

STAFFORD COUNTY PLANNING COMMISSION MINUTES
May 22, 2013

The meeting of the Stafford County Planning Commission of Wednesday, May 22, 2013, was called to order at 6:30 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Rhodes, Hiron, Boswell, English, Gibbons, Apicella, and Schwartz

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Baker, Zuraf, Harbin, and Stinnette

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Are there any Declarations of Disqualification on any item this evening?

Mr. Apicella: Mr. Chairman, some time ago I met with the applicant on item number 1.

Mr. Rhodes: Okay, very good. Any other clarifications or declarations of disqualification?

Mr. English: I also made a site visit last month with Gary Snellings with the Crucible.

Mr. Rhodes: That's very good. Certainly not declarations of disqualification, but I think it's always good to expose all the interactions that have occurred.

Dr. Schwartz: Mr. Chairman, item number 4 I had a conversation with the applicant's attorney.

Mr. Rhodes: Very good. With that, we'll move onto the public presentations. If anyone who is here this evening would like to speak on any item other than those three that are scheduled for public hearing, this is an opportunity to come forward and do so at this time. When we have the public hearings, there will be an opportunity for public comment on those three items. So, if anybody would like to come forward to speak on any item other than those that are scheduled for public hearing, please come forward. The green light will come on, you will have 3 minutes available to you after you state your name and address. The yellow light will come on when there's 1 minutes remaining, then the red light will come and we'll ask that you wrap up your comments. Thank you.

PUBLIC PRESENTATIONS

Paul Waldowski: I'll start with the sidewalks to nowhere. That's the one where \$35,000 was spent to force Hardee's to put a sidewalk there. I suggest for planning purposes that we start using Adopt a Highway sign and maybe we can put Planning Commission or Board of Supervisors as the responsibility for that piece of work. I happened to hear something about an Oxford Study and they came up with ten phrases that are the most irritating throughout the world. And the number one phrase is "at the end of the day." I don't need to say anything more about that. Now, if you all know, planning-wise the 17 year cicada is out and about, and hopefully you'll survive in Embrey Mills and Colonial Forge. So, we'll see what happens there. If you all got a personal email from me about Letters to the Editor, I'm getting a little better. I'm not above the fold on the front page with my water bill yet but someday maybe I'll get that. But I am above the fold under the cartoon of the Letters to the

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Editor because, even though I really don't like development, when I see someone who is smarter than I am and really upstage the County, it was well worth taking the time to readjust one of my other letters that was in the queue. Now, we all know you make decisions on what you know at that time if you watched the IRS this week in the Senate... I love to watch them waffle and not take accountability and responsibility. It reminds me of local government. But we have a Six-Year Plan for roads that are now constructed. So now that you have that information, how would you vote for those 692 apartments now, because you kept saying "there's no roads, we can't widen US 17, we just can't do it." It's just like 610, you know; we widened it from two lanes to four lanes, then four lanes to six lanes, then we went to eight lanes. We even made it 810 so we could use the interconnector to the other commuter parking garage. Which, by the way, was in the Six-Year Plan for \$12.9 million to pave over for 1,000 parking spaces versus building a parking garage and a sports complex... which, if you saw recently, our Olympic pool now is gonna cost \$12 million.

Mr. Rhodes: Is there anyone else that would like to come forward for a public presentation?

Patrick Cody: Chairman of the Northern Virginia Conservation Trust. As you might suspect, the TDR Ordinance which was passed in February was a step backward for us as it disenfranchised our four lots that we own in Crow's Nest Harbor. So the idea that this was going to be reviewed again by the Planning Commission is obviously very welcome. And another light bulb went on as we reached out to various stakeholders. We sent a letter kind of outlining what we think is basically a terrific win-win for our goal of having Crow's Nest Harbor being migrated and preserved, and actually solves a flaw that's existed for a long time by having Crow's Nest Harbor lots somehow try to be folded into the same category as larger lots. And so, I hope that the Planning Commission will take a serious look at that. Our letter of... actually, since we're collecting these letters over a period of time of last June... suggested that we take a look at the park land Comprehensive Plan designation as a different way to look at the TDR Ordinance. But we couldn't figure out actually how to make that really work within the dialogue that was going on at that time. So, I hope you all give this serious consideration because I think it's going to certainly solve our problems and create a better ordinance for the County. And we're willing to put our effort and meet with, you know, anyone on the Planning Commission or Board of Supervisors to talk about how this can work. Thanks.

Mr. Rhodes: Thank you sir. Anyone else would like to come forward? Ms. Kirkman?

Cecilia Kirkman: Good evening gentlemen. Tonight I'm here on behalf of Save Crow's Nest. We're one of the organizations that has been participating in some conversations with stakeholders about how to make the TDR work for Crow's Nest, for the property owners, for the County, and for taxpayers. We're here tonight to voice our support, along with the property owners in Crow's Nest, for the recommendations that have been made by Northern Virginia Conservation Trust. In addition, we have some suggestions. Specifically, regarding we believe a lot of problems would be solved if two different types of sending areas were created; one specific to park areas and one specific to agricultural, horticultural, and forestry uses. You can do that within the existing boundaries you've got by basically taking the southern half south of Accokeek Creek and designating that as a park sending area and taking the northern half and designating that as an agricultural sending area. Additionally, we think there are ways to minimize the burden on taxpayers from potentially lost revenues from property taxes and proffers. We've outlined some of those ideas and some of the continuing conversations we've had two other suggestions made which we thought were quite viable. One is to consider putting a cap on the number of TDRs that could be used for residential development so that you're guaranteed a certain number also go to commercial development. The second suggestion was that perhaps you should consider creating some additional separate receiving areas for commercial TDRs solely. And it

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might be a way to jumpstart some of the commercial projects such as Aquia Towne Center that seemed to have gotten a bit stalled. Finally, we do also recommend that the TDR... you give consideration to phasing in the TDR program so that you phase in the park sending area first, see what kind of bugs there might be, get a chance to work those out, amend the legislation as needed, and then implement the agricultural sending area. We really do believe that when properly implemented, TDRs protect sensitive areas from development while moving development to more appropriate areas with adequate infrastructure. The Board has provided you with the discretion to make sure that the TDR ordinance does just that. Please do so by amending the ordinance as recommended by Save Crow's Nest, the Northern Virginia Conservation Trust, and property owners on the Crow's Nest peninsula. Thank you.

Mr. Rhodes: Thank you very much. Anyone else that would like to speak? Okay, I will close the public presentations and will now proceed into the public hearings. First item in public hearings is CUP1200299, the Conditional Use Permit for Crucible Properties II, LLC. Mr. Harvey.

PUBLIC HEARINGS

1. CUP1200299; Conditional Use Permit – Crucible Properties II, LLC - A request for a Conditional Use Permit to allow an Industrial School in a M-1, Light Industrial Zoning District on Assessor's Parcel 35-22. The property consists of 87.59 acres located at the end of Jack Ellington Road, approximately 1,000 feet east of Richards Ferry Road, within the Hartwood Election District. **(Time Limit: July 21, 2013)**

Mr. Harvey: Mr. Chairman, please recognize Mike Zuraf for the presentation.

Mr. Rhodes: Very good, thank you.

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission. This item, item 1, is a Conditional Use Permit for an industrial school in an M-1, Light Industrial Zoning District. The site itself is Assessor's Parcel 35-22 and it covers 87.59 acres. The applicant is Crucible Properties II, LLC, represented by Charlie Payne of Hirschl Fleischer. Looking at the location of the proposal, the site is highlighted in red in the center of the screen and is located at the east end of Jack Ellington Road, which is right here. And the end of Jack Ellington Road is right in this location. And Jack Ellington Road is off of Richards Ferry Road. It's approximately 1.25 miles south of Route 17/Warrenton Road, which is off the screen in this location generally. Looking at the surrounding zoning and uses of the site, to the north and east you have R-1, Suburban Residential zoning land. This is undeveloped land. It is planned for a residential subdivision in this location. To the east is M-1, Light Industrial zoning property, which is undeveloped. And then to the south you do have A-1 property. The area highlighted here is undeveloped. And, further to the south, you do have M-2, Heavy Industrial. This is the location of a planned Vulcan Quarry which will be developed in the future. A lot of this A-1 property here is area that is part of the quarry as intended as a buffer for that quarry. Then to the west of the site is A-1 zoned property where you have large lot, rural residential properties in that location off of Richards Ferry Road. The zoning history of this site, it was zoned M-1, Light Industrial, as part of the 1978 Comprehensive rezoning that occurred in the County. There are no proffers on this property. The current use of the site has been an operation here for 13 years. The use did become non-conforming as a result of changes to the definition of schools in the County. The use is currently classified as an industrial school. Industrial schools require a Conditional Use Permit so that's why the applicant is here today. The current use is a legal non-conforming use and would be able to continue their current operations regardless of the outcome of this specific request. Here's the aerial view of the property. The use is a training and management facility that basically occupies a

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portion of the property of the total 87 acres. You have, as part of the uses there are five main buildings located in these locations. And access, again, it's off of Jack Ellington; in this location the access road comes down here. These buildings are used for administration, classroom training, indoor scenario training, and facility maintenance. The buildings are primarily on the western portion of the property. To the east of the buildings, you do have five outdoor firing ranges in these locations. There's one in here somewhere. So you have these five firing ranges. The target areas of the outdoor ranges are surrounded by earthen berms in these locations. And you can see, the orientation of the shooting ranges is to the south and east. The property does include a fence around a portion of the perimeter of the site. There are some narrow dirt and gravel roads that meander through the property. The land cover, you can see, the majority of the site is covered with deciduous forest, some evergreen forest cover. There are no perennial streams on the site, just a portion of Resource Protection Area around the one pond in this lower western corner of the site. Here's just a closer-in birds-eye view of the property again. Again, the five buildings in this location, the access road off of Jack Ellington in this location, and the firing ranges. Looking at the General Development Plan that was submitted with this request, this identifies how the site may build out in the future as a continued industrial school. The existing structures, which are kind of lightly shaded in, plan to remain. The bolder shaded in areas identify the features that would be added, that are proposed to be added to the site; they're in bold. Some of the additional uses, and again it's kind of a little light, the buildings again are here in these locations and your access road through. The new additions would be a two-story administration building in this location, some additional classroom buildings in several locations of the site, an indoor shooting range in this location, there is a scenario development training area that's in this location, they do have additional parking areas associated with the additional buildings and training areas, and the bold lines surrounding the property is a driving course that's proposed for training as well, around the perimeter. Also, they do identify several potential drainfield sites in several locations. This is outside of the Urban Service Area so they would be required at this time to have utilized drainfields as they do now. There is a 50-foot transitional buffer identified around all the residential properties, basically from this corner around; so, a 50-foot transitional buffer as required in the Zoning Ordinance between the residential uses and this use. The current access to the site would continue to remain as the only access into this facility. Now looking at some of the factors...

Mr. Apicella: Mr. Chairman, could we go back to that previous slide? So, with this GDP, can you show us where the Westlake Subdivision would be?

Mr. Zuraf: The subdivision is the area right here.

Mr. Apicella: So, with the exception of the interior instructional buildings and the firing range, the closest structure would be the two-story admin building?

Mr. Zuraf: Yes.

Mr. Apicella: Okay, thanks.

Mr. Zuraf: And now, kind of looking at some of the issues with this proposed use, there are five firing ranges that are existing there now. They do generate noise impacts. We do note that they are, as we've kind of identified on the overall, they're oriented away from the existing and planned residential uses. The closest firing point, we will note, is 280 feet from the Westlake property. Range 5, the closest firing point is in this approximate location, which is 280 feet away from the property line. And there is the scenario development training area in that location that may include some use of explosives or firing which could create some noise impacts as well, in addition to the firing ranges. There was a

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sound analysis submitted with the application as part of the Impact Statement. In the applicant's sound analysis, they were measuring the use of explosives and firing of four semi-automatic rifles at the same time, and the results of that... we did receive a map of that and the results are provided in map form identifying the decibels that were measured when the different activity was occurring. The explosives were... the source of the explosive is in this location and they had five measuring points around the perimeter of the property. You can see the range of decibels go anywhere from 48.1 at the low end at the far end of the site to 65.6 at the closest point in the upper western corner. Then the sound analysis was also conducted for the firing of the rifles. This was conducted in Range 2 in this lower corner, in the lower middle portion of the site. You can see the range of decibel readings go anywhere from 51.2 at the low end in the upper corner up to 59.5 decibels in the downrange of the firing. So, the County does measure and regulate noise in the County through its County Code. There's a noise ordinance that has maximum decibels that are permitted for different uses. There is a category of maximum decibels permitted for industrial uses, and that maximum level is 79 decibels during the daytime and 72 during the night. Some other noise impacts that may occur may be related to the driving track maneuvers. Accelerating, braking, and other maneuvers that might occur might create some noise impacts on the adjacent properties. Staff notes that the planned but unbuilt Westlake project would likely be the most impacted with very small, quarter acre-size, home sites that immediately abut the property to the north. The GDP does identify a 50-foot buffer, and we will note the Westlake project has a 50-foot buffer as well. So, in total, you do have a hundred foot buffer that would be required. Staff does have a condition that would require the preservation of existing trees in that buffer, but we do not that we're not certain that that would really mitigate all the noise that would be generated in the site. And we did receive a note, correspondence, from the applicant that they're recommending an additional condition as part of the Conditional Use Permit that they would be willing to designate a community coordinator for purposes of fielding and addressing any future issues from their neighbors. So, they'll probably be able to address that in more detail when they get up. The other issues, transportation, as I noted, the applicant is going to continue to use Jack Ellington Road as their only access into the site. Their Traffic Impact Analysis Determination Form found that the site generates 279 vehicle trips per day with 39 peak vehicle trips per hour. This level does not require the applicant to submit a Traffic Impact Analysis. The applicant did also submit a fiscal impact study which had certain findings. It notes the applicant's business revenue of \$6.3 million annually. The anticipate an increase to \$8 to \$9 million expected, and they would see that approval of this use permit would allow for a 25% increase, up to \$10 million, in business revenue, with a total impact of \$25 million in business revenue that the County would see in one form or another with offsite benefits as well. With a potential of adding 117 new jobs, 59 in the County, that's additional jobs that would be experienced as offshoots of the additional employees that would be on this site, and that the County would net \$187,000 in tax revenue over the cost of services.

Mr. English: Mike, I've got a question. The \$25 million in the business revenue in the County, is that over...

Mr. Zuraf: Annually is my understanding.

Mr. English: Annually... okay.

Mr. Zuraf: So, \$187,000 in tax revenue over the cost of service that would be estimated. So, staff has recommended several conditions with this use, that the uses of the site would be located in general conformance with those shown on the General Development Plan, that an 8-foot tall security perimeter fence be provided around the perimeter. The applicant also provided some comments to staff on this condition. They do have an issue with this and were hoping that some sort of phasing in of the fence

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would be allowed and they can address that in more detail as well. And also that the 50-foot wide transitional buffer provided and existing trees be maintained in that buffer, with the exception of trees that need to be removed for the security fence. Also, that activities on the property would not interfere with their (inaudible) operations at Quantico Marine Corps Base or Stafford Regional Airport. Also, that there's a limitation of launching of flares into the air, that they be prohibited from 7 p.m. at night to 7 a.m. Also, that any helicopters or other aircraft that would access the site only be for emergency purposes only. Some additional conditions at the site be made available for periodic inspections by County staff, that prior to any further construction the site shall be provided with an approved source of water supply for fire protection in the way of a water tank or dry hydrant. The applicant also had a concern with this condition in recommending that it be required if it meets building or fire code requirements. Also, that a connection to public water be provided if certain conditions are satisfied because the project to the north, Westlake project, will be on water and sewer. So public water will be there and so it would just be a matter of stubbing the water into this property and the applicant would possibly be able to connect. We also have, in our conditions, in the condition that it would be subject to obtaining a Comprehensive Plan Compliance Review because the site is outside of the Urban Service Area, so a Comprehensive Plan Compliance Review would be needed to even be able to run the water lines outside of the Urban Service Area onto this property. Also, that no additional or new shooting ranges would be permitted and that the ranges continue to be oriented with line of fire away from the residential properties that are existing or planned, that ammunition and weapons be stored in secure buildings, and limited of outdoor lighting impacts on adjacent properties by requiring the parking lot lighting to be downward (inaudible).

Mr. Rhodes: Yes, please Mr. Apicella.

Mr. Apicella: On number 13, and I'm not trying to be flipping, but the explosives, the black powder, is there (inaudible) included in that provision and secondly, are there any special storage or safety requirements or procedures that would need to be in place? I don't have a sense of the magnitude of how much black powder they're going to have but...

Mr. Zuraf: Well, it's my understanding that they already have kind of secure storage buildings and I believe they have certain requirements that they have to follow through ATF and so it may be a little bit of duplication but the applicant might be able to speak in more detail as to all the requirements that they have to follow.

Mr. Apicella: Okay, thank you.

Mr. Zuraf: Looking at the proposal in comparison with the recommendations of the Comprehensive Plan, this site, as I mentioned, is outside of the Urban Service Area. The Urban Service Area is basically in this location. The site itself is recommended for Agricultural/Rural future land use. The Agricultural/Rural land use supports farming, forestry, and low density residential activities. These areas are located beyond the limits of the Urban Service Area and have limited access to community services. The Plan does not recommend industrial uses on properties within this Agricultural/Rural land use district. Generally, industrial uses are recommended inside the Urban Service Area. Staff does note this is a unique use that would not likely be compatible in most areas inside the Urban Service Area and would be more appropriate in sparsely populated areas. But then from that, staff does note that over half the site is surrounded by existing and planned residential uses. Adjacent to the site are large lot residential uses to the west and south, and immediately to the north planned Westlake Subdivision. And, to the south though we do have the mining operation which would be the one kind of compatible use located around this site. There are positives and negatives with this request. Staff

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notes that conditions do intend to mitigate negative impacts that might be received from this use. The use has existed for several years with no known violations of local state and federal regulations. The approval of this Conditional Use Permit would eliminate existing non-conformity and the use with conditions may meet some of the standards of issuance of a Conditional Use Permit. The negatives of the proposal, it is not in accordance with the land use recommendations of the Comprehensive Plan. The expanded use may be in conflict with the planned residential uses on the adjacent properties. The additional noise generated by the various uses may affect the established development pattern in the planned suburban residential community and the use does not meet all the standards of the issuance for a Conditional Use Permit that are in the Zoning Ordinance. At this time, with the recommendation, staff does not support the application in its current form. Although the use has been in operation for several years and conditions may mitigate negative impacts, the use is not in accordance with the Comp Plan and expanded use may be in conflict with the planned higher density residential development. Additional measures may be needed to be considered for additional noise attenuation with this operation. And, also note, you did receive in part of the staff report there are several attachments of comments and studies from the adjacent property owners on this proposal. And I'll take any questions at this time.

Mr. Rhodes: Questions for staff? Mr. Hirons?

Mr. Hirons: With the conditions, were there any considerations for limiting the size of explosions? It looked like the tests were done with a maximum of 4 ounces of black powder. I don't know if that's big or small, but was there any discussion within the conditions to limit any explosions to not be any larger than that?

Mr. Zuraf: We did not consider that.

Mr. Hirons: Okay. I think that's all I have for you.

Mr. Rhodes: Mr. Gibbons.

Mr. Gibbons: Is this the same applicant that was before us a long time ago in the middle of Hartwood?

Mr. Zuraf: I believe so.

Mr. Gibbons: Okay. And you say that the school is non-conforming now?

Mr. Zuraf: Yes it is.

Mr. Gibbons: And what brings it in this plan into conforming?

Mr. Zuraf: What makes it conforming? It would be the issuance of the Conditional Use Permit.

Mr. Gibbons: So there's nothing different about the definition of a school... that's the trouble we had (inaudible).

Mr. Zuraf: It's classified as an industrial school.

Mr. Gibbons: And if you go back to your diagram, you've got a roadway around the perimeter?

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Mr. Rhodes: Computer please.

Mr. Zuraf: Yes.

Mr. Gibbons: The green is the roadway... is that the track?

Mr. Zuraf: The track is the dark gray line around the perimeter.

Mr. Gibbons: And then it goes into the circle here at the lower right corner? That's all interconnecting?

Mr. Zuraf: Yes.

Mr. Gibbons: So that whole track is interconnecting?

Mr. Zuraf: Correct.

Mr. Gibbons: And there's no restrictions on that? No sound? Hours of operation?

Mr. Zuraf: The conditions do not include hours of operation, no.

Mr. Gibbons: What about the decibels?

Mr. Zuraf: No, they do not.

Mr. Gibbons: There's nothing on that at all?

Mr. Zuraf: No.

Mr. Gibbons: So you could have the same thing as NASCAR out there.

Mr. Zuraf: It could get loud. I don't know how loud the vehicles or how fast the vehicles travel.

Mr. Gibbons: Sometimes if you want to find out, go over to Prince William in that police training track they have over there. The next thing, is there any mitigation plan, if this goes out of operation, of cleaning up the property, do we have any bonds or do we have any commitment to that?

Mr. Zuraf: Not that I'm aware of, no.

Mr. Gibbons: So in other words, if they went out of business tomorrow, what do we have in our hands to make sure that we meet all the EPA requirements? Nothing?

Mr. Zuraf: No.

Mr. Rhodes: What was your citation before about the 79 and 72 decibel level day and night?

Mr. Zuraf: That's the maximum decibel level in the County code under the noise ordinance.

Mr. Rhodes: So that would apply here, right?

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Mr. Zuraf: Yes.

Mr. Rhodes: Okay.

Mr. Gibbons: Now, the original one did not have the track... the way they are now they don't have no track.

Mr. Zuraf: Apparently there are some dirt road trails that they utilize on the site but not a straight-a-way type of thing.

Mr. Gibbons: I didn't have the chance, Mr. Chairman, to pull up off the history, but I'd be curious to see what the site of the track that was proposed in the original application compared to this.

Mr. Rhodes: Okay. Other questions for staff?

Dr. Schwartz: Mr. Chairman?

Mr. Rhodes: Yes, Dr. Schwartz.

Dr. Schwartz: Mr. Zuraf, could you expand a little bit about the phasing in of the 8-foot security fence around the perimeter? Apparently there was some negotiation that needed to be done about that?

Mr. Zuraf: Well, we have that in as a recommended condition and the applicant was concerned about the immediate expense... cost of that to be done all at once. So they were hoping that that could be done potentially at some phasing, I guess, as development in Westlake approaches and gets closer because Westlake is going to likely develop in phases and work its way down to the south towards this property. So they were proposing an approximately 500 to 1,000 foot distance requirement, that once development gets to that point they would be required to put the fence in.

Dr. Schwartz: So, they don't have a problem building a road, a track, asphalt track around the perimeter of the property, but they have a problem putting up an 8-foot security fence.

Mr. Zuraf: They did not express a concern about building a track.

Dr. Schwartz: They didn't? Oh, okay. Per linear foot, I think the road would be more expensive.

Mr. Zuraf: It probably would.

Dr. Schwartz: Yeah, okay, thank you.

Mr. Rhodes: Other questions? Mr. Gibbons?

Mr. Gibbons: On the financial... the job thing, concerns me. You said 169 in jobs?

Mr. Zuraf: A hundred and seventeen.

Mr. Gibbons: A hundred and seventeen...

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Mr. Zuraf: And that's not on this property; it's off-shooting from the additional use of this property that there will be benefits outside (inaudible).

Mr. Gibbons: You had so many jobs attributed to Stafford; where were the other jobs attributed to?

Mr. Zuraf: They mentioned in the City of Fredericksburg and Spotsylvania there would be a percentage of the jobs added there.

Mr. Gibbons: Thank you.

Mr. Rhodes: Mr. English.

Mr. English: The fence that they were talking about building, is that going to be like a soundproof fence that we're going to recommend for that since it's going to be backed up to Westlake?

Mr. Zuraf: No, that was not the... it was just a security fence which would likely be some sort of chain link fence. Although the specific type was never mentioned that it would have to be a soundproof. I guess it would be chain link.

Mr. English: Can you go back to the map for one second? Where is the University of Mary Washington? Is that going to be close to that also?

Mr. Gibbons: Right to the right; right where the circle is.

Mr. English: Okay.

Mr. Rhodes: Okay. Other questions for staff? Mr. Apicella?

Mr. Apicella: I'm just trying to summarize what's in front of us. We have an existing, I'll call it school for lack of a better term, and it has five buildings currently used for admin, indoor training, facilities maintenance, and five outdoor ranges. And nothing is going to change about those, as far as we know, those existing structures and uses on the property.

Mr. Zuraf: Correct.

Mr. Apicella: And they're asking to add a number of additional buildings... I guess one of those buildings would change because right now they're using something for an admin building and they want to replace it with a two-story admin building?

Mr. Zuraf: Unless they need additional admin space.

Mr. Apicella: And instructional buildings and an indoor firing range.

Mr. Zuraf: Correct.

Mr. Apicella: So, nothing about this CUP that's before us would change what's currently there, it only would apply to anything that's new? Except for the, you know, circumstances on the ground like putting the fence in and secondary relationships between the track. All I'm trying to say is that the

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conditions that are being put in place would not necessarily impact the existing uses or existing structures.

Mr. Zuraf: Well, it would allow the applicant the ability to improve those existing structures.

Mr. Apicella: Okay. Since I've been here, you know, we've had projects in front of us where they did not conform to the Comp Plan per se but they were in some ways consistent with what was happening on the ground in a specific location. I'm trying to philosophically understand how this is different than when you all have come before us and recommended approval of something in that particular set of circumstances. So, help me understand what's different here.

Mr. Zuraf: Well, here, of course, it's going along with what is existing on this site. But then looking at the other properties and around the site, you don't have similar industrial uses. The uses that are existing are generally residential.

Mr. Apicella: You've got the quarry.

Mr. Zuraf: You do have the quarry, yes, on one part of it, and then the rest of it is residential; either low density rural or suburban.

Mr. Apicella: In the past has the Commission and ultimately the County allowed or authorized a CUP to make a specific set of circumstances that were non-conforming conforming? Is this a unique approach?

Mr. Harvey: Mr. Apicella, the County over time has had a number of situations where our code has changed and someone had a non-conforming use and through the CUP process has become conforming. Not so many in recent years but I recall a few decades ago we had a number of automobile repair businesses that were non-conforming that became conforming to allow them to expand and improve on the appearance of the building and how they served their customers.

Mr. Apicella: Thank you Mr. Harvey. The track has been mentioned a couple times by my colleagues; is it going to be all paved or is part of it going to be gravel?

Mr. Zuraf: I would defer to the applicant. My understanding is a portion of it would be paved and some of it would be gravel, but I would request the applicant to confirm that.

Mr. Apicella: The indoor firing range, again, is there any kind of effort that's going to be made as its proposed to, you know, dampen the sound? I mean, I realize it's probably not going to be as potentially loud as what's outside, but I don't know enough about it to understand what kind of measures are going to be put in place to dampen the sound inside that structure.

Mr. Zuraf: I'm not aware of any measures to dampen the sound.

Mr. Apicella: I did send a couple questions and I think I've asked some of those earlier today, but one of the questions I just want to get it out on the table so we're all on the same page here. This is sort of a package deal that we either like it or dislike it; we can't necessarily pick and choose pieces that we prefer or don't like out of what's being proposed. Is that the case? So, if we didn't like the track, for example, and I'm just saying that hypothetically, we couldn't say yes to everything else and no to the track?

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Mr. Zuraf: Well, you could in a sense of that since this is a Conditional Use Permit you could recommend a condition say, for example, that no track be allowed or something like that or that would exclude the track. Or, if it's not a condition, have a separate recommendation that the Board consider that issue.

Mr. Apicella: Okay, thanks.

Mr. Rhodes: Thank you. Any other questions for staff before we have the applicant come forward? Okay. Thank you. If the applicant could come forward please.

Charlie Payne: Mr. Chairman, other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschl Fleischer and I'm representing the applicant this evening which is Crucible Properties II, LLC, which owns the subject site. There's been lots of good questions and I appreciate staff's presentation this evening. I think it's important for us to go through sort of a quick overview of what we're planning to do at the site. There's sort of some purposes and the genesis of why we're here, then some sort of realities if you will if we're unable to move forward. And we're certainly, as usual, always open to suggestion and comments from this respected Commission. As staff has noted somewhat about Crucible, and I'm not sure how much you know about them, that's one reason why they like being where they are... they're away from everybody in an isolated area which typically has been an isolated rural area of the County. Crucible is a very important and essential in many ways now (inaudible) security and private security training facility. They have been at this location for about almost 14 years now. Before that, I'm not sure if you're familiar with National Training Services, NTS, they were there for close to 20 years. Not the same type of use but somewhat similar in firing weapons, testing weapons, and also testing, for insurance purposes, dummy test driving for crash insurance purposes, etcetera. So that use, for some time since the early eighties, late seventies perhaps, has been used for industrial purposes in a rural area. And Mr. Gibbons, just real quick for clarification, there was no prior application by this applicant for any other use. This use was by-right and has been since 1978 until the ordinance was changed in 2007, I believe, which required a Conditional Use Permit for the school. So we were by-right and then by ordinance change, within our zoning district, we became non-conforming in 2007. So we were by-right for a very long time. I think that's important to understand. And we've been there a very long time. The services that are provided, obviously, as I stated, national training services on the site for many of our 3-letter agencies and also for private companies. We also, the personnel from that site travel around the world. They travel around the world to provide these services as well, including areas which we all know as war zones in Afghanistan and Iraq. The Crucible has been, as I've said, been operating at this area since 1999 and I just stated earlier about their authorized use in 1978 as by-right and then in 2007 became non-conforming. And that's really why we're here. We can't make significant improvements to the site because we're non-conforming without the Conditional Use Permit. So, we want to add some new classrooms, we want to expand our driver training facilities, we want to create and build an indoor firing range, we want to build a security fence around the facility. We want to put measures in place that will address the issues as our growing neighbors get closer to us and also to continue to facilitate what is a very successful business, and I'll get into some of those fiscal numbers as well, that's in our County... that came from Spotsylvania by the way to be here. Many of our uses are in our packet and described on Exhibit A of what we do currently. In addition to the classrooms I discussed and the driving facilities and the indoor firing range, there's also going to be construction of some new administration buildings so we're looking to grow; and also looking, as I said, to address unintended impacts to our neighbors as the residential component at least to our north gets closer to us. And, as you know, to our south is a rock quarry, so we're very compatible with that neighbor in regards to noise issues. And as I stated earlier, this area has basically been undeveloped until most recently. And

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we have lived in harmony with our neighbors. In fact, over the past five years, we checked with the Sheriff's Department, there's been two noise complaints, no citations. I say that, I think there was a noise complaint filed last night but there has been only two noise complaints in the past five years. And as staff stated, we've agreed to put a 50-foot buffer, if you will, between us and where the Westlake development is, in essence the residential components. They are also required to have a 50-foot buffer, so there is a hundred foot buffer collectively there. And as you are also likely familiar with the Westlake development and if you have the letter in your packet from the property owner, they're not looking to build any homes for about two years or so is their estimate. And if you're familiar, which I'm sure you are, of their preliminary plan which very likely came to this Commission, that phase is at the front part of their development and away from us. It's going to be some time before that matures towards our site. But we will be prepared. As stated by staff and I stated earlier, this is a positive economic development generator which people don't really know a lot about because, again, we stick to ourselves. As I stated earlier, we have significant training services on the site. The business itself generates about \$6 or \$8 million in regards to government contracting activity; however, the spinoff from that, as you know people come to our site but they don't stay at our site, they don't eat at our site. What they do is they stay at the hotels on Route 17, they eat at the restaurants on Route 17, or will bring in food from local restaurants for them at lunchtime. That has a spinoff impact, has a positive impact on economic development revenue. Of course, you can have significant, depending on the folks we bring in, the number of folks that we bring in, and again, it's a large number people that we're teaching at our classes, we bus them in, and then we bus them to the hotels. Currently on the site there are 22 full time employees. We have 25, 50 to 100 part time employees depending on the mission and the training session. Many of the folks that we bring in part time come in to sort of play a role; they role play if you will. And it is a good opportunity from an hourly perspective, wage perspective, and for some folks it's sort of a second part time job who do live in the community and we won't state who those persons are but I think they would suggest it's very beneficial. The indirect impact included with our expansion we believe, in addition to those jobs, is a total of 117. And that is, again, service industry, professional business services, lodging, etcetera, that do benefit from the activities that happen at Crucible. We also procure with local contractors, consultants. As you probably know, a lot of retired military personnel live in this area, a lot of folks with a lot of experience and training; we hire them. And we also hire local vendors and adjunct professors, some not from this area that come down from Washington, D.C., and many, because of their backgrounds in three letter agencies and their relationship with Quantico, we do hire them. The pros improvement of the site will increase the applicant's revenues. Again, it's a great thing, it's a positive thing, we create new jobs, we generate revenue locally. The net tax annual revenue benefit is about \$187,000 per year to the County. No impact on schools. No impact on roads. No impact on utilities. A very positive economic development project. Also enclosed in the packet of application, I'm sure you're familiar with O'Gara in Westmoreland County, and O'Gara went through a rezoning process which was a very difficult one... I think the vote was 3-2 that they were passed... and there was lots and lots of scrutiny, lots of criticism. There's a story from the Free Lance-Star I believe in 2009... 2011, where O'Gara was named I think Business of the Year because they had generated such a significant investment into the community and also created new jobs and had positive economic impact. So these facilities are very positive for communities. Also, it's important to note, we've got... I heard Mr. English ask about University of Mary Washington. They wrote a letter in support; it's in our packet. So did Vulcan, a letter in support of our project, which we've included. And as you're also likely to know in this particular area, I know that there have been accusations, whether fair or not, that we are making a little too much noise at that location. Remember, it's a very rural area, lots of open space and wooded areas. Also, there are other hunters. There are people out there who have their own firing ranges. I'm sure that anyone who is familiar with the Hartwood District will tell you that's accurate and there's also, not to forget, Quantico. You can hear Quantico fairly clearly at times from that location. In regards to the

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staff report, and this may address some of the questions pertaining to our comments on the conditions, it's not that we're against putting the fence up; it's the timing question. As you saw on the google overview, there's no development per se around us. There's some single family homes to our west that have been there for a very long time and neighbors of ours. When we proceed forward with the improvements to the site, whether it's the track, whether it's the administration building, whether it's the classrooms, that would be the time that we would prefer to put the fencing up. Or, as the Westlake development gets closer to us, at a certain point in time we would initiate that. But to do it right now is not something that we had planned. So that was just a point of clarity, that we wanted to provide to you.

Mr. Rhodes: Mr. English?

Mr. English: Mr. Payne, if you are approved tonight on this, when would they start construction on this track?

Mr. Payne: The improvements, I don't know about the track specifically, but the improvement period is in the next 12 to 18 months.

Mr. English: That's for the track and then the...

Mr. Payne: If the track is first... the track may not be first. The first sort of construction activity is likely 12 to 18 months out.

Mr. English: That's for probably the building, right?

Mr. Payne: The administration building is very likely the first one.

Mr. English: And how many folks do you have in there at one given time? Do you know how many people would be in there at one given time on that property?

Mr. Payne: Are you talking about students and employees?

Mr. English: Yeah.

Mr. Payne: Cliff?

(Inaudible from the audience.)

Mr. Rhodes: Could you repeat the answer into the microphone?

Mr. Payne: Just for the record, two to three hundred in total per day.

Mr. English: Are most of them bussed in or are they driving in?

Mr. Payne: Most are bussed in and some drive in, depending how close they are.

Mr. English: Okay.

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Mr. Payne: If you've been to our site, there's not a whole lot of places to park. So most of them are bussed in. In regards to condition number 10, again I think in every zoning application I'm involved in, the Fire Chief does a wonderful job of trying to make sure that we have adequate maximum fire protection. We will provide the adequate fire protection, whether it's a dry hydrant or otherwise, if it's required by state code and fire code and when we move forward with the improvements. Of course, all that has to come through the permitting process of the County anyways, and it will be addressed mainly at that point in time. And as to number 11, we at one time were in discussions with the adjoining property owner to work cooperatively on our site obviously as we let them on our site to do their noise study which they submitted to the County. And the cooperation was to, you know, allow us to stub the waterline to our site so that we can connect. So if that happens without us having to get easements or significant costs to bring it from their site, my client has no problem agreeing with that condition, as well as the conditions outlined in the staff report. And, real quickly, I just want to address a couple of questions that came up. Mr. Hirons had asked about the explosives. Typically, and this is why we tested with 4 ounce explosive, that's what we use; we don't use any more for that. The ATF licensed us for up to 25 pounds but we don't do it. For one reason, we're concerned about the noise it will make from that site for that large of an explosion or explosive. But it's typically just 4 ounces that we use. In fact, the client can't recall on occasion that it was more than 4 ounces.

Mr. Hirons: Would there be an objection to adding that as a condition?

Mr. Payne: I just wanted to be cautious about that. As a federal contractor, they may have a requirement at some point in time to test that. So I don't know what specifically is in their government contracts; I want to be very careful about we don't run in conflict of that. But I will take that back and ask them to discuss it. In regards to mitigation of site, I guess there's concerns about lead and some other issues. We have a company called APEX that, on a normal basis, on a consistent basis, test our site. In fact, we provided a letter pursuant to staff request, it's in our package, that says the site's good. Of course, any mitigation would require us to comply with state and federal laws. So, if we were to leave and a buyer was to come in, we would have to follow those requirements. And again, we monitor it very close because of our government contracts. We talked about the fence...

Dr. Schwartz: Excuse me, Mr. Payne, getting back to the fence. Completing the fence sometime down the road is not a very definitive answer. In our lifetime? I mean, what is sometime down the road?

Mr. Payne: I hope it's in our lifetime. In the next 12 to 18 months, the idea was when we move forward with the improvements, we would start at that point in time in putting the fencing up. Likely we're going to have to finance it so it would all be tied in together.

Dr. Schwartz: So the entire perimeter would be fenced in in a 3-year period, you're telling me?

Mr. Payne: Well, I think what I'm saying is, for purposes of the condition, it would be tied to any improvements that we would make to the site. So the minute that we move forward with any improvements, whether it's a classroom or a paved road or whatever the case may be, we would have to put the fence up at that time.

Dr. Schwartz: Earlier you said piecemeal. You said you've got neighbors to the west right now and as Westlake to the north and you're going to be doing this as they encroach upon us. You gave the inference earlier that the fence was going up in piecemeal sections.

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Mr. Payne: Well, I apologize if I did. I used that as an option, the option being if whatever happened first, if they got closer to us through their development process or when we started construction with our improvements. And that timeframe is 12 to 18 months. So what we wanted to do was, you know, if we got approval from here and from the Board and the condition was put the fence up now, that's not what we want to do. We want to do it when we put the improvements in, so it's tied to the improvements.

Dr. Schwartz: Can you give me a date as to when the entire perimeter would be in fence. Three years? Five years?

Mr. Payne: Within 12 to 18 months when we start construction. I mean, that's the timeframe we're planning for improvements. And that's why I'm tying it to the improvements.

Mr. Rhodes: So, if we were receptive to that then you would be looking towards being agreeable to a condition that, I can't remember which number it was for the fence, but tied that one to upon the start of your actual development, your actual construction, and that would go into place (inaudible).

Mr. Payne: Exactly. That would limit is from doing anything until we put it up, that's why I tied it together. I wasn't trying to be cute, the estimated time for my folks is 12 to 18 months, so it restricts us from moving forward with those improvements until we get the fence going. So that's why I was tying it to that.

Dr. Schwartz: Okay. The inference you gave earlier was that it was going up piecemeal.

Mr. Payne: I apologize; I didn't mean to do that. I was trying to give an option whether the development came to us first or we started construction first. So I apologize for that.

Dr. Schwartz: Okay. Item number 3 you're saying that... give me a deadline. Item number 3 is going to be completed in less than 3 years? Five years? Number 3 is the fence, yes sir.

Mr. Payne: Well, I think we just talked about that. We're going to tie it to the first new construction if you will, so it's the next 12 to 18 months. It won't be 3 years, it's going to be the next 12 to 18 months.

Dr. Schwartz: Okay, the entire perimeter.

Mr. Payne: Right, yes sir.

Dr. Schwartz: Thank you.

Mr. Payne: Sorry about that.

Mr. English: So, you're saying the whole property is going to be fenced in within 12 to 18 months.

Mr. Payne: Our estimated time for construction is the next 12 to 18 months. When we start that, we have to start with the fencing at that point.

Mr. English: Explain to me how this racetrack is going to work.

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Mr. Payne: It's not a racetrack. I've got one of those projects going on in Spotsylvania right now. I'm done with racetracks after this one.

Mr. English: Explain to me how that's going to work.

Mr. Payne: It's a training track component that's tied into the classroom activity that's happening on the site. Without getting into a whole lot of details, you know, we do a lot of security, personal security work. So part of that is driving detail. So, it's going to be, you know, like your engagement if you will from a driving tactic, defense, etcetera. Is that fair to say? Would that cover all of it?

Mr. Rhodes: Would there be a willingness to consider conditions associated with the time that those operations could take place? Like there was a condition there on the flairs that kept it within 7 to 7. The concept of your training, is it necessary to have it be at midnight or dark.

From the audience: It is necessary to be at night; it's not necessary to be at midnight. Night driver training is required in almost all of our contracts.

Mr. Payne: What's the timeframe for that?

From the audience: In the summertime, it's later but we can keep it to the same restrictions as the current (inaudible) training... 10 p.m. is fine.

Mr. Rhodes: Have you considered, especially on the north... particularly on the northeast/northwest side of that property where you have the residential either currently or in the future, that's right up against that buffer area. Have you considered other mitigation efforts? Berming? Other thoughts that... I mean, you're not going to mitigate completely engine noise and other things, but you certainly can have an impact if you had a good size berming or other... I don't know what else, but I would suggest... I doubt we're going to resolve tonight so I would suggest there be some consideration of approaches that might go for that. And while I'm at it, I would also suggest there might be... I don't know where this will head but if it does head with a favorable recommendation, if we were inclined that way, this is an opportunity to address a lot of things for the community and other areas, so we want to make sure and get those. And I'm curious if you might consider some approaches to further mitigation of firing range noise from the firing points. If you had some berming that was behind the firing points, that's going to mitigate some of the impact of that spot of it. So, I just suggest you might consider that too.

Mr. Payne: Mr. Chairman, those are very good points. If I may respond to that very quickly. Like you, we most recently got the noise study from the adjoining property owner, which we take very serious, as well as any complaints from our neighbors. And like I said, we've been there a very long time. But I think we've been good neighbors for the most part and I think staff would tell you... in fact, the Westlake consultant will probably tell you we were very hospitable, we let them on the site, had nothing to hide, so that point is we want to be good neighbors. The question is we don't want to be bankrupt being good neighbors too. So, there's a fine line between finding a middle ground to mitigate these issues and hurting the business. And the latter I'm here to protect and the prior I know you're here to protect. So, what we'd like to do is, you know, we really just got our arms around the sound study; whether I agree with how it was done and some of its findings is irrelevant. It's the fact that our neighbors do have concerns that we want to address in a way that's smart and reasonable and again doesn't bankrupt my client, which is a good, very positive business in this County. I'm sure none of you want to do that as well. And likewise, we were there first. So, we want to be good

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neighbors but we also want to be fair about this. So, I think you raise a really good point. We've already started about the berms around the actual firing location to suppress sound, and we need to work with our sound guy. We have hired a sound guy to help us kind of go through that process to address what other mitigating things we can do. And we are opening, which is why we suggested we have a community coordinator. That community coordinator is going to help also sort of mitigate these issues and address them up front.

Mr. Rhodes: It would seem also that while I envision that maybe the security fencing might be chain link, but on the northeast and northwest sides it may be of another material that has a greater sound attenuation feature or characteristic to it. You've got two sides that are going to be somewhat residential, greater or less, and you've got to look at the long term there.

Mr. Payne: Well, and we're also going to keep the vegetation there as well so you still have all of that. It's pretty heavily wooded on our side.

Mr. Rhodes: Oh no, absolutely. And the 50 feet.

Mr. Payne: And the 50 feet. We are looking out, we are good neighbors.

Mr. English: Would you be willing then to put almost like a soundproof fencing along there or is that going to be costly?

Mr. Payne: I will tell you soundproof fencing will, on 80-something acres will break us.

Mr. English: No, I'm talking of just around the Westlake...

Mr. Payne: We'll look at what we can do, whether we can put some vinyl flapping material or something. The fencing component is a very sensitive and expensive issue that we need to look at very closely. A chain link fence is the cheapest, obviously. A security fence, with the wooded area, that's kind of your natural barrier with the 50 feet; that's a real positive, in our opinion, buffer. Remember, sound is suppressed better, greater if you will, at the play, at the location of the sound. So, putting a sound wall up isn't going to do any good. It needs to be at the site where the sound is coming from.

Mr. English: You talked about the limitations of shooting; what about no Sundays and holidays? Would that be a problem? It would not? It would be a problem?

(Inaudible from the audience.)

Mr. Rhodes: I'm sorry, we need to do answers from the microphone.

Mr. Payne: Just to answer your question, and that came from Mr. Cliff Taylor who's one of the principals there, our contracts require us to be open 7 days a week. We operate 7 days a week. You probably know this... I mean, a lot of the folks who do train at our facilities have a day job and weekends is when they come to our facilities. And you know, it's important to note, we're not open to the public, we're not a public firing range, we're not affiliated with any association. We are strictly a federal government contractor and we help assist private entities, but those are mostly overseas and other locations.

Mr. Rhodes: Mr. Gibbons? Oh, Mr. Hirons?

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Mr. Hirons: I just have a quick question, Charlie, on condition 8 which refers to helicopters and aircraft. Does that include unmanned aircraft, remote control aircraft? I don't mean to talk about drones and stuff, but just remote control aircraft. Do you do any sort of remote control helicopter?

Mr. Payne: No, none. We're most ground folks.

Mr. Hirons: We consider that condition covers any sort of aircraft at all, any sort of balloon, remote control helicopter, etcetera. Okay.

Mr. Rhodes: Mr. Gibbons?

Mr. Gibbons: Charlie, sometimes you get a little emotional if I ask the wrong questions, so I'm going to try to ask the lead question. On the financial thing, you're creating jobs for Fredericksburg and Spotsylvania out of this facility, is that what you're telling me?

Mr. Payne: I would have loved to have just said all the jobs are created.

Mr. Gibbons: No, no, I didn't say all the jobs.

Mr. Payne: Well, we're not doing it specifically for Fredericksburg or Spotsylvania. That is where we anticipate where the employees may come from in regards to the jobs that are created. On our site, most of the jobs are Stafford County, for our purposes of who we hire.

Mr. Gibbons: We had another zoning request here that we acted on. People are being housed in Spotsylvania and Fredericksburg. Are those the ones that you will be training here?

Mr. Payne: I'm not sure.

Mr. Gibbons: And then my last question is, is the track or the training equivalent to Glynco down in Georgia? Are you similar in operation?

Mr. Payne: Yes sir.

Mr. Gibbons: Okay, thank you.

Mr. Payne: And I don't get emotional by your questions; I love your questions.

Mr. Rhodes: Dr. Schwartz?

Dr. Schwartz: We see you tear up occasionally when Bob questions you.

Mr. Payne: Only when he talks about my family.

Dr. Schwartz: To expand on what Mr. Gibbons was saying, earlier they were talking about where people that were going to a military school were staying in hotels. You say you bus your students in.

Mr. Payne: For the most part, right.

Dr. Schwartz: What hotels are you bussing them in from?

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(Inaudible from the audience.)

Dr. Schwartz: That was the answer we were looking for.

Mr. Payne: Holiday Inn... what was the second one, I'm sorry? Country Inn Suites. I've got to tell you, I don't recognize Cliff because typically he's not all cleaned up and in coat and tie. Typically he's in camo and I don't recognize him. He's a pilot actually, a good guy.

Mr. Rhodes: Okay. Any other questions for the applicant at this point? Okay, thank you very much.

Mr. Payne: Thank you Mr. Chairman.

Mr. Rhodes: And now I'd like to open this item up to the public comment portion of the public hearing. So anyone who would like to speak on the item number 1 on the agenda, CUP1200299, Conditional Use Permit for Crucible Properties, may come forward and do so at this time. I just ask that you state your name and address; once you do so a green light will come on indicating there's 3 minutes. A yellow light will come on when there's a minute left, and then a red light and we would ask that you conclude your comments. Thank you.

Catherine Shalaby: My name is Catherine Shalaby. I have actually lived in Stafford for 24 years and I have lived in Hartwood Meadows for over 13. I am actually on the western side of Richards Ferry Road, as the crow flies I imagine less than a mile from Crucible. But I'm not in the area that's right up against in the houses. I currently have two children in Stafford County Schools. I successfully got one out the doors of Mountain View and Virginia Tech. During many, many spring SOL seasons, when principals beg to put their children in bed, I have put my children in bed to the sound of semi- and automatic weapons fire. Umm, the 280 foot firing point and the sound studies, I'm sure they're academic and they're on paper, but that does not address the reality of what the weapons fire sounds like in a home at 9, 9:30, 9:45 at night. They do cease firing at 10 o'clock. Yes, Charlie, there were probably only two noise complaints because I quickly figured out the Sheriff's office was not going to do anything, so I stopped calling. I did a couple years write letters to the manager of the facility; I don't believe it was Cliff, I believe it was someone else a couple years ago, requesting some consideration and I didn't receive a response. And now I understand that they do have issues but, I'm just telling you, in May and June, when Stafford County Schools have SOLs, that's what our kids go to bed listening to. And I am not in the houses that are right up against the property. I am a small business owner. I am not anti-development. I am not anti-business. I'm not even against them doing this expansion. I understand absolutely the need for it. Umm, I'm just against that noise and wish that we could get a condition allowing us, as good neighbors, to put our kids in bed. I think also another comment was made about a community coordinator position, which sounds fabulous, except that if there aren't any regulations, I'm not sure what they'd be coordinating. They might listen to the complaints and make you feel better, but I don't really think that would be very effective. And, again, the issue of Quantico not being a complaint, I mean, I absolutely feel the thudding from Quantico, both in my office on 17 and in my home in Hartwood Meadows, but I'm not hearing that at 9:45 at night. So, that's just what I ask.

Mr. Rhodes: Thank you very much.

Ms. Shalaby: Thank you.

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Mr. Rhodes: Anybody would like to speak on this item? Okay, my declaration of disqualification is that she has taught both my daughters. But anyway, go ahead.

Cindy Patton: Forgive me, I get a little nervous talking to adults; I'm used to little ones. My name is Cindy Patton. Our property, under Kevin and Cindy Patton, adjoins to the Crucible. For 14 years it's been noisy, it's been loud, with the rifles and with the explosives. And just as she stated, very late at night. I just marked down one evening last week I was getting ready to go to bed, 9:59... still, noise heard within my house that was going on at the Crucibles. I drive to my parents' house which is two miles away. You can still hear them shooting two miles away. If... oh, I know. Another thing I wanted to say was about the Vulcan Quarry. That has sat quiet for over 25 years and with beautiful wetlands within in, which we walk down to view. We have 34 acres around us. We are to the south and we are to the west. So, we have noise weeknights. I work but in the summer I hear it weekdays. We have noise weekends. Family picnics are a little noisy and I would like to know... so, their time of operation, I have a question. Your time of operation ends at 10:00? Is that what time...? So, you're allowed to have noise until 10 at night. Okay. Just one last thing... if this does pass, I ask that when they put up the sound buffers that it not just go three-quarters of the way around; that it would go completely around. Because here we sit, this is where the noise buffer stops. That's all I have to say. Thank you.

Mr. Rhodes: Thank you very much.

Michael Coughlin: Good evening Mr. Chairman, members of the Commission. My name is Michael Coughlin, I am the attorney for Westlake Development, LLC. Westlake is a 701 unit development bordering the Crucible property to the northeast. It was approved in 1989 before the Crucible began operations. It had a recent proffer amendment in 2006. The preliminary plan is approved. Delivery of the first house is anticipated in approximately 2 years. My client spent over a million dollars in engineering recently for the preliminary plan and utility plans. So, it's coming. And they're going to build a road all the way to the border with the Crucible property up front. That's a requirement of the development. What we're asking for, and what we think is missing in the staff report and the proposal, is a real noise attenuation plan that is based on solid sound engineering. The noises need to not only be brought to an acceptable level according to the County's ordinances, but also according to the American National Standards Institute recommendations for gunfire, explosives, and driving. The reason, and this is kind of highlighted in the noise study that we submitted, is because experience shows, and you've heard it tonight, that gunfire and explosions are not what the average homeowner expects to hear. You know, this right now is a somewhat rural setting, and that's what the purchasers of our development will kind of be expecting. If you do nothing, it's just going to lead to more complaints to County staff, to the Board, to police, and to Crucible. And now is the time to avoid that. The Crucible operations are an issue in our view under the current County ordinances. We have measurements from 1500 feet away from the border that exceed the 60 decibel requirement. The requirement is 60 decibels during the day and 55 at night, when you're measuring it from residential properties. The noise ordinance reads "when a noise source can be identified and it's noise measured in more than one zoning district classification, the limits of the most restrictive classification shall apply." So, there's already an issue according to our measurements with, and in fact the measurements that were shown as part of the Crucible study, with what's going on today. So, anything that's expanded, you need to make sure that, you know, not only do you not violate the noise ordinance but that it's also satisfactory to the average person. So, ultimately, when you get down to it, what we think needs to occur is the conditions need to be more specific as to the current operations and the proposed operations. And the Commission, and ultimately the Board, can impose conditions that govern the existing operations because they're trying to become non-conforming. There need to be more specifics

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as to noise attenuation and ultimately we think that if we sit down with the Crucible, if we're given the time to sit down with the Crucible, that we'll at least be able to have a productive discussion that will lead hopefully to some noise attenuation. Thank you.

Mr. Rhodes: Okay, thank you very much. Is there anyone else that would like to speak on this item? Okay. I guess we will move on from the public comment portion of this item and bring it back to the Planning Commission. I would just highlight, since we do have neighbors of the area here, whenever we finish with the item, or whatever the recommendation is of the Planning Commission, my gut is it's not tonight, but when we do, it is a recommendation that goes to the Board of Supervisors. Then the Board of Supervisors will hear this item as well and another opportunity for public hearing. So, just so you have that awareness.

Mr. Gibbons: Mr. Chairman? Point of order. I think the applicant has rebuttal time.

Mr. Rhodes: Yes. We're going to move that, I just wanted to make sure I got that before they left.

Mr. Gibbons: Oh okay, I apologize.

Mr. Rhodes: Charlie, would you like to talk to any of the items that you heard there and then, if there's anything else that maybe was brought up that didn't get fully address, maybe we can get it by staff too.

Mr. Payne: Yeah, Mr. Chairman, and I appreciate the opportunity to just say a few things. And again, as I said in my initial presentation, we are very happy and open to working with our neighbors which is one reason why we suggested appointing a community coordinator. But I'd just like to address a couple things that the Westlake attorney said. One, I want this Planning Commission to understand that we, early on in the process, reached out to Westlake. This is not a he said/she said, I'm not sure what happened along that process. We were cooperating; I think we will certainly get back to them and discuss some of these issues. But things seemed to shut down and next thing we know, you guys get a letter and a sound study. So just understand that we didn't hide from that issue. In regards to the other comments from the neighbors, we want to be able to address that. But again, as I stated earlier, we're abiding by the noise ordinance and we are an industrial use. We've been there for 14 years; before that NTS was there, early 80s, prior to Westlake buying its property and it was a much, much more intensive use on that site than what we're doing. In regards to the sound study and the Westlake recommendation that we somehow adopt some more strict standards, we're not going to agree to that. I'll just tell you straight up. We'll abide by the County's ordinance and what those requirements are. We'll certainly listen to them in regards to what would be some reasonable mitigation efforts, also try to address what their timing is for development. We, as citizens and good business people of Stafford County, want people to be successful, but I would probably take the position that a 750 unit development of this high density in this location may not be the best place for that to occur. And again, I think that we look forward to trying to address a lot of these issues and all we ask as we move forward is to remember we're here to improve the site which we think will better the community around us. You know, I'm not this is sort of like take it or leave it, we're certainly willing to work with you. But if it's denied, we're back to continuing doing what we're doing and then obviously going from there. So, we're here to work with people but only in a reasonable manner. And I'm sure you appreciate that as well as we.

Mr. Rhodes: Certainly a denial does not stop the current activity that's taking place; that would continue for as long as there were contracts and business. As you think back, I would just throw out there, as you think of some of the other alternatives or approaches to some of these items, and clearly

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sound attenuation seems to be a primary thing. So approaches to that, and you all know this business better than certainly I do, but as you think of those options, and the element of sound attenuation were, quite frankly, if there was the ability to cease the firing at 9:30 instead of 10 that would work within your business model, that's a little better. If it were able to be done at 9 instead of 9:30 and you could make that as part of the package, that's a tad better. So, I would just think through all those variables as well just as a consideration.

Mr. Payne: We appreciate your comments.

Mr. Rhodes: Any other comments? Please.

Mr. Hirons: Actually I have a question probably for staff. My question is, what is their consequence if they violate one of these conditions? In particular, I'm thinking about the ones that limit their flares and ammunition storage. The other things are kind of building materials, but ongoing process a couple of these conditions are forever. What are the consequences if they violate those?

Mr. Zuraf: Well, initially zoning staff would cite them with a violation and give the applicant an opportunity to correct any violation of not meeting a condition. If it's not met then ultimately we always have that final condition that the Conditional Use Permit could be repealed by an action of the Board of Supervisors. That's the ultimate result that could occur.

Mr. Hirons: Okay. So, say they violate the flare condition; can't do flares at night. They do it once, they kind of get their hand slapped and a letter or something from Jeff?

Mr. Zuraf: Right.

Mr. Hirons: And then it becomes if it's a multiple violation it would probably then escalate to possibly getting the Board involved.

Mr. Zuraf: Correct.

Mr. Hirons: But it would never be any criminal investigation or anything.

Mr. Zuraf: No.

Mr. Hirons: Okay. Thanks.

Mr. Rhodes: Mr. English?

Mr. English: The question is probably going to be for the applicant. What about is there any way you can check the noise that would generate if you put this track in? Is there any way you could check that out? I don't know, you may be able to go up to Quantico when they do their range and different ranges and just see what kind of noise that that's going to generate?

Mr. Payne: That's a really good point. I think it's going to be part of our overall look at sort of the mitigation issues in regard to sound.

Mr. English: Right. And then the other question I have, is the indoor range... I know that's probably not going to cause any sound problems at all but if you could just...

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Mr. Payne: That's what we're anticipating.

Mr. English: If you could follow-up with that.

Mr. Payne: Sure.

Mr. Rhodes: My gut is we're going towards a deferral here. But I would just suggest that as you're looking at part of the package just as what was said just to add to it, you know, the degree to what you can model a little bit either the one that's down in Henrico or others to get a sense of that and to a degree to which staff has an opportunity to view it.

Mr. Payne: And just so we all kind of understand this, that we do have obviously some off, sort of peak hours of shooting as some of the neighbors have heard. Typically the firing is between 1:30 and 4 o'clock, 3:30 or so, when people aren't home, they're at work. Albeit there is some firing at night that obviously we stated earlier. The average sound that derives from there, and this is from the Westlake study, is very well under the County's noise ordinance. So, this is not happening constantly on the site. It has some peak hours in which the firing is happening so I don't want to give the impression that we're constantly generating a lot of noise from that site.

Mr. Rhodes: And granted, even without this CUP, there's still the activity that's going to occur there. So, not questioning or challenging that; conversely there is a distinctive sound to small arms or other fire.

Mr. Payne: And again, this is a rural area that is accustomed to guns going off. But I'm not saying take it or leave it. We want to work with you. We want to make the improvements; it betters us, it betters I think economically.

Mr. Rhodes: I think it just seems to me, when one person's speaking, but it seems to me that the degree to which I know I personally would be inclined towards a supportive approach towards the CUP is the degree to which it gives the opportunity to make conditions better for all those that are around there. Because it's going to continue as it is, so my incentive here would be the degree to which we can come up with a comprehensive approach that works for your business model but also works to further mitigate than what it is today, and that's what would be attractive to me.

Mr. Payne: We agree, and we want to get there, we just don't want to be bankrupt getting there. So we'll take a look at it, that's our promise.

Mr. Rhodes: Okay. Mr. English?

Mr. English: My recommendation would be to defer it to the second session in June.

Mr. Rhodes: What date is the second session Mr. Harvey? 26?

Mr. Harvey: Yes sir, I believe that's correct.

Mr. Rhodes: So, your motion is to defer this until 26 June to give some time for the applicant to work on some of these issues and work with staff so that we can get a common view of it and address some of the questions from tonight?

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Mr. English: Yes sir.

Mr. Rhodes: Okay, is there a second?

Dr. Schwartz: Second.

Mr. Rhodes: Second by Dr. Schwartz; any further comment Mr. English?

Mr. English: No sir.

Mr. Rhodes: Any further comment Dr. Schwartz?

Dr. Schwartz: No sir.

Mr. Rhodes: Any other member? So again, I would just highlight some of the things we talked about. The potentiality to the degree to which it works in the business model of some degree of limitation or scoping associated with explosives and amount of use of black powder. I heard that... just to clarify these points and I apologize before we get to vote, but this is part of having what staff is going to be looking at and they're going to look at it to come back on... degree to which there might be some limitations associates with the hours associated with the use of the training track. I did hear about whether or not there would be any modification to the firing times associated. And, in general, other opportunities for noise attenuation for activities that's occurring on the site. Those were some of the things that I had heard. All those in favor of the motion to defer until the 26th of June signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed? Thank you all very much, appreciate that. And thanks for everybody who came out. We're now rapidly moving towards item number 2 on the agenda, CUP 13000045, Conditional Use Permit for Sydney Hastings Office Buildings 1 and 2. Mr. Harvey?

2. CUP1300045; Conditional Use Permit – Sydney Hastings Office Buildings 1 and 2 - A request for a Conditional Use Permit to allow an exception to the height requirements in a B-2, Urban Commercial Zoning District. Specifically, the applicant requests an exception to build an 8-foot high fence in the front yard on Assessor's Parcels 45-92B and 92D. The property consists of 2.49 acres located to the northwest of the intersection of Solomon Drive with Melchers Drive, within the George Washington Election District. **(Time Limit: July 21, 2013)**

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Mr. Harvey: Thank you Mr. Chairman. John Harbin will be making the presentation for staff.

John Harbin: Good evening Mr. Chairman and Planning Commissioners. My name is John Harbin and this is agenda item number 2 for Sydney Hastings Office Buildings 1 and 2, perimeter fencing. Computer please. Just some background; this is a request to allow an 8-foot high security fence in B-2, Urban Commercial Zoning District. It's on Assessor's Parcels 45-92B and 92D. It's about 2.5 acres and the applicant is Craig Leonard of PDC Incorporated. The location is between... right off Warrenton Road between 95 and Route 1. It's highlighted here in the blue outline. As you can see, it's zoned B-2 and is surrounded by other B-2 zoned parcels.

Mr. Rhodes: What do the dollar signs mean?

Mr. Gibbons: That's economic impact to the County.

Mr. Rhodes: Is there something to that?

Mr. Harvey: Mr. Chairman, that's an error that shows up periodically.

Mr. Rhodes: Oh, okay, I just wondered if it was some code.

Mr. Harbin: This is a satellite view of the parcel. The area to the north is future expansion of the office complex. I believe they have proposed 8 total office buildings, all one to two stories with surface parking surrounding them, so very similar in nature to what's currently built. This is just a little closer up image. To the northwest there is a storage unit complex and to the south is the 7-Eleven with a gas station associated with it. And as you can see here, there are two access point off Solomon's Drive here and here, and there is existing sidewalk along Melchers Drive as well. Background on this case... the existing government tenant has occupied the building for about 12 years. The tenant now has increased security needs hence why they are now proposing an 8-foot security fence. The fence will be constructed from recycled steel painted black and styled to replicate a wrought iron picket fence. There are two vehicle gates and one pedestrian gate proposed. This is the GDP and I'll do my best to outline where the fence is going. The fence will be as close to the existing parking as possible and, as you can see here, this thin black line is the proposed fence line and it goes all the way around the building, such as this, and cuts in a little bit here and then goes along the parking lot edge. There are two access points like I mentioned. This will be the ingress point, ingress only, and this will be the egress point only, and the proposed pedestrian gate is going right there. The B-2 zoning district, it restricts front yard fencing to 4 feet and states that a CUP is required for anything taller than 4 feet. So this CUP would allow an 8-foot fence in the front yard. We have several proposed conditions for this CUP, including a Knox key switch which will be placed at each access point. Any affected landscaping will be replaced after the installation of the fence. The fence shall be located as close to the parking lot as practical. The traffic pattern shall be one way in and one way out, like I mentioned, with the entrance at the northern access point and exit at the southern access point. The fence shall not impede any sight distance along Solomon or Melchers Drive. The pedestrian gate, if installed, shall be located at the intersection of Solomon and Melchers Drive where there is existing sidewalk. The design of the constructed fence should match the design as submitted in the CUP which, like I mentioned, is black and of a wrought iron style. The Comprehensive Plan recommends this parcel for business and industry, so it is in conformance with the Comprehensive Plan. And overall, staff does recommend the approval of this CUP. It is consistent with adjacent, existing, and planned uses in the established development pattern. It will support the

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needs of the current tenant right now and it is in conformance with the Standards of Issuance for a Conditional Use Permit.

Mr. Rhodes: Any questions of staff? Mr. Gibbons.

Mr. Gibbons: We all received this email that said staff said there were no problems with this. The adjacent owner has a problem.

Mr. Harbin: Correct. I did receive an email this morning from the adjacent property owner... actually, the owner that manages the storage unit complex to the north of that.

Mr. Gibbons: Did you have a chance to analyze it?

Mr. Harbin: I did and her main issues... I think she had two main issues which was the maintenance of the lawn between their property and the office buildings which she said was not maintained on a regular basis. And that can be a condition that we add to it. I think her concern was if they construct a fence line, will that impede maintenance of that lawn even more so. And another issue, which is a little bit separate than this, is the installation of some exterior lighting that is reflecting onto their property. And there actually is a residential unit in this building here, an apartment for the manager of the storage unit complex who I think is having the main issues with the exterior lighting of that building. I have forwarded those concerns to the Zoning Administrator and we are looking into whether those exterior are in conformance with the outdoor lighting standards and to ensure that they receive the proper permits to install those lights. In terms of the lawn and the maintenance of it, that can be a condition that we add that they ensure that property maintenance of the lawn.

Mr. Gibbons: Thank you Mr. Chairman.

Mr. Rhodes: Typically, the downlighting provisions... those are usually with street lights, right? That height, or would they apply to something that's on the side of a house as well? Or the side of a structure?

Mr. Harvey: Mr. Chairman, our current lighting standards speak to foot candles at the property line. In this particular case, the letter is indicating that there is a topographic elevation change where one building sits lower than the other so the lights that are up towards the roofline of one building is sort of almost in direct line with the windows of another building. So, we may find out that it's in compliance with the standards for the amount of light, but the direction of the light may be the question.

Mr. Rhodes: Okay, thank you. Any other questions for staff before we have the applicant come forward? Dr. Schwartz.

Dr. Schwartz: Driving around this property we don't really get a good tomography layout here. The piece of property between the storage unit and this property on the northwest boundary is really a very, very steep piece of property, to the point where if you're probably 4 feet away from that fence, you're above the 8-foot fence. So, it would be, you know, with a 2 by 4 or something like that, it would be very easy to get yourself into some trouble, particularly with the top of the fence being pointed. Is there any discussion about... I know that you've got easements there from Columbia Gas and Dominion Power, moving that northwest fence to the property line so that the pitch is on the side of the property where the applicant is as opposed to away?

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Mr. Harbin: There has been known discussion at this point about that but I would defer to the applicant and whether they would be willing to make that adjustment. Like I said before, this CUP is truly in regards to the front yard of this building which would be along the Solomon Drive portion here. So that would be something that could be easily changed I would think.

Dr. Schwartz: So, the CUP is just in the front of the property?

Mr. Harbin: Correct. In order to construct any fence...

Mr. Rhodes: So I think the front can only be 4 feet tall so it's about raising it 8-foot tall so the necessity for the CUP is because of the size of the fence to the front. It doesn't mean we can't address some other circumstances as part of the process.

Dr. Schwartz: Thank you.

Mr. Rhodes: Other questions for staff before the applicant come forward? Okay, could the applicant come forward please. So, your point was almost a safety aspect, if somebody fell... okay, gotcha.

Patricia Healy: Good evening Mr. Chairman, members of the Commission. I'm Patricia Healy of Leming and Healy and I'm here representing the applicant, Stafford Management I, LLC. I have the principal of the applicant, Mr. Michael Carnock here tonight and he can certainly respond to some of your questions as well. As you know, the applicant is requesting a Conditional Use Permit to permit construction of the 8-foot high security fence, and this is at the request of the government tenant. There have been recent renovations to the buildings and there is a new Federal user in there; same user but a different element of that Federal agency. And they have a higher level of security required and that this request is being made at their request to have this higher fence installed. The applicant has worked with staff and has agreed to all the conditions that staff has raised and we'd certainly be willing to respond to the questions that have been raised tonight as well. We note that the staff report cites no apparent negative features. The manager of the adjacent property who sent that letter, we saw that tonight for the first time. So, we can certainly address those issues but I would like to point out that the lighting or the maintenance of the lawn really is not related to the request for the fence Conditional Use Permit. We certainly want to be good neighbors and will sit down and talk with them and address those concerns, but they were not raised to the owner of the property. They were, instead, sent to the County. And it's my understanding from Mr. Carnock that there may be a new manager next door and perhaps that's why they did not raise it to the neighbor rather than coming here with that letter. There was a question raised about moving the fence to the property line. Right now the proposal is to have the fence go around the parking area. And I believe Mr. Carnock has said that that should be feasible, if you want to include that as a condition. With respect to the lighting, as I said, that's something that we would sit down with the neighbor. We would certainly work with the County as well, but I would suggest that that not be included as part of these conditions here because it really is not related to the fence. And with respect to maintenance of the lawn, there's no question about that. I mean that will be maintained and if that is not being done now, it's because it has not been brought to the property owner's attention.

Mr. Rhodes: Could I just ask quickly? The features of the fencing, from what the cut sheet here looked like, it's just 8-foot wrought iron tapered to a point at the top, but there's not any other anti-climb features on the top? Okay. And, Dr. Schwartz, what I took your comment earlier to be is just really that back abutting property is where that...

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Dr. Schwartz: Just on the northwest border...

Mr. Rhodes: Where the elevations were so significant...

Dr. Schwartz: Where the elevations are significant and if you actually moved an 8-foot fence to the top of that hill, you're 16 feet above the parking lot. So, if you put some sort of visual barrier against this fence, you might handle a lot of your light issues at the same time.

Ms. Healy: That's a good point. Thank you.

Mr. Rhodes: Okay, any other questions for the applicant? Okay, I did hear the willingness possibly of a modification of one of the CUPs to work that. Very good. Thank you very much. I will now open the public comment portion of the public hearing. Anyone who has a comment on item number 2 on the agenda and would like to speak to it, now is the opportunity; you can come forward and do so. You will have 3 minutes to speak. This is again on CUP13000045 Conditional Use Permit for Sydney Hastings Office Buildings 1 and 2. I just would ask that you state your name and your address. Once you do, a green light will come on meaning you have 3 minutes; a yellow light with one minute; a red light would just ask that you start closing your comments. Thank you.

Alex George: My name is Alex George. I've lived in this neighborhood for 25 years. I would hope that someone could clarify for me that the front setback is only on Melchers Drive, so does that mean that the portion on Solomon Drive is considered a side property line?

Mr. Rhodes: We can have staff address that for you.

Mr. George: Could we address that now?

Mr. Rhodes: You have 3 minutes for comments.

Mr. George: Okay. I do not support the 8-foot tall fence. It's my feeling that the contractor should have worked this out prior to, you know, signing a lease on a building knowing that this fence would not be conforming. And certainly I would not support bringing it to the sidewalk. And certainly I would not support some type of light barrier. I just feel that, you know, this is the entrance to my neighborhood; this is not going to look residential whatsoever. You know, it's going to look quite industrial. And, you know, I also worry about the impact of some of the other development. I know there's a hotel possibly proposed for this area and I'd be concerned with how that might impact other future economic development further down Solomon Drive. There's a lot of area to be developed there and from the County's economic situation, a developer may not want to develop down beyond this industrial-looking property. That's all I have to say. Thank you for your time.

Mr. Rhodes: Thank you very much sir. Anybody else would like to speak on this item? Okay, I will close the public comment portion of the public hearing and bring it back in. If I could first ask staff just to address... the front is considered what's on Solomon Drive?

Mr. Harbin: I believe front, on second thought, is actually along both of these roads here, Solomon Drive and Melchers Drive, and I would ask Jeff to confirm that.

Mr. Harvey: That is correct. It's classified as a corner lot for zoning purposes.

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Mr. Rhodes: So, for zoning purposes, both those are considered front. So both those by current ordinance without some modification to the CUP are a 4-foot limitation on the fencing?

Mr. Harvey: That's correct.

Mr. Rhodes: Okay. And is there... there was a comment there that I just wanted sure I understood or maybe want to ask more. So, is there sidewalk along Solomon Drive or is it only along Melchers?

Mr. Harbin: It is only along Melchers Drive at this time.

Mr. Rhodes: Okay. And the current proposal for the fence would not enclose or restrict or impede that sidewalk, would it?

Mr. Harbin: Along Solomon Drive?

Mr. Rhodes: No, along the... the sidewalk that exists along Melchers.

Mr. Harbin: No.

Mr. Rhodes: So, it's intended to be generally near, as I understood, the parking lot other than maybe the discussion we just had.

Mr. Harbin: Right.

Mr. Rhodes: Okay, so it would not impede the use of the sidewalk.

Mr. Harbin: Correct.

Mr. Rhodes: Okay. Alright, other questions for staff or rebuttal by applicant? Any comments?

Mr. English: How far is this setback from 17? A couple blocks?

Mr. Harbin: About 1 block I believe.

Mr. Rhodes: That's the brand new 7-Eleven down in the lower left corner, right? Or the fairly new one.

Mr. Harbin: Right.

Mr. Rhodes: And Arby's is down here on the bottom.

Mr. Harbin: Correct, this is the Arby's here.

Mr. Rhodes: Okay. Any other questions for staff? Any other comment Ms. Healy?

Ms. Healy: Thank you Mr. Chairman. I just wanted to point out that this is considered an ornamental fence. I believe you have pictures of it. I don't know if the speaker had the chance to see that; I'd be happy to share it with him. But it is not an inexpensive fence, it's not a chain link. And the intention is to not detract from the neighborhood but to provide security for the tenant. And, as I said, this is not

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something that the property owner is requesting because he wants to put a high fence up there. It's because we have a government agency with high security needs that has requested this fence. And it is a commercial zoned area. Thank you.

Mr. Rhodes: Did you... I don't recall... in staff presentation, did you have an example of the fence? Do we have a picture?

Ms. Healy: I believe this was in the application; I don't have a color picture.

Mr. Rhodes: Yeah, I saw it in the paper I just wasn't sure if we had a picture. Okay.

Mr. George (from the audience): I'd like to say one more thing. I did not use my 3 minutes and now that I have this more information I'd like to add just one more comment.

Mr. Rhodes: We really don't have a process for that.

Mr. George (from the audience): (Inaudible) this information was provided...

Mr. Gibbons: We could suspend the rules.

Mr. Rhodes: Is there any... please, come forward.

Mr. George (from the audience): I just have one comment to make and that is...

Mr. Rhodes: If you could come to the come to the microphone because it is broadcast sir, and it's recorded.

Mr. George: I apologize. Four foot... the idea is the streetscape. And this fence is very close to the street. We're talking about going, you know, from 4 feet to 8 feet.

Mr. Rhodes: Eight feet, yes sir.

Mr. George: So we are talking about twice the height and, you know, there's a very good reason to have a 4-foot fence in a front setback situation; it's to create a nice visual streetscape and 8 feet, I can assure you, is going to look very industrial-like. And again, I'd like to point out that, you know, if the tenant needed an 8-foot fence, that should have been worked out before they agreed to take this piece of property.

Mr. Rhodes: Okay, thank you. The current zoning is B-2, correct?

Mr. Harvey: Yes Mr. Chairman.

Mr. Rhodes: B-2, for Urban Commercial. Okay, very good.

Dr. Schwartz: What can do about talking about moving that... can we write that in tonight, to move the northwest boundary?

Mr. Rhodes: What I would suggest, Dr. Schwartz, if you thought we were ready to move forward, which I... while notwithstanding the comment there, it is Urban Commercial and there was

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discussion... what I might suggest is that the applicant could get with staff briefly, they could work a little bit of modified language, we could move beyond this item and move to the next item for a short bit and come back to it. Allow them an opportunity to work whatever modified language, we could receive that, vote to accept the new language, and then be able to vote on the application would be an approach.

Dr. Schwartz: That would probably be acceptable. Getting back to the citizen's comment, he speaks about it being a residential area but then he speaks about it economic growth behind this.

Mr. Rhodes: Yeah, it's a challenge.

Dr. Schwartz: Well, it's right on the border there and you're not going to make everybody happy here. But it can't be residential and an area for economic growth at the same time.

Mr. Rhodes: Those transitional areas are always hard to rate. So, Dr. Schwartz, would you suggest that we set this aside to move onto item number 3 and then come back to this...

Dr. Schwartz: Yes, I would recommend if we can get staff to get together with this and then we can possibly move forward.

Mr. Rhodes: Come back to it briefly... second on that?

Mr. English: I'll second it.

Mr. Rhodes: Second Mr. English. Any further comment Dr. Schwartz?

Dr. Schwartz: No sir.

Mr. Rhodes: Further comment Mr. English?

Mr. English: No.

Mr. Rhodes: Any other member? All of those in favor, we're going to set this one aside, defer, move on and then come back to it so we can move on to item number 3 while staff works with the applicant on a little bit of modified language to see if that can be acceptable. All those in favor signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

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Mr. Rhodes: Aye. Any opposed? None opposed. We'll move onto item number 3 then while staff works with the applicant on item number 2. It's Amendment to the Zoning Ordinance, proposed Ordinance O13-20, Stafford County Code, Section 28-39(u). Mr. Harvey.

3. Amendment to Zoning Ordinance - Proposed Ordinance O13-20 would amend Stafford County Code, Section 28-39(u), "UD urban development," to allow and establish standards for administrative waivers of required Master Plan components. The proposed ordinance would also define, allow, and establish procedures for processing requests for technical modifications to approved Master Plans. Lastly, Proposed Ordinance O13-20 would allow and establish procedures for requesting deviations or modifications of specific siting or configuration standards under Stafford County Code 28-39(u)(1). **(Time Limit: June 11, 2013)**

Mr. Harvey: Thank you Mr. Chairman. Mr. Zuraf will make the presentation on this matter.

Mike Zuraf: Good evening again Mr. Chairman, members of the Planning Commission. This item is an issue for the Planning Commission to consider recommending adoption of proposed Ordinance O13-20 which would amend the Stafford County Code, Section 28-39(u) which are regulations for the UD urban development zoning district. This would first allow and establish standards for administrative waivers of the required Master Plan component of any rezoning into that district. Secondly, it would define, allow, and establish procedures for processing requests for technical modifications to approved Master Plans. And then lastly, would allow and establish procedures for requesting deviations or modifications of specific siting or configuration standards in that zoning district. Those are basically the three main changes. As far as some background, the UD zoning district was adopted in February 2011 as a means to support the development envisioned in the Courthouse Urban Development Area. The UD zoning district includes a series of design standards or basically development regulations that promote compact walkable development. To date, no property has been rezoned to the UD zoning district. We have received one zoning reclassification request and in working on that case the applicant noted to staff that they had some concerns with the UD zoning district being too rigid to implement and to even be able to apply to that zoning district. So they suggested allowing some flexibility and the design standards might allow for development to occur under the zoning district regulations. That issue then was reviewed by the Board of Supervisors' Community and Economic Development Committee, forwarded on to the full Board of Supervisors, and on February 19th the Board referred the amendment to the UD zoning district onto the Planning Commission. The Commission considered the issue over a few meetings and on March 22nd voted to move the amendments to the UD district forward to public hearing. As far as staff comments on the issue, allowing the applicant to request a waiver of the required components of a Master Plan is we see it as very similar to what we allow currently for General Development Plans associated with a conventional zoning reclassification. In certain cases, not all components of a Master Plan or General Development Plan may be necessary in every case. And then allowing a deviation or modification to Siting and Configuration Standards or development regulations is similar to the process established under the P-TND, Planned Traditional Neighborhood Development zoning district where, during the process of requesting a rezoning or proffer amendment, the applicant can concurrently request the deviation or modification. So this just follows in line with that established process and adds it into the process for the UD zoning district. Staff would recommend approval of the proposed ordinance O13-20 as amended and provided to you in your package. And I'll take any questions at this time.

Mr. Rhodes: Any questions for staff? Yes Mr. Gibbons.

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Mr. Gibbons: No, it's just a comment. What my concern is when I read this, and then I read number 4, I noticed that the Master Plan was being addressed in this one but yet number 4, with the HI district, it hadn't been addressed at all about the same procedures. And that's the comment I want to bring up later; if we're going to do something, we shouldn't have too many inconsistencies between...

Mr. Rhodes: So, the reference to the Master Plan here is in what context? I mean, I'm not trying to mix up the agenda items but we do have a Master Plan associated with the Heritage Interpretation zoning district. Is there any differentiation in them?

Mr. Zuraf: Well, in the UD zoning district there's a whole series of specific items that need to be provided as part of that Master Plan. And the issue really came about when because of somebody trying to implement and rezone to the UD zoning district and having trouble doing so, we've not gotten that same concern through the HI district. So that's why this was mainly focused on the UD zoning district.

Mr. Harvey: Mr. Chairman?

Mr. Rhodes: Yes please.

Mr. Harvey: Also, with the Urban Development zoning category versus the HI zoning category, they're two different animals. One is Urban Development is focused on a variety of different land uses that have different standards in levels of compatibility, whereas the Historic Interpretive district is intended typically for a single feature. And you're going to have components of that feature to help augment the interpretation of the site. So, typically the HI is more focused on one issue, whereas the UD is focused on residential, commercial, office, and other types of activities all occurring in the same general vicinity.

Mr. Rhodes: Are the specified components of a Master Plan for the UD different or defined, and are the specified components of a Master Plan for an HI specified or defined?

Mr. Harvey: Mr. Chairman, the UD, and Mr. Zuraf will probably add more detail, but it has a requirement for a Master Plan somewhat similar to a regulating plan that shows the general location of where the housing would be, the general location of where the businesses would be, orientation of the street blocks, those types of things. Whereas, the Historic Interpretive Master Plan is a little bit less defined but it's focused on the future build-out of the Historic Interpretive site. And it says that the proponent for the Historic Interpretive site must submit a Master Plan for future development to the Board. The Board would then review that as part of the rezoning application, whereas it's similar but a little bit different in that there's more component parts to a UD zone than you would have in an HI zone.

Mr. Rhodes: Okay, thank you. That's helpful.

Mr. Gibbons: But we didn't have to address the animals and I was concerned about that.

Mr. Rhodes: Other questions for staff? Okay, we'll now move item number 3 under public comment. If there's anyone here who would like to comment on item number 3, the amendment to the zoning ordinance for proposed Ordinance O13-20, Section 28-39(u), Urban Development Plan, you may come forward and do so at this time.

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Sherman Patrick: Good evening Mr. Chairman and members of the Commission. I was here about a month ago and talked with you a little bit about this topic...

Mr. Rhodes: Could you give your name and address, I'm sorry.

Mr. Patrick: Yes sir. I am Sherman Patrick; I am with Compton and Duling and we are here this evening representing the HH Hunt Company who is the applicant for the UD zoning district that has been referenced here. The issue that we found as we started doing the design and following the form based zoning requirements for the UD zoning district was that we have basically a square block goal that is included within the form based zoning designs. But we were trying to fit those into a curving existing road network. And because of that, you end up having difficulties meeting maximum setbacks as well as minimum setbacks in some instances. The maximum setback is the real issue here. We're trying to create the grid street pattern that staff has requested and the ordinance uses as a design goal, but we have a road that is curved and departing away from the buildings. So, we either can only meet the maximum setback on one side of the building or on the other. But the problem is the roads curve away from it and so the buildings are rectangles and it just doesn't quite work. So, what we would like to do, and we've asked in our support for this particular amendment, is to show you all, the Planning Commission, the design that we've come up with and how well we believe that we've been able to meet the goal of your form based zoning district and let you be the judge. So, we're not asking to be exempted from these things out of hand, we're simply asking that we can have an opportunity to come to you in a public hearing, present the information to you, and let you judge and make the final decision as to whether we've met those goals or not. We're very confident that you're going to agree that we've been able to make the best fit possible. If you have any questions, I'd be happy to try to answer them, but that is the gist of what we're hoping that can be accomplished. Thank you.

Mr. Rhodes: Very good; thank you very much. Anyone else who would like to speak on this item can come forward and do so at this time. Okay, I'll close the public comment portion of the public hearing. Coming back to the Planning Commission... Mr. Harvey, in the recommendation of staff, if I could just confirm, I see that staff recommends approval of the ordinance and what I got from the presentation is that staff's perspective is that it provides a reasonable degree of flexibility that makes sense. It's probably appropriate to allow and guide for development under this UD ordinance that we've been evolving here.

Mr. Harvey: Yes Mr. Chairman, the intent of the ordinance is to allow some flexibility for technical engineering type of matters, not necessarily land use matters where you're talking about increasing number of houses or changing dwelling unit types or other features that may already be prescribed by the proffers of a rezoning or other aspects of the overall Master Plan that the Board's approved. So this is more, as Mr. Patrick indicated, it's more focused on engineering issues when you see topography doesn't quite match some of the concepts in the ordinance.

Mr. Rhodes: So, staff sees it... I'm not trying to put words, I'm just trying to make sure I characterize in the way I think I hear you're saying is that staff sees this as a generally a reasonable evolution of a new ordinance as we're going into actual implementation use of it.

Mr. Harvey: Yes Mr. Chairman. Often we find when we adopt an ordinance, when we actually have an applicant that wants to move forward and do development, we come up on these situations where the concept on paper doesn't quite match with the engineering on the ground. So we need to consider making changes to the code to match real life conditions.

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Mr. Rhodes: Okay. Other comments or questions? Anybody have a position on a recommendation?

Mr. Apicella: Mr. Chairman, I recommend approval of the ordinance.

Mr. Gibbons: Second.

Mr. Rhodes: Motion to recommending approval of the amendment to the zoning ordinance, proposed ordinance O13-20 by Mr. Apicella, seconded by Mr. Gibbons. Any further comment Mr. Apicella?

Mr. Apicella: I originally had some concerns and pause about this change. We talked about it over a couple of meetings. I now better understand what the intent is, is the kind of colloquy between the Chairman and the Planning Administrator. Again, the bottom line is it provides some limited needed flexibility to facilitate and stimulate urban development where it might not otherwise occur because of the rigidity of the original construct, and so since it's limited to just technical and engineering kinds of changes and it's similar to existing processes that we have in place, I think it's a common sense solution and it strikes a reasonable balance going forward.

Mr. Rhodes: Very good, thank you. Any further comment Mr. Gibbons?

Mr. Gibbons: I agree with the motioner.

Mr. Rhodes: Very good. Any other member? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed? The motion to recommend approval going forward is passed 7-0 for item number 3. Are we at a position where we might have a modified CUP for item number 2?

Mr. Harbin: Yes.

Mr. Rhodes: Okay, then we'll go back to item number 2, CUP1300045, to have some further discussion on the conditions that we would impose on the application.

2. *CUP1300045; Conditional Use Permit – Sydney Hastings Office Buildings 1 and 2 - Continued*

Mr. Harbin: Could I have the computer please? Mr. Chairman and Planning Commissioners, we met with the applicant and we have reached a new condition to address Dr. Schwartz's concern. The applicant has a new condition: will locate the security fence on the northwest side of the property line,

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which is this side over here, as close to the property line as the Zoning Ordinance will permit. As such, it will be as high up on the grade as the property line will and the Zoning Ordinance will allow it to be built. Essentially, there will be no longer a cut in the fence, as it's seen here, and it will extend all the way down and then connect with the fence in this region.

Mr. Rhodes: So, do we would be looking to impose a modification to... to modify the conditions we imposed by modifying number 4? As some language for number 4, is that what we're looking at?

Mr. Harbin: Actually it would be a new condition.

Mr. Rhodes: A new condition, okay. And how would it be worded?

Mr. Harbin: Applicant will locate the proposed security fence on the northwest side of the property as close to the property line as the Zoning Ordinance permits.

Mr. Rhodes: Okay. So that would be new condition number 10.

Mr. Harbin: Correct.

Mr. Rhodes: And I don't think we need to vote to accept that information because this is a symposium on the applicant, as I'm tutorialized regularly.

Ms. McClendon: That's correct Mr. Chairman.

Mr. Rhodes: Very good. Okay.

Dr. Schwartz: Mr. Chairman?

Mr. Rhodes: Yes Dr. Schwartz.

Dr. Schwartz: As such, I recommend we forward to the Board of Supervisors for approval the CUP1300045, Conditional Use Permit for Sydney Hastings.

Mr. Gibbons: Second.

Mr. Rhodes: With the 10th condition as was discussed here now.

Dr. Schwartz: As modified with the 10th condition, yes.

Mr. Gibbons: Second.

Mr. Rhodes: Okay, so a motion recommending approval with the modified 10th condition added, seconded by Mr. Gibbons. Dr. Schwartz, further comments?

Dr. Schwartz: No sir.

Mr. Rhodes: Mr. Gibbons?

Mr. Gibbons: I would like to see the applicant get a lawnmower and that might help them cut grass.

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Mr. Rhodes: Very good. And on this, Mr. Harvey, because of the comment, staff from more of a zoning approach will look at the lighting issue to see if there is a...

Mr. Harvey: Yes Mr. Chairman. We'll take that up as a complaint and look into it.

Mr. Rhodes: As a complaint, okay. And I will just say before we go to the vote, it is difficult when you have these merging areas. It is an Urban Commercial area, it's not inappropriate on that. I fully respect and understand the comments of the citizen that came forward and they do have residential off to the side there. It is difficult when you're in those mixed areas for some of those dynamics, but I think it's a reasonable modification to support continued business development and not necessarily excessive in that regard so I will support the motion.

Dr. Schwartz: Mr. Chairman, I concur with your comments. I, myself, live in a transitional parcel so I understand exactly what you're saying and what the citizen is saying.

Mr. Gibbons: What parcel, on 610 or at the house?

Dr. Schwartz: There's no residential up on 610.

Mr. Rhodes: All those in favor of the motion recommending approval with the modified and added condition signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hiron: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; passes 7-0. Thank you all very much. And now we're onto unfinished business, item number 4, RC1300177, Reclassification, George Washington's Boyhood Home at Ferry Farm.

UNFINISHED BUSINESS

4. RC1300177; Reclassification – George Washington's Boyhood Home at Ferry Farm - A proposed reclassification to remove the HR, Historic Resource Overlay Zoning District from Assessor's Parcels 54-93 and 93A, zoned HI, Heritage Interpretation Zoning District. The property consists of 76.94 acres, located on the west side of Kings Highway at the intersection with Ferry Road within the George Washington Election District. **(Time Limit: August 6, 2013) (History: Deferred at May 8, 2013 to May 22, 2013)**

Mr. Harvey: Mr. Chairman, Kathy Baker will give the update.

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Mr. Rhodes: Thank you.

Kathy Baker: Good evening. I don't actually have a presentation on this, I'm just going to recap what the issues were at your meeting on May 8th. This is RC1300177, Reclassification for George Washington's Boyhood Home at Ferry Farm. And this is regarding the removal of the Historic District Overlay. The Planning Commission deferred the item at May 8th meeting to obtain additional information. Specifically, you all had asked for the organization and the role of the ARB, the Architectural Review Board. You also asked if there were any alternatives to the HR, Historic Resource Overlay District requirements that would allow the ARB to review the future development such as amendments to the HI zoning district requirements. The Commission also did request a copy of a letter sent from the National Park Service that was referenced in that meeting during the discussion which was dated August 2011. So I'm going to talk a little bit about each of those items. The Architectural Review Board was established in 1984 and with that there were regulations established in the zoning ordinance which you all have received in your package. The zoning ordinance regulations were created pursuant to the Code of Virginia, Section 15.2-2306, which is also included in your package. And this is generally legislation that allows for localities to adopt an ordinance creating historic districts and also allows them to create a review board to administer the ordinance. The ordinance does specify that the governing body, in this case the Board of Supervisors, would appoint an ARB and it would consist of five members. Those members must have a demonstrated knowledge, interest, or competence in historic preservation and there are three specific members that it identifies; one member being a registered architect or architectural historian, one member being a member of the Planning Commission, and one shall be a resident of a historic district. The current makeup of the ARB does include an architectural historian, a resident of the Falmouth Historic District, and Mr. Hirons who is our Planning Commission representative. We also have one at-large member and the second at-large member is currently vacant. So there are only four members of the board at this moment. The terms of the office are three years and those are staggered. In reviewing this COA, or Certificate of Appropriateness applications, the ARB does have several additional duties, and that includes acting in an advisory role to other officials and departments regarding the protection of cultural resources and also they may disseminate information on historic preservation issues and concerns. Regarding the Certificate of Appropriateness reviews, the ordinance does set procedures for review and approval of the applications. It requires the ARB to consider the Secretary of Interiors' standards for rehabilitation when they review their applications. They would also be required to apply specified criteria for evaluation and that was listed in your report. The ordinance requires the ARB to either approve, with or without modifications, or deny an application based on this criteria and any decision may be appealed to the Board of Supervisors. I did include the entire ordinance, the Section 28-58, in your packages. Also included in your package was the full ordinance for the HI, Heritage Interpretation District which the Ferry Farm property, the majority of it, is zoned. The Planning Commission did ask whether amendments could be made to the HI District to ensure that the ARB is included in the property. Staff believes there could potentially be additional language added to that. Mr. Gibbons had also asked, subsequent to the meeting, if the Planning Commission could be included in review, have input on development plans, and staff would request additional time to look into this and prepare such language if the Planning Commission were to advise us to do so. We would like to have input from both the ARB and the Planning Commission if we do go in that direction. I just wanted to note also in your packet you had a copy of the National Park Service letter that was referenced at the last meeting, the August 3rd letter to Anthony Romanello. And we've also included the programmatic agreement which was discussed at the last meeting. I wasn't going to go into any detail on that but I'd be happy to answer any questions if I can. You also received at your desk tonight the handouts which are materials that we received via email today. That includes a letter from Citizen Charles Cooper commenting on the proposal itself. Also there was information

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submitted by the George Washington Foundation regarding a timeline from George Washington Foundation and government interaction on the project. Also a letter from the National Park Service dated April 19th regarding the treatment of historic landscapes. So, you probably haven't had a chance to review that information but I do have representatives from George Washington Foundation here. We do also have with us tonight the acting Superintendent of the Fredericksburg/Spotsylvania National Military Park, which is the National Park Service, Lucy Lawless. So, I will be happy to answer questions and they are also here to answer any questions you may have.

Mr. Rhodes: Mrs. Baker, thank you for all the additional information. I just want to make sure I've got something straight because I didn't register it last time we talked at our last meeting. But I think I now understand so I want to make sure I got it. I know there was some concern, a little bit of duplication of approaches and two different approval authorities, the Overlay and the HI. But if you remove the Overlay and you just have the HI, what I understood from this is that the bottom line is that the Master Plan has to be approved by the Board of Supervisors, right?

Mrs. Baker: I don't think the language specifies it has to be approved by the Board. If you give me just a minute to pull that out. It says it must be submitted.

Mr. Rhodes: Must be submitted...

Mrs. Baker: Either during the rezoning or site plan process.

Mr. Rhodes: Okay.

Mrs. Baker: What you all saw during the rezoning process several months ago was a portion of that Master Plan which was the drawing, the conceptual drawing. There is a full blown Master Plan that spells out different entities, different features of the proposal, but the conceptual drawing was the Master...

Mr. Rhodes: If there are changes or modifications, is there an approval entity in the County?

Mrs. Baker: Not necessarily. It doesn't require and again, if you give me a minute to pull up the specific language.

Mr. Rhodes: Okay.

Mrs. Baker: A 20-year Master Plan for the museum or site shall be submitted at time of reclassification or site plan. A Master Plan shall include a site map of proposed construction and reconstruction. And it goes on to have other things. So, it doesn't say that it has to have approval; it's basically going to spell out what the proposal is. It's a 20-year plan but I'm certain that that's part of the process that they've gone through with National Park Service and Department of Historic Resources as far as having that plan approved. But there's nothing that we've been involved in as far as approving that plan.

Mr. Rhodes: So, technically, for the County's perspective, the process then just entails being kept informed but not necessarily involvement in any approval.

Mrs. Baker: Right. It's going to show generally how the site is going to be developed over time. It may phase it, it may show the timeline for when they're building certain features, road improvements,

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infrastructure improvements, the buildings that may go onsite additional. Going through the rezoning process, you will recall, there were economic impact statements and other studies that were conducted as well that were part of that.

Mr. Rhodes: Other questions for staff before we get to the applicant?

Dr. Schwartz: Mrs. Baker, modifications to that 20-year plan... do they have to be approved by the National Park Service?

Mrs. Baker: That I don't know; I will let them answer that. But as with any Master Plan, there are always going to be ongoing changes as circumstances change throughout the process. So I would imagine that it could potentially change over time.

Mr. Rhodes: Okay, thank you. Other questions? Could we have Mr. Payne or someone from the...

Mr. Gibbons: Mr. Chairman, I had one question of the staff on one of their documents they had here from Mr. Smith and Mr. Cooper.

Mr. Rhodes: Please... I'm sorry Mr. Gibbons.

Mr. Gibbons: And this came in today?

Mr. Harvey: Yes Mr. Gibbons, I received it in my office today.

Mr. Gibbons: Right. And the first time I saw it was tonight when I came here. And they're requesting a delay in removing the HR. And being a party to this in the beginning, I can see their concern.

Mr. Rhodes: Yep. Fair. Alright, thank you Mrs. Baker. Mr. Payne?

Charlie Payne: Mr. Chairman, other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschl Fleischer. I don't represent the applicant because the applicant is Stafford County, but I represent the property owner and the agent for the same. A couple questions I'd like to answer real quick in regards to Mr. Cooper's letter and Mr. Smith, who was my elementary school principal by the way, and a former Board of Supervisor member who well-served this County. Those issues have been addressed actually some time ago. I think they were just sending in a reminder to make sure that that process had been moving forward. My understanding is the County Administrator is going to respond to that and take care of that because that was part of a cooperative effort between the Foundation and the County. So, just to answer that question, the County is addressing that and already has addressed that. So I think this is going to simply just be a reminder to them about that process.

Dr. Schwartz: Charlie?

Mr. Payne: Yes sir.

Dr. Schwartz: There's basically two issues here they're bringing up. One is some sort of permanent memorial plaque to the people who helped preserve this site, one of them being Al Bandy who has passed on and did a great job for a very critical time in this County when it exploded in population. I

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believe we can all agree that 17 years is ample time. You say this issue is taken care of; how has this issue been taken care of?

Mr. Payne: That plaque is up. That plaque has been up I believe for two years.

(Inaudible from audience.)

Dr. Schwartz: Okay, very good; just for public record.

Mr. Payne: Yeah, it's up and Mr. Bandy who was one of the finest leaders this County has ever had and a very good friend of my family, so I agree with you. Thank you for those comments. In regards to the Master Plan, it was submitted with the rezoning and approved by the Board of Supervisors. Yes, it may be subject to some future changes, but just for your purposes, please understand that that was submitted with our rezoning back last year and was approved as part of our... well, part of the County's rezoning process as the County was the applicant. I'm not sure what other specific questions you may have. I have communicated with staff with regards to... my understanding is the real issue is ensuring that the County is going to play a role. I think you're comfortable, from what I understand... please correct me... with the sort of layers of scrutiny on this project from the Park Service's conservation easement and programmatic agreement that it has with several different groups, including the County, Foundation, and also with the HR Department of Historical Resources. Department of Historical Resources review of the improvements, not just the site and the landscape if you will, but also the actual structural improvements and the fact that the 106 review requirement the County, by law, is invited to the table to play a role, a cooperative role, a consulting role, in that process. So the County is playing a role. As you also know, under the aforesaid ordinance section that Mrs. Baker discussed, the ARB is designated as an advisor, a possible advisor, by the Board of Supervisors for that purpose. So, if it's the will of the Board to so designate they or anybody else, that's really in the purview of the County. The County completely controls that, we don't, NPS doesn't control it, the state doesn't. So, all of those things are well within your control without us doing anything or without you doing anything else, whether adding language to the HI District, which I think is not necessary because you already have that authority in your ordinance to ensure the participation of the ARB. I think the big issue on sort of the next step if you will if I've addressed sort of that component is the part that we believe that cooperation and that consulting component from the County is going to be more efficient in moving this project forward in a positive way. And remember... and I'm sure you know this, I know Mr. Gibbons knows this... the Foundation and the County have been cooperating on this I think since about 1996 before Bill Gardner was even at the Foundation. So this had a long history which I provided a chronology of just the length and sort of connection, if you will, between the County and the Foundation in this process. So I assure you the Foundation and the County will continue to work together. NPS is going to be involved, the acting Superintendent is here, Lucy Lawless, who will be happy to answer any questions in regards to their role not only with obviously the integrity of the site, the archaeological integrity and the landscaping, but also the structures that will be located on that site and ensuring that they follow the Secretary's guidelines. With their conservation easement they do sort of have the ultimate veto authority if you will if we do something wrong and that's not consistent with the programmatic agreement. Trying to do again all parties working together in one stream, no need to create two streams that may create this potential conflict at the end of the day which is what none of us want and we want this process to be efficient and successful for the County. So, if I can't answer a question, Mr. Gardner is here and Superintendent Lawless is also here.

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Dr. Schwartz: Charlie, to answer an earlier question to Mrs. Baker, who approves modifications to your 20-year plan?

Mr. Payne: With that, it would be part of... that ties into the programmatic agreement with NPS, DHR, all the parties, the County's a part of that and as well as the Foundation.

Dr. Schwartz: Thank you.

Mr. Rhodes: Other questions for Mr. Payne or Ms. Lawless?

Mr. Hirons: Bring up Ms. Lawless if we could, since she was kind enough to come on out in uniform and everything. We should definitely get her up here at least for a moment. Thank you for coming out, we do appreciate it. My question is, have you had experiences similar to what we're doing here with other jurisdictions' ARBs?

Lucy Lawless: My background is Historic Preservation and I've been on the Architectural Review Board for Decatur, Georgia, and I understand exactly what the County would like to review in reviewing these kinds of projects. And I am here to say that as my experience with the National Park Service and what's already been stated is that the review that the Architectural Review Board conducts is really using the National Park Service's Secretary of the Interior standards for these projects. And so, to review it twice, I think is just to add a second overlay of review that would have already gone on through the transparent process of the environmental assessment, which is part of the National Environmental Act, and the Section 106 process which is the Historic Preservation Act. So I think that all would have been taken care of and the purpose of both of those processes with any Historic Preservation project where the National Park Service is involved is to make sure it's transparent that everyone who has an interest comments. So I think what is happening with George Washington Boyhood Home, and happens with these projects, is a chance for all to comment and that those comments are factored in to the preferred alternative in the environmental assessment, and then what goes forward is with the understanding that there is agreement among those parties. And so I see this as being very similar to all those other projects.

Mr. Hirons: Do you see other jurisdictions use their ARB as their... do they direct their ARB to participate in the 106 process?

Ms. Lawless: I would say they participate more strongly where there isn't an entity like the National Park Service or the DHR directly involved. I mean, the responsibility I would say at the County level is to act like the Virginia Department of Historic Resources or the National Park Service in their absence. And the fact that both of those groups are present here on this property doing the will of the George Washington Foundation with the County to see this to be developed as a premier site in the County is almost redundant. I mean, we're doing the work that often happens without these other bodies being part of the process. And so you would have I would think having a state involved and the National Park Service involved, you hopefully... and I would hope... always have the best reviewing your interest and that you're a part of that process and that process wouldn't be going forward unless it had the approval and comments of the County all along the way.

Mr. Hirons: Thank you. Thanks for coming out.

Mr. Rhodes: Other questions? Mr. Apicella?

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Mr. Apicella: At the last time we discussed this I asked the question to our ARB member. What happens if there's a difference of view between the various parties who are sitting at the table? Who makes and how is the final decision made?

Ms. Lawless: I think it's like any controversial project. I don't think this is controversial at all, but I think it's hearing the comments of all and coming to a preferred alternative that all can agree to. And I think sometimes, in those cases, a decision has to be made and everyone walking away isn't necessarily as happy as they would be, but I can't imagine a case involving a historic property as significant as George Washington's Boyhood Home that any major concern raised by the County, a neighbor, the state, or the National Park Service wouldn't be resolved before a preferred alternative or an answer was found. But that doesn't mean that everybody who has a comment will be addressed in the final solution, because that's usually not possible. But any major concern of a consulting party like Stafford County or others would have to be addressed before it went forward.

Mr. Apicella: So, is this a consensus process or ultimately is the National Park Service, Department of Interior, going to make that final decision?

Ms. Lawless: Well, I think the National Park Service has been given the responsibility of making the final decision. But as the creator and enactor of the Secretary of Interior standards, and having the availability of all the professionals who weigh in on these questions, that they would hopefully make the decision that would be of, you know, the answer that everyone wants to hear. I mean, they aren't making that decision alone, they're making that decision with all the concerns on the table. But they would make the decision based on these highest and best guidelines as Secretary of Interior requires that we use.

Mr. Apicella: Okay, thank you.

Mr. Rhodes: Any other questions?

Mr. Gibbons: No, I've got some comments.

Mr. Rhodes: Okay. Thank you very much.

Ms. Lawless: You're welcome.

Mr. Gibbons: Mr. Chairman, from the beginning, and I guess from the last meeting, and the young lady just spoke and said that the final, the way she interprets it, the final decision relies with the Park Service. And I feel that the County zoned this HI. This was a process we went through. In my firm belief I think that the County should be in the approval process of the Master Plan, just not to make comments and forward it on. But we should have some process because of the zoning, and that's my firm belief. We've got to have some sort of an oversight what's going on. And I'm in favor of taking HR off and using HI, but I believe that similar to what you just did to an action before here now is that the Master Plan has got to be approved by the County. And that's our oversight rule. And that takes away all of the small (inaudible) like bushes and shrubbery and maybe the clapboards and painting. But we've got to have some sort of an oversight as a community, because that property came out of the community. A lot of sweat and tears in the groups but I'm in agreement with what they're saying that the HR should be removed, but my firm belief is that the Board should be involved in the approval of the Master Plan and any changes, and that's where I stand.

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Mr. Rhodes: Very good. Other members? Dr. Schwartz?

Dr. Schwartz: Following up on Mr. Gibbons' comments, we'd have to go back and amend the HI zoning to get wording in there that we would at least get a review with changes to the Master Plan. I'll be honest with you, the National Park Service, you know, I don't think I've ever been into a site that the National Park Service run that was second class. They do a wonderful job everywhere and I would imagine with a treasure like Ferry Farm they would follow suit. If they try to get veto power over something that the National Park Service is running, you can muddy the waters very well. It's what they were talking about at the last meeting where they spent more time in legal fees than the shed would have cost and they fought it for a longer time than the temporary shed would have been up. It was nothing more than a waste of everybody's time and money.

Mr. Gibbons: I'm not talking about a tool shed or anything, I'm talking about the Master Plan for the whole unit. And I agree with you, doctor, about the shed and I think that that was something that should have been looked at. But I'm talking about the Master Plan of the Boyhood Home of this nation's first President. And I just think that we should be in the process of oversight and we should be able to make the comments or final authority on the Master Plan. And I just believe in it.

Dr. Schwartz: Well, then maybe we should go back and that we only have one side of the County that falls under the HI. Maybe we should go back and if we want to handle this, go back and look at the wording on that zoning and amend the zoning. I can see that.

Mr. Gibbons: (Inaudible – microphone off.) What I'd like to recommend is take the HR district off of it.

Dr. Schwartz: Correct.

Mr. Gibbons: Amend the HI to say that the County has oversight on the Master Plan.

Dr. Schwartz: That's something we can definitely bring up at our work session.

Mr. Rhodes: To amend the HI, wouldn't we need to get direction from the Board?

Mr. Harvey: Mr. Chairman, ultimately yes, there would have to be a referral by the Board. But the Planning Commission could initiate draft language to send to the Board and ask that it be brought forward for consideration of a public hearing. That's the way the process would work.

Mr. Gibbons: Mr. Chairman, I originally thought, when I came tonight, I would like to put this on the 1 June meeting and then come back to the next Planning Commission meeting with agreement amongst all of us on how we would like to handle it.

Dr. Schwartz: Mr. Chairman, I'd like to recommend that we forward on to the Board of Supervisors recommending approval of RC1300177, Reclassification of the George Washington Boyhood Home, removing the HR District Overlay.

Mr. Rhodes: So, Dr. Schwartz, you've got a motion, you're recommending a motion to forward to the Board recommending approval of Reclassification RC1300177.

Mr. Gibbons: Without modifying the HI?

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Dr. Schwartz: We can modify the HI later on.

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

Dr. Schwartz: Well, we're not going to modify that tonight.

Mr. Gibbons: I'll make a substitute motion.

Mr. Rhodes: So, we've got a motion here and just to recommend... with the reclassification to recommend removal of the HR. I understand Mr. Gibbons has other issues about whatever direction we're going to do associated with the HI, if it's at minimum including the recommendation to the Board that we do a modification that would be subsequently forthcoming. But I'll let you do a substitute motion. So, we've got a motion here by Dr. Schwartz for the Reclassification as stated, RC1300177, item number 4.

Mr. Hirons: I'll second Dr. Schwartz' motion.

Mr. Rhodes: Second by Mr. Hirons.

Mr. Gibbons: And I'll make a substitute motion.

Mr. Rhodes: Okay, substitute motion by Mr. Gibbons.

Mr. Gibbons: It's to remove the HR and send a recommendation to the Board of Supervisors with the language that the HI be modified that the Board of Supervisors approves, it's in the chain of approval of the Master Plan and that's what I wanted from the beginning.

Mr. Rhodes: So, I want to make sure I've got it Mr. Gibbons... I think I heard the substitute motion to be to recommend the reclassification as stated, but in addition to recommend to the Board that they refer back to the Planning Commission direction to modify the HI Zoning District to develop procedures such that the County or the Board get to approve changes to the Master Plan.

Mr. English: I second the motion.

Mr. Rhodes: Okay, second to the substitute motion.

Dr. Schwartz: I don't like the wording of...

Mr. Rhodes: Wait, because I'm the worst parliamentarian. Ms. McClendon, what do I do now?

Ms. McClendon: The substitute motion is currently on the floor and it's been seconded and it's up for discussion.

Mr. Rhodes: Okay. Discussion now on the substitute motion.

Mr. Apicella: Would the motioner and seconder be willing to take a friendly amendment, because I'm not quite sure we're ready to make a decision yet. We're going to meet in early June as part of our retreat... in Hawaii I think it is... I'm saying that jokingly obviously... but my point is, if we could

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talk about this at our retreat and figure out what is the right and best way forward. But I kind of see you guys trying to play Solomon here by on the one hand getting rid of HR and on the other hand...

Mr. Gibbons: The motioner agrees to that.

Mr. Apicella: Okay.

Mr. Rhodes: What did we just agree to?

Mr. Apicella: I think we should defer the item, have our retreat, talk about what the right and best way forward is. Again, as we discussed last time, I see merit in arguments from all sides. I'm not quite sure where to go from here. I'm not ready to pick one side or the other yet. I don't think we have to make a decision tonight. I think we still have a little bit more time. I think it would be prudent for us just to kind of explore our options before we decide which is the best way to go. So, my recommendation to the substitute motioner is let's just defer this and put it as an item on our retreat agenda.

Mr. Rhodes: Now staff had indicated in their presentation that if we were going down this road that they would need some time to try and work to how the modified language would be. Would there even be time to do that for the 1st? I don't... I think that's too tight, right?

Mr. Harvey: Mr. Chairman, right now I'm not sure that there's a clear direction to staff on how the Commission wants to handle this. I think I know. We would have to draft some language to bring back to the Commission which could be discussed in the work session and then finalized if that's what the Commission would like.

Dr. Schwartz: Mr. Chairman, on both the motion and the subsequent motion, both speak of removing the HR District Overlay. We both are in agreement, called a gentleman's agreement or a motion on the table, however you wish, that we need to look into the HI zoning. I would recommend that we move forward with the removal of the HR. Let's get one piece of business that everybody can agree on out of the way, and then we can sit back and be it at our June discussion or write a letter to the Board of Supervisors directing us to look deeper into this HI zoning and take a closer look at it. But to defer something that I believe we have a majority number on here, to remove the HR Overlay District and let's take care of business as opposed to piling it up.

Mr. Gibbons: Well, the motion on the floor is to go to the work session, that's the motion on the floor.

Mr. Rhodes: No, the motion on the floor, as I understood it, is to actually do the reclassification, Historic Resource Overlay District, and ask the Board to direct the Planning Commission to develop alternatives to modify the Historic Interpretation Zoning District in a manner that allows the County control over decision.

Mr. Gibbons: No, the motioner accepted the gentleman's suggestion from the other end of the table that we go to the work session, and the seconder went along with that.

Mr. Rhodes: You're modifying your motion to just defer this until the 1 June retreat.

Mr. Gibbons: To the 1 June meeting and bring it back to the next Planning Commission.

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Mr. Rhodes: And the seconder agrees to that?

Mr. English: Yes.

Mr. Rhodes: Okay, so now the motion on the table... is this right Ms. McClendon? Am I okay?

Ms. McClendon: Yes Mr. Chairman.

Mr. Rhodes: So now the motion is to defer this until 1 June. And then Dr. Schwartz, that's where you were making... I'm sorry, I'm behind here...

Dr. Schwartz: Basically both of us are agreeing that we should... I mean, to keep something on the table that we all agree on, and just keep the business kicking the can down the road doesn't make sense to me. I think we all are in agreement that we need further to discuss the HI. Now how we go about doing it, whether we do it at our June work session or whether we do it by appealing to the Board of Supervisors requesting us to do it, doesn't really matter how we go about doing it. I think our June 1st agenda is rather full, isn't it Mr. Harvey?

Mr. Harvey: Yes Mr. Chairman, right now that item is not on the agenda.

Mr. Rhodes: I mean, a third alternative is if we were to go that route, Dr. Schwartz, would be just to give staff direction for the 12th of June to come back with proposed language that modifies the Heritage Interpretation Zoning District in a manner that might allow the County some approval authority over the Master Plan or greater control on that.

Mr. Gibbons: Mr. Chairman, we have a motion on the floor now.

Mr. Rhodes: Yes we do. We have a motion to defer this until 1 June. Further comments, please.

Mr. Hiron: I tend to agree with Dr. Schwartz here that I think the applicant may have a concern about timing-wise. And if we defer just to make changes to the HI zoning category which I think I tend to agree with... I may end of with a question here, staff, so keep your ears open... if we make modifications to the HI sometime in the near future, it's still going to apply to their property, correct? And say we make a change that requires some sort of County review, whether it be A or B, or whatever it may be within the HI category for any changes or modifications they make to the property, it's still going to apply to them, correct?

Mr. Harvey: Correct.

Mr. Hiron: So, what I'm getting at, delaying this whole process on them, causing them delay, isn't really going to help things.

Mr. Gibbons: We're only asking for a week.

Mr. Hiron: That's what we're thinking right now but number one, our June 1 agenda is pretty packed right now. So, it may go into June, July, August meetings to discuss this HI and it may go much further. It's most certainly going to be a lengthy process to make a change to the HI. So that's why I kind of stand with Dr. Schwartz here to move forward on this particular request, to remove that HR

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Overlay, because that's not going to damage them at all, it's going to allow them to continue to move forward with their project and their funding concerns.

Mr. Rhodes: I would submit that if we were inclined to act favorably on the substitute motion that's on the floor for the deferral, all it would be doing is giving us a little clearer view of how we might be modifying the Heritage Interpretation Zoning District. The time limit almost wouldn't allow us to do the... we'd have to draft the modification. We'd have to send that up to the Board, the Board would have to refer it to us to make the modification, we'd have to conduct a public hearing. You know, the change is not going to be in place clearly by the time we act on this regardless of the timing. But the one thing we would gain... I don't know where I stand here... but the one thing we would gain is that we would just have a little bit clearer understanding of where we're headed with it. But we wouldn't have any resolution to the change because that's going to take two sets of public hearings, it's going to take referrals, I mean it's going to be a ways down the road.

Mr. Apicella: Mr. Chairman, I agree with what you just said, it's just we're not going to get down to a final solution. We're just going to have a philosophical about where to go from here and how much we might want to change the HI ordinance. We talked about the Master Plan. There may be other things about the ordinance we might want to change as well. I don't know. I personally think we ought to send it as a package deal if possible but it doesn't sound like folks are inclined to do that. So, at least we'd be a little bit smarter in one week from now than we are today and I think possibly have a better and more informed way ahead, even if we spend 10 minutes more on it at the retreat than we're going to spend right now but just potentially eliminating HR and not quite being real clear about what we're going to do about the changes to the HI ordinance.

Mr. Rhodes: Other discussion?

Mr. Gibbons: Can we call for the question.

Mr. Rhodes: Yeah, Mr. Boswell, anything? Mr. English? Any other comment? Okay, the motion on the floor is to defer this, defer the entire action and discuss it on June 1st, along with everything else, and then we'd be bringing it back for something on June 12th when we get back together. I'm stalling so I can try to figure out what I'm doing. Okay, all those in favor of that substitute motion for deferral until June 1st and then bringing this action back on June 12th, signify by saying aye. Okay... if we do individual votes, just kind of call the roll. Mr. Apicella, I'm sorry, I'm not sure what I'm hearing but I think I heard 4.

Mr. Apicella: You want me to call the roll?

Mr. Rhodes: Yeah, go ahead.

Mr. Apicella: I've got to find my piece of paper here. I'll go from Mr. Gibbons.

Mr. Gibbons: Aye.

Mr. Boswell: Aye.

Mr. English: Aye.

Mr. Rhodes: Nay.

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Mr. Hirons: No.

Dr. Schwartz: Nay.

Mr. Apicella: Aye.

Mr. Rhodes: Okay, it passes 4-3. We'll discuss it on the 1st to the degree we can discuss it on how we're going to go forward on the Heritage Interpretation Zoning District with our way ahead and then we'll bring the item number 4 back to the Planning Commission on June 12th as an action. Okay, we're on to item number 5, Transfer of Development Rights, TDR. Mr. Harvey.

5. Transfer of Development Rights (TDR) - Amend the Comprehensive Plan and Zoning Ordinance by adopting textual amendments regarding the Transfer of Development Rights Program, including the Sending and Receiving Area Map.

Mr. Harvey: Thank you Mr. Chairman. John Harbin will be giving this presentation.

John Harbin: Good evening Chairman and Planning Commissioners. Agenda 5 is Transfer of Development Rights Program adjustments.

Mr. Rhodes: What is that revving sound?

Mr. Harbin: The podium.

Mr. Rhodes: I didn't know it would do that. Okay. I keep hearing that when I look down; you've done that twice. I wondered what you were doing.

Mr. Harbin: Just a quick background. The TDR Ordinance was passed by the Board on February 9th of this year. Along with that was a Comprehensive Plan amendment, but that was suspended by the Board on April 9th to allow changes to the TDR Program. Those changes are what we are going to discuss now. Changes to the sending area – they would like to allow eligible properties to be as small as 2 acres in size in the area designated as park in the Comprehensive Plan. That is mainly the Crow's Nest Harbor neighborhood. They would also like to eliminate the requirement that eligible sending properties must be under the same ownership at the time the ordinance is adopted in order to sever development rights. This is a map of the sending area including the proposed changes which are mainly this area here that's shaded in blue. That's the platted Crow's Nest Harbor neighborhood that has yet to be built, adjacent to our beloved Crow's Nest Natural Area Preserve. Based on these new parameters, there are a little over 1200 development rights eligible to be transferred from the sending area that we just saw. This was calculated based on average lot yield rates for major subdivisions in the County which are listed there below. As you know, when you subdivide a piece of property, you have to account for infrastructure and roads which is why those lot yields are slightly over the minimum lot size for A-1 and A-2 zoning.

Mr. Apicella: That number seems to have changed significantly from what we were talking about even when the Crow's Nest Harbor area was considered some time ago. And I don't remember what that number was; I thought it was (inaudible).

Mr. Rhodes: The lot yield number or the development rights?

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Mr. Harbin: The development rights?

Mr. Apicella: Yeah, the development rights.

Mr. Rhodes: Because they expanded the sending area, right?

Mr. Harvey: Mr. Chairman, Mr. Apicella, there was a number of iterations that were done to determine the potential number of sending units. One iteration had approximately 1,300; that was, I think, the first version. As discussion ensued about how to deal with the park development rights, that number has contracted and expanded based on the limitations that were discussed at that particular time about how park area, specifically Crow's Nest Harbor, could be viewed. The latest version that was discussed with the Planning Commission last year narrowed the number down specifically due to requiring that people combine properties to mass a total of 20 acres. And that reduced the number to approximately 688. So, depending upon how you regulate the sending area will result in a change in the potential number of sending units. So the number is generally changed between 1,300 and 688 with another version of 900 and something.

Mr. Apicella: Okay.

Mr. Gibbons: But this thing you've got on the table now that we've had, if you add Crow's Nest really into it, it's right around what, 1,200, 1,2878, 1,275, something like that?

Mr. Harvey: As Mr. Harbin pointed out, our current estimate is 1,236 and that includes...

Mr. Gibbons: One thousand, two hundred thirty-six?

Mr. Harvey: Yes.

Mr. Gibbons: Well, I didn't miss it by much.

Mr. Harvey: Mr. Gibbons, we also note too that we recalculated this based on current conditions. The last time it was initially calculated was approximately 2 years ago. Some lots have been subdivided since then so that can explain partly a reduction in numbers. Also, there's been other changes in that area with houses being built on some properties so they are no longer eligible, those types of things.

Mr. Gibbons: Does the receiving area need to be looked at also?

Mr. Harvey: Yes sir, Mr. Harbin will get into that.

Mr. Gibbons: Oh, sorry.

Mr. Harbin: We will get into that; in fact, that's our next slide. So, proposed changes to the receiving area of TDR are to include R-4, Manufactured Home, and B-3, Office zoning districts for receiving transferred development rights. Also, to reduce the maximum density for A-1, Agricultural zoned properties in the receiving area from 5 to 3 dwelling units per acre. But I will note, in some iterations of TDR, it was actually down to 2.25 so it would actually be a slight increase. But as it stands now, it's 5. And also, to consider expanding the boundary of the receiving area to accommodate the increase in potentially eligible sending properties. To do that, we're looking at the UDA, the Courthouse UDA, as one of the receiving...

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Mr. Apicella: I apologize. Can I take you back to the previous slide? Because I thought that I saw somewhere in some document that, when we're talking about A-1, reducing it from 5 to 3, wasn't there also an option to go to 3.5 dwelling units per acre? I thought I saw something that might impact whether or not we needed R-4 and/or B-3 to get there.

Mr. Harbin: I'll defer to Jeff about that.

Mr. Harvey: Yes, Mr. Apicella, there was... this is probably the fifth alternative to be considered for TDR. There's been a number of density ranges that have been discussed as options. At one point in time, staff had, as you may recall a couple years ago, a series of charts that gave various options for densities based on acreage and number of units wanted for each individual zoning category. So, it's like we've been at various different levels; 3.5 may have been discussed at one alternative.

Mr. Apicella: Okay.

Mr. Harbin: So, like I said, this is the Courthouse UDA which is the current receiving area as stated in the ordinance. I will note that this area here in the dark brown is a manufactured home park zoned R-4 and would not actually be part of the receiving area because, as you see, the boundary runs straight through the parcel there. So that would not be included.

Mr. Gibbons: What concerns me, have you overlaid the new interchange here over this UDA? And does that affect it?

Mr. Harbin: It does affect it. The new overlay for the Courthouse Road and 95 interchange, well the UDA boundary reflects that. I believe it comes in somewhere around there.

Mr. Gibbons: But wouldn't it affect the mixture within the UDA? I mean, that's a tremendous size interchange. And you're coming out up by the hospital now, and not here.

Mr. Harbin: Right. Like I said, this does reflect that change in the road alignment.

Mr. Harvey: Mr. Gibbons, I guess to further refine that question or that answer, specifically staff has not considered the projected right-of-way acquisition to deduct that from the eligible acres to receive development rights, because that's not been a hundred percent finalized yet from VDOT. But that's something that we can take into consideration if the Commission would like us to do that.

Mr. Gibbons: Mr. Chairman, I think that's noteworthy. If you're going to lose... you know, there's going to be 40 or 50 we're going to lose in that area.

Mr. Harbin: That comment will actually affect this map even more so. If you choose to use the RDA as the receiving area, it includes basically all of the land associated with that interchange, and also much further south down Route 1 and further to the northwest as well. So, obviously that would accommodate more rights but you would lose more rights with the interchange project.

Mr. Apicella: Yep. The RDA area looks, in my view, much larger than the UDA area.

Mr. Harbin: That is correct.

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Mr. Apicella: So, you would be able to... again, you'd have more opportunity I think within the RDA area to place sending lots into that receiving area than you would under the UDA. Is there some reason we can't do a combination of the two?

Mr. Harbin: Not to my knowledge. If you wanted to basically merge the two in some ways...

Mr. Apicella: I mean, the whole point is if we want this to work, we want to, you know, make it viable as possible to move by-right lots from the sending area to the receiving area. So, the smaller it is, the harder it will be to make it work, at the end... well, Mr. Waldowski doesn't like my using this term, but at the end of the day, again, I think the widest possible area, at least in this geographical space, would seem to me to make the most sense especially when you start talking about what would be offset once you start looking at our take-aways once you put in the interchange. I'm just throwing that out there.

Mr. Harbin: That's a good point. To get into some specific numbers so we can quantify the amount of rights, in the Courthouse UDA there are just over 1,300 development rights that could be accommodated. And in the much larger Courthouse RDA there are 2,900 development rights that could be accommodated in that larger area. And that does include approximately, those figures each respectively include 407 development rights in the B-3, Office zoning area for the UDA and then just over 1,100 development rights in the RDA for Office zoning. So, I believe, Mr. Apicella, you requested to review some of the changes between what the...

Mr. Apicella: You know, when I saw this referral, my reaction was well they took away a bunch of provisions that we had recommended and now they're asking us to place those back in and I was just looking for a comparison of what was taken out that they've now asked us to put back in, what they've not asked us to put back in that was taken out, and what's new. So that's the kind of comparison I was looking for.

Mr. Harbin: Okay, well, we can go through some of those points here. As you can see, with the A-1 zoning, it went from 5 to 2.25 and they would like to push it back up to 3. The R-1 zoning is the same. Potential sending units, that's now been updated to approximately 1,200 or so and the definition has changed slightly as is evident here. I guess the most significant changes would be the inclusion of the Crow's Nest Harbor lots; basically the 2 acre minimum lot size and the park land designation, and the inclusion of properties that aren't owned by the same property owner at the time of the ordinance being passed to remain eligible to participate in the TDR. That's what this kind of sums up here.

Mr. Apicella: So they want us to go back again to we had previously?

Mr. Harbin: Yes, that's my understanding. Jeff, if there's anything different, you can clarify.

Mr. Harvey: Correct.

Mr. Harbin: And again, this is comparing the same thing, basically reverting back to the original one that you all sent to them. So, there were some discussion topics included in the staff report, some potential issues with the residual use of the 2 acre lots in the Crow's Nest Harbor neighborhood. We do believe that their use, if they were to participate in the TDR program and have an easement placed on them, their use would be very limited because they were only 2 acre lot sizes. So, silvi-culture, farming activities would really not be practical, so in terms of preserving those lots the TDR program would assist with that. As was mentioned during public comment, there is the option of establishing

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two separate sending areas, one for the park area and then one for the separate agricultural and rural sending area.

Mr. Apicella: So that's not precluded by the state code generally or by the TDR statute specifically? We can have two separate standards? I just want to make sure I get that on the table for the record.

Mr. Harbin: That is my understanding, yes. And then also to apply the Neighborhood Design Standards to projects using TDR within the receiving area, that upon further investigation may not be... we may not be able to apply that to by-right development which would be the type of development used in the receiving area if they use TDR. So that's something that we can explore further, but that's the initial impression. So, the Planning Commission should accept or make modifications to one of the two scenarios or develop a new one. Once a desired scenario is deemed to be acceptable, staff will then work towards amending the text of the TDR ordinance and proposed Comprehensive Plan amendment. At this time I will be happy to field questions; I'm sure there's plenty.

Mr. Gibbons: Good presentation Mr. Chairman.

Mr. Rhodes: Yep. Questions for staff? Mr. Hirons.

Mr. Hirons: Good because the definition and examples of TDRs weren't given again. We just got this today. There were some differences between their proposal and either of the modifications. Number one, how is this ordinance to us? Can we make modifications to the ordinance as the recommendation? Or did they send it to us as vote on this up or down?

Ms. McClendon: Mr. Hirons, Mr. Milde in his motion did make some specific recommendations, but since there was not language that was specifically sent down to the Commission, I believe that gives permission pretty well latitude to make changes in line with his recommendations and potentially other things that kind of go towards that.

Mr. Hirons: Okay. So while we're under the hood, can you give us, at our next meeting I suppose, a summary and comparison with what's coming to us and the recommendation of these folks. While the letterhead is the Save Crow's Nest organization, if I heard correctly, what was developed here and what the proposal is was a work in combination/coordination with several stakeholders to include Save Crow's Nest, some of the property owners, and developers of that area. So I think it's very important that we listen to this and take this into consideration.

Mr. Rhodes: Other comments for staff? So, what I've heard, just so we've got it clear, is a review of staff is to differences that may have been represented here on the memo that we received and it was commented to, the Save Crow's Nest memo, compared to what was presented tonight, where there are differences and what are the elements of that. What other specific things do we want staff to come back with on this as we're working on going forward?

Mr. Apicella: Mr. Chairman, again I would at least like to see a draft ordinance that includes the provisions that they've asked us now to put back in.

Mr. Rhodes: Yeah, I'm sorry, that's right.

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Mr. Apicella: So, a document that either has a red font or some way of distinguishing here's the core of the TDR ordinance...

Mr. Rhodes: Here's what stayed consistent through it and here's what was changed.

Mr. Apicella: Right, here's what they want us to add back in and then we could have a conversation about what NVCT and Save Crow's Nest has offered up. But I think there are at least some provisions that both those organizations are recommending or agree that should be added back in.

Mr. Rhodes: Similarities.

Mr. Gibbons: And I think we ought to address that the receiving area... what Mr. Apicella...

Mr. Rhodes: The adjustment to the receiving area given the impact of the interchange.

Mr. Gibbons: The impact and the combination of maybe just putting both of them together, the RDA and the UDA.

Mr. Rhodes: So, a third morphed hybrid option.

Dr. Schwartz: Mr. Chairman, what's the deadline on all this?

Mr. Rhodes: I don't know.

Dr. Schwartz: Is there a deadline?

Mr. Rhodes: How does that work with a referral because it doesn't say one on the agenda.

Mr. Harvey: I believe, Mr. Chairman, the referral requested be returned within 90 days. But unlike a specific resolution or a specific ordinance you don't have a mandate by law to do that.

Mr. Rhodes: We'd probably be needing to get a public hearing by the August session, or act on it by then?

Mr. Harvey: I would think to be in good form, yes.

Mr. Rhodes: Yeah. We probably need to act on it by then or around then, but we'll confirm exactly what timelines are associated. I'm guessing we probably need to have public hearing and have a recommendation back by our August session, which is the end of August, the 20th or so.

Dr. Schwartz: Thank you.

Mr. Rhodes: Other items of feedback for staff as we carry this forward? Okay, so those 3 key items; does that work for you Mr. Harvey? Are there any questions on that?

Mr. Harvey: So, if I can summarize again, Mr. Chairman, do a comparison of the memorandum from the Save Crow's Nest organization and compare it with the staff memo.

Mr. Rhodes: Yeah, how it's similar, how it's different.

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Mr. Harvey: Take into consideration if we can get the information from VDOT what the right-of-way loss would be as far as land area.

Mr. Rhodes: And how it would with a...

Mr. Harvey: And we could rerun calculations to see how that may affect it. And also...

Mr. Rhodes: And that was with the morphed RDA and currently UDA.

Mr. Harvey: Mr. Chairman, the RDA encompasses the UDA in its entirety.

Mr. Rhodes: Did it get it in its entirety?

Mr. Harvey: Yes.

Mr. Rhodes: Okay.

Mr. Harvey: So, likely it will end up being the RDA option because the UDA will probably make it too small and require too high densities in order to achieve the desired outcome.

Mr. Rhodes: And then the one other item was the one Mr. Apicella had raised earlier and reinforced tonight which was looking at what is stayed in and what is asked to be added back in on the different versions of this.

Mr. Harvey: Yes.

Mr. Rhodes: Okay. Great. Any other comments on it folks? Thank you very much; good presentation. Item number 6 we're going to talk about 10 days. Item number 7 similarly. Item number 8 is June 26th. Item number 9, kind of waiting a little bit longer to see how that JLUS works, but we're going to have to address that probably in July. In fact, I think you got an update on the JLUS here in a moment Mr. Harvey. Is there anything else you need to add about those items before we move on to New Business?

Mr. Harvey: No sir.

6. Comprehensive Plan Amendment; Urban Development Areas - Amend the Comprehensive Plan recommendations for Urban Development Areas and targeted growth areas in the County. **(Deferred at February 27, 2013 until further information from staff) (History: Deferred at March 27, 2013 to April 10, 2013)**
(Scheduled for June 1, 2013 Retreat)
7. Discussion of Public Notification Requirements **(History: Deferred at February 5, 2013 to February 13, 2013)**
(Scheduled for June 1, 2013 Retreat)
8. Proffer Guidelines - Discuss proposed amendments to the County's proffer guidelines for zoning reclassifications. **(History: Deferred at May 8, 2013 to June 26, 2013)**

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9. Comprehensive Plan Amendment; Anne E. Moncure Elementary School Relocation - Consider an amendment to the Comprehensive Plan to include Assessor's Parcels 20-66B, 20-66C, 21-15, and 21-16 within the Urban Services Area, and change the land use designation from Agricultural to Suburban. The property consists of 23.7 acres and is located on the northeast side of Juggins Road, south of Smith Lake Drive, within the Griffis-Widewater Election District. **(Time Limit: August 31, 2013)**
(Authorize for Public Hearing by: July 10, 2013)
(Potential Public Hearing Date: August 28, 2013)

NEW BUSINESS

10. Historic Resource Overlay

Mr. Rhodes: Okay, so New Business, Historic Resource Overlay; I think we had a referral that did not give us the option of many changes?

Ms. McClendon: That is correct Mr. Chairman.

Mr. Rhodes: Okay. Mr. Harvey?

Mr. Harvey: Thank you Mr. Chairman. And for some reason, I have misplaced my... oh, there it is. Regarding the JLUS, there is going to be a public meeting on Wednesday, May 29th, which is a week from today.

Mr. Rhodes: No, no... Historic Resource Overlay.

Mr. Harvey: Oh, I apologize. The Historic Resource Overlay is a proposed amendment to the Zoning Ordinance that deals with a timing issue for review of applications that the ARB would receive. Currently it says that a complete application has to be provided to staff 30 days in advance of the ARB meeting. We've had a number of occasions where information has come in closer to the meeting date and technically the ARB would be out of order taking that information. So, this proposed amendment would reduce that time to I believe 15 days.

Mr. Gibbons: What are we doing with it?

Mr. Harvey: This is a Zoning Ordinance amendment so you'd be authorizing a public hearing.

Mr. Rhodes: We have to authorize public hearing and we were not...

Mr. Gibbons: You mean the ARB is established under the ordinance?

Mr. Harvey: Yes, Mr. Gibbons, the ARB's duties and responsibilities are spelled out in the Zoning Ordinance.

Mr. Gibbons: Thank you.

Mr. Rhodes: Other questions for staff on this one? The requirement is to authorize it for public hearing.

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Mr. Hirons: Yeah, is there going to be an additional presentation or is it appropriate now to authorize for public hearing?

Mr. Apicella: Just for clarification, is it calendar days, is it business days, or does it make a difference?

Mr. Hirons: We discussed it as calendar days, correct?

Mrs. Baker: It is calendar days. We based it, it's 14 days and we took into account weekends to make it 14 calendar days.

Dr. Schwartz: Can I just ask a question?

Mr. Rhodes: Please.

Dr. Schwartz: Living in a historic home, things have a tendency to like fall apart when they stand for like 160 years. Is there any emergency repair? I mean, sometimes 14 days can make a whole bunch of demolition go on.

Mrs. Baker: We actually have... there is a component in the ordinance right now that allows for repairs and minor work to be done just with the approval of the Planning Director, so it would just... particularly if it's an emergency.

Dr. Schwartz: Thank you.

Mr. Hirons: I'd move to authorize item 10 for public hearing at the earliest possible time meeting.

Mr. Gibbons: Second.

Mr. Rhodes: Motion to authorize this for public hearing by Mr. Hirons, seconded by Mr. Gibbons. Any further comment Mr. Hirons?

Mr. Hirons: No, I just hope we can get this moving forward. This is important actually to the ARB because we have had a number of applications and the 30 days is just kind of ridiculous for that board. Number one, they have kind of a tough time making a quorum half the time so the 15 days made it easier. And it was my motion within the ARB so I hope you can support it as well.

Mr. Rhodes: Okay. Any further comment Mr. Gibbons? Any other member? All those in favor of authorizing this for public hearing signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

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Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Anyone opposed? None. It passes 7-0. Mr. Harvey, if you can work on the right timing for that.

Mr. Harvey: Yes, thank you.

Mr. Rhodes: And next, Planning Director's Report. Now, Mr. Harvey.

PLANNING DIRECTOR'S REPORT

- JLUS Update
- Minutes

Mr. Harvey: Finally, the Joint Land Use Study. There will be a public information meeting a week from tonight, Wednesday, May 29th, at Hilldrup Moving & Storage, from 6 to 8 p.m. It's intended to get public comment and input on the Joint Land Use Study process and overall comments regarding development within Quantico Marine Corps Base and also within the County and how those activities interact. Also, Mr. Chairman, I had on the Planning Director's Report listed minutes. It's not come up as an issue but staff does note that we are behind in our prescribed timeline for getting minutes to the Commission. We did have a situation earlier this year where we had a lack of full time staff due to illness and also departures. We're back up to staff and we'll be closing the gap shortly.

Mr. Rhodes: Very good.

Mr. Harvey: Also, a summary of actions from yesterday's Board of Supervisors meeting. They were quite active. There were two additional referrals to the Planning Commission for ordinance amendments; specifically to define and set regulations for microbreweries. We've had a couple of inquiries through Economic Development about locating microbreweries in the County and right now we don't have any clear regulations for them other than if we called them a distillery then they'd have to go into a heavy industrial zone with a Conditional Use Permit.

Mr. Gibbons: Do they need tasters?

Mr. Harvey: I'm sure that's part of their business program to encourage sampling. Also, there's an overall amendment to our provisions dealing with lighting; that is in our Zoning Ordinance, particularly parking lot lighting and street lighting. And that will be something that will need a lot of discussion and understanding. We have a number of issues currently in the County and our ordinances are out of date and need to be updated. We've worked closely with the Department of Parks and Recreation, schools, as well as the Sheriff's Office to try to come up with these new standards.

Mr. Rhodes: With those referrals from the Board, did they come with specific language?

Mr. Harvey: Yes sir.

Mr. Rhodes: Okay.

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Mr. Harvey: Last night the Board of Supervisors approved the Conditional Use Permit for Murphy Oil within the George Washington District, and also passed the Brooke Village Conditional Use Permit in the George Washington District. And also you may have heard, last night the Board of Supervisors passed countywide transportation impact fees. The impact fee ordinance would go into effect within a year and certain projects that have recorded lots or approved construction plans would be exempted from paying the impact fee. But new projects that are approved after that effective date would be subject to the new fee. The fee rate was set at a flat \$2,999 for all residential development. It's anticipated that the County, through bond funding, transportation funds, recordation taxes and other means, will pay the commercial share of the impact fee. And that concludes my report.

Mr. Rhodes: Thank you very much. County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. McClendon: I have no report at this time.

Mr. Rhodes: Any Committee Reports? Any more on Proffer Guidelines?

Mr. Gibbons: Mr. Chairman, did you give the comments up to the...?

Mr. Rhodes: No, I have failed but I will get there.

Mr. Gibbons: I've never seen you fail Mr. Chairman.

Mr. Hirons: No. I have one announcement if I could.

Mr. Rhodes: Please.

Mr. Hirons: We had a small part in this; the Farmer's Market, there's going to be an opening of a Farmer's Market in Stafford here June 2nd, 8 a.m. to 1 p.m., in the Stafford Hospital parking lot I believe. And I guess the Planning Commission had a small part in that so if you can make it out, that would be great. The day after our retreat, go get some apples.

Mr. Rhodes: Good.

Mr. Gibbons: Mr. Chairman, is there any reason why you're having it at the hospital? Is there a connection there?

Mr. Hirons: We'll find out.

Mr. Rhodes: Do we have any more on the Proffer Guidelines?

COMMITTEE REPORTS

11. Proffer Guidelines

Mr. Harvey: Mr. Chairman, we will be bringing that back to you in your second meeting in June.

Mr. Rhodes: Okay, very good.

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Mr. Harvey: And we are updating information based on the recently adopted CIP and other measures.

Mr. Rhodes: Okay. Chairman's Report, I have not gotten the email out that we discussed last session. I will get that out and I will have everybody cc'd on that. TRC, it says June 12th cancelled; is there no others on the queue right now?

CHAIRMAN'S REPORT

OTHER BUSINESS

12. TRC Information – Meeting June 12, 2013 - Cancelled

Mr. Harvey: Correct.

Mr. Rhodes: Okay, very good. No minutes to approve. Anything else?

Mr. English: June 1st is at 8 o'clock in the morning?

Mr. Rhodes: June 1st is 8 o'clock in the morning, right; ABC?

Mr. Harvey: No sir, it's going to be in the Activities Room; 8 o'clock to noon.

Mr. Rhodes: June 1st, 8 o'clock, be there or be square. Donuts and mimosas. Dr. Schwartz will take care of the mimosas, I'll take care of the donuts. Alright, thank you very much.

APPROVAL OF MINUTES

None.

ADJOURNMENT

The meeting was adjourned at 9:59 p.m.