue to call this the school site in 1.1; however, it does say that they can convey to the County a site to be utilized for a public school, park, office, library, civic center or public meeting, or other public use, consistent with the foregoing uses of 65 acres. I guess going forward that's something I'd like to at least explore. I mean, we need to explore it with certainly the School Board but I know we do call it a school site but it does look like actually the use could be somewhat broader.

Mr. Leming: It is.

Mrs. Hazard: But I would like a reading of that also from staff as we go forward so I know exactly what we're looking for. I'd love it to say recreation center but... we'll see.

Mr. Connolly: I think Mr. Fields maybe could weigh in. That was added to give flexibility back in case it wasn't a school that it just didn't sit there unused. That was the purpose.

Mr. Leming: It's really the Boards' call. It's not even the School Board's decision; it's the Boards' decision.

Mr. Howard: Alright, thank you. I'll bring it back to the Planning Commission for discussion. Mrs. Hazard, this is in your magisterial district.

*Planning Commission Minutes*  
*October 5, 2011*

Mrs. Hazard: Well, certainly there was a lot of material to digest for all of us and I thank Mr. Fields for giving us his take as well on it. I would like to defer to the next meeting to give everybody some more time to weigh in on that. I would like to make sure that we examine what the potential use of this 65 acre site is. I think we need to sort of get some handle on is there an intent by the County to use it and in what fashion because it does have some impact for the applicant going forward as to reverting back to other sites. I think everybody would like a little clarity maybe going forward, or at least just to get an idea what kind of uses the County has. But there may be other questions; I know Mr. Rhodes raised some concerning the transportation. But that's kind of where I'm leaning but I would like to hear from the other Commissioners of specific comments or questions they have going forward as well.

Mr. Howard: So, your motion is to really move to unfinished business?

Mrs. Hazard: Yes.

Mr. Howard: Okay.

Mr. Fields: Second.

Mr. Howard: Alright, and discussion?

Mr. Fields: Are you done? Yeah, I think that's good. We want to get as much clarification as possible and understand I guess. If we could understand a little bit big picture from staff... we have all these inter-parcel connections. It's not clear to me current uses and anything proposed, where all those inter-parcel connections are going. And I guess I'm just concerned... kind of concerned to get a little bit better perspective on the timing since that's a lot of, you know, seven to one under the current to, you know, seven to ten trips a day... that's 7,000 trips in and out of that subdivision which is a heck of a lot. So, if we could get a little bit better maybe on the transportation network and some of the trajectory of the proposed uses in that area, what the likelihood of the timing of how this stuff might work, I think that might help me to get my hands around it as well.

Mr. Howard: Okay, any other discussion?

Mr. Rhodes: I would just submit, Mr. Chairman, that I did have several questions but I feel comfortable with those. I think these are a couple good points still to bring back and get information on but I didn't have any remaining on mine that I had open.

Mr. Howard: Okay. Seeing no one else signaling for discussion I'll now call for the vote. So, all those in favor of moving Subdivision 2800773, Westlake Preliminary Subdivision Plan, from our new business to our unfinished business signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Apicella: Aye.

*Planning Commission Minutes  
October 5, 2011*

Mr. Hiron: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 6 to 0. Thank you.

Mr. Harvey: Mr. Chairman?

Mr. Howard: Yes.

Mr. Harvey: Would it be helpful for the Commission to have staff bring to the next meeting subject matter experts from Utilities, Environmental and Stormwater Management?

Mr. Howard: That would be wonderful. It would be very helpful.

Mr. Harvey: Will do.

Mr. Leming: We'll be back in two weeks; do we know whether we're at 6:30? I assume we may be at the 6:30 session but that all depends on what else you've got.

Mr. Howard: Don't know.

Mr. Leming: Don't know... okay.

Mr. Rhodes: Six-thirty's always a crap shoot anyways.

Mr. Howard: Alright, that brings us to the... thank you very much by the way. That brings us to the Planning Director's Report. Mr. Harvey?

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you Mr. Chairman. At the Board of Supervisors meeting yesterday, they approved the Fox Chase Commons proffer amendment and reclassification. Also, in your handouts tonight we provided you with your current first quarter expenditures and you're well within budget.

Mr. Howard: How much will that mailing cost you to do?

Mr. Harvey: Which mailing is that sir?

Mr. Howard: The telecom tower? They didn't indicate whether they wanted certified or U.S. first class.

Mr. Harvey: I guess that's something we would like guidance from the Commission on.

Mr. Fields: I guess the least expensive would be fine.

Mr. Rhodes: Yeah, first class.

Mr. Howard: First class mail, okay.

*Planning Commission Minutes*  
*October 5, 2011*

Mr. Harvey: So we will go ahead and accomplish that; that's well within your budget.

Mr. Howard: Okay.

Mr. Harvey: That concludes my report.

Mr. Howard: Thank you Mr. Harvey. We don't have any outstanding Committee reports. Is there a County Attorney's Report?

COUNTY ATTORNEY'S REPORT

Ms. McClendon: I don't have a report, Mr. Chairman, but I did want to point out that in line with your by-laws, when a vacancy occurs in one of the positions, it's supposed to be filled by election. And now that Mr. Mitchell's no longer here, you no longer have a Secretary and that position needs to be filled.

Mr. Howard: Correct. We want to defer, Ms. McClendon, till the next meeting when we have a full quorum of seven to make it fair.

Mr. Rhodes: Is that acceptable?

Ms. McClendon: That is acceptable.

Mr. Howard: Thank you. I don't have anything to report. I know there were minutes... there was some indication that some of the copies of the minutes that went out weren't two-sided; mine happened to be two-sided. I'm not sure how that occurred, but...

COMMITTEE REPORTS

CHAIRMAN'S REPORT

OTHER BUSINESS

APPROVAL OF MINUTES

*August 17, 2011*

Mr. Rhodes: Yeah, they were. I make a motion for approval of the August 17<sup>th</sup> minutes.

Mr. Howard: Is there a second?

Mrs. Hazard: Second.

Mr. Howard: Okay; any discussion?

Mr. Apicella: Mr. Chairman, I'm going to abstain.

Mr. Howard: I would hope so. All those in favor...

*Planning Commission Minutes  
October 5, 2011*

Mr. Rhodes: He watches every episode.

Mr. Howard: ... of approving the August 17<sup>th</sup> minutes signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? And there's one abstention so the motion carries 5-0-1.

*September 7, 2011*

Mr. Rhodes: I make a motion for approval of the September 7<sup>th</sup> minutes.

Mr. Fields: Second.

Mr. Howard: Second by Mr. Fields; any discussion?

Mr. Apicella: Mr. Chairman, I'm going to abstain.

Mr. Howard: I hope so. All those in favor of the approval of the September 7<sup>th</sup> minutes signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? And there's one abstention; the motion carries 5-0-1. The meeting is adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 10:31 p.m.