

STAFFORD COUNTY PLANNING COMMISSION MINUTES
October 10, 2012

The meeting of the Stafford County Planning Commission of Wednesday, October 10, 2012, was called to order at 6:33 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Rhodes, Hirons, Apicella, Boswell, Hazard, Gibbons, and Schwartz

MEMBERS ABSENT: None

STAFF PRESENT: Baker, McClendon, Zuraf, Ennis, Hornung, Perrotte, Narvaez and Knighting

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes asked if there were any declarations of disqualifications concerning any item on the agenda this evening.

Mr. Gibbons stated he did visit the site for agenda item 1.

Dr. Schwartz stated he would disqualify himself on item 8. He stated he had the opportunity to meet with the people at George Washington's Boyhood Home which was item 2.

Mr. Rhodes asked Dr. Schwartz if he would be stepping out on item 8. Dr. Schwartz confirmed. Mr. Rhodes stated that public hearing would be held at the next meeting, but that was good to know. He asked again if there were any other declarations of disqualifications concerning any item on the agenda this evening.

Mr. Apicella stated with respect to item 2, when he worked on the Hill he worked closely with Senator Warner's and Congressman Bateman's office on legislation related to Ferry Farm. With that being said he felt he could impartially consider the matter.

With no other declarations of disqualification Mr. Rhodes stated before moving on to the public presentations he would like to suggest and entertain a motion for item 3, which was addressed in the work session, to modify the agenda and move it to after item 10.

Mr. Gibbons made a motion to adjust the agenda and move item 3 after item 10. Mr. Boswell seconded the motion. The motion passed 7 to 0.

Mr. Rhodes stated item 3 would be moved to after item 10. He announced there were speaker cards in the back for anyone wanting to comment on any of the public hearing items and asked that anyone wanting to speak to please fill out the card and he would call speakers forward. He then opened public presentations.

PUBLIC PRESENTATIONS

Alane Callander stated she wanted to compliment Mr. Zuraf for a great presentation on UDAs, both pros and cons. She stated she thought it would serve the Commission well in the months ahead. She stated she was also very glad that Commissioner Gibbons brought up bus service because she was thinking that she had not heard mention of that as one of the benefits of the Urban Development Areas. She stated you would have the density to make it more feasible to expand bus service. She stated this was something she

***Planning Commission Minutes
October 10, 2012***

has been talking about for a long time. She stated she comes from both small and suburban communities in Illinois and when she grew up they took the bus everywhere; there was no need to have two cars. She stated every week she hears of a problem because there was not adequate bus service. She stated she gets calls from people who have had their car break down and they can not afford to repair it, they need a ride. She stated in her opinion if we had good bus service they could just hop on a bus. She stated the regional service does not run frequently enough with schedules that make sense for people. She stated she also heard from people who were unemployed, who have no car, who would like to work, and there were some jobs out there, but the bus service was totally inadequate, it doesn't run at night and it doesn't run on the weekend. If you take a job you have to be able to get to work. She stated she also hears from disabled people that even getting to a Doctors appointment can be very difficult for them. So this was an opportunity for her to talk about a topic very dear to her heart, thank you.

Paul Waldowski stated, as he reminded the Board of Supervisors, the word of the month was responsibility, maybe he could be influential so you don't have to deal with UDAs and public hearings that are extended. He stated the main reason he was present tonight was because in mathematics and computer science an algorithm was a step by step procedure for calculations. He stated he continuously heard the word algorithm as he sits in his living room being use out of context because algorithms were used for calculations, data processing and automated reasoning. He stated though he spoke many foreign languages, assembler, Fortran, Cobol, PL/1, C+, Java, Rexx and especially SAS, (you ought to Google that), you might be utterly impressed of what a 4GL can do that was invented in the 20th century that now applies to the 21st century. Algorithms were originated by a very famous Persian mathematician, whose name was so complex I can not even pronounce it. Fortunately I only have reading, 'riting and 'rithmitic, my three R's and my PhD was a plain high school diploma. He stated, more precisely, an algorithm was an effective method expressed as a finite list of well defined instructions for calculating a function. Now I don't have time to go through the notation of the function of X, but you can get my gist for the function of UDA. He stated starting with an initial state and an initial input perhaps it might be empty like proffer guidelines or empty pocketbooks. But in the end there is a final output that is produced and terminating at a final ending state so there is nothing with zero and the only thing I would like to see with zero was we have 7 UDAs and we need to have zero UDAs. He stated as he came by, the courthouse area was one of the UDAs, and McDonalds was sitting there and across the street the car wash was still waiting to open and we have the fire department and of course we have sidewalks to nowhere all across the county, have a great evening.

With no one else coming forward Mr. Rhodes closed the public presentations and moved on to the public hearings. He stated item 1 was the Celebrate Virginia North Apartments. He stated a lot of information has been coming in on this item. He stated he would like to ask staff to provide a recap of the proposal that was associated even though the public hearing was kept open. He stated he would like to give the applicant a little bit of time because there were some open items and then we would go to public comments. He stated he knew there were a number of people that want to comment on this item and some other speakers from the County who will provide some additional information. Then we will see where Mrs. Hazard wants to take this.

PUBLIC HEARINGS

1. **RC1100261; Reclassification – Celebrate Virginia North Apartments** - A proposal to (1) amend proffered conditions on a portion of Assessor's Parcel 52-1, zoned RBC, Recreational Business Campus Zoning District, consisting of 36.79 acres, located on the south side of Scotts Ford Lane, 650 feet west of Celebrate Virginia Parkway and (2) reclassify from M-2, Heavy Industrial to RBC, Recreational Business Campus Zoning District Assessor's Parcels 44-90 (portion), 44W-2 (portion), 44W-2A, 44W-2B, and 44W-5E, consisting of 91.56 acres, located on both sides of Celebrate Virginia Parkway, 1,100 feet south of Banks Ford Parkway. The combined parcels, subject to the proffer amendment and reclassification, consist of 128.35 acres and are within the Hartwood Election District. **(Time Limit:**

***Planning Commission Minutes
October 10, 2012***

December 18, 2012)

Mike Zuraf gave a brief summary of the proposal. He stated the background of the rezoning proposal was a two part request. The first part was a proffer amendment on a portion of parcel 52-1, which was zoned RBC, Recreational Business Campus. It covers 36.79 acres located to the south of Scotts Ford Lane, 650 feet west of Celebrate Virginia Parkway. He stated the second part of the request was a reclassification from M-2, Heavy Industrial to RBC, Recreational Business Campus on 91.56 acres located on both sides of Celebrate Virginia Parkway, approximately 1,100 feet south of Banks Ford Parkway. He stated the total site area of the two pieces was 128.35 acres, the applicant was Silver Companies and the purpose of the request was for two different multi-family dwelling unit projects in addition to office development in the upper area. He showed a map of the area and pointed out the two separate areas, the proffer amendment area and the reclassification area. He stated for the proffer amendment area the applicant has provided a general development plan and as mentioned they are requesting an apartment complex consisting of 480 multi-family units and they have submitted specific proffers associated with the proffer amendment. He stated looking at the upper area, the general development plan submitted with that identifies the potential layout of uses. There are several different development pods identified. Most of them identify office uses, and the residential use was proposed as secure housing that could potentially be converted to market rate housing. He stated this proposal was for 196 multi-family dwelling units and there are a second set of proffers that apply only to the 12 acre portion. He stated the public hearing was conducted on September 19th and continued to this meeting. Additional information was requested by the Planning Commission, which was provided in your package. The applicant did submit some follow up materials which you received at your desk tonight, which included an amended general development plan, and amended maintenance manual, revised proffers and information on the impact on the property management fees, which was one of the information requests from the previous meeting. He pointed out since the last public hearing, at the Board meeting held October 2nd, the Board did consider the request to send the RBC Ordinance amendment on to the Planning Commission, but they took no action and then on October 3rd staff, Mrs. Hazard and Mr. Gibbons met with the applicant and Dr. Fuller to discuss the fiscal impact study. He stated on October 4th the applicant met with the Historical Commission to continue their discussion of the proposal as it relates to the historical resources in and around the site. He stated he would take any questions the Commission members might have.

Dr. Schwartz asked with the two pods having separate owners was there any particular reason why this was not presented as two separate rezoning cases. Mr. Zuraf stated staff has talked with the applicant about two separate applications but they wished to pursue this as one application. He stated there have been other applications that are submitted with multiple ownerships and this was really no different than other applications received.

With no other questions from the Commission, Mr. Rhodes called the applicant forward.

Chris Hornung, Vice President of Planning and Engineering for the Silver Companies, stated he had a presentation. He stated the main questions received at the last meeting had to do with their fiscal analysis, so his presentation will focus on that. He stated he would like to see if other issues come up during the comment period and then he could present rebuttal. He stated he would like to start with the law enforcement campus fiscal analysis, one thing that was not discussed at the last meeting which was a major benefit to the County was that the housing for the law enforcement campus was actually subject to the county transient occupancy tax. He stated the question received from the County was if any resident was staying for less than 30 days. He stated the vast majority of the people staying would be staying less than 30 days. He stated they were not required to leave after 30 days, but for the most part the training provided was 2 weeks to 30 days. He showed a rendering of the area and stated they were proposing 192 units designed to support the existing building across the street. He stated it would support 384 trainees and the existing building has a capacity of 380 trainees. He stated that did not include the civilian contractors that would be working in the building. They would need other places to stay and would be at

***Planning Commission Minutes
October 10, 2012***

the facility at the end of the street or extended stay hotels throughout the County. Currently the vast majority of trainees are staying in extended stay hotels outside of Stafford County. He showed projections of the number of different buildings and explained the color coding. He stated the developer was proposing 4 buildings for a total of 200,000 square feet of training, up to 400 instructors and 1,500 trainees. He stated that would equate to a housing need for the 1,500 at capacity, the secure housing would not entirely support. He stated they envisioned the overflow of that occurring at the end of the street at the project that they were building. He stated, to answer the question about applicants, the Silver Companies owns both of the entities that are the applicants, there was a developer who was here at the previous meeting who was proposing the facility, but it was all Silver property. He stated the current capacity for housing was zero, so those folks are staying in the City of Fredericksburg and Spotsylvania County. He stated the revenue for per diem rates for government contractors and civilian instructors, for those 380 trainees at capacity, adds up to \$73,000 per day in lodging and meals per diem. He stated that was money that was currently being spent in Spotsylvania and the City of Fredericksburg. He stated they do eat lunch in Stafford for the most part, because that was where they are, but most of them have decided to stay outside of the County. He stated this was the money they would like to capture as part of this project, in the development and the restaurants and other businesses that are on Route 17. He stated once the 4 building were complete, they would support approximately \$260,000 per day in revenue when operating at capacity. He stated that equates to approximately 73 million dollars in spending, just with the per diem amounts that were allocated for the trainees. He presented a chart that showed the current projections with this existing facility. Stafford was getting approximately \$110,000 a year in tax revenue from the lunch crowd and incidental spending by the agents. He stated if they were to find a housing component within the project, which was what the proposal was, the transient occupancy tax would shift from other jurisdictions to Stafford, along with breakfast, dinner and other incidentals. He stated at build out they were projecting a total tax revenue, simply from the per diem amounts for the occupants of the building, of approximately 2.5 million dollars.

Mr. Hornung stated there was a question last time concerning conversion, could the project simply be converted to normal housing. He stated there was a clause that allowed this to happen and it was simply for the reasoning of financing. He stated financing a project for 15 to 20 years was difficult if you have a short term lease with an agency. He stated what they were proposing to help reduce the risk was to proffer the units shall be constructed initially as secure housing. They cannot be built as market rate housing from day one. The second was if they were not constructed within 3 years, the land designation would revert to office, it would no longer be allowed as multi-family in pod I. Third, if they were converted there was a million dollar proffer requirement that was based on the fiscal analysis if they were converted. He stated at the last meeting that amount was \$3,900 and it was suggested that amount may not be punitive enough. Instead of being based on the actual demand, it should be viewed more as a penalty for converting, and since the last meeting it has been revised to increase it to a number we feel can still be supported by the development but does serve as a significant penalty.

Mr. Hornung stated, concerning the golf course component, there were two components to the fiscal analysis, revenues and expenses. On the revenue side the questions to ask were, what was the assessed value of the project to determine the real estate tax rate and what are the revenues per capita that the county expects out of the residents. He stated the project they propose to build does not currently exist in Stafford County. There are no class A apartments, he thought B+ was the best rating in Stafford currently. He stated the facilities built in Spotsylvania County and at Celebrate Virginia South are both rated A properties. He stated the rental rates for a 1 bedroom was \$1,350 to \$1,390 per month, a 2 bedroom was approximately \$1,500 and a 3 bedroom was roughly \$1,700 per month. He showed another chart and said basically the way the county figures out the assessment of the property is by running through an income approach calculation. He stated they look at the income for the property, they figure the annual rent and take deductions for vacancies and expenses and cap rates. He stated they met with the County to discuss the methodology, they ran the numbers using the County's numbers and using apartment rates 15 to 20 percent below what they were currently receiving at projects to the south. He stated those rates were 10

***Planning Commission Minutes
October 10, 2012***

percent higher than the existing market rate on Route 17. He stated they arrived at \$152,000 in a total assessment for the property for each unit. He stated they also looked at the generation rate for students and residents. The County average for apartments was 2.08 residents and 0.32 students, so they looked at the breakdown between 1, 2 and 3 bedroom to figure out if they could provide restrictions on the property that would reduce the school demand on the County. He stated that was important because if you look at the averages, the average number of 3 bedrooms in the corridor was approximately 27 percent of a development and 1 bedrooms was approximately 26 percent. He stated they were proposing 15 percent 3 bedrooms and a minimum of 35 percent 1 bedrooms, but would most likely be as high as 40 percent. He stated that was important because the project, based on the bedroom mix would generate 1.8 residents verses the 2.08 County average and 0.24 students rather than the 0.32 County average, which equates to fewer students and fewer residents. He stated using the County's budget numbers and the County's average per capita was the average 1 bedroom in this project would generate a net surplus annually of approximately \$1,100 to the County because 1 bedroom apartments usually don't have children and it was a fairly high rent for 1 bedroom and equates to a \$400,000 house. He stated a 2 bedroom basically breaks even and a 3 bedroom cost the county approximately \$1,300 annually. All of those numbers include a debt service component, so that number includes a debt service payment from the project as a cost. He stated if you take all of the components and add up the mix of 1, 2 and 3 bedrooms you would have a net annual benefit to the County of \$325,000. Which was a surplus of \$87,000 per year and then a debt service allocation of \$496.00 per unit based on the current tax rate. He stated the surplus would generate approximately \$8,000 of improvements per unit for the county, which are financed through bonds by adding more property with assessed values that are high and positive from a revenue standpoint.

Mr. Hornung stated they felt they should not be responsible for a transportation proffer because they had put in all of the transportation improvements at the beginning of the project and they were subject to the tax service district if it was reinstated and they believe they should get a discount on the Parks and Rec because they were providing their own amenities. He stated with those combined improvements and using the County's methodology they came up with a capital improvement cost per unit of \$8,700. He stated if you take the debt service payment based on the real estate tax rate it would leave approximately \$700 not funded through the project by itself, so they have proposed a \$1,000 proffer to go towards schools at the time of occupancy of each unit. He stated in addition to that the project was still positive after paying the debt service. He stated again it was very confusing and the presentation was very quick, but he wanted to go through it as fast as he could but he would be happy to go back to any point if there were any questions. He stated he wanted to note while a lot of property in Stafford County has gone up and down in value recently, this was a typical apartment project and the assessed value over time has done nothing but go up despite deductions if residential real estate value. He stated the county website shows the average homeowners taxes went down over the last 5 years by 11 percent; the average apartment resident taxes went up by over 60 percent over the last 5 years. Simply apartment assessed values have stayed the same while the tax rate has gone up.

Mr. Hornung stated they were asked about the POA and he provided the Commission a memo today, it was sent over to the Dell Webb Director late this afternoon. He said he was sure there would be a lot of questions concerning it and they planned to review it with their community and the Battleground Estates community. He stated it will also be put on the website first thing tomorrow morning. He stated they were asked what the impacts were of the project on the Property Owners Association (POA). He stated the more users you have paying into an owners association the more money there would be available and eventually when that money exceeds the cost, the rate could be reduced. He stated this project allows them to reduce the rate of assessments on the project more quickly than if the project was not developed. He stated it adds somewhere in the neighborhood of \$140,000 of income to the POA, whose current budget was \$590,000 per year. Looking at Battleground Estates the typical savings over the next 10 years was approximately \$1,000 to the average home and for the Del Webb roughly \$725 per home over the next 10 years.

Planning Commission Minutes
October 10, 2012

Mr. Hornung stated it was suggested that they consider a couple of proffers, one concerning shuttle service. He stated they have had several conversations with FRED over the last 5 years about the possibility of extending bus service down to the Celebrate Virginia Project. He stated they were told because of the cuts in revenue it would cost approximately \$180,000 a year to run a new route and until ridership increased that would be cost prohibitive. He stated because they would like to be able to shuttle people from the development at the golf course up to the campus and the commuter lot and possibly to the VRE, they have added a proffer that states subject to meeting the revenue requirements they would market a shuttle service to residents and they would operate a shuttle service taking people to the VRE station and the commuter lot. He stated he would skip over the reversion clause because he mentioned it earlier; it was discussed at the last meeting. He stated it was suggested they include some type of a reserve requirement in the maintenance manual that states as they are managing the property annually they would set aside money to fund improvements down the road when items in the development needed to be replaced, items like parking lots, common areas, landscaping. They added this to the proffers.

Mr. Hornung stated the last item he had was a letter received this evening from the Del Webb Community. He stated he did not want to give the illusion that it was in any way a support of the project, but it does recognize the discussions with them, our attempts to meet with them and to address their concerns, and the concerns raised by their AD HOC Committee were met based on the modification of the proffers and agreement to comply with some things they had requested. He stated he would provide that in hard copy for the Commission.

Mr. Rhodes asked the Commission if they had any questions for the applicant before moving on to public comments.

Mr. Gibbons stated he had requested from the Commissioner of Revenue an estimate on revenue generated for the secure area, but he had not received that information. Mr. Gibbons asked Mr. Hornung how long a student would stay at the training facility. He stated if they stay longer than 30 days there would be no transient occupant tax. Mr. Hornung stated in the original analysis the project was positive without any origination of transient occupancy. He stated what they heard from the Commissioner of the Revenue was that if someone were to stay over 30 days they no longer have to pay that tax. Mr. Gibbons asked the length of the class. Mr. Hornung stated a typical class was 1 or 2 weeks. He stated he could not tell you that someone would not stay longer. The only occupants of that building would be people who are training in that facility. Mr. Gibbons stated for a 1 week course or a 2 week course. Mr. Hornung stated there may be some 30 day courses, but he would say 80 percent... Mr. Gibbons asked if there was a 30 day course. Mr. Hornung stated he was not aware if there was a 30 day course at this time. Mr. Gibbons asked Mr. Hornung if he would check on that. Mr. Hornung agreed. Mr. Gibbons asked if the contractor was the instructors. Mr. Hornung stated yes. Mr. Gibbons asked about the length of stay for instructors. Mr. Hornung stated it would depend on the type of training that was going on, an instructor could stay for an extended period of time and train multiple classes. He stated they also rotate the types of classes that were going on. He stated it would depend on the class, but the instructors would not be staying in the secure project, which was the one used to demonstrate the transient occupancy tax. Mr. Gibbons stated that was not his question. How long does the instructor stay? Was it an annual basis or a semi-annual basis? Mr. Hornung stated it was his understanding that most of them had jobs where they were training certain portions of their year; it was not a full time job where they would be full time residents. Mr. Gibbons stated you don't know how long they would stay. Mr. Hornung stated he did not but he could get that information.

Mr. Rhodes asked the Commission if there were any other questions for the applicant. Hearing none he thanked Mr. Hornung and stated he would like to open up the public comment portion of the public hearing.

Sandy Breit stated she was the property manager for the shopping center as you start down the Parkway;

***Planning Commission Minutes
October 10, 2012***

we call it Banks Ford or Celebrate Virginia North Shopping Center. She stated there has been quite a turnover of businesses in the shopping center and she was in favor of the apartments. She stated she believed it would help build the business in the shopping center and help with vacancies and help the County as well.

Terry Caniford stated he lived in Nokesville Virginia and was Vice President of Cross Roads Commercial Real Estate, and they handled everything from Fredericksburg to D.C. He stated he was in support of the project and added what most people don't understand was it was not the impact that happened today; it's the impact that happens in the next 3 to 5 years. In order to get you commercial development you have to have the residential base. He stated this was a tremendous opportunity because this project lends a positive economic impact on the businesses in the immediate area and all of southern Stafford County. He stated the market rate multi-family units meet a housing need in Stafford and they are loaded with amenities. In a commercial world when you have, as the previous speaker just said, a lot of turnover in commercial leasing it was because you don't have the residential combination that allows the national developers to come in and want to lease space. They have got to have that residential component to make it worthwhile. Without the residents, without the daytime traffic, you have nothing and people fail. All of a sudden commercial developments go down in value and then everybody says we don't need more commercial developments, when in essence that was exactly what was needed. He stated you have got to have the residential base to start it. He stated again he was in total support of this project and he hopes everyone agrees with that.

Mike Corbin stated he was a Senior Property Manager with Professional Property Management in Northern Virginia. He stated he managed multi-family and single family residential properties from Fredericksburg to D.C. He stated he wanted to support the multi-family and corporate housing project of Celebrate North. He stated the units were market rate rentals and they would serve the housing need in Stafford County. He stated the proposed project would have amenities and access to the golf course. He stated like any project, the one concern was the overall maintenance of the building. He stated he has viewed the maintenance schedule and believes that Silver Companies would exceed all expectations of the County and the residents of Stafford.

Mark WorriLOW stated he was broker/owner of a residential real estate company and much of the business that he does was in the Stafford County area. He stated he had done an analysis of what was actually available for rentals. From the first of May to today, there have been 127 residential rentals in the southern Stafford County area. Currently there are 25 currently on the market, and that number of rentals was very small when you take a look at the demand. He stated the average time on the market was approximately 30 days and most of the rentals were getting full price. He stated there was a demand for residential rentals and a lot of the areas surround Stafford were also building class A rentals. He stated they were finding a number of people who are in the 20s to 30s age bracket, that have jobs in D.C, Springfield or other areas who were looking at class A rentals where they can go in and live, have great amenities, have great places to live. He stated as somebody that was looking into the future, within the next 18 to 24 months of opening a branch office in the southern part of Stafford County, this would give him a vested interest. He thanked the Commission for their time.

John Alexion stated his comments were from the last meeting. He stated he would like to address to the gentleman who operates and maintains the FBI building, his comments at the last meeting about Stafford and Route 17 verses Spotsylvania made him want to move out of Stafford County. He stated what should have been said was you did not call all the hotels and motels out or near Route 17 and guarantee 200 to 300 rooms for 13 years, and ask if they could make the facilities secure for the agents. He stated you did not call all the major hotels and motels in the United States and ask if they would build a facility in or near Route 17 that would meet your requirements while guaranteeing 200 to 300 rooms for 13 years. He stated he was sure someone would have jumped at a chance with such a guarantee. He stated instead you should have said, please allow this project to go forward because the foot print that I manage will increase

***Planning Commission Minutes
October 10, 2012***

by a factor of 4, my management fee will also increase by a factor of 4 and thus my salary will increase by a factor of 4 and I will make a lot of money at everyone's expense. He stated to the gentleman from Silver, reliable sources informed him that Silver has already moved soil on the property preparing for construction and he had some pictures that he would pass on. He stated consequently Silver must feel confident that they have enough votes in favor of these projects so that this meeting may be a farce. He stated from his accent you know that he originally came from New York where a spade was a spade and they call a proffer a bribe. Recently circulating in Celebrate's Committees was a \$38,000 bribe from the CVNOA to be paid to the HOA operating account if we agreed to these projects. He stated thank you Battleground Estates because you will be helping to pay for this. He stated if the HOA Board of Celebrate approves of it he will know when the amount will be received. He asked how could a non-stock corporation, which was owned and controlled by the owners of the property along the Parkway make a bribe payment for the benefit of a third party such as Silver. He asked was Silver, who currently manages the CVNOA, using it as his own private slush fund for his benefit. He stated when and if it occurs he would call the legal department of the IRS and based on his consultation he would probably call the Attorney General of Virginia. He stated in conclusion this whole thing smells and was smoking hot and you well know where there is smoke there is fire. This may not be the end.

Patricia Gridley stated she was one of the first owners in Battlefield Estates on the second street. She stated the reason she bought the home was because of the development that was supposed to happen. She stated she understands the economy has taken a down turn but she did not buy into having apartments in the neighborhood, the noise, the traffic, the turnover, people that are unhappy with apartments. She stated she spoke with the three major conventional apartments close to the area, England Run North, Malvern Lakes, and Madison Fall Run. She stated they currently have 6 percent to 12 percent availability in their apartments. She stated some have one, two and three bedrooms and some just have two and three bedrooms and the costs range from \$933 to \$1,000 at England Run, \$1,100 to \$1,500 at Malvern Lakes and \$900 to \$1,000 at Madison Run. She stated she did not think the applicant would get the money they were suggesting even though they would be higher end apartments, they are 3 miles from anything and there was nothing going on down there. She stated the trend for renting was much better in the past. Currently rising rent prices, record low mortgage rates and falling home prices have made homeownership more attractive. She stated she did not believe Seasons at Celebrate was no longer owned by Silver. She stated the staff puts on a great act to get you into the place but once you are living in the apartments they could care less. She stated they change the rent, they don't provide the tenants with services that were supposed to be rendered, and even the upper management would not step up. She stated looks could be deceiving.

Patricia Lee stated she resided in Battleground Estates and was opposed to the rezoning. She stated she was a veteran that served 25 years in the United States Marine Corps. In 2004 she received orders to Virginia and in 2005 she purchased a townhome in Prince William County. She stated upon planning for retirement she was looking for a place with a nice community, a development that was quiet, and a small community where you could get to know your neighbors. She stated that was why she decided to buy in Battleground Estates. She said she did get to know her neighbors and in the summer months they have a driveway social once a month. She stated it was a nice small family atmosphere. She stated the apartments were not what she planned on; she wanted to get away from the noise and a large amount of kids. She stated her townhome was noisy in the evenings and weekends and the neighborhood had changed. She stated she was definitely opposed to the rezoning to allow apartments. She stated in her opinion the amenities such as the tot lot, basketball court and tennis court that Silver has talked about putting in would not be enough to keep teenagers busy. She stated in her opinion Silver Companies should allocate at least \$100,000 per year for 10 years to Stafford County to help improve the school system and contribute to the future education of the citizens here in Stafford County.

Robert Schoul stated he was a local business owner and just opened a restaurant 3 month ago in Celebrate Virginia. He stated he was in support of the project because currently his restaurant was running on local

Planning Commission Minutes
October 10, 2012

businesses such as Geico and Intuit. He stated he was a teacher and his Father was a retired police officer and they bought a restaurant and they were trying to do the best they could. He stated he tries to support the community by doing fund raisers for the schools. He stated if apartments come in, there would be more people coming in and yes it was about money, it would help the restaurant develop revenue.

Laura Rosenthal stated she would like to comment on two issues. Mr. Hornung mentioned a letter he sent to the County on the impact that the development would have on the POA fees. She stated she had an opportunity to glance briefly at that letter and it seemed to her there were some factual errors regarding Del Webb assessments. She asked that the County not accept those numbers as final until there was time for review. She stated her second issue was that in the last presentation and tonight it was mentioned that Silver was asking for a credit for transportation costs because they had put in the transportation improvements. She stated she was assuming he was referring to Celebrate Virginia Parkway and she wanted to remind the Commission that Celebrate Parkway, the landscaping, irrigation, signage, and trails was paid for with \$31 million of bond funds that was authorized by the County and those bond funds and the debt on them was being repaid by the residents that live along the Parkway at approximately \$1,000 per year for the next 24 years. She asked if Silver received a credit would the residents receive some type of credit also.

Kirk Horton stated he was the president of the Battleground Estates Homeowners Association. He stated he wanted to comment on some things that have not been brought out yet. He stated on the Impact of Management Fees Analysis, the \$1,000 over the next 10 years, the residents don't even know it yet but they were forced to raise the assessment \$3.00 a month for the next coming year. That is \$36 a year because Silver has built in an automatic percent increase every year. He stated even if this project was approved and built, by the time it was fully occupied and the impact to the management fees was realized they would have paid probably another \$300 or \$400 on top of what they were already paying. He stated the \$1000 should be reduced by that amount since they would be paying increases until the decreases start. He asked Mr. Hornung if he could address the analysis he presented, that claims support and agreement with the land use plan of the County in eight different prioritized areas. However, at the last meeting staff disagreed with that assessment. He asked Mr. Hornung to explain how he justified that his analysis does not take into considerations the recommendations by staff. He stated the Commission had a plan to build multi-family housing in the seven Urban Development Areas designated. He stated that plan took time and was a 20 year build plan. He asked why deviate from a plan that took a lot of time and analysis to develop without more study by somebody biased like Dr. Fuller, since he was paid by Silver. He stated he had a PhD in applied mathematics and the numbers Silver showed overwhelmed him when he looked at them. He suggested doing some analysis before accepting the numbers presented by someone who would financially benefit. He stated finally their analysis demonstrated a net positive contribution, which he was not contesting because the business owners who have testified in favor of it would benefit financially as well. He asked if the proffers would be enough to build the new school that would be required should these apartments become filled with average people with the average number of children.

Shawn Woodson stated his business was PostNet on Celebrate Virginia Parkway and he was here to support the new development. He stated he has been at Celebrate Virginia approximately 5 years and the business has been struggling. He stated he was one of the few businesses that decided to stay there because he feels it would happen. Currently there were things coming up in the near future that he thought would offer an opportunity for him to stay and for his business to grow so he could support the community and donate to the schools and hire. Currently because the business was tight he was not able to do that. He stated he hoped the Commission would take that into consideration and pass the new development.

Alane Callander stated she was located in the southeastern portion of the County and sometimes gets out to the Celebrate Virginia area and shops at Giant. She stated it was sad to see the number of businesses

*Planning Commission Minutes
October 10, 2012*

that have closed. However she was not prepared at this time to support the proposal. She stated more questions have come up than answers. She found the presentation extremely confusing, there were a lot of charts with numbers that she could not read from the screen and there were no handouts with details of the proposal. She stated she did not have time to go online and print out anything about the proposal. She stated the Commission had until December 18th to act and suggested the Commission should take their time. She stated she was quite puzzled because the presentation by the applicant talked about training facility apartments where people would be coming for a week or two and also talking about apartments where people would be living long term. She stated it was also confusing talking about a shuttle bus to the VRE, which was quite a distance. She stated she had a lot to learn about this project and hoped the Commission would be comfortable before they vote and had all the answers they need.

Phillip Smith stated he was opposed to having the apartments placed in this area. He stated the Commission had seen several of the numbers presented in regard to per diem and monies that would be spent in the County. He stated he was a federal employee and had spoken to several of the individuals that work in the D.C. area and asked what they would think of class A apartments. He stated most of them stated before they would pay those types of fees they would want something that was much closer to the D.C. area. He stated they would not look at something that had no amenities right around it as being able to serve their social lives. He stated if they were to spend those amounts they would want a home and have privacy that you would not have in an apartment complex. He stated these apartments, especially POD H, were located 3 miles from the nearest services and they have discussed adding shuttles and things of that nature. There would be additional cost, additional wear, and additional maintenance to provide that service. He stated that may be fine for single individuals that live there but there would be children there. As a parent he would not put his child on a shuttle bus and say go off and have fun. He stated they needed something there and it was not there. A basketball court and a tennis court would be okay for a small period of time, but in his opinion, would not entertain the children very long. He stated they would be looking for other things to do, and given the secluded location the other things may be mischief. He stated in regard to the schools, any additional students added to the school system would over task the current system that was full. He stated 122 may not sound like a lot but for the schools it would be a huge amount. That would be a minimum of 5 additional full classrooms and the schools could not support that at this time. For those reasons he opposed the project.

Paul Waldowski stated if he agreed with real estate agents, like his shirt says, they would both be wrong. He stated he looked on the website today and was misled with the rents of \$800 and \$1,400 times 480 was \$384,000 monthly revenue which was \$4.6 million yearly. He stated if they rented for \$1,400 that was \$672,000 per month which was over \$8 million. He stated watching this on T.V., he remembered someone mentioned the figure \$25 million and like Mr. Romney said he would fire someone who came to try to put some village on the moon. He stated that was what they were doing. Even though he personally hated UDA, you were violating the Comp Plan. You don't have to extend this any further, just reject the application and move on. He stated it had to be within the Comp Plan. On June 1, 1982 he was the proud owner of an 11 year apartment which had no dumpsters and gets no county water and sewer bill, which had an HOA. Silver Companies comes here with State Roads under their HOA and they are begging for \$60,000 so they can become a secondary road. Being a New Yorker you bring multi-family aspects to a rural residential area, more residents was more crime. Go look at the basketball courts and watch the drug activity. He stated Silver Companies was famous for golf courses. He stated remember they ripped out the Sheraton and the golf course and created all those great five dollar an hour jobs and now all those businesses are going under. He stated the Commission had a lot of work to do with the physical analysis. He stated the picture showed 19 buildings and since we are in the 21st Century we should be able to see 3D aspects of this entity.

Leon Rose stated he wanted to make reference to a comment by Mr. Hornung concerning a letter sent by and AD HOC Committee. When they were first approached by Silver and they gave us their sales pitch they asked if there was anything we wanted. He stated they were looking at things to protect their

Planning Commission Minutes
October 10, 2012

community, just like anybody would. One of the things they asked for was that any new landscaping put into the apartments would not be charged to the overall management of the Parkway, which we pay for. He stated they agreed to that. He stated they asked that the commercial construction traffic not use Sanford Road because it was becoming the Indianapolis Speedway and impossible to travel and they agreed to that, no cost to anybody. He stated unfortunately an agreement was signed by the builder of Del Webb stating they would take care of the landscaping on the portion of the Parkway involving Del Webb. He stated they paid Del Webb for the management and also paid Silver for the same piece of property management. They were paying double for the same property. He stated they asked for a refund for that portion of the Parkway that Silver was doing since they were already doing it through Pulte. He stated they agreed to that, but unfortunately he thought the agreement was pending the approval of this new proposal. He stated it was too bad it had to go that direction because one thing had nothing to do with the other. And the residents of Del Webb are paying twice for the same service. He stated the position of the Del Webb Community was it was up to the individual homeowner, they did not support nor were they opposed to the application.

With no other speakers coming forward, Mr. Rhodes closed the public comment portion of the public hearing and asked the applicant if he might be able to address some of the items.

Mr. Hornung stated he did have Dr. Stephen Fuller present and would ask him to speak a little bit about apartments, the market, and their financial benefit to a community. He stated first he wanted to address a couple of the comments while they were still fresh. As far as moving dirt out there, there was no dirt being moved on any of Silver property that he was aware of. He stated the County was building the Reservoir over there on the other side near POD H apartments. He stated if it was on Silver property someone else was doing it without their knowledge, he was not aware of construction on their property at this time. He wanted to thank Mr. Rose for providing clarity to what was termed a \$38,000 bribe. He stated when they initially met with the Del Webb Community, the AD HOC Committee, they gave us a list of concerns and issues and one of the things they requested from us was a payment for every apartment that we would pay them in cash for reimbursement of the community's maintenance of landscaping along the road. So it was not an offer initiated by Silver, it actually came from the AD HOC Committee as a request to reimburse them for the cost. He stated the response was, they have an contractual agreement whereby the Del Webb HOA was providing the maintenance of that section, it was not being paid for twice, and every user was paying for the overall maintenance. There was no charge to the community for the section that Del Webb was maintaining. What was said to them was they did think it would be reasonable that they get some type of a reimbursement for the pro rata share of maintenance cost for that section of the road. Currently the Silver Companies has forwarded over \$600,000 to the POA that was hoping to get reimbursed. As far as a cash cow, it has been negative \$600,000 over the last 10 years. He stated they do hope to get reimbursed and are planning to get reimbursed out of assessments as time goes by. What they told the Committee was they were willing to forgo some of those reimbursements and provide that \$38,000 to Del Webb if the project got approved because they would have some type of a revenue stream to replace that and that was an offer they felt they could make. It did not mean that if the project was not approved, once the debt was reimbursed we would not consider doing the same thing, and that was discussed in the meeting. He stated he heard from some people the reason they came to Celebrate Virginia was for the development that was planned and because it was quiet. Celebrate Virginia project was zoned for high rise office and industrial buildings. He stated he understood people saying they came here for what was planned but he was not sure there was actually a concept of what was planned at the time they bought the house. He stated he thought it was a beautiful community when you are at the end of the road, but the entire tract of land on the other side of the road was zoned for offices and industrial uses. That was one of the things that they offer to try to mitigate to help alleviate their concerns of the Battleground Estates Community. He stated Mrs. Lee made the comment about kids and basketball courts. The only reason there was a proffer for basketball courts was because at the community meeting Mrs. Lee asked for something for kids to do so they proposed to put a basketball court there. He stated if that was not what it was, they were more than happy to change it to

Planning Commission Minutes
October 10, 2012

something else, but that was a specific request at a homeowners meeting with Battleground Estates. Prior to that there was a request that they be allowed to use the community pool which we had put in a proffer. We were simply looking for ways that would help offset the impact of the project and provide amenities.

Mr. Hornung stated they were not asking for a credit, they were basically saying if you are analyzing the project instead of analyzing it as a new apartment project in the middle of a green field that was only allowed for agricultural use, consider the fact that the project was already entitled, it was already zoned for high traffic generating uses and it already pays into a CDA assessment that funded all of those improvements. He stated the residents were correct, they do pay into the CDA which helps fund the transportation improvements in the project, but so would the property we are talking about and so has the Silver Companies on all the property in there. He stated there was a comment regarding the project was not in conformance with the Land Use Plan. He stated his comment last time was the County's Comp Plan has a section which says you should discourage high density or not have high density residential within the Suburban Land Use area. He stated the County set the Suburban Land Use area which was not part of a zoning hearing it was part of the Comp Plan review. The property being discussed was zoned for high density offices. So the comment was, why would you put land that was already zoned to allow offices and industrial uses in a suburban land area, The argument to say you can't put apartment there because it was suburban, the question was why was it suburban. It may feel suburban because the houses were there, but the allowed uses were not a suburban land use. He stated the Comp Plan does say that you should have lower density residential used in the Suburban area, and in the Comp Plan under the objectives that different types of housing for young adults, seniors and work force housing should be promoted in the County and should not be limited to Urban Development Areas. So as far as not being in compliance with the Comp Plan, the Comp Plan was somewhat contradictory that you could say you can't have it because it was suburban but yet in the objectives it states you should promote it even outside of the UDA.

Mr. Hornung stated he did apologize for the lateness and the confusing aspect of some of the graphs, but the majority of that information had been on the web for approximately 3 months. He stated that was put up to provide information to the residents and the Board. He stated it was marketed and they met with all the communities to present the information. He stated they were willing to allow a deferral to allow the Commission time to take a further look at the information and were willing to meet with anybody to discuss the numbers. He stated it was all the same information that was part of their fiscal analysis that was submitted in March. He stated the website address was www.celebratevare zoning.com if anybody wanted to take a look. He stated Mr. Waldowski stated this was a rural residential area and that was not what it was zoned for.

Mr. Rhodes stated he appreciated Dr. Fuller joining the Commission and he appreciated the award winning CFO from the County being willing to comment on some of the numbers as well. He asked Dr. Fuller to come forward.

Stephen Fuller stated he was a professor of public policy at George Mason University and he wanted to comment on the new housing trends that were facing northern Virginia and the suburban counties as they move down I-95. He stated he has been studying housing in the region for some time, he issued a report about a year ago called *Housing the Regions Future Work Force*. He stated what was clearly evident and apparent in many jurisdictions was that there are new trends in housing. He stated the forecast suggests that Stafford County will add between 10,000 to 11,000 new housing units in this decade but an increasing share should be rental units. He stated more of the new housing would be rental and the reason was important to understand and it supports the kind of development being proposed. He stated there was a demographic trend of young people, they tend to get married later and have fewer children, they don't see housing as a good investment, and they want mobility. He stated they were saving a little bit more but also carry quite a bit of college debt and they don't have the ability to buy. They are the young professionals who are filling new jobs and backfilling jobs from retirees. He stated there was another

Planning Commission Minutes
October 10, 2012

market that was showing up quite strongly and we have seen it in Fredericksburg and Arlington. It was both urban and a little less urban and it was the baby boomers or empty nesters who are getting ready to cash out of their houses, their kids are gone, they need the equity that was in the house to live on in their retirements. He stated they were becoming an increasing part of the apartment housing market. They are looking for high amenities, they like suburban locations similar to this that might be a location where you might find a single family house but they want to be renters and they want continue living in the same county or community where they have raised their children. He stated he thought more importantly to the future of the County was that there was a growing shortage of workers as older people retire and the younger generations are in smaller numbers. Communities that have good housing, priced at all ranges, that can compete with other jurisdictions are going to capture the future workers and the communities that have the future workers are going to attract business investment. He stated young people are not as willing to commute as far as their parents, the cost of commuting is going up, time is valued and many young people want to work close to where they live. He stated as this County begins to become an employment center, which is what it will become along the I-95 corridor, having the kind of housing that goes with that was very important to attract the future workers so they live and work here. He stated they would build the tax base in two ways, by supporting the business side of the fiscal equation as well as living in higher value housing with fewer children and significant local spending that generates a revenue flow without placing significant demands on public services. He stated as he has analyzed the fiscal impacts of multi-family housing it has become very clear that every project has to be viewed separately. When you look at all of the residential uses together, it was easy to say that one kind of housing or another does not pay its own way and you need to build an employment base to support that. In some that was correct, but when you take a specific project, one that was designed to attract singles and couples, it was aiming at a particular market especially at the prices that were being suggested. He stated it was a market where you could buy if you wanted to become a homeowner, but these people do not want to be homeowners. He stated they don't generate more crime, and they generate fewer children than the school generation rates that the County uses. He stated he would like to end by saying that he has talked to lots of public officials trying to help them understand that the future housing mix that their counties will be accommodating are going to be somewhat different than the past and as the baby boomers become renters and as the 17 to 35 year olds are the next big generation and they are going to become homeowners later in their career. He stated those two groups would be very important residents because they will drive the workforce and support the residential base and this was a good example among others you will see in coming years that will help this County compete for this future workforce.

Mrs. Hazard stated Stafford was unique because of the housing market and people do come here because of the government and Quantico. She stated she had spoken to real estate agents and there were a lot of rental homes. She stated she saw Marines that bought when the market was good, but they travel and they want to keep that as a rental home. She thought there would always be more rental homes than other places. She stated now are the people who can't sell their home now because the need to get a certain amount out so they will rent now. She asked Dr. Fuller if he had looked at that or was Stafford unique. Dr. Fuller stated he thought Mrs. Hazard was correct. Currently 23 percent of the households are renters, which was a very low percentage. He stated based on the demographic profile developed for this county, over the next seven years, 40 percent of the newcomers will want to be renters. He stated in his opinion Stafford could accommodate all of that but there was no class A product here and that was becoming an important attractor for capturing the better educated, higher wage young professional who like a more suburban location. He stated he thought there was a need for a more balanced rental market.

Mrs. Hazard stated Dr. Fuller had prepared the Comp Plan Analysis and asked him if he could respond to what the difference would be, that they lose money under the full Comp Plan Analysis and she thought that it was because they were looking at project specific and asked him if he could elaborate on that. Dr. Fuller stated there were two aspects and it took him a while to understand it. The first explanation was that when you roll all of the existing multi-family rentals together, it was quite a span of quality and older cheaper units tend to have households that can't afford larger units, may have more children, and stay in

Planning Commission Minutes
October 10, 2012

them longer and represent a larger impact on the budget than the newer units which are higher cost and tend to attract younger people that may be single or couples that are pre-children. He stated that was part of the reason and the value of the project per unit would generate a lot of retail, the real estate tax per unit contribution would be very high, the spending levels of the people living in them would be considerably higher than an older apartment. He stated if you did each one separately you would come up with different answers. But more importantly that analysis was done using the 09 budget, the one he did for the Comp Plan. It could not have been a worse year, revenues were falling, expenditures had not fallen as far as revenues and to balance the budget there was a necessary transfer of funds. That was the budget we used to evaluate the Comp Plan, the revenue generation per capita was pretty low that year. He stated the 2011 Annual Financial Report, which was the date that Chris used, that was a really good year. You had surplus revenues and it was a much easier analysis when everything was working. He stated if he did the analysis today probably the residential would look better than it did in 09.

Mrs. Hazard thanked Dr. Fuller for coming and talking about that and she agreed with him that class A apartments was something that Stafford did not have a lot of. She stated the Commission had to decide if this was the place to put them.

Dr. Fuller stated we had a class A economy and it was changing very quickly. He stated if you look at what would be happening on the I-95 corridor over the next 10 to 20 years and you have confined it nicely and you have tidied it up with the Comprehensive Plan but you are able to cherry pick the development if you have the housing to support it that will be moving out of the more congested areas. He stated Northern Virginia was just booming and you could pick what you want, but the higher end jobs and the workforce that goes with those jobs are going to want housing and they don't want to drive as far. Having more people living and working locally reduces the congestion and was actually an environmentally smart thing to be doing and it was smart planning.

Dr. Schwartz asked Dr. Fuller was this the place for the class A housing on Route 17, thinking it was the main thoroughfare between I-81 and I-95. He asked if you are paying top dollar for a class A condo are you going to want to sit in that traffic, you are 3 miles off of Route 17 and from that point you are another 3 or 4 miles to I-95. He stated the big rigs are there trying to get from Pittsburgh to Miami. He asked Dr. Fuller if he took that into account. Dr. Fuller stated he was talking more generally, he did not have a specific intersection or piece of land in mind when he made the statement that the County could benefit by having class A apartment buildings. He stated the market analysis answered that question and he did not do a market analysis on that project. He stated you would not build a project like this unless you were assured of having a customer base. He stated he was comfortable there would be plenty of customers, not all of them would want to be there, but what are their choices currently. There was an employment base nearby, it was not a bad location and there are single family residents there, we heard from them tonight and they like it. He stated there was a golf course on the adjacent property it was not all trucking and it had some real advantages.

Mr. Rhodes stated our CFO was waiting to speak. He stated the Commission had some questions last time specifically dealing with the numbers and the fiscal impact analysis.

Maria Perrotte, Chief Financial Officer for Stafford County, stated she had the opportunity to review the applicant's fiscal impact analysis. She stated she could follow the numbers and the calculations. She stated they did seem to flow logically from their assumptions. As was mentioned they used projects specific values and that was why the results were different from other studies that were based on County wide averages. She stated Dr. Fuller was correct that the 11 and 12 budgets had higher growth in sales tax, meals tax, personal property and non-real estate forms of revenue. She stated that revenue mix could lead to the difference also. The bottom line was the proffers were not in compliance with the County's guidelines, it really comes down to a policy issue of whether or not they are found to be acceptable. Mr. Rhodes stated the main thing was there were comments that you had the opportunity to review and the

*Planning Commission Minutes
October 10, 2012*

Commission wanted to confirm and make sure there were no questions. He asked if the department had just received another recognition from the Board. Ms. Perrotte stated yes. Mr. Rhodes congratulated her for tremendous continuing great work.

Mr. Rhodes stated there were certainly continuing questions. He stated there were a lot there and a lot on new information which was helpful. Continuing open questions on the most southern portion of the two parcels and how that fits in. Was it truly residential or was it just an extension of the training center and how that fits and applies compared to what else may develop as demand build.

Mrs. Hazard stated first she wanted to thank everyone who came to speak and those who have sent email. She stated it was great to actually see the community engaged in the projects and to take into consideration what you were feeling. She stated it always makes a better project or even a better process when the community was engaged. She stated they have received a lot of information and wanted to give her fellow Commissioners time to analyze the new information to see what questions they may have. She stated she did want to share, because there were some comments about the schools. She stated Rocky Run was at 87 percent program capacity, Gayle was at 96 percent and the high school they have to use was Stafford, and the program capacity was at 101 percent. She stated they understand they were in the Stafford High School rebuild, but her concern was for Gayle and Rocky Run. She stated she needed more time to look through this and asked if the other Commissioners needed additional information.

Mr. Gibbons stated he asked what the revenue base for apartment complex for the training facility was. He stated his concern was most training facilities either have dormitory or contract out with hotels and he did not know why this was considered an apartment and not a dormitory if it was for students.

Mr. Rhodes asked if there were any other questions the Commissioners had for staff.

Dr. Schwartz asked if they were going to get better count on the courses being offered. Specifically were there any courses over 30 days being offered. Mr. Rhodes stated there was a commitment to come back with information particularly on the breakdown on the courses and the length of time for the courses and there was an indication of an attempt for better clarity on the profile of the instructors and the length of time they were in the area. Dr. Schwartz asked who would be watching the transient hotel tax. Mr. Rhodes stated the Commissioner of the Revenue.

Mrs. Hazard stated as the Commissioners were reading through the additional information, if there was a question or additional information requested, to please let her or Mr. Hornung know. She stated there were also some open items, the second part of this was the RBC designation, and the Commission was waiting for guidance from the Board of Supervisors. She stated also regarding proffers and the policy guidance. Currently the proffers do not allow the crediting and she thought the Commission should have some guidance for that from the Board and others. She stated she would ask for a deferral of RC100261, Reclassification of Celebrate Virginia North Apartments to the next meeting. Mr. Hirons seconded the motion.

Mr. Gibbons stated Mrs. Hazard brought up a good point and asked Mr. Rhodes if he sent a request to the Chairman of the Board concerning what action they were going to take on the RBC. Mr. Rhodes stated he could certainly do that to inquire if they have an idea as to what they would be doing. He stated, as it stands, we have an application here that was not consistent with the Ordinance because there was nothing happening on the RBC currently. He stated there was also the issue with the proffer guidelines. He stated when they act that would be the conditions they would be acting under. Mrs. Hazard stated she would like to continue to consult with our legal counsel about how we would go forward.

The motion to carry this item over to the next meeting as unfinished business passed 7-0.

***Planning Commission Minutes
October 10, 2012***

Mr. Rhodes stated they would now move on to item 2, RC1200307, Reclassification for George Washington's Boyhood Home at Ferry Farm.

2. RC1200307; Reclassification - George Washington's Boyhood Home at Ferry Farm - A proposed reclassification from A-1, Agricultural and B-2, Urban Commercial Zoning Districts to HI, Historic Interpretation Zoning District, to allow a historic interpretive site, visitor center, and historic landmark on Assessor's Parcels 54-91, 54-92, 54-92A, 54-93, and 54-93A. The property consists of 106.92 acres located on the southwest side of Kings Highway, on the east and west sides of Blue & Gray Parkway, in the George Washington Election District. **(Time Limit: January 8, 2013)**

Kathy Baker gave a brief presentation for the George Washington's Boyhood Home at Ferry Farm Reclassification application and stated the request was rezoning from A-1 and B-2 zoning to HI, Heritage Interpretation Zoning District. She stated this was a new zoning designation that was adopted by the Board in 2008 and it was created strictly to preserve and enhance historic sites, allow development of museums and similar activities which would help promote heritage tourism. She stated there were special regulations and specific uses that were allowed in the Heritage Interpretation Zoning District. She stated there were five parcels totaling about 107 acres that were subject to the rezoning, and the Board of Supervisors was the applicant on behalf of the George Washington Foundation. She showed maps outlining the property and noted the current zoning of the parcels. She stated the property was surrounded by Suburban Residential to the east and Urban Commercial to the northeast of the property. She showed an aerial view of the property and pointed out the locations of Kings Highway, the Rappahannock River, the Blue & Grey Parkway and the CSX Railroad Track. She pointed out there was a portion of the property located to the south of the Blue & Grey Parkway, which was remnant property when the Parkway was constructed and stated that parcel was not intended to be developed. She also pointed out Ferry Farm and North Ferry Farm residential developments as well as the corner of Ferry Road and showed the location of the Ferry Farm Shopping Center and other retail strip development, 7-Eleven and McDonalds. She stated Ferry Farm was the place where George Washington spent much of his childhood and noted the property was listed on the National Register of Historic Places and the Virginia Landmarks Register and was a National Historic Landmark as well. She stated there was a County Historic Overlay District on the property and also a National Park Service Conservation Easement. She stated approximately 16,000 visitors come to the site annually. Currently there was no structure related to the boyhood home, but the foundation was recently discovered through archeology on the property and there was an Administrative Center on the site where there are offices, a visitors center and an archeology lab. She stated the grounds were currently open to the public for nature viewing, trails, educational programs and special events throughout the year. She showed the aerial photograph again and pointed out the Ferry Road intersection on Kings Highway and noted there were currently two access points into the property. She pointed out one access located at the administration building, as well as the administration building, with parking areas on either side of the building, the boyhood home site location, and the existing residences on the property. She stated currently there was a garden area in the back of the administration building and pointed out the location of a pavilion where they have some educational programs, the public restroom facilities and the maintenance building. She noted the area of the boyhood home site foundation and a small building that was associated with the surveyor's shed. She showed pictures of the foundation and artifacts found during the archeological work. She pointed out the two historic homes that were located on the property that were currently used by employees of the property and stated that use would continue. She stated there would be a Conditional Use Permit application required for that under the Heritage Interpretation Zoning District. Any residences that are used, even for employee residences were required to go through that application. She stated the reason for that when the Ordinance was created was to limit the number of uses and the amount of employee housing that would be on a property.

Mrs. Baker stated in 1990 a 52 acre portion in the southern part of the property, where the administrative offices were located, was zoned from A-1 to B-2. She stated there was proposed retail on the property

*Planning Commission Minutes
October 10, 2012*

and stated the Commission may remember Wal-Mart was proposed use at the time and there were proffers associated with that rezoning that stipulated the use of the property. There were building guidelines and additional screening from the boyhood home site. She stated the proffers related to that would be removed with this rezoning. She stated the George Washington Foundation was proposing to continue and expand the operation as a heritage tourism site. They will preserve the property and attempt to enhance the visitor experience through continued interpretation and education. She stated the master plan was proposing reconstruction of the boyhood home, construction of a new visitor's center, an orientation center and a new separate administration center. She stated the existing administration building would be razed. She showed a copy of the proposed conceptual site plan for the property and noted the location of the primary entrance which would be across from Ferry Road at the intersection, and there would be an exit-only at the far end of the property. She showed the location for the parking areas and stated the visitor's center would be constructed in approximately the same area as the existing administration building. Also there is a proposed maintenance facility as you enter the property. She showed the location for the reconstruction of the boyhood home site and stated there would be agricultural areas preserved, which would be keeping with the time of when George Washington would have lived there. The majority of the property would remain in the current natural state, and the new development in regard to structures would be minimal. She stated there was also intent to construct a replication of the ferry crossing down along the river in its original location. She also presented the artist rendering of George Washington's boyhood home at the time he lived there and stated the structure itself was not that large.

Mrs. Baker stated a visitor ship study was prepared to identify the visitor patterns for this property as well as similar attractions to determine the future visitation potential at Ferry Farm. Currently half of the visitors are general walk-in visitors, approximately a quarter of the visitors are group visitors, such as school groups or other groups that may come by bus or larger groups and the remaining quarter typically come for the special events such as the July 4th, and George Washington's birthday celebration. They have a handful of special events throughout the year. She stated based on the study the projected future visitation was approximately 112,800 once all the improvements were in place, which would be over 15,000 per month. She stated there was also an Economic Impact Analysis prepared which did study the contribution of Ferry Farm to the state and local economy. She stated it examined the potential impact with the expansion and the anticipated increase in visitation. It was noted the economic contribution includes spending on local goods and services such as transportation, lodging, restaurants, attractions, other shopping and other entertainment that the people visiting Ferry Farm may do while they are here.

Mrs. Baker stated the Foundation submitted a Transportation Impact Analysis. A review by VDOT was not required, but staff and the George Washington Foundation did meet with VDOT and reviewed the proposal. She stated the project does anticipate 844 vehicles per day at a peak hour. The transportation analysis was a bit different than a typical one prepared for a business because there are three different traffic scenarios. She stated you did not have the typical morning peak hour and evening peak hour, but consideration was taken for summer weekends, which were the busy times, also a school year weekday, perhaps when the school groups visit and then a special event day. Knowing about the increase in the visitation they studied the Ferry Road intersection, where the primary access point would be located and it was noted some improvements would be necessary at the intersection. She showed an overview of the intersection and pointed out the location of the east and west travel lanes as well as the intersection with Ferry Road. She stated the entrance would change from the three leg intersection to a four leg intersection. Traffic signals would need to be modified and a potential left turn lane into the site from Kings Highway and a right turn or taper lane into the site would be required. She also noted the County has included entire length of Ferry Road, from Kings Highway to Colebrook Road, in the 2008 Road Bond improvements. She stated the intersection would be done prior to the full improvements because of lack of funding, but there was a potential for doing a preliminary design on the intersection for safety and functionality purposes. She also noted the proposed Belmont/Ferry Farm Trail would be extended to this area. She explained the project was a phased project and in the past transportation enhancement funds had been received from VDOT. She stated currently two and a half miles of the trail was constructed

Planning Commission Minutes
October 10, 2012

from Belmont through the parks and the next extension would likely be to Chatham Bridge, with future expansion to Ferry Farm. She showed the Comprehensive Plan Land Use Plan recommendation and noted the majority of the property was designated as Parkland with a strip of Resource Protection area and some Suburban located on the south side, past the Blue & Grey Parkway. She stated most of the surrounding land use was also designated Suburban and with that staff was recommending approval. She noted it was in conformance with the Comprehensive Plan with the Parkland designation consistent with the current use of the property that would not change. She also noted the increased opportunity for heritage tourism and the development would include the accommodation for the Belmont/Ferry Farm Trail location. The final note being a CUP would eventually be required for the continued residential uses. She stated Bill Garner, President of the George Washington Foundation, was present and he would like to add a few words from their perspective.

Mr. Gibbons asked if 107 acres was the total amount of the property. Mrs. Baker stated yes and showed an overview of the entire property. She stated originally there was a lot more land area associated with Ferry Farm.

Dr. Schwartz asked when the CUP for the residential properties would be submitted. Mrs. Baker stated they would be forth coming. It was something that was not focused on when the rezoning was submitted. Dr. Schwartz asked if they would need to be tied together. Mrs. Baker stated there have been discussions and with the County being the applicant, the Board of Supervisors would have to initiate the application. Dr. Schwartz stated he thought the only real problem concerning Ferry Road was when the train would go through. He asked if there had been any discussions concerning that issue. Mrs. Baker stated not during this project, but the County understands what the issues are with the railroad crossing. She stated there had been some recent improvements in the last year, but there were no plans currently for any improvements to the crossing.

Mr. Hirons asked since the proposal was in conformance with the Comprehensive Plan was there language in the Comp Plan that states HI was in the park category? Mrs. Baker stated she was not sure. She would have to look it up because she did not have her Comp Plan information with her. Mr. Hirons stated in his opinion it was the right thing to do and it might just be some housekeeping that the Commission may need to do or the Board may need to initiate to make sure the Comp Plan was in conformance with that.

Bill Garner stated with Ferry Farm there was unmatched potential with five elements tied up in one site and that was not found just anywhere. He stated the opportunities that are available in regard to the ongoing historical archeology, examining the people that lived on the site some twelve thousand years ago. He stated the archeological investigation had revealed artifacts that go back to pre-woodland people on the site. They knew shad and fresh water was there and it was in the time of Native people. Kings Highway was a trade route for Native people and continued into Colonial times. Archeology tells us this site was used on many occasions over those thousands of years before the Europeans settled here by the Native people of this area. Then there was the important Colonial history of the Washington's and those who were on the site during those years followed by the Civil War Occupation during the Battle of Fredericksburg. The fourth and fifth elements were Wetlands Conservations opportunities and eco system s management there with the property being adjacent to the Rappahannock River. He stated he would like to go back to 1996, and take the opportunity to say thank you to so many people. He stated he was very grateful to the residents, both past and present, of Stafford County for the long standing support of the preservation of George Washington's Boyhood Home at Ferry Farm. He stated he would like to again thank the residents of Stafford County, Stafford County Government, the George Washington Boyhood Home Foundation, the Stafford Historical Society, the Daughters of the American Revolution, the Washington and Lewis Chapter, particularly locally, who were so helpful in the fight to save Ferry Farm. He stated he would also like to thank HFFI, the Commonwealth of Virginia, the National Park Service, the Fredericksburg Area and its residents and the Trustees, Regents and Staff of the then Kenmore

*Planning Commission Minutes
October 10, 2012*

Association, Inc., and a number of businesses and devoted individuals. He stated that was leading up to 1996 and the acquisition by what was now the George Washington Foundation. That purchase in 1996 expanded the mission of the Foundation and added to our mission of historic preservation and education, the enhancement and the public understanding and the appreciation of the lives of the Lewis's and the Washington's and the legacies of both George Washington and Betty and Fielding Lewis and their families. He stated Ferry Farm was an important and substantial acquisition for the Foundation, doubling its size and extensive consideration was required to fully understand the opportunities for educational programming and preservation within the historic acreage. He stated one of the first things tackled was historical archeology and that successful archeology has been ten years in the making yielding over 600,000 artifacts at Ferry Farm for each of those periods of man's occupation. He stated that means they have a great number of pre-European artifacts, Colonial artifacts, and a number of Civil War artifacts as well. The George Washington Foundation applied for and secured for Ferry Farm, National Historic Landmark status in 2000 and the major archeological investigation mentioned earlier began in 2001 and was ongoing and was yielding the newest information on the Washington family. He gave a brief description of the current educational program and stated the Foundation was increasing the summer workshops, camps and outreach initiatives. He stated he would like to thank the Planning Commission for considering the application because rezoning to Historic Interpretation District was an important step in the growth of Ferry Farm into a national and international destination with the projected visitation of over a hundred thousand a year, which would have a significant economic impact to Stafford County and the region. He stated the Foundation was excited to create the interpretative setting complete with family friendly hands on history exhibits, early American agriculture, walking trails and comprehensive education and orientation center. This would take time and the Foundation was eager to move forward. He introduced Brian Stevens of VHB Engineering, Kevin Sitzman of VHB, Dave Muraca, Chief Archeologist; Andrew Berry, Vice President for Institutional Advancement, Gary Nuckols, Attorney, Alma Withers, Director of Educational Programming, Visitor Services and Ferry Farm Operations; Billy Withers, Former Vice-Mayor of Fredericksburg and a close friend to the project. He stated he believed he had the people available that could respond to any questions the Commission may have.

Mr. Rhodes asked if any of the Commission members had questions. Hearing none he opened the public comment portion of the public hearing.

Donna Seer stated she welcomed the opportunity to applaud the County and the Boyhood Home Foundation in furthering this project. As an active participant in the battle of Wal-Mart and a member of the Daughters of the American Revolution the Rappahannock Chapter took on this project as their first preservation project. With this much support behind this project and as the property has been called a honey pot of historical resources, in her opinion this would be the perfect time to correct the information that was put forth both by the Foundation and the County rather than perpetuate misinformation. Just as Kenmore was not called Kenmore when the Lewis family lived there, Ferry Farm was not the name of the property. She stated in the original application for historic preservation designation, George Washington's letter to his brother was cited "as we suffer enough from the free ferry." She stated the Washington family never had anything to do with the ferry. It was operated by people from Fredericksburg and was considered somewhat of a nuisance. If there was as much historic resources available at the site that there seems to be now there was no need to "Disney-fy" the story and to perpetuate this information. She stated she would like to say, as a person who was extremely interested in historic preservation and historic accuracy she would love to see both the County and the Foundation present the property as what it was meant to be, what it actually was and that when we fought the battle to keep Wal-Mart out and to keep the County from giving away the farm, that it could be a prize for Stafford County.

With no one else coming forward to speak, Mr. Rhodes closed the public comment portion of the public hearing.

Planning Commission Minutes
October 10, 2012

Dr. Schwartz asked Mr. Garner if he would like to comment on the statements made at public hearing.

Mr. Garner stated Mrs. Seer was correct, the name Ferry Farm came years after the Washingtons were owners and occupants of the site and in fact Kenmore was named Kenmore long after the Lewis family lived there. It was named Kenmore by the Gordons for their ancestral home in Scotland. He stated the Washingtons generally referred to Ferry Farm as the home farm. The first reference to it as being called Ferry Farm was a hundred years after the Washingtons and it became a common application of the area. He stated the way the Foundation would address that was with signs. He stated there was historical documentation and signage of recognition of the site as a National Historic Landmark using that name. He stated he thought the way to address that particular question was an educational opportunity and the site would be interpretation and education. He stated to be historically accurate the Foundation would like to look at opportunities within the new orientation and education center to address the evolution of the site which would include its name. He stated, as Mrs. Baker pointed out, this was 107 acres of a site that was 650 acres at the time of the Washingtons. He stated there were changes in the size of the land and the scope of the use just as there were in the name and common recognition today. He stated it would be reflected in exhibitory that will be designed and housed on the site.

Mr. Rhodes asked if there were any concerns with the development of the Belmont/Ferry Farm Trail. Mrs. Baker stated it was just not shown on this site plan and that was something that would be developed as it goes along. She stated when the extension of the trail was originally shown in this vicinity, it was located along the front of Ferry Farm. She stated that was still an issue, but once we get to the design stage of this particular phase, the decision would be made as to where the location would be. Mr. Rhodes asked, other than the actual specifics if there has ever been a resistance to the continuation of the trail. Mrs. Baker stated this was the first time anything was being considered for the development, so that was why it was being addressed. There were no revisions to the conceptual plan at this time, but as we go forward with actual site plans, it will be necessary before any kind of construction begins. Mr. Garner stated the Foundation has been working with the County the better part of six years and the bike trail has been discussed. He stated there were some questions that would need to be resolved such as security, whether or not it was located in the flood plain or along Route 3 and also some archeology would have to be performed and then determining with regard with the new entrance proposed how the bike trail would cross or connect in a safe way. Dr. Schwartz asked if there was commitment to the trail. Mr. Garner stated they were committed to the discussion to get the questions answered. Mr. Rhodes asked if that was a carefully worded way of saying you were not yet committed to the continuation of the trail. Mr. Garner stated the simple answer was that was what they have been working on and he thought the County was working on the funding side of the equation and discussion have been held and they were waiting for resolution to get them worked out. Mr. Garner stated as long as there was a safe way to accomplish this that made sense to the County and the Foundation, it seemed to be a good objective to work toward.

Mr. Gibbons stated this was a reclassification, so this would be the time when you would get a proffer. He stated there was no proffer about the trail. He stated he did not care where it was placed on the property, but the proffer would commit. Mrs. Baker stated typically applications by the Board of Supervisors do not have proffers. But if the Commission wanted to, it could put forward a recommendation to the Board of Supervisors. Mr. Rhodes stated there would be a conditional use permit and there had to be a way to tie them together. Mrs. Baker stated the conditional use permit would only be for a portion of the site but we were certainly willing to have further dialogue with the Board of Supervisors if the Commission wished to do so. Dr. Schwartz asked when the Commission should expect to see the conditional use permit. He stated normally they go hand in hand. Mrs. Baker stated this was a little bit different because the houses have been there for a hundred years. Typically when a rezoning was done there was a time period allowed to have a residential use vacated or the appropriate zoning pieces to be in place to allow the continued use. She stated we have not approached the Board to see if they want to initiate that application or if the George Washington Foundation would be the initiator of the application. Dr. Schwartz stated there was no time frame. Mrs. Baker stated the time frame had

***Planning Commission Minutes
October 10, 2012***

not specifically been discussed. Mr. Rhodes stated it still had to be addressed with the Board, but one way or another we are the enforcer and it would have to be addressed at some point. Mrs. Baker agreed.

Dr. Schwartz stated he was able to spend some time at the Boyhood Home, reviewing the layout presented and walking over their facilities which were extremely impressive. He stated it was a benefit to Stafford County, Virginia and the county in general. He stated the long term range and financial benefit related to tourism was a boost to Stafford County and quite sizable. He made a motion that this was forwarded on to the Board of Supervisors recommending approval. Mr. Gibbons seconded.

Mr. Gibbons stated he was on the Planning Commission and the Board of Supervisors that took this project from beginning to end and the citizens of the community should be very proud of what they did to save the farm and move Wal-Mart around the corner. The Board had the wisdom to give it to this organization to run for the community. He stated he and Dr. Schwartz were on the 350th Committee and George Washington's elementary school years were at Ferry Farm and that was the key to the 350th Anniversary.

With no other comments from the Commission, Mr. Rhodes called for the vote. The motion to recommend approval of Reclassification of George Washington's Boyhood Home, RC1200307 passed 7 to 0.

Mr. Rhodes stated item 3 had been moved to the end. Items 4 through 8 were actually for the October 24th public hearing and moved on to item 9, Decatur Estates preliminary subdivision plan.

UNFINISHED BUSINESS

3. Urban Development Areas - Discussion of Urban Development Areas to study the future applicability of Urban Development Areas in the County and identify any recommendations that should be considered for amending the Comprehensive Plan. **(Time Limit: January 3, 2013) (History – Scheduled a Committee Meeting at September 19, 2012 for October 10, 2012 at 5:30 p.m.)**

Discussed after New Business

4. Architectural Design Standards – Amend the Traditional Neighborhood Development Plan, an element of the Comprehensive Plan, to incorporate Architectural Design Standards. **(Time Limit: October 5, 2012) Scheduled for Public Hearing October 24, 2012**
5. Amendment to Zoning Ordinance - Proposed Ordinance O12-02 would amend the Stafford County Code by, among other things, creating new definitions, modifying permitted uses and creating new zoning regulations to establish a Transfer of Development Rights (TDR) program. The purpose of the TDR program is to provide a mechanism by which a property owner can voluntarily transfer residential density from sending areas to receiving areas and/or to a transferee without relation to any particular property through a process intended to permanently conserve agricultural and forestry uses of lands, reduce development densities on those and other lands, and preserve rural open spaces and natural and scenic resources. The TDR program is intended to complement and supplement County land use regulations, resource protection efforts, and open space acquisition programs. The TDR program is also intended to encourage increased densities in one designated receiving area that can better accommodate this growth. **(Time Limit: November 18, 2012) Scheduled for Public Hearing October 24, 2012**
6. Amendment to the Stafford County Comprehensive Plan (“Plan”) - A proposal to amend the Plan dated January 17, 2012 in accordance with Virginia Code Section 15.2-2229 regarding Transfer

Planning Commission Minutes
October 10, 2012

of Development Rights (TDR). The proposed amendment would modify Chapter 3 of the Plan to incorporate amendments to the textual document and adopt a new map entitled Figure 3.8, Transfer of Development Rights Sending and Receiving Areas. The map generally depicts the area south of Aquia Creek, east of the CSX Rail Line and north of Potomac Creek that are designated as Agricultural/Rural and Park on the Plan Land Use Map as a sending area for Transfer of Development Rights and the lands designated as the Courthouse Urban Development Area as a receiving area for Transfer of Development Rights. **(Time Limit: November 18, 2012)**
Scheduled for Public Hearing October 24, 2012

7. Amendment to Zoning Ordinance – A proposed Ordinance to amend and reordain Stafford County Code, Section 28-35, Table 3.1 “Table of Uses and Standards” to reinstate the lot width requirement for residential lots in the A-1, Agricultural District. **(Time Limit: November 4, 2012)**
Scheduled for Public Hearing October 24, 2012

8. Amendment to Zoning Ordinance – A proposed Ordinance to amend and reordain Stafford County Code, Article III, Section 28-35, “Table 3.1. Districts Uses and Standards,” to allow medical and dental clinics as a conditional use in the M-1, Light Industrial and M-2, Heavy Industrial zoning districts. **(Time Limit: November 5, 2012)** **Scheduled for Public Hearing October 24, 2012**

NEW BUSINESS

9. SUB1200071; Decatur Estates - Preliminary Subdivision Plan – A preliminary subdivision plan for 8 single family residential lots zoned A-2, Rural Residential consisting of 9.0788 acres, located on the north side of Decatur Road directly across from William & Mary Lane on Assessor’s Parcel 31-81 within the Griffis-Widewater Election District. **(Time Limit: January 8, 2013)**

LeAnn Ennis presented the project to the Commission. She the applicant was George Lockwood and the engineer was Paul McConnell and the date of the application was March 7, 2011. The TRC date was January 8, 2012. She stated the Assessor's Parcel was 31-81, the property was located on north side of Decatur Road across from William & Mary Lane and consisted of 9.078 acres. The zoning was Rural Residential and they were proposing 8 single family dwellings in the Griffis-Widewater District. She presented an aerial view of the parcel and pointed out the location of the subdivision and stated it was a defacto subdivision which was split by Decatur Road. She pointed out Knapp Road which was a private ingress/egress easement with also bisects the property. She showed the zoning map and stated the area was surrounded by agricultural zoning also. She stated all the lots would access directly off of Decatur Road and because it was not considered a collector road shared driveways were not a requirement. She stated all the lots would be served by well and septic and stormwater management would be provided by the three bio-retention facilities shown on the property. She stated staff recommend approval of Decatur Estates preliminary subdivision and she would be happy to answer any questions.

Mrs. Hazard asked if Mrs. Ennis had any concern with lot 1. She asked if that was a power line easement over the reserve drainfield. Mrs. Ennis stated the Health Department approved that as shown and stated no structures were allowed in the easement but the Health Department promotes drainfields located there. Mrs. Hazard asked if Dominion allowed it. Mrs. Ennis stated yes, they would have had to get permission from them. Mrs. Hazard asked if they have secured the permission. Mrs. Ennis stated the applicant was present and could answer that question.

George Lockwood stated in the past he had placed drainfields in power line easements and stated Virginia Power was aware and as long as there were no permanent structures they have no problem with it. He stated it was an easement through the property but it was the landowner’s property. Mrs. Hazard asked if there would be an encroachment agreement. Mr. Lockwood stated yes.

***Planning Commission Minutes
October 10, 2012***

Dr. Schwartz asked if the future dwelling on lot 2 was encroaching on the wetlands. He stated it was sandwiched between the power easement and wetlands. He asked if the corner of the house was on the wetlands. Mrs. Ennis stated Amber Forestier would have verified that and would not have permitted it. She stated the house was not required to be shown on the preliminary, the surveyor does it for his own benefit to show that a house fits on the lots. The actual location will be decided with the building permit. This was just a preliminary concept and was not a requirement of the subdivision ordinance. They will not be allowed to build in the wetlands.

Mr. Boswell made a motion to approve. Mr. Gibbons seconded.

Mr. Rhodes stated there was a motion to approve to preliminary subdivision plan for Decatur Estates, SUB1200071 by Mr. Boswell and seconded by Mr. Gibbons. He asked if there was any discussion. The motion passed 7 to 0.

Mr. Rhodes stated that takes the Commission to item 10.

10. Amendment to Subdivision Ordinance – Proposed Ordinance O12-11 would amend Chapter 22, Section 22-134, “Required Amenities” by allowing the option of posting securities for amenities prior to recording the final plat. Currently, the subdivision ordinance requires that private amenities be constructed prior to recording the final plat. **(Time Limit: January 8, 2013)**

Andrea Hornung stated what the Commission had before them was an Ordinance amendment for securities for amenities. She stated FABAs presented a letter to the Community Economic Development Committee of the Board in February or March and the request was to allow securities for amenities to be posted at the final plat stage. She stated currently if a subdivision had any amenities on the construction plan, those amenities had to be constructed before recording the final plat for that section. Considering the economy and other issues this has become problematic. She stated this request went before the Board Committee and was sent to the Commission to consider allowing securities for amenities to be posted at the final plat. And in researching the other counties, they also allow securities to be posted for amenities. She stated the Ordinance was amended to note the amenities would be constructed before the first building permit for a house in that section.

Mr. Rhodes asked if this would require a public hearing. Mrs. Hornung stated that was correct. Mr. Rhodes stated he noticed in what the Board provided, the Commission has the flexibility to provide modification if they deem necessary. He asked staff if they saw any underlying problems or unintended circumstances. Mrs. Hornung stated staff has been going through this Ordinance for the past few months and FABAs was agreeable to the change. Mr. Rhodes asked about the underlined portion on the last page of the staff report. Mrs. Hornung stated those comments were a compilation of FABAs representatives, the Community and Economic Development Committee, the County Attorney and staff, working to find the language that would work so there would not be any unintended consequences. She stated the developer had the option to post securities for amenities or build the amenities prior to the recordation of the final plat for that section of the subdivision.

Mrs. Hazard asked as a point of clarification, if this refers to required amenities like club houses or pools, and it would relate to any kind of road required by the builder. She stated that was her only question. Mrs. Hornung stated that was correct, this was for the amenities shown approved on a preliminary and shown on the construction plan. She stated amenities include recreational amenities, tot lots, trails and things like that which would benefit the residents in the subdivision. Mrs. Hazard stated she just wanted clarification because roads she had a problem with. Mrs. Hornung stated roads were under the purview of VDOT. Mr. Rhodes stated some of the larger subdivisions have had requirements that pools or common areas would be built before the occupancy of the two hundred fiftieth, and asked if this would preclude the ability to specify when things would be made available. Mrs. Hornung stated no, the proffers were

***Planning Commission Minutes
October 10, 2012***

more restrictive and that would not relieve any rezoning of any proffer or any conditional use permit.

Mr. Gibbons made a motion to carry this item forward to the next meeting. Mr. Hiron seconded. The motion passed 7-0.

Mrs. Hazard asked if the securities office had reviewed this. Mrs. Hornung stated yes they have discussed it concerning the process and how the amenities would be bonded. She stated it would be the same process as how infrastructure and roads were bonded at the final plat process. Mrs. Hazard asked if Mrs. Hornung thought they felt comfortable with this. Mrs. Hornung stated yes.

3. *Urban Development Areas* - Discussion of Urban Development Areas to study the future applicability of Urban Development Areas in the County and identify any recommendations that should be considered for amending the Comprehensive Plan. (Time Limit: January 3, 2013) (History – Scheduled a Committee Meeting at September 19, 2012 for October 10, 2012 at 5:30 p.m.)

Mr. Rhodes stated they would be circling back to item 3. He was not sure if the any member of the Commission had desire or cause to discuss more, there were several items for staff to come back with at 5:30 on October 24, 2012, dealing with identifications of the large developments, so the Commission could have those recapped. This includes looking particularly into the UDA tools that were associated unique to the UDA legislation that exists, should the Commission choose to continue with them. It also includes, both directly and indirectly things it may provide towards grants and other things, as well as particularly addressing features from RDAs and any benefits there, so we could think about all these pieces together. He asked if anyone had anything else for staff to bring back. With no other questions or comments Mr. Rhodes moved on to the Planning Director's report.

PLANNING DIRECTOR'S REPORT

Mrs. Baker stated there were a couple of items to pass on from the Board's October 3, 2012 meeting. She stated a couple of resolutions were handed out, one was authorizing the County Administrator to initiate a proffer amendment for property at the Embrey Mill development. She stated that had to do with swapping some land for park sites and school sites. They are looking to create a larger park area and the county will act on behalf of the Nash Stafford LLC in order to go forward with that proffer amendment. The Commission will be seeing that sometime in the near future. Mr. Rhodes asked if the County was doing it because it allows us to switch land that was associated with parks and schools. Mrs. Baker stated that was correct. She stated the time extension was granted for the Architectural Design Guidelines, that was scheduled for public hearing on October 24, 2012, but the Board did grant the extension to November 14, 2012. She stated there was one other item that you will see at your desk and it really does not relate to the zoning or subdivision ordinance, but there were some revisions to the noise ordinance which basically allows a type of exemption to go through, so that was there for your information.

COUNTY ATTORNEY'S REPORT

Ms. McClendon stated she had no report at this time.

COMMITTEE REPORTS

11. Proffer Guidelines

Rhodes asked if there was any information concerning the proffer guidelines committee, was there any information from the Board as to when they might want to meet. Mrs. Baker stated staff could ask and let the Commission know.

***Planning Commission Minutes
October 10, 2012***

CHAIRMAN'S REPORT

Mr. Rhodes stated for the Chairman's report, he would like to highlight the Commission had tentatively talked about phasing out paper after the October 24, 2012 meeting. He asked the Commission members if they were comfortable about how to navigate their iPad, or whether staff should continue with paper. He asked staff to keep paper for the first meeting in November and targeting the second meeting to go paperless.

OTHER BUSINESS

12. TRC Information – Meeting October 24, 2012

Mrs. Hornung stated there were two items for the October 24, 2012 meeting. One was Guys Overlook, which was a 10 lot subdivision in the Aquia Election District and that was Mr. Apicella. And the other one was Holly Ridge Section 2 for Dr. Schwartz and that was an 18 residential lot subdivision extension to Phillips Street. Mr. Rhodes asked Mr. Apicella and Dr. Schwartz if they had a preference for time. Dr. Schwartz stated he would take the early one. Mrs. Hornung stated Holly Ridge would be 9:00 a.m. and Guys Overlook at 10:00 a.m. She stated she gave the Commission a nice map of active projects, which was requested. She stated staff worked with GIS to make sure there were no old projects in the list. She stated that was a close as they could get to open active projects that were currently under review, only going back about 5 years.

Mr. Rhodes stated he was very pleased with the efforts staff has been putting forth and keeping the Commission informed of what was coming along.

APPROVAL OF MINUTES

August 15, 2012

Mr. Rhodes asked if anyone had any comments concerning the August 15, 2012 minutes.

Mr. Hirons made a motion to approve the minutes. Mr. Boswell seconded the motion. The motion passed 7 to 0.

ADJOURNMENT

With no further business to discuss the meeting adjourned at 9:32 p.m.