

**STAFFORD COUNTY PLANNING COMMISSION MINUTES**  
**June 26, 2013**

The meeting of the Stafford County Planning Commission of Wednesday, June 26, 2013, was called to order at 6:32 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Baker, Knighting, Zuraf, and Hornung

CALL TO ORDER

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Are there any declarations of disqualification for any item that's on the agenda this evening.

Dr. Schwartz: Mr. Chairman?

Mr. Rhodes: Yes, Dr. Schwartz.

Dr. Schwartz: Item number 3; I had the opportunity to meet with Mr. Sherman and Mr. Cook and discuss the matter. Also item number 4; I live in a home that is subject to the ARB regulations, so I'm going to disqualify from that issue.

Mr. Rhodes: Very fair. Thank you Dr. Schwartz. Very good, so item number 4 for Dr. Schwartz, thank you for highlighting that. We'll now proceed into public presentation. This is a portion of the Planning Commission, where any member of the public can speak on any item, except those, that are before public hearing. There will be another opportunity to speak on the public hearing items as we get to each of those agenda items. So if there's any member of the public that would like to speak on any other item, other than items number 1 through 4, you may come forward and do so at this time. You'll be given 3 minutes. I would ask you to state your name and address and then a green light will come on. The green light indicates the 3 minutes, yellow light will indicate 1 minute, and then red light we would ask you to wrap up your comments. Thank you very much. Sir?

PUBLIC PRESENTATIONS

Paul Waldowski: Paul Waldowski. The County has as usual missed a 17 year opportunity in choosing cicada as the word of the month. Picking "Dependability" with scandals the IRS... is there middle name standing for "right" and now NSA. When I worked there from 1987 to 1990, before heading to the Pentagon, the "S" now stands for stupidity. Now one might ask what can a cicada teach selected Planning Commissioners collecting a \$10,000 annual stipend. Well, for starters, God says that those marvelous creatures of nature are to be resurrected every 17 years, once soil temperatures reach 64 degrees Fahrenheit. At the end of the day - my favorite phrase - I will let each of you figure out what the soil temperature should be in Celsius. Seven of these species emerge in cycles of 13 and 17 year cycles. It just happens that 7, 13 and 17 are prime numbers and for those of you in our presence or in

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our TV audience who know anything about numerology may find this objective fact interesting. At the end of the day, God selected only 5 cicadas, which is also a prime number as is 2013 Stafford County Planning Commissioners versus the 7 in place at the end of the day, because God used the prime number 7 for the number of days in the week. Anyway, 7 is far too many cicadas to upgrade the 17 year Comprehensive Plan without regard for the outdated one in effect, for Stafford County lawyers to take advantage of its errors for their applicants. Now one might ask, how can Chairman Cicada and his 4 Planning Commissioner Cicadas, each representing Stafford County geographically, as northeast, southeast, northwest and southwest, divided by I-95 can plan for development without collecting a tax payer's stipend nor any regard for gerrymandering. At the end of the day these cicadas, after spending just 40 days and 40 nights over soil temperatures over 17.7778 degrees Celsius have scarred only the trees on their way to the Promised Land of milk and honey, where they will hum again. Please note that these chosen cicadas carefully plan to drop their eggs to feed slowly on trees that should be here in 17 years, unless developers and HOAs get in their way. At the end of the day, the moral of the story is that the 869 acres Embrey Mill Subdivision, with its CDA for 1,827 400K homes, its fancy Olympic size swimming pool and of course the fields of dreams will welcome only their wealthy new owners and their children to come, but none of them will gain the experience of the cicada hum. I also brought my luau for the next retreat to send me a ticket to Hawaii. Here's my County water and sewer bill.

Mr. Rhodes: Thank you very much. Would anyone else like to come forward to speak on any item other than item 1 through 4 on the agenda? Please just state your name and address. Thank you.

Mark Jenkins: Good evening. Mark Jenkins. I was here the last time. I represent the owners of 284 of the lots in Crow's Nest Harbor here for the TDR ordinance. Since then I have kept in touch with staff and of course seen what's in your staff package and it appears to us that the ordinance has been streamlined and tailored that we think looks workable and it seems to follow the recommendations from the Board. So we were encouraged by that. I also reported to you before that we were in discussions with the Northern Virginia Conservation Trust, Mr. Cody, for a possible private agreement that would be a kind of supplement to this. Speak to the issues of ultimate disposition. That's continuing. In fact, we had a short conference call yesterday and I will be getting them a document tomorrow or Friday morning at the latest. So I hope that will be part of the progress on all fronts.

Mr. Rhodes: Thank you very much. Anyone else that would like to speak on any item other than item 1 through 4?

Patrick Cody: Patrick Cody. I'm Chairman of the Northern Virginia Conservation Trust and since 2 weeks ago I can report my checkbook is depleted because I had a daughter graduate from college and a daughter got married, but hopefully they'll be future tuition savings. I have some short talking points which I'll send to Jeff and he can distribute so you'll have a copy of them. Current status of our work: we have had discussions with a number of stakeholders, including Mark, to see if there was a common position. No specific, common position has come about. We have been working with Mark on an agreement with respect to working with the 3 major lot holders in Crow's Nest Harbor and Mark indicates that that draft might be available this week. The Planning Commission is moving to reinstate the proposed ordinance prior to February 19<sup>th</sup>. We reluctantly supported that version out of practicality, but we thought it still had flaws with respect to Crow's Nest Harbor and perhaps sending back the ordinance to the Planning Commission would give a chance to do a fix for some things that... to get it right. From the get go we saw Crow's Nest Harbor as, of course, central to our goals as being different from the rest of the sending area and I think it complicated the ordinance and some of which has been sort out with the work of the Planning Commission and the Supervisors. But just to, at least, claim consistency, last year on March 27<sup>th</sup> sent a letter to the Planning Commission. We said the

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continued use of land for private purposes after severance should be reviewed. The important ecological resources of Crow's Nest Harbor have been documented in an environmental assessment. Accordingly, NVCT requested an examination of feasibility of severance of any development right from park land as identified in the Comprehensive Plan. In the June 19<sup>th</sup> letter to the Planning Commission we said in this regard, and there has been a number of fixes that had taken place, there was one issue we were explaining should be considered further. (Inaudible) the pathway to having Crow's Nest Harbor becoming an integral part of the existing Crow's Nest Reserve is not clear and could result in a situation where that goal cannot be reasonably achieved. I'll just kind of briefly go... tax abatement! I've talked to Commissioner Apicella. He feels strongly a tax abatement is an incentive to have a successful TDR program and I respect that and I... my question is, is it a disincentive after the TDR is severed to having a lot or having no obligation to do anything. I tried to research it. I can't find a TDR that has a tax abatement attached to it and I would suggest that maybe the Planning Director could take a look to see if there's been any research or consequences or results from that. In the coming weeks we're going to try to sort out our work with Mark and come up with constructive solutions to our issues with respect to pathway and our ultimate goals. So thank you and have a great 4<sup>th</sup> of July.

Mr. Rhodes: Thank you very much. Anyone else that would like to speak on any item other than item 1 through 4? Ma'am?

Holly Hazard: Good evening fellow Commissioners. My name is Holly Hazard. I stand before you tonight to underscore again the extreme importance of the job you have before you. Having sat there, I know what it is and I know each of you take your job very seriously and tonight, with the applications before you and the policy decisions that are to be reviewed, I think it's a very interesting evening. And the importance of your job to the future of this County is truly highlighted. Tonight at the meeting you will be reviewing several applications regarding new development in our County. Without commenting on the merits of any of the proposals, which will be done during public hearing, the net result, if approved tonight, would be an increase of 496 housing units in this County, if it's approved tonight. The new proffer guidelines...I wanted to thank Mr. Harvey, who came last night to the School Board and presented the proffer guidelines to us. It was very informative. I know Jeff got some feedback. He didn't know he was going to be right before him the barbershop quartet. So may ask Mr. Harvey to sing his presentation, but the new proffer guidance that's in there says that the cost per unit per school could range between 39,000 and 49,000 depending on the student generation factor, which you'll hear more about. I just bring these concerns to you tonight, because although you have to look at each application individually, there is a cumulative effect. If proffers are not covering the costs, then the taxpayer is going to pay for the gap. With the growth spur occurring in this County right now, your careful review of the proffer guidelines as well as each application that comes an accumulative impact on all the areas of the County is critical. And I'm not sure how we do that as a Board, but this tonight really highlighted to me that there is an accumulative effect. And also, as we look the proffer guidelines, TDRs, they're just as a huge cumulative effect and the impact will be on the residents and taxpayers of this County if the proffers and other things do not line up, because the gap will be paid by the taxpayers. Thanks.

Mr. Rhodes: Thank you very much. Is there anyone else that would like to speak on any item other than item 1 through 4? Okay, I will close the public presentation portion and we'll now move on to our public hearing items. The first item is COM1200323; Comprehensive Plan Compliance Review, Clift Farm Quarter. Mr. Harvey.

PUBLIC HEARINGS

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1. COM1200323; Comprehensive Plan Compliance Review, Clift Farm Quarter - A request for review to determine compliance with the Comprehensive Plan, in accordance with Virginia Code, Section 15.2-2232, for the extension of public water and sewer outside of the Urban Services Area, to serve up to 108 lots on Assessor's Parcels 38-123A and 38-124 (portion), located along Eskimo Hill Road, approximately 2,000 feet east of State Shop Road within the Aquia and Falmouth Election Districts. **(Time Limit: August 25, 2013)**

Mr. Harvey: Thank you Mr. Chairman. Please recognize Mike Zuraf for the presentation.

Mr. Gibbons: Technical question. I noticed that Jeff signs off on the application. What about the County Attorney? Do you initial those when they come up?

Ms. McClendon: Can you please restate the question, Mr. Gibbons? I didn't understand the question you asked.

Mr. Gibbons: When we get the application, Jeff signs off on it, but I don't see no signature from the Attorney's Office. You don't sign off on those?

Ms. McClendon: The applications do not come to my office. I do not see them before they're presented to the Commission generally.

Mr. Rhodes: You mean the staff report or the application?

Mr. Gibbons: The staff report. But you do that when it goes to the Board of Supervisors.

Ms. McClendon: When the Board packages are prepared they are approved by our office, yes.

Mr. Gibbons: But not for the Planning Commission?

Ms. McClendon: No sir, they're not.

Mr. Gibbons: Thank you.

Mr. Zuraf: Good evening, Mr. Chairman, members of the Planning Commission. Mike Zuraf with the Planning and Zoning Department. This item is Comprehensive Plan Compliance Review, Clift Farm Quarter. The request is a request for compliance with the Comprehensive Plan to extend public water and sewer outside the designated Urban Service Area which is designated on our Comprehensive Plan. The site includes parcels 38-123A and a portion of 124. The total property is 472 acres. The area outside of the Urban Service Area is a smaller area than that. It is zoned A-1, Agricultural. The applicant is Clark Leming on behalf of D.R. Horton. The location of this site is on the east side of Jefferson Davis Highway and the property is bisected by Eskimo Hill Road. The proposal would extend water and sewer to serve 108 future single-family lots. That is the number of lots that are proposed outside of the Urban Service Area. It would connect to an existing sewer line. It's actually located on the southern portion of the property, right along the southern property line. And then also connect to an existing water line that runs along Eskimo Hill Road through the site.

Mr. Gibbons: Can you show that on the map?

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Mr. Zuraf: The water line runs through Eskimo Hill Road. Sewer line is approximately in this location.

Mr. Gibbons: Okay, thank you.

Mr. Zuraf: This is a request that's associated with a cluster concept plan that was submitted to the Planning and Zoning Department last August. This total proposal for the entire site would include 196 lots. Under the current request it would have a minimum lot size of 1 acre, as permitted in the A-1 cluster and, as mentioned, 108 of the lots would be outside of the Urban Service Area. There's a layout that has been submitted of the cluster plan and the site itself covers this entire area. Again, the sewer line is in this location and the water line in this location and these streets that would come off of Eskimo Hill Road, the water and sewer lines are located along those streets.

Mr. English: Question for you. Water line that runs on Jefferson Davis Highway too, is that along the...

Mr. Zuraf: Yes, but it would not connect into that.

Mr. English: It couldn't? It wouldn't?

Mr. Zuraf: Well, it's not proposed to. I don't know if it can, or... I know that there's a resource protection area through here, so there is probably environmental issues of running the water line across.

Mr. English: Okay.

Mr. Rhodes: Mike, does the requirement for the design only require the... See there's one road that would connect to another parcel there at the bottom near the green and is that all that's required?

Mr. Zuraf: As far as the number of inter-parcel connections, there probably is a requirement for there to be a greater number, but likely would not have been given the surrounding properties. I did not deal with the subdivision review, so I guess I can't speak to specifically how that process went as far as the number of connections required versus provided.

Mr. Gibbons: It just looks like, for the size, it's surprising they only have the one and just a sea of cul-de-sacs.

Mr. Zuraf: We can check into that issue though.

Mr. Gibbons: Yes please. Thank you. Just would like to confirm that.

Mr. Zuraf: And here is the Comprehensive Plan as it relates to the site. The site's surrounded in the orange boarder with the hatching. The Urban Service Area is identified by the red line. The area outside of the Urban Service Area includes the green shaded areas. Inside the Urban Service Area the light purple is an Urban Development Area, known as the Eskimo Hill development area and outside of the Urban Service Area is, the brighter green, is designated park land and the lighter green, further on outside of this site, is rural agricultural land. The land use designations here are kind of consistent with a separate zoning reclassification that had been applied for by the same applicant for plan development in this location with the development of homes and commercial uses in the light pink area

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and part of the proposal would have offered several rectangular plain fields in the green park area, it's a regional park that's being proposed there.

Mr. Hirons: What is the status of that plan, because the Planning Commission took action on it, but the Board never did. Has the applicant completely withdrawn that plan?

Mr. Zuraf: The application is on hold for the applicant has requested that the application be deferred until further notice. So it's an open case, but it's basically on hold.

Mr. Hirons: What effect, on that plan, would there be from any action on this application or this thing that's in front of us now?

Mr. Zuraf: This action wouldn't have any effect on that. This would give the applicant an alternative way to develop the site, with fewer lots than what's proposed in the other...

Mr. Hirons: Process wise then, what would the applicant do with... most likely... obviously he's applying to be able to get a larger lot yield and most likely go with that alternative as opposed to that the plan that struggled to go through the Planning Commission and probably will struggle to get through the Board. Process wise, would the applicant then withdraw that application completely, or what would the status of that end up being, if he decided to go with this alternative that this option might give him?

Mr. Zuraf: I would want to defer that to the applicant to state what their plans might be, because I'm not aware of what their plans would be if they received approval for this.

Mr. Hirons: Okay, so just hypothetically, an applicant is out there and has this situation and he wants to withdraw that plan, is that what the process is? Just, you know, I'm done with that. I don't want the application to go forward any further?

Mr. Zuraf: They could do that.

Mr. Hirons: Okay and we negotiate quite a few proffers off of that here at the Planning Commission level. Obviously the proffers part of that particular application. The applicant would not fulfill those proffers in any form or fashion from that application.

Mr. Zuraf: Correct. Those proffers are associated with that separate rezoning and would not apply at all to this situation.

Mr. Hirons: I just wanted to make sure it was clear that this is potentially setting up an opportunity for a complete alternative that would not enable the county to gain the fields that were proffered in the previous application.

Mr. Zuraf: Right.

Mr. Apicella: Can I follow up on that? So this is now the 3<sup>rd</sup> proposal on this parcel?

Mr. Zuraf: There are probably more than 3. There are several.

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Mr. Apicella: I'm just trying to understand a little bit of the history and part of the reasoning why in this particular matter the County decided that it needed a compliance plan review, because the applicant thinks it doesn't require a compliance plan review. Because we're now at, at least, a third generation of what's been proposed in recent times on this parcel. Is that kind of part of the thinking there?

Mr. Zuraf: Well the previous Comprehensive Plan Compliance review was associated with a separate preliminary plan, under by-right A-1 zoning and since that time the Comprehensive Plan changed, the location of the Urban Service Areas has been modified slowly from that previous plan and the proposal was for a conventional A-1 subdivision, which had a different alignment. The lots covered the entire area outside the Urban Service Area. So there's a different number of lots and a different layout of the project.

Mr. Apicella: So bottom line, the circumstances are significantly different, necessitating a completely different compliance plan review. This area that is designated as park wasn't part of the Planning Commission at that point time. Why was it designated as park?

Mr. Zuraf: That was part of the proposal at the time. It was adopted in the language for the Eskimo Hill Urban Development Area. It refers to recreation being recommended to be associated with the development of that Eskimo Hill Urban Development Area and that had happened on this area, designated as park.

Mr. Apicella: So, even though it's designated as park, no rezoning is required in this particular instance to do the cluster subdivision?

Mr. Zuraf: No, this is just a land use designation. The underlying zoning is still A-1 and the property owner still has the right under A-1 to develop residential homes.

Mr. Apicella: And in the context of park land that we do have designated in Stafford County, taking away Crow's Nest, Widewater, Curtis Park, and I guess the Fredericksburg easement property which runs along almost the entire length of the Rappahannock, how much park land do we have identified for Stafford County, outside of those 4 major areas?

Mr. Zuraf: I would have to do some research.

Mr. Apicella: Five percent? Ten percent? Less?

Mr. Zuraf: I'm not even going to hazard a guess. So in considering this request, there are several objectives and policies in the Comprehensive Plan that can be looked at as part of the evaluation. The objective 1.2.3 of the Comp Plan states that proposed extensions of public water and sewer should not lead to the extension of water and sewer to other lands outside of the Urban Service Area. Policies 1.4.1 and 1.4.2 state that areas outside of the Urban Service Area are to be characterized by large lot residential subdivisions, agricultural activities in open land and limited public services, utilities and facilities and also that water and/or sewer should not be extended beyond the Urban Service Area for residential projects with the exception, if there's a documented risk to public health and the pump and haul policy would be financially excessive. So if there are existing, older drainfields that may have failed and there's not alternative for the property owner to be able to find an alternative location for a new drainfield on their property, that would be a reason for an exception to extend sewer to that property for example.

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Mr. Apicella: Are there any other criteria or exemptions in the Comp Plan that would allow water extensions outside the USA?

Mr. Zuraf: Those are the only exemptions that are recommended.

Mr. Apicella: Okay, thanks.

Mr. Zuraf: Also, policy 1.6.5 recommends the preservation of the real character through residential clustering. Also it notes that the purpose of clustering is to permit smaller lot sizes in exchange for preservation of open space, farm land, sensitive resources and forested areas. In general, clustering is a method of development that's supported in the Comprehensive Plan.

Mr. Hirons: Back on the clustering. It is recommended, but it is... what's the status of our cluster ordinance? It is still available to applicants for both residential and agricultural, including A-1 and A-2?

Mr. Zuraf: Yes.

Mr. Hirons: And the clustering itself doesn't necessarily require water and sewer, does it?

Mr. Zuraf: No, it does not require it.

Mr. Hirons: Okay, thank you.

Mr. Zuraf: So in the evaluation the property was zoned A-1, it currently is zoned A-1. This has been in existence prior to the designation of the park land that occurred back when this version of the Comp Plan was adopted in 2010. And as I mentioned, the A-1 zoning allows residential development. And I've talked about the... it was in 2005 when the Planning Commission approved a previous request to extend public sewer outside the Urban Service Area to what's known as the former Stafford Town Station project and also staff notes that the property is bound by county-owned property to the east. The rural areas outside of the Urban Service Area extend to the east from this side to the landfill and then the state correctional facility is located to the east of this property. So the reason for saying that is that there is limited potential for further extensions for residential purposes. To the south there is some vacant property which actually has a residential project approved on it and it previously received a Comp Plan compliance review for extension of sewer to that property. So looking at the overall evaluation, the Comprehensive Plan does support cluster development, further extensions for residential development would not be likely and there is prior approval of public water and sewer extension out to this property outside of the Urban Service Area. Negatives though, staff did note this would extend sewer service outside the Urban Service Area which is not recommended and there's no documented risk to public health for the need for this extension. And with that, staff does recommend approval with positive features outweighing negative features.

Mr. Rhodes: Mike, so the prior plan that was approved was for how many units?

Mr. Harvey: Mr. Chairman, the prior approval was for 145 units, or lots I should say, 3 acre lots and this request is for a 196. The original approval did not include parcel, I think it's 123A.

Mr. Rhodes: The little one for the substation.

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Mr. Harvey: Yes.

Mr. Rhodes: So it's a little over 50 more units. That's an increase of about 33% in this proposal. And the capacity to support that with the infrastructure and the utility systems if we tie in?

Mr. Harvey: Yes, Mr. Chairman. Unfortunately we didn't have a copy of the memorandum from Utilities in our staff report, but we've passed it out to the Commission and it indicates that there is some issue of capacity in the present tense but does not speak to the capacity to support the project based on the Comprehensive Plan.

Mr. Apicella: I'm sorry, can you help understand what that means? We don't have the capacity now? Are we going to be adding additional density?

Mr. Harvey: The capacity is limited in the Potomac Creek sewer pumping station. I'm reading from the memo: Capacity is available on a first come first served basis. Additional sewer projects, to include either upgrades or replacements, will probably be necessary to serve this project.

Mr. Gibbons: Mr. Chairman, I got a question. Could the applicant upgrade to the required upgraded capacity?

Mr. Harvey: Yes, we often see developers do necessary upgrades to accommodate the projects.

Mr. Hirons: And what happens if the developer doesn't?

Mr. Harvey: Well, based on this memo, it's a first come first served basis, so if the capacity is used up, their project may be delayed until the upgrade is made.

Mr. Hirons: The upgrade made by the County?

Mr. Harvey: Another developer or the County. I'm assuming that these upgrades are referenced in our master plan which will be done through the Utility Department's CIP.

Mr. Rhodes: Okay. Other questions for staff?

Mr. Apicella: I seem to recall we had a similar case less than a year ago, where somebody wanted a cluster subdivision and was asking to hook up to water and sewer. What happened in that case?

Mr. Zuraf: That was denied. That case was denied.

Mr. Apicella: Do you remember why it was denied?

Mr. Zuraf: It was determined not to be in compliance with the plan.

Mr. Apicella: And was the reason, because the criteria... it didn't meet the criteria?

Mr. Zuraf: I don't recall a specific statement as to why.

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Mr. Apicella: Yes, I think that's what the notes of the meeting would say. Unfortunately I left those at my office, but besides Comp Plan compliance review, are there any other mechanisms or vehicles that the applicant could use to obtain water and sewer in this case?

Mr. Zuraf: Well, they could request a modification to the Comprehensive Plan. They can request a Land Use Plan amendment to extend the Urban Service Area and re-designate the property.

Mr. Apicella: Or we could add additional criteria that doesn't exist today?

Mr. Zuraf: We could modify the text of the Comprehensive Plan, too.

Mr. Apicella: So there are other options outside of Comp Plan compliance review to achieve this end potentially.

Mr. Zuraf: Yes.

Mr. Apicella: Okay. And I think Mr. Hirons asked this question, but they could still do cluster subdivision in whole or in part absent an approval of this Compliance Plan review?

Mr. Zuraf: Yes.

Mr. Rhodes: Any other questions for staff?

Mr. Hirons: But if they were to present a cluster application, would it be roughly 145 dwelling units that they'll be able to get or would they be able to get more or less?

Mr. Zuraf: It would be less, because you have... well, the lot size requirements are greater and they're going to have to provide septic drainfields which take up and require additional more than 1 acre usually. So more than likely they're going to need larger lot sizes and so the value would be less.

Mr. Hirons: Also, this property is wholly in the Eskimo Hill UDA, correct?

Mr. Zuraf: The property that's inside the Urban Service Area is in the Eskimo Hill UDA and the park area is just to the east.

Mr. Hirons: Okay.

Mr. Zuraf: Adjacent to the east.

Mr. Hirons: But a cluster of what probably will be proposed here doesn't fit what the UDA language calls for within the Comp Plan, correct?

Mr. Zuraf: Can you repeat that?

Mr. Hirons: What the applicant will most likely present, or what he's providing, does not fit what the UDA language requests within the Comp Plan currently, right?

Mr. Zuraf: Right, it's not consistent with the specific recommendations of the UDA.

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Mr. Hirons: Within your staff report, did you mention that? Did you reference the UDA?

Mr. Zuraf: Not as one of the evaluating factors.

Mr. Rhodes: Could you... I'm sorry... could we take the conversation outside please? I'm sorry, it's just a little bit disruptive to conversation. Thank you very much.

Mr. Zuraf: It's not part of our... because the focus of the consideration is what's going on outside of the Urban Service Area.

Mr. Hirons: Okay.

Mr. Zuraf: And the extension of water and sewer outside of the Urban Service Area. Part of the proposal inside the designated Urban Development Area is not really the basis of the issue.

Mr. Gibbons: My technical question again. When you say staff recommends approval, what do you mean by staff?

Mr. Harvey: Mr. Gibbons, that's my recommendation as Planning Director.

Mr. Gibbons: Okay, so by going back and then the Commission will make a request or not, I would certainly like the same scrutiny that the Board gets out of Legal Department. We should get the same.

Mr. Rhodes: Okay. We can certainly address that. Other questions for staff at this point? Okay. If the applicant could come forward please.

Mr. Leming: Good evening Mr. Chairman, members of the Planning Commission. My name is Clark Leming and I'm here on behalf of the applicant, D.R. Horton. I didn't have a whole lot planned to say, but I made notes of your questions. So I will try primarily to respond to some of the questions that you raised. There was a prior 2232 review that occurred last year for Jumping Branch Farm. In the case of Jumping Branch Farm the entire parcel was outside of the Urban Service Area. The Planning Commission denied the extension of sewer services to that, even though it was surrounded by sewer, but it was not in the Urban Service Area. No portion of it was. The Board of Supervisors upheld that decision. That matter is pending in the Circuit Court at this time. The difference with this particular application is that this parcel is half in and half out of the service area. The portion that is out of the service area is, I think as everybody understands now, not part of the Urban Development Area. That portion of the property is still subject to a zoning application that is pending at the Board of Supervisors. In the event that the Board of Supervisors or we had thought there was an opportunity to have that zoning application approved, we wouldn't be here tonight. That zoning application still pends with the Board of Supervisors. If an opportunity arises for that application to be approved, then I think we would proceed with that. However, at this point in time, the applicant is simply looking at other ways to develop the property. There is at this point one approved viable plan on the property. It is the one that was approved in 2005. It is a proposal for... the figure that I have over here was 145 residential units. They would all be on water and sewer. The Planning Commission in 2005 extended sewer to the entire parcel. Water was not an issue then and I don't believe it is an issue now, because there was a mandatory water connection that was required as I believe is still the case now. In 2005 the lots outside of the Urban Service Area were approved. They were all gravity sewer. That plan is vested. Part of it has actually gone to record plat. When the County passed the cluster ordinance in 2012, as you all know, you all are still trying to deal with this cluster ordinance, I think it's come back

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to you again, there was a bonus density. That is the basis for the difference in the amount between 141 and 196, or 145 and 196. Those additional units were what were permitted under the original cluster provisions. That ordinance... there was an attempted amendment of that in February of this year, it's obviously coming back for one more time. We think that those provisions are still there in that ordinance, but the simple matter before the Commission tonight really doesn't have, in my view, a whole lot to do with all of this. It simply comes down to whether or not it makes sense for the development to proceed on water, as it will for all of the units, and sewer for all of the units, or whether that is a split proposition and because of the Comprehensive Plan line the units on the western side of the Comprehensive Plan are on sewer, but the units on the eastern side of the Urban Service Area are on septic fields. So that I think is the issue. And I think what staff has done is to analyze the overall elements within the Comprehensive Plan, the common sense of the proposal, the precedent established by this group in 2005 and has recommended to you that on balance in this particular case it makes sense to extend the sewer to the eastern portion of the property. Now in addition to that history and the posture of this application right now and the 2005 Comprehensive Plan compliance review, there are a few other factors that are relevant and Mike eluded to these, but I do want to share with you an exhibit that demonstrates the location of facilities on the property presently a little more clearly. I think there should be one for everyone. Now what this shows is the property looking toward the north Route 1. Jefferson Davis Highway is to the left. You see Eskimo Hill Road crossing the property. The dashed red line is the Urban Service Area that crosses the property. And basically what that does is to outline the Urban Development Area that is on the western portion of the property. If you look toward the bottom of what I handed out, you'll see a couple of things. Number one, a pump station that was referenced in the presentation and the approval of this pump station is in the County CIP to be part of the pro rata program. The developer would improve the pump station. Whoever creates the demand for it initially would improve the pump station to be eligible for pro rata fees. The lines that extend from that... first there is a 12 inch gravity sewer line that actually comes onto the Horton property by about 15 feet. There's a manhole at that location and I have a photograph if anyone would like to see that. It's not a real pretty photograph, but the 12 inch sewer line comes onto the property at that juncture. That gravity flows back to the pump station and goes from there to the wastewater treatment plant. What you see, and that is the line it would be tied into regardless of how the property is developed...

Mr. Rhodes: Jeff, could we get the computer and bring up the Urban Service Area slide just so there is a general orientation for other folks? So right there where the boundary property line is, which is orange, and the Urban Service Area, which is red, is the general area that you're discussing?

Mr. Leming: Yes, the 12 inch gravity line actually comes onto the property, just outside of the Urban Service Area and it is labeled there existing 12 inch gravity sewer line and you'll see it's also labeled connection of extension of 12 inch gravity sewer line and the 6 inch sewer force main. Now the force main is what Mr. Zuraf had pointed out that runs also along the property, but it runs in an easterly direction across the property. That's not what we would tie into. It's a force main. We would tie into the gravity sewer that is there on the property, outside of the urban services area. The force main is what provides present sewer services. This is an easement across the property; provides current sewer services to Camp 21 and also to the animal shelter. And there are additional pump stations you see back at the animal shelter and at Camp 21. And these pump sewage through the force main to the juncture of the force main and the gravity main, the manhole there, and then down into the pump station. So those facilities are on the property at the present time. Regardless of how the property is developed, whether the zoning would materialize at some point, whether they implement the 2005 plan on sewer which is already approved. Regardless of what happens there, this is the connection that would be made for the sewer and all of our plans substantiate that. Now there were a couple of

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questions that I wanted to touch. Mr. Rhodes asked about inter-parcel connections. The only thing that's come to the County at this point, the only thing really before you at this point, is a plan for the sewer connections. The next step after a cluster concept plan is a submission of a preliminary subdivision plan which would come to you and deal with those issues, whether or not there should be waivers, how many inter-parcel connections there need to be. But without the extension of sewer to the remainder of the parcel, that would fundamentally change the layout, fundamentally change the plan, so it simply doesn't make sense to go to the next step. So what we're asking for at this point is simply the ability to extend sewer, as was done in 2005, to the units that are outside of the urban services area. I think those are the issues those are the issues that I have planned to cover. I have a copy of the 2005 resolution, if no one has actually seen that. It is silent as to what it applies to, but at the time, as Jeff indicated, there had been an application made. The resolution on its face does not make a reference to that particular application or to any particular number of units.

Mr. Hirons: Mr. Leming and Jeff, we have, I don't think, in the previous plan or this plan we've actually gotten drawings of the 2005 plan. Would we be able to get those?

Mr. Harvey: Yes, I'll provide those to the Commission.

Mr. Hirons: Mr. Leming, also at the memo is where I think you mentioned the ordinance.

Mr. Leming: I have that with me.

Mr. Hirons: I think, actually, if you could get with Jeff, I think it would be helpful for us also to have a full understanding of all the opportunities on this lot, on these pieces of property. Is often, I recall, during the application for the previous plan, the most recent plan that's now stalled with the Board of Supervisors, you often referenced the 2005 plan and you would state, if the plan that was going through didn't get approved the developer just revert back to the by right plan that has now the 2005 plan which is 145 dwelling units. If this is granted and your concepts bring you up to 196 dwelling units, which is roughly 50 additional, which is going to put a massive burden on transportation there and schools. Our School Board member obviously is here. She most certainly made reference to concerns about additional pressures on schools and that particular area I know is pretty heavily burdened on the schools currently. Why would we want to do this? Why would we want to go forward and put those additional pressures...

Mr. Leming: Well I think you all would have to decide whether it makes sense to go forward with this or not, to extend the sewer services. That's the sole issue. There's still other development options as Mr. Apicella indicated. You can do a cluster subdivision without sewer. Now whether it makes sense to have... issue is I think is whether it makes sense to have part of it on sewer and part of it not on sewer. What happened in the interim is that the County adopted a cluster ordinance since we were engaged in these discussions about Clift Farm and the rezoning and all the proffers and everything that went with that and in that cluster ordinance there was a bonus density that was included. And so an applicant looking at the land and the cluster ordinance and wanted to use the cluster ordinance, because cluster makes a lot of sense. The added inducement, the incentive of the additional units certainly pushes the landowner in this particular direction and that's exactly what happened here. The County passed an ordinance that provided for the extra units and the applicant submitted a plan for those extra units, totally consistent with what the County had adopted. Now months later the County has revisited that. In February there was an effort to amend that. Whether or not that happened or not is still anybody's guess. Obviously the Board of Supervisors is going back through the process again, because they've referred it back to you all. That I think would definitely eliminate that density bonus,

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but at the time the application was made with regards to the issues that you've raised all the landowner was doing was following the County's ordinance and the opportunity that it had been put out there, the inducement for the cluster and I think it's a sound policy inducement. It's contained and referenced specifically at the state code provision that requires the counties to adopt a cluster plans, cluster ordinances. You want people to cluster, because it does preserve more open space. That's an advantage of this kind of development versus others. You know, whether they're with the reduced density, if they simply cluster the 141 units, whether there's still enough of an economic incentive to do that versus just going forward with the by-right plan on the 3 acres units, really becomes the issue. So I understand exactly what you're saying, but there are a lot of considerations that go into this and at the time the application was made, the County had offered the density bonus and the applicant applied for it. So I mean that's why we are where we are at the present time.

Mr. Rhodes: Other questions for the applicant?

Mr. English: With the upgrades that are required for this, who would pay for this? Would your client be willing to pay the upgrades on the sewer?

Mr. Leming: On the pump station?

Mr. English: Yes.

Mr. Leming: If they're the ones that go forward, they're the ones who would have to do it. Now because it's in the CIP it's a regional improvement, then they would be eligible for the pro rata credits. In other words, they would get a credit on their pro rata fees, to the extent they improve it above what's necessary for that particular property. So they get credit for somebody else that may need to use the pump station. They get a credit on their payments for pro rata.

Mr. Rhodes: Any other questions?

Mr. Apicella: I'm curious. Again, since the fundamental issue is the Comp Plan and what it provides for. The parcel... again, I wasn't part of the process... but the people who were part of the process, the Planning Commission and ultimately the Board, decided to split this parcel into the USA and not into the USA. So I'm curious whether the applicant, during the process of developing the Comp Plan, registered any concerns, asked for the whole parcel to be in the USA. What engagement did they have to try and articulate that the whole parcel should be in the USA?

Mr. Leming: That's a good question. When the Comp Plan that was at issue in 2005 was made, that line on the Comp Plan probably goes back into 1980s sometime, so you had completely different owners for that property. There was a rezoning effort by a prior owner, a contract purchaser of the property in 2005, 2006, 2007, which included a Comprehensive Plan Amendment that would have brought the rest of the parcel into conformance with the growth area on the front part of the parcel. The last time we're under Urban Service Area, the landowner did participate in that exercise. When this was designated as an Urban Service Area the current landowner was very enthusiastic about that, worked with the Supervisor that was designating or writing the narrative for that and then immediately came in with the zoning application once that was adopted. So the landowner participated completely in that exercise with the hope and expectation that that's what the county intended to do with that property. That's not been what happened. The landowner came in with an application. The application is still at the Board of Supervisors and it's not been acted on and we have no immediate hope that that's going to be the case. So the applicant is at this point simply looking at other ways to

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develop the property, since it doesn't look like the Board of Supervisors is going to comply with the Comprehensive Plan that it adopted at the end of 2010, but the applicant, the landowner participated very extensively in that particular exercise and supported completely what this County did in adopting the Urban Development Areas and in particular this one.

Mr. Apicella: I got you with respect to the participation on the urban development side of it, but the question I still have is, at some point in time, it became clear that the Planning Commission recommended that this parcel be split; partly in the USA, partly not in the USA. So at what point in time did the applicant encourage, suggest, provide comments that "hey, we think the whole parcel should be in the USA."

Mr. Leming: When you say split, there was not a time, other than when the Urban Development Area was adopted, that the parcels were set up like this under the Comp Plan. And as I've indicated to you, at that time, they supported the Urban Development Area that was proposed by the Board.

Mr. Apicella: Mike, you look like you want to say something.

Mr. Leming: There has been no split.

Mr. Apicella: The split is, again, that part of the parcel that the applicant wants to develop is in the USA and part of it isn't in the USA. That was a conscious decision that the Planning Commission and ultimately the Board made when they drew the revised Urban Services Areas. So there was a deliberative process and I'm trying to figure out if there was a concern at that point in time about extending water and sewer to what was allowable. Why at that point in time wasn't a request made to include it in the USA?

Mr. Zuraf: When the plan was developed and the Urban Development Area concepts were brought forward that Urban Development Area line was always kind of along that power line easement. It never included the entire property within it. Even in the earliest scenarios it always had park land over...

Mr. Apicella: I guess my point is, at this point in time, the issue could have been resolved about extending water and sewer by including the whole parcel into the USA.

Mr. Leming: We had no plans to... we had approval for a by-right development at that point that would have extended sewer to this very area. There was no cluster plan available so there wouldn't have been no reason to. We supported the plan the plan that the Board adopted in 2010 for these parcels. The park land shown on the back was to accommodate the drainfields that we were proposing and the only discussion of sewer that came into play at that time was extending sewer to those facilities at the park and we offered to do that, that we would run the sewer line to those parcels in the park land.

Mr. Apicella: So the extension of the water and sewer is what ultimately gets you the bonus density?

Mr. Leming: Well, it depends on how the back portion of the property could be designed on water, but not sewer and the front part on both, both water and sewer. So what it comes down to is an engineering question as to whether or not there would be enough septic field sites on the back portion of the property to attain the same level of density and then the front would be on sewer.

Mr. Apicella: Alright. Thank you.

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

Mr. Leming: Thank you all. I know it's a little complicated.

Mr. Rhodes: I open this to the public comment portion of the public hearing. This is an opportunity for any member of the public that would like to speak on this item to come forward and do so at this time. You come forward, state your name, state your address and a green light will come on indicating 3 minutes, yellow light will indicate 1 minute, and when the red light comes on we would ask that you wrap up your comments. So if anybody would like to come and speak on the Comprehensive Plan Compliance Review for Clift Farm Quarter, you may do so at this time.

Jo Knight: Good evening. I apologize for earlier. I became excited when I realized... I'm sorry, I'm Jo Knight, 103 Nautical Cove, but when I observed that a parcel that the EDA is talking to the airport about right now... the airport had to buy a parcel of land here with a concern for safety in the landing area. They had to do away with the trees there. Buildings can go in and because of the interest of making the most of this parcel and now that we have it I thought that when I was leaving my TV to come in here tonight I saw an access route to this and I thought that I would like to remind the Planning Commission to keep in mind that we do need to do something with this property now and if there could be any benefit gained by mentioning that we have that parcel and I can't think of the parcel number. I don't have it in front of me. I'd really like to bring it to your attention and I also think that when we had public utilities available and there's going to be a property developed at any rate we should make them available to the residents. I just feel that it's a good idea. Thank you.

Mr. Rhodes: Thank you very much. Anyone else would like to speak on this item? Seeing no one else come forward I'll close the public comment portion of the public hearing and bring it back to the Commission. I did have a quick question for staff if we could circle back real quick. One was the requirements to connect to water/sewer that were applicable in 2005 at the last Comprehensive Plan Compliance review, have those changed any subsequently?

Mr. Zuraf: Apparently they have and I would refer to Jeff.

Mr. Harvey: Yes, Mr. Chairman. In the 2005 version of the Comprehensive Plan, water was not a concern with regard to its extension outside of that Urban Service Area. Sewer did require an additional review. In the current version of the Comprehensive Plan, water and sewer are not recommended to be outside of the Urban Service Area unless found compliant by the Planning Commission.

Mr. Rhodes: So it was only sewer before and now it's both?

Mr. Harvey: Correct.

Mr. Rhodes: Got it. And then do you know the property that was being spoken about in the public comment portion of the public hearing?

Mr. Zuraf: I'm not... it might be a property along Route 1. I'm not positive.

Mr. Rhodes: Okay, well if we carry this over for some of these other questions or information, that might be one we add to the list, just to have context and maybe get with the EDA folks. Alright. I have heard... certainly if there are any questions for staff or applicant or any other we can address

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those. I have heard questions on information about the proffers from the formal proposal. Just firming up. Seems like there's a little bit still out there on the capacity of the sewer water. The implications of that. Even though the applicant indicated they'd agree if there wasn't the capacity they would be required to provide it and I think that was reinforced by staff. I did hear a question about getting the 2005 plan to have context and there is this one question on the other related properties, that there may be some benefits from just to have context. Any other items from folks, or other questions?

Mr. Apicella: Mr. Chairman, I believe that there's some legal issues that we needed to discuss in closed session. I don't know if that's still the case, but if it is so, I think it would be appropriate to go in closed session.

Mr. Rhodes: Are there elements, Ms. McClendon?

Ms. McClendon: Mr. Chairman, I don't feel that anything has come up tonight that requires legal questions, but if the Commissioners have specific question, closed session is available at the Commission's choosing.

Mr. Rhodes: Do you desire to do so?

Mr. Apicella: If our attorney doesn't think there's some legal issues then I guess...

Mr. Rhodes: Not on the topics that were hit on the elements of the application.

Mr. Gibbons: I can't follow what you're saying.

Ms. McClendon: Mr. Gibbons, I don't see that there are any issues of legal concern that I would recommend the Commission going into closed session for discussion of these issues. But if the Commission has specific legal issues that they would like to discuss, then that is at the will of the Commission.

Mr. Rhodes: Any other questions for staff or any other... this in in Falmouth district, I know there are a few items that we have some questions on, some open items.

Mr. Hiron: Flip a coin if it's Falmouth or Aquia, right? Because we have some open issues I would like to make a motion to defer this application. Next meeting is July 10<sup>th</sup> I believe. Do we have a time limit, because I would actually prefer to move this to our August 25<sup>th</sup>.

Mr. Rhodes: That'll be past the time limit.

Mr. Hiron: So in July...

Mr. Apicella: I had the same desire, because I'm not going to be here at the next meeting. I'll be out of town. So I don't know how to resolve that issue.

Mr. Hiron: When is our August meeting?

Mr. Rhodes: August 28<sup>th</sup>. So is this a motion to defer this to July 10<sup>th</sup>?

Mr. Hiron: It looks like that is our only option.

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Mr. English: Second.

Mr. Rhodes: Second by Mr. English. Any further comment, Mr. Hirons?

Mr. Hirons: No.

Mr. Rhodes: Further comments, Mr. English? Any other member? All those in favor of the deferral to the July 10<sup>th</sup> session and to have staff follow-up on these few items, 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? So it is deferred till July 10<sup>th</sup>. The next item is item number 2, RC1300240, Reclassification, Embrey Mill Proffer Amendment. Mr. Harvey.

2. RC1300240; Reclassification – Embrey Mill Proffer Amendment - A proposed amendment to proffered conditions on Assessor's Parcel 29-53B, a portion of the development known as Embrey Mill, consisting of 93.11 acres, zoned PD-2, Planned Development 2 Zoning District, to allow flexibility in the type and number of multi-family dwellings and amend additional proffers. The property is located on the north side of Courthouse Road, just west of Austin Ridge Drive, within the Garrisonville Election District. **(Time Limit: September 24, 2013)**

Mr. Harvey: Please recognize Mrs. Baker for the presentation.

Mrs. Baker: Good evening. Item 2 is a Reclassification, RC1300240, for Embrey Mill. This is a request to amend proffered conditions on a portion of the Embrey Mill Property. This is specific to Assessor's Parcel 29-53B which totals about 93 acres, and this portion of the property is zoned PD-2, Planned Development. The applicant is the Board of Supervisors on behalf of North Stafford Associates, LC. This is the property in question. As you can see, it has frontage along Courthouse Road. This is Austin Ridge Drive to the east and then future Mine Road extended to the west of the property. The overall Embrey Mill development was rezoned in 2001 to A-1, A-2, and PD-2. There were proffers associated with this rezoning that applied to the overall acreage pursuant to Ordinance O01-08. And the proffers did allow for 2,246 mixed dwelling units as well as commercial sites, civic community sites, and public facilities. The proffers were amended on a majority of the property back in March of this year. That was property that's actually under separate ownership from this particular parcel. As you can see the existing conditions, the property outlined in red. Again, Courthouse Road to the south and Austin Ridge Drive to the east. The parcel is wooded. There is moderate to rolling terrain across the property and there is a power easement along the frontage of the property near Courthouse Road. As you can see up in the right-hand corner, that's part of the Austin Ridge Development. Existing residences to the east of Austin Ridge Drive and just north of this property is a

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portion of the Embrey Mill Development that's currently under construction. Then you do see to the south of Courthouse Road other single-family residential development. There was an approved preliminary plan for the overall development in 2005. There have been subsequent construction plans that have been approved for several sections, primarily in the southern portion of the development. The road grading has begun for future Mine Road. And as I noted, Sections 1 and 2 have been recorded with approximately 236 lots that have been platted and that's where the construction within Embrey Mill has begun. This map is a little bit difficult to read, but this is the overall property. This is the subject property in this general location. And just for reference, when you all previously reviewed the other proffer amendment, this was the new school site and the new park site (inaudible).

Mr. Gibbons: Is this mostly commercial you're talking about?

Mrs. Baker: Down in this... the subject property is a mix of commercial and residential.

Mr. Rhodes: And right in between where you see subject property and new park site, that's the new Mine Road, or the Mine Road extension?

Mrs. Baker: That's correct.

Mr. Rhodes: Thank you.

Mrs. Baker: One thing I want to note while we're on this map, because in a moment in the proffers I'm going to reference a road and just to show you, as you said, this was the Mine Road that's currently under construction, with the original rezoning there was a road proposed in this location. The top part, this portion, because of the new park development, that road is no longer going to be constructed. So, part of that is going to be a part of this proffer amendment and I'll discuss a little bit further in a moment.

Mr. Gibbons: So you took that out?

Mrs. Baker: Yes.

Mr. Gibbons: During the site plan review, is that when you took it out?

Mrs. Baker: When the concept plan for the park came in, utilizing that entire property, that's when the road basically went away. So to note the primary purpose of this proffer amendment is just to amend the type of multi-family units that are permitted within these 93 acres. The units would actually replace current senior housing units with market rate apartments. And I'm going to show you a little more detail on that. I should have probably included the chart in the staff report, because I know it was a little confusing how it was written out as well as how it's in the proffers, but hopefully this will be a little bit clearer on how it is. In the left-hand column you see the housing unit types that are currently allowed on the overall property, and then in the second column is the current proffers, the different units based on their type, and in the third column are revised proffers which show the new units based on that. So if you look in the row one with the non-senior units, right now there are a maximum of 1,898 proffered. That is going to increase to 1,998; so an increase of 100 non-senior units. On row 2, the detached residential, currently 1,455 and that number is not going to change. I will note that 100 of those units would have senior features. It wouldn't be restricted to senior units, but there are certain features within those units that will be geared towards senior living. Row 3, the attached residential, currently 314 and proposed 314, so no change there. Out of the 314, that does include 80 senior units,

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so no change with that. The multi-family portion, this is where some of the changes are occurring. You currently have 301 under the proffers and this is proposed to increase to 453. This is an increase of 150 units just for the multi-family dwellings, but it's also a decrease from 268 senior units to 168 units. And note that a maximum of 252 non-senior multi-family would be proposed within this parcel, within the 93 acres. If you look in row 5, the commercial apartments and the multi-family are decreasing from 176 to 24. So that's offsetting the numbers in row 4. So all in all there's no increase in the total units. It's just a matter of where those units are going and ultimately your senior units are decreasing by 100 and your non-senior units are increasing.

Mr. Apicella: What is a commercial apartment?

Mrs. Baker: A commercial apartment is typically where you may have a commercial retail on the bottom floor with a residential over top of the business.

Mr. Apicella: Okay. I thought that was the kind of thing we wanted to see, but the total number of additional units that could generate students, is that 100, 152 or 252?

Mrs. Baker: The difference in the student generation is basically 100 units that are going from senior units to non-senior units.

Mr. Apicella: Well, if I look at non-senior units at the top, okay, that says increase 100 non-senior units, right? So that's changing by 100 and then I see an increase under multi-family by 152 units. When I look at this chart, I have to tell you, it's a little confusing. I'm just trying to find the bottom line number of additional units that were senior that no longer are senior and could generate students. I'm just trying to find out what is that number.

Mrs. Baker: One hundred.

Mr. Apicella: One hundred. Okay. And maybe... I'll let you go on, I'm sorry. My concern is the number of students that could be generated by changing this from seniors to market rate apartments.

Mrs. Baker: And we determine that to be approximately 10, based on the student generation rate.

Mr. Apicella: When I compare that to the proposed proffer guidelines and the Abberly request that we're going to be looking at next, I think there were 300 units there that came up with about 90 units, so to me that's not tracking. I'm not quite sure of the methodology that was used.

Mrs. Baker: I would have to go back and look at how we determined that. We used the new figures that came from the schools just last week for those proffer guidelines.

Mr. Apicella: So multi-family apartments generate .10 students?

Mrs. Baker: I don't have that figure right in front of me, but I'll ask Mr. Harvey if he does.

Mr. Harvey: Yes, the countywide number for multi-family is .31 when you look at all the multi-family projects across the County. If we look at the newer projects that we studied, the number is .61 per dwelling unit.

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Mr. Apicella: And wouldn't this be more in the category of newer units? I mean it's a new development, so it seems to me that .6 would be at least more appropriate than .10.

Mr. Harvey: Yes. That information wasn't available when we first started this process on this application.

Mr. Apicella: So if that's the case, potentially using the new methodology that we just became aware of, there's a possibility of 60 students, not 10.

Mr. Harvey: Could be, yes.

Mr. Rhodes: It sounds like it's somewhere between 30 and 60, probably might be closer than the 10.

Mr. Harvey: Could be. Depends on what number the Commission wants to use for a number of different reasons.

Mr. Apicella: I mean this is a big development; lots of units. I'm sure it's going to be marketed as a family friendly community with school sites, so I would tend to think in that kind of environment you probably get more students, not less students. We've talked about trying to recoup our cost on the capital side. There's a big difference between 10 and 60. Just kind of putting that out there.

Dr. Schwartz: When we talk about the non-senior units, how many bedrooms are we talking about? What's the breakdown on that?

Mrs. Baker: I don't know if that was specified.

Dr. Schwartz: Because obviously a 3-bedroom is going to generate more school-age children than a 1-bedroom or 2-bedroom would. And just out of curiosity, what is a senior feature?

Mrs. Baker: I suppose that could be flat entrances into a doorway, so perhaps a wheelchair could go in, wider doors to accommodate wheelchairs, lower sinks, that kind of thing.

Dr. Schwartz: It just seems like a buzzword that has no meaning.

Mrs. Baker: I don't recall back in the original rezoning. I wasn't involved in that, so I don't know what the intent there was.

Dr. Schwartz: If somebody could tell me, as I approach AARP age myself, I'd really like to know what a senior feature is.

Mr. Gibbons: Did you say approach?

Dr. Schwartz: Approach, yes. How's your hearing aid going on down there? Okay.

Mr. English: The attached residential, that's going to be townhomes? Is that what that's going to kind of revert to?

Mrs. Baker: Attached residential. It could be townhomes, yes.

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Mr. English: Okay.

Mrs. Baker: Anything else before I move on?

Mr. Rhodes: Yes, please.

Mrs. Baker: So as I mentioned, there are some additional proffers that are being changed for clarification purposes. As this is changing, again, would relieve the requirement for that road connection between the proposed Mine Road and Courthouse Road and then subsequently a traffic signal that would have been required at that intersection when that was constructed and that's again based on the park site. Also, relieving the requirement for reservation of the public indoor recreational facility on this particular property, because, as we know, that is now part of the Embrey Mill proposal. So, that proffer is just being struck because it was specific to being within the commercial property. Just the Comprehensive Plan, the purple is urban development, to the east there is suburban where Austin Ridge Development is. The map does say George Washington Village... is that the right name? That is the right name. And staff does recommend approval. They're basically finding it consistent with the Comprehensive Plan and with the planned development patterns in the area and, again, just note the potential increase as what we determined to be 10 school-aged children.

Mr. Rhodes: And just to clarify, Kathy, I think the changes, other than the change in the senior units in that configuration, that composition of the types of units, most of them are just a fall-out of the prior changes the Board approved, right? Where we've recited some things so that we no longer need the stoplight in the road and so forth. All those fall out of the prior changes, except for the unit changes.

Mrs. Baker: That's correct.

Mr. Rhodes: Okay, that's the only additional thing that's unique in here. The rest are kind of adjusting to the prior changes that were made.

Mrs. Baker: Yes.

Mr. Rhodes: Okay, thank you. Other questions for staff before we move on?

Mr. Gibbons: The increase of proffers for the 10 children is...?

Mrs. Baker: That's not a part of the application.

Mr. Gibbons: What's the application then?

Mrs. Baker: It's not proposed as part of the application. This being a Board of Supervisors application, typically we don't address any proffers.

Mr. Gibbons: I'll go back to the doctor's question, Mr. Chairman. I think that I like the chart, but I think we have to know the number of bedrooms and type of units. I question 10 children.

Mr. Rhodes: Okay.

Mr. Gibbons: I'm just being honest.

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Mr. Rhodes: Mr. English?

Mr. English: There's no apartment complexes going in this thing then, right? I mean, there's no apartments going in, right?

Mrs. Baker: Apartments would be an allowable use under the multi-family.

Mr. Rhodes: We probably just need to clarify some of our accounts too, on the number of 10 versus 30 versus 60 and how we're going forward with some of our proffers as well. Other questions for staff?

Mr. Gibbons: I got one technical question. My understanding is the property is under lawsuit with the County?

Mrs. Baker: I would have to defer to our attorney.

Ms. McClendon: Mr. Gibbons, I'm not currently aware of that. I can look into that and get back with the Commission.

Mr. Gibbons: Because when I checked it online there's a suit against the County for the tax appraisal on the property. That's what I got back when I did the search.

Mr. Rhodes: We can certainly check that.

Ms. McClendon: Mr. Gibbons, I can look into that and get back with the Commission.

Mr. Apicella: I understand why the changes, outside of the apartment changes, are being pursued by the County. I'm trying to understand why the increased number of apartment units, market rate apartments, are part of this package in the context of the County pushing it.

Mrs. Baker: The County is not necessarily pushing it. The County is just acting on behalf of the applicant, as the property owner, as the applicant. So there's no push from the County. This is a push from the property owner; not a push, this is their request to have the proffers amended to go to market rate apartments. They feel that those are more in line with what is selling today.

Mr. Rhodes: And the Board chose to be the applicant.

Mr. Apicella: At our luxurious retreat, downstairs in the basement where you provided coffee and donuts, a five star breakfast, we talked about this particular larger parcel – Embrey Mill – and how we may have missed an opportunity here to designate this as part of the UDA. And as we look forward to potentially revisiting what should be part of the UDA and how we designate a broader area, that this area which is 900 acres contiguous, few owners, school site, park site, mixed use development, commercial, that we may have missed an opportunity here to include this as part of the UDA or part of a larger UDA and I'm curious with the county being an applicant here, whether there might be some consideration to... because it seems to me that this is an appropriate place for apartments. This may be a small number compared to what might be doable here, notwithstanding the issue of student related cost associated with apartments, but I'm just wondering if there's any receptivity, either by the County and/or the applicant, to take another look at this in the broader context of trying to relook at Embrey Mill and maximize the opportunity here to make it a potential development area, more so than it is now. I'm just kind of throwing it out there. I know you can't answer that question, but it may be an

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opportune time to kind of step back and take look. We only have one other urban development proposal in front of us. This may be one we can get more out of and make better use of the 900 acre parcel. It's near infrastructure, it's near 95, it's near the hospital, it has all the pros, I think, of making it an Urban Development Area, but because it was zoned previously it just wasn't part of that UDA discussion. So, I guess I'm just asking. I don't know the right way to do it, but is there a way we can kind of take another look at this and see if all parties might get a better win-win on this? Not just the smaller parcel, but the larger Embrey Mill development.

Mrs. Baker: I think that would be up to the Board to determine if they wanted to proceed that way.

Mr. Apicella: How can we float that idea, as... again, I don't know that the urban development issue is up on our agenda at the next meeting, but I know that, it seems to me in reading the paper, that the developer is selling off parcels to builders. There may be a point where we've missed that boat, but I just wonder if we can kind of have that out there as a possibility before we miss that opportunity?

Mr. Harvey: Yes, Mr. Apicella. We'll bring that back up as a discussion point as we go through the proposed changes to the Comprehensive Plan.

Mr. Apicella: Well, this is a different owner than the larger parcel, right?

Mr. Harvey: Yes.

Mr. Apicella: Okay. Thanks.

Mr. Rhodes: I think, from some of the comments, one thing that came to mind is that it might just be useful to know or remind ourselves which proffers have been associated with this development and the degree to which the County has or will receive proffer funding as we look at this.

Mr. Gibbons: And then why did the Board become the sponsor instead of the applicant? They must have had some reason.

Mr. Rhodes: I'll ask our Supervisor.

Mr. Gibbons: I imagine the Director of Planning knows why.

Mr. Harvey: Mr. Chairman, part of the issue is that the road Mrs. Baker referred to earlier in the presentation, that road goes through a part of the park land. When the County acquired the land that had previously been identified for a middle school, a fire station and a road, the way the property was configured, the fire station was on the other side of the road from the school. The road was necessary for good access for the fire station site as well as the school site, because from good planning, we like to have two access points for schools, in case there's a road blocked or there's an emergency issue. With this new configuration as a park, the road is not in a very good location for park development purposes. In fact, it conflicts with the park layout that we've designed. So that's the main reason for the amendment. The other issues are things that the owner of the property brought to our attention.

Mr. Rhodes: I'll confirm with the planning supervisor. I sense that they needed to come forward with an amendment anyways, because of these other actions and it was an opportunity. So by the way, here's one other thing that would be good once you have that in there, but... okay. Any other questions for staff before we open this for public comment? Okay, thank you very much. Now open

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for the public comments portion, the public hearing, if anybody would like to speak on item number 2, RC1300240, the reclassification dealing with Embrey Mill Proffer Amendment, you may come forward and do so at this time. Okay, very good. We'll close the public comment portion of the public hearing. I'll bring it back to the Planning Commission. I did hear a desire to kind of go through and double check the numbers of the impact associated with students and do a little clarification, plus I think we're going to talk about... which item is it... proffer guidelines, item number 5, anyways, so we have to get a little better clarity on that. Mrs. Baker, if we could get some information on the proffers associated with the Embrey Mill development itself? Just in general for before, that are existing, that might be helpful context to have, to put these 10 or 20 or 30 additional students into context for the proffers that already exist.

Mrs. Baker: Okay and you do have that in your package. The ordinance that's in your package, the existing one.

Mr. Rhodes: It's got the proffer amounts.

Mrs. Baker: It has all of the proffers associated with...

Mr. Rhodes: For the Embrey Mill development?

Mrs. Baker: Yes, the O01-18 is the overall, original proffer.

Mr. Rhodes: Okay, I missed that. Thank you. Then we got that. And then we're just going to check any context of any lawsuit or other concerns, Ms. McClendon. Are there any other open questions? I'll hand it over. I'll just make a motion that we defer this to the July 10<sup>th</sup>, just to get those last few bits of information.

Mr. Gibbons: Second, Mr. Chairman.

Mr. Hirons: A motion made to defer until July 10<sup>th</sup> and a second made. Any discussion Mr. Rhodes?

Mr. Rhodes: None.

Mr. Hirons: Mr. Gibbons? Anyone else? Any other discussion? Those in favor of deferring RC1300240 to our July 10<sup>th</sup> meeting, please signify by saying aye.

Mr. Rhodes: Aye.

Mr. Apicella: Aye.

Mr. Boswell: Aye.

Mr. English: Aye.

Mr. Gibbons: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye. Any opposed? No. The motion carries 7-0.

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Mr. Rhodes: Thank you very much. And now we'll move on to item number 3. Mr. Harvey?

3. RC1200009; Reclassification – Abberly at South Campus - A proposal to reclassify from B-2, Urban Commercial and B-3, Office to the UD, Urban Development, Sub-district UD-4, Zoning District to allow 288 multi-family residential units to be developed on Assessor's Parcel 39-16L and portions of Assessor's Parcels 39-16, 39-16B, 39-16H and 39-16J. The property consists of 22.70 acres, located on the west side of Old Potomac Church Road, approximately 2,000 feet south of Hospital Center Boulevard, in the Aquia Election District. **(Time Limit: September 24, 2013)**

Mr. Harvey: Thank you, Mr. Chairman. Mr. Zuraf will make the presentation, once I can get the computer to cooperate.

Mr. Zuraf: Good evening again. This item is reclassification for project known as Abberly at South Campus. The specific request is to rezone the property from the B-2, Urban Commercial and B-3, Office zoning districts to the UD, Urban Development zoning district and specifically within Sub-district 4. If you recall recent discussions on the recently adopted UD zoning district. It's made up of 5 sub-districts that have different use and kind of development criteria where they need sub-district and the applicant in this case is requesting sub-district 4 so all the specific set back and height and use requirements would apply that are under sub-district 4 in this case. The property is several properties. Parcel 39-16L and portions of Parcels 39-16, 39-16B, 39-16H, and 39-16J. It covers 22.7 acres. The applicant is Bo Cook with the H.H. Hunt Company with their agent Sherman Patrick. The location of the site is highlighted in red. The location is at the end of Old Potomac Church Road. Potomac Church Road is there and at a point it turns to Shad Landing Lane (01:37:41) and this also then is to the east of Jefferson-Davis-Highway, near the intersections of Peake Lane and Jumping Branch Road. The property itself is zoned, as mentioned, most of it is zoned B-3 office in the darker brick red color. The lighter shade of red is B-2 zoned property. You have surrounding properties also that are zoned B-2, urban commercial and B-3, office and then other properties surrounding it as well that are zoned A-1, agricultural. That's the light green shading. The site itself is undeveloped. A lot of the land around it is undeveloped. There's some single family homes on some of the larger properties as well. History of kind of a somewhat remote, at this point, area. You have a lot of it zoned B-3, office. Previously the property was zoned M-1, light industrial and in the Courthouse area in 2008 there was a comprehensive rezoning where the M-1 zoned property was reclassified to B-3, office by the county. But also note that also the property to the north and east in this location, this is known as the south campus property, that was rezoned in 2009 from A-1, agricultural to B-2, urban commercial. This property is under the same ownership as the subject property which also proffers for that south campus property includes similar road improvement projects that line up with this proposal. And I'll get into more details with that. Looking at the existing conditions, property is undeveloped. Looking at the aerial photograph here on the screen, it's forested, land cover, a mix of deciduous and coniferous trees, rolling terrain on the property. There's one intermittent stream that bisects the property generally down the middle from north to south and no wetlands were identified on the site. A Phase 1 Cultural Resources Survey did identify the presence of archeological resources. There's the Civil War activity are, identified on the image that you see, and then also a cemetery was identified as well. I'll get into more details on that.

Mr. Apicella: Mike, can you go back one? To the North West, what is up there? Are those homes?

Mr. Zuraf: Yes, there are large lot single family residential homes.

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Mr. Apicella: Just two?

Mr. Zuraf: There's one, two...just a few. And there are single family homes all on Jumping Branch Road in this area and a home on property to the south there and here. Then also at Old Potomac Church Road, in this location, there are several single family homes. Looking at the general development plan, this first image just kind of shows you the orientation of the site to the proposed access to the property. The applicant's proposing 2 entrances into the property off of a proposed, new road way, which would run from Route 1 here all the way over to Old Potomac Church Road. So you have 2 access points there and then also a third access point, ultimately, by the extension of Old Potomac Church Road to this point. So you have 3 access points providing access out to Route 1 and Old Potomac Church Road, north to Hospital Center Boulevard.

Mr. English: Mike, when you get up here by Route 1, where would that road come out?

Mr. Zuraf: Where Jumping Branch Road comes out and the proposal is to re-orient Jumping Branch Road so it comes in and Ts into the new road, so you wouldn't have all these older streets and new streets meeting at one point. And the land that this road is proposed on is under the same ownership as the applicant of the site. Next image zooms in. Gives you a better idea of the layout proposed on the project. The applicant is proposing 288 multi-family apartment units. This proposal would include some kind of main streets that would serve to provide kind of a grid network on the property, have a main north-south road and a main east-west road. This north-south road is proposed to be a public street and it would provide inter parcel connection down to property to the south where the applicant's also including a proffer to dedicate land for potential a College site and then the east-west road would provide inter parcel connections to points to the east and west. This would be a private street. You'd have on street parking along this east-west street and then other internal streets to provide access behind some of the buildings, would have standard conventional parking spaces around the buildings. The 288 units are located within 13 buildings on the site and many of them do front on these 2 main streets that service the access point through the site. Staff worked with the applicant to try to get an alignment and a layout that tried to meet the intend of the Urban Development Area that the site's in and I'll get into that a little bit more as we go along.

Mr. Rhodes: Mike, I know this is just GDP, but how wide is that east-west street, do you know from this? If they're going to have parking on there.

Mr. Zuraf: Within in a 60 foot wide ingress/egress easement.

Mr. Rhodes: Okay, thank you.

Mr. Zuraf: And also they do include a community club house and outdoor pool in this area as an amenity.

Mr. Gibbons: Any office complex in here at all.

Mr. Zuraf: No office uses are proposed within this site.

Mr. Gibbons: So it's going from B-2 and B-3, commercial down to apartments.

Mr. Zuraf: Right. And the owner of this land also owns property on the other side of this proposed road way which I understand they have other plans for developing commercial in that location, but

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they can probably speak more to their overall plans on other property in the area. The applicant also submitted a design manual which includes elevations, typical elevations of the building that would be constructed. They generally reflect somewhat of a colonial appearance with a red brick façade, pitched roofs, accent materials, roof dormers, wall plane recesses and projections. These are many of the design features that we have included in our architectural design guidelines within our Neighborhood Design Standards document, so staff believes that they do a good job of meeting those recommended guidelines that we have in that document.

Mr. Apicella: Mike, we had a previous apartment proposal in front of us and that proposal indicated that the apartments were class A. I don't know if that's a real term or not. I guess what they meant is that they were upgraded apartments compared to the apartments we currently have in Stafford County. Do you know whether this would be under that sort of upgraded apartment approach?

Mr. Zuraf: No, I do not.

Mr. Apicella: No? Okay, thanks.

Mr. Zuraf: The applicant may be able to speak more to that. The applicant has included the proffer document and just kind of summarizing some of the details on that. They have several uses that would otherwise be permitted by-right and by conditional use permit in the UD-4 sub-district. They have establish a maximum of 288 residential dwelling units. They have provided standards for the street access that's proposed that I've kind of summarized, which would include the new South Campus Boulevard. Regarding South Campus Boulevard they would reserve 95 feet of right of way, initially dedicate 50 feet of right of way and construct a 2 lane half section of an ultimate 4 lane road within that 50 feet of right of way. So that's their proposal and that road would be built all the way from Route 1 to Old Potomac Church Road and then with Old Potomac Church Road reserve 50 feet of right of way to the south of its current location and dedicate this constructed 2 lane extension from the terminus to the entrance and that improvement of Old Potomac Church Road and that third entrance would be at a 50 percent point of the project, so at 144 units. They have some details about establishing a potential Community Development Authority to fund the road and other infrastructure improvements needed to get to the site. One of the proffers establishes a kind of nation process that might be needed to acquire additional property for any easements to get out to Route 1. Establishing certain fire protection measures which includes fire sprinklers in the buildings and establishing design standards for the buildings as I mentioned and other standards for landscaping and signage, refuse collection and lighting of the parking lots. Proffers also are to provide that indoor recreational community building and outdoor pool that's shown on their plan. Requires some enhanced stormwater management with LID practices.

Mr. Rhodes: Mike, when would the indoor facility and the outdoor pool be required by? Is this being built in phases or is it being built as one project?

Mr. Zuraf: Let me check that. It is not specific to when it will provide it, but it does not say by the first unit or so. So that specific timing is not included in the proffer. Also tree protection, fencing, establishing measures and remedies should any of nearby water wells on some of the adjacent residences be compromised through the development of this site. There is a similar proffer that was established on the other South Campus property. There were concerns from the adjacent residences of the development impacting their wells and so the standards for what would happen if wells were impacted are incorporated into the proffers. Require the design and installation of all the required, necessary utilities. Comply with the Virginia Department of Historic Resources regarding the handling

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of the resources that's on the site. There's monetary proffer contributions of \$15,853 per unit with funds allocated to the different facility types that are recommended in our proffer guidelines with the exception of schools and there's a proffer that'll dedicate 25 acres on the adjacent property to the south for future a future Campus Germanna Community College. You did receive tonight from the applicant, they submitted a feasibility study, you should have received that just the other day, a campus feasibility study and also a letter from the owner of the adjacent property, basically signing off saying they're working with the owner and are fully aware of and agree to what is being proposed to these proffers.

Mr. Apicella: Mike, in the staff report, I think, it indicated that the recommended proffer amount was about \$23,823, so there's a difference of \$8,000. Is that all in school proffers?

Mr. Zuraf: It's the school designated proffer amount.

Mr. Apicella: So there is no dollars associated with Stafford County Public Schools in the proffers?

Mr. Zuraf: Correct.

Mr. Apicella: The 25 acres Germanna Community College Campus donation, do we have a sense of what the value of that donation is?

Mr. Zuraf: Well, according to the Commissioner of Revenue record the assessed value of that 25 acres site is \$186,000.

Mr. Apicella: And what is that zoned now?

Mr. Zuraf: That's zoned A-1.

Mr. Gibbons: But that goes to public and we don't get no tax revenue off of that.

Mr. Zuraf: Looking at the transportation issues with the site, a transportation impact assessment was submitted. There's estimation of 1,880 new vehicle trips per day generated from this use which would equate to peak trips of 189 vehicle trips per hour in the a.m. and p.m. peak hours. The study is based on the site development that's proposed and then other planned projects around the site. The study looked at the impact on several intersections which is identified in the image. The access point of the future South Campus Boulevard at Peake Lane, at Route 1 the two entrances into the site, the South Campus Boulevard at Old Potomac Church Road the third site entrance and then Old Potomac Church Road and Hospital Center Boulevard were all looked at. There were different alternatives looked at in the study. The first build out scenario basically lines up with what's being proffered, where they would do the 2 lane improvement all the way from Route 1 to Old Potomac Church and then have the third entrance off of an extended Old Potomac Church Road. A second scenario was looked at, where they would build a full 4 lane section off South Campus Boulevard from Route 1, only to the side entrances into this property and that would be the only access and ultimate completion of Old Potomac Church Road wouldn't happen until a future date that other properties were developed. And then there was an evaluation of future build out of all the land that's under ownership by the owner in a future year. By looking at the findings, specifically for the option that the applicant's looking to develop, under the current conditions the study found level of service of C or better at all intersections in the traffic impact assessment. The level service C is determined to be an acceptable and good level of service. It ranges from A to F. D is marginal and then E and F is considered failing and so they found level of service C or better in current conditions and future conditions with the options proposed by the applicant would

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be level of service C or better, except where South Campus Boulevard approaches Route 1. They have a level of service D at that location. So the study then recommended right and left turn lanes on Route 1 at South Campus Boulevard. And the study does talk about potential signalization at Route 1 and South Campus Boulevard, but that's not recommended until South Campus Boulevard project fully develops out. It showing it's not being needed until that point. So in the initial stages there'll be a stop sign at South Campus Boulevard and Route 1. Staff does note that the recommended Route 1 turn lane improvements are not included as an improvement being offered in the proffers. So that should be considered.

Mr. Apicella: Did I read correctly, at least from the applicant's perspective, that the actual generation of traffic would be at least equal to if not better than what would happen under the current by right zoning?

Mr. Zuraf: Yes.

Mr. Apicella: Does VDOT concur with that?

Mr. Zuraf: We've received initial review from VDOT on the initial version of the study, but the latest version of the study we have not received their comments and feedback yet on that, on the latest results.

Mr. Apicella: And do we know what their views are about the signalization on Route 1 over the long haul.

Mr. Zuraf: We have to check on that. I do believe that there is an issue with separation from the signal at Hospital Center Boulevard. There's certain separation requirements.

Mr. Apicella: That would be my concern too, if it's too close.

Mr. Zuraf: I believe it meets it. I will double check that though. I remember that being an issue before. I mentioned previously that there are two cultural resources that were identified as being significant Civil War Activity Area and generally in the same proximity, a cemetery identified on this site. In the archeological surveys that were provided and the study itself does note that both, the cemetery and the Civil War activity area were potentially eligible for the National Register of Historic Places. So that was a recommendation. The study does also for the Civil War Activity Areas recommend the site should be avoided or subject to phase 2 evaluation if impacted which would require more detailed evaluation of the resources there prior to it than being impacted. With the cemetery a more detailed a more detailed Cemetery Delineation Study occurred and it was determined that this is known as the Stevens Family Cemetery and with both of these sites the development is proposed to impact both of them. The GDP shows apartment buildings and access roads proposed over these locations. The applicant would have to follow certain guidelines to address how to relocate gravesites and there are certain standards that they need to follow. The county's historic commission did comment on this and concurred with the recommendations of the Civil War Activity Site, but regarding the cemetery, they're first requesting permission to go an inventory the cemetery. There's a separate cemetery committee that we have and they're good at getting out there and keeping track of all the different family cemeteries that are on properties across the county. And also the commission recommends preservation of the cemetery where it is located now. The applicant actually did do a phase 2 survey of these resource sites and that was just provided to us late last week, after the preparation of this report. You received that tonight. I've not gone through to look at the details of that study yet. And further the

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proffers require the applicant to provide some interpretive signage on the property and follow state law regarding the relocation of the grave site before any construction on the site. With public safety did include several proffers dealing with public safety issues as requested by the different reviewers in the county. Some of the issues had not been addressed and staff would recommend further consideration of some of these issues regarding fire suppression, referencing an NFPA 13 standard. That's a little higher standard than the standard building code requirement to utilize non-combustible building materials in the design and construction of these apartment buildings to include emergency vehicle preemption devices on any future traffic signals that are constructed related to this project and then they do recommend full improvement of Old Potomac Church Road to current 2 lane VDOT standards for safer fire access and establishing certain crime prevention design standards into the site which we've identified. And the Comprehensive Plan, properties within the Courthouse Urban Development Area land use is recommended as locations for higher density mixed use development that may include development that may promote pedestrian accessibility. There are multi-family residential uses recommended in this UDA. The specific Courthouse Urban Development Area recommends a maximum of 1,386 dwelling units, including 656 of those as multi-family units. The proposed use is generally consistent with the recommendations of the overall Courthouse UDA. Now they're subsequent to the overall Courthouse UDA designation. There was a Courthouse UDA small area plan developed which digs down deeper and provides specific land use recommendations across the UDA. The area is highlighted in this location. The Courthouse small area plan recommends different residential uses. The yellow is suburban residential, detached residential units. The orange are townhouse residential units and the brown are multi-family residential units. So across this site the plan basically recommends the scaling down of residential density that, when this plan was developed, was envisioned, the suburban land use to the south at a lower scale. The thick black line in this location is a collector road that was envisioned. Staff believes that that generally meets the intend of South Campus Boulevard as proposed and further, I guess, regarding the land uses themselves, the multi-family dwellings that are proposed are not consistent with the Courthouse Area Land Use Plan recommendations which are the lower density transition. At the time of the development of this plan a college site was not considered to be located immediately to the south in this area. So in this case, should the college site continue through the process and be considered, a multi-family dwelling unit project may be a more appropriate use adjacent to a college site than the lower density residential. Staff does also note that the 288 units would leave 368 remaining multi-family units to be located elsewhere in this Courthouse UDA.

Mr. Apicella: Mike, if it came to pass that this Commission and ultimately the Board decided to move forward with the proposed apartments, what would we need to do with this small area plan? Or what would your recommendation be?

Mr. Zuraf: Well, it's up to the Commission. It's a guide, so you could consider making modifications to the small area plan, if you feel that would be necessary, but since it is a guide, you could also proceed and move forward without making recommendations, if you chose that the conditions are such, that it meets the intend of the area.

Mr. Apicella: Well, if you look at this diagram as puzzle pieces, we could kind of reengineer what was proposed, based on the first application coming forward, because there are multi-family apartments to the north, just to the north of what's being proposed here.

Mr. Zuraf: Right.

Mr. Apicella: Alright. Thanks.

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Mr. Zuraf: Okay, I won't spend too much time on this. I mentioned that monetary proffers are being provided of 15,000+ per unit. This would equate to a total of 4.5 million dollars across the entire project. The proffer recommendations of the county are for 23,000+ per multi-family unit which would equate to 6.8 million for a project of this size and type. I mentioned the funds are designated to and are consistent with many of the recommended facility types, except for schools and there's a separate proffer dedicating 25 acres for a school site.

Mr. Apicella: Mike, before you move on. Again there's a delta between the applicant's estimate of the number of students based on the apartment types 1-, 2- and 3-bedrooms from their advantage point and the county's, I think, their estimate was 55 students, our estimate was 90 students. What's the staff's prospective on the likely number of students to be generated by this complex.

Mr. Zuraf: Well, that estimation was provided to us from the school board staff. They keep good records of the number of students that they have and where they live and I believe that they have data that they can estimate from by unit types. So the county estimation, we feel, may be pretty accurate with what we're seeing and it's information provided to us from the schools.

Mr. Apicella: And would that change based on, again the following discussion we're going to have about the proffers and the generation rate, is that going to change the county's number at all?

Mr. Zuraf: Well, yes, the number we estimate is a countywide average based on all the multi-family units we have out there which are varying ages and in some recent proffer evaluation it was actually determined that the multi-family units, the new projects, generate more students than maybe the county average. So you may initially have an uptake in greater student generation. That may eventually level off, but, yes, we found that a newer project could potentially result in more students.

Mr. Apicella: There's an apartment complex close to the courthouse called Aventine, I drove by there the other day, it's pretty big. Do you have a sense of the number of students being generated out of that complex?

Mr. Zuraf: Yes, that, we had that information, if Mr. Harvey had that number...

Mr. Harvey: Yes, I don't have it at my fingertips, but it's in the later discussion on the proffer guidelines. I can get you that figure, or if you give me a few minutes I can probably answer your question.

Mr. Apicella: It would be helpful to know at some point what's coming out of that. I don't know when that was finished, but it seems to me it's pretty close to where this project is and I don't know whether these are permanently military families, what have you, that are living there. I don't know how many students there might be. I think it might be instructive, help us get a sense of what might come out of this complex and what the associated cost might be. And the breakdown of number of bedrooms.

Mr. Harvey: Yes, Mr. Apicella, you asked for the Aventine project. It has 361 units and it has 217 students.

Mr. Apicella: So that's pretty close to the proposed proffer guidelines generation number.

Mr. Harvey: That falls in line with the new project average.

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Mr. Apicella: Yes, that's what I'm suggesting. Okay, and so, again, there's a 2.3 million dollar delta in the monetary proffers that are being offered versus what our guideline suggests in respect to the student generation number.

Mr. Rhodes: And so .6 for 288 units would be about 170 students.

Mr. Zuraf: Okay, I'm getting to the evaluation. Almost finished. The positives of this proposal would provide land for an institution of higher learning. The use may be more suitable than what was envisioned on the small area plan as it would be adjacent to an institution of higher learning. It's consistent with the Architectural Design Guidelines for appearance and the monetary contributions fully mitigate impacts to transportation and the other facility aspects that I have mentioned, parks and recreation, libraries, fire and rescue, with the exception of schools. The proffers also would ensure a quality appearance and would minimize potential transportation and environmental impacts. The negative aspects: The impacts to schools would not be mitigated unless the college site dedication is accepted as a suitable alternative. It does not fully conform with the land use recommendations in the Courthouse UDA and the impacts to cultural resources that may be eligible for the National Register of Historic Places. With the summary and recommendation staff's generally supportive of the request. We would note the PC should consider several of the issues that were raised on how the current evaluation of the UDAs that you're currently going through, how that may be effected by this request, since you're reevaluating UDAs. If the land dedication is an appropriate credit for schools, the specific recommendations from Historic Commission and the several public safety recommendations and transportation study recommendations regarding turn lanes on Route 1.

Mr. Rhodes: What motivated the proffering of the land for community college?

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

Mr. Rhodes: Other questions for staff?

Mr. Gibbons: The light on Route 1, is that going to be proffered?

Mr. Zuraf: There's no proffer for a light on Route 1.

Mr. Gibbons: You know I had a lot of experience with that little lollipop out on Route 1, 7,5 years' worth and the traffic light coming along was a welcome relief.

Mr. English: Mike, so what's that road that's coming out by Peake Lane? Is that necessary to have that? Because that hill is a concern of mine too. Is that that third entrance or is that the first entrance?

Mr. Zuraf: Well, the alternative would be, all the traffic would be heading out Old Potomac Church Road and basically right out one of the entrances to the hospital, so that could put a lot of stress on that intersection.

Mr. English: But you have two ends that they can go out of. They can go out on the Courthouse side and they can come out on the Route 1 side.

Mr. Apicella: Two hundred eighty-eight units is obviously going to produce a number of drivers. Some of those people probably commute to D.C. I used to ride at the Brooke VRE Station. Other people go to the commuter lot. The whole urban development concept is to keep people off the roads

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as much as possible. Was there or is there any thought/discussion about a potential shuttle to the commuter lot and/or the VRE station, because we just had to increase the size and capacity of at least the VRE station. Again, a shuttle would help mitigate any impact of, again, 288 family members who might...before the capacity was changed people were parking off on the side illegally. So we don't want to get to that point again. I don't know that there's any additional capability to increase the now second lot. So again, I don't know if you had any discussion with the applicant about that.

Mr. Zuraf: The applicant is looking into that and can probably speak more to what their thoughts are on how they might be able to accommodate some sort of shuttle.

Mr. Apicella: You've mentioned a couple of areas where there's some public safety, transportation and cultural resources issues mentioned in the impact statement or in the proffers, but have you had any further discussions with the applicant regarding their willingness to accept some or all of those?

Mr. Zuraf: No. The information has been provided. The applicant had not gotten specific feedback point by point as to what they're willing to offer up. The short answer is no.

Mr. Apicella: I know that this is a fairly broad question, again, since this our first urban development proposal, is there anything that really concerns you, anything that they missed in their proposal? Anything that you think we need to further scrutinize other than on the issue that I think you mentioned. In many ways you say it's compliant with or close to compliant with what we want to see. I'm just curious from your professional perspective, is there anything that got missed in this process that we want to take a further look at?

Mr. Zuraf: No. I think, aside from the details of some of the issues we've run down, the applicant has made strides to realign and re-plan this site to better follow the guidelines and what the vision of the Urban Development Area with the grid network trying to move the buildings up close to the street, as close as possible. We've been talking to them early on. The site doesn't lead it to make it the perfect urban development situation, because the terrain has a lot of issues in being able to achieve some setback requirements that you might desire. But I think they've come a long way in meeting those goals.

Mr. Apicella: And how about some of the deviations that they've requested, like for example they're looking for an exemption from the height restriction. I think it's currently 50 and they want to go to 65.

Mr. Zuraf: It requires more than 3 stories and they want to have the ability to have 4 stories, which basically would be, since there's the sloping terrain, you're going to have a situation where there'll be 3 stories on one side and 4 stories on the down grade side and I think that would be acceptable. It's not a big change and there's that. There's some of the details of the first floor separation requirements, where they said they need to be able to have ramps for ADA accessibility requirements. Another request would be for transparency, the window openings in there design, they feel the percentages is too high and I guess they've shown in their elevations that, regardless of the window openings, you can still get a good design out of the product and the other issue was just the setbacks and they're showing that on the GDP with the minimum and maximum setbacks and how they can accommodate that for each building and they do an okay job in trying to meet those minimum and maximum setbacks and where they're not meeting it, they show the degree of how much it's not meeting. It's just an issue and a product of the terrain that makes it necessary for some of these changes.

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Mr. Apicella: So bottom line, from a staff perspective, notwithstanding the fact that it's not fully complying with the small area plan and we have not yet fully come to an agreement on proffers, you think it's a good project and in the right place?

Mr. Zuraf: Yes.

Mr. Apicella: Okay. Thanks.

Mr. Rhodes: Any other questions for staff before we go to the applicant? Okay, if the applicant could come forward please.

Mr. Patrick: Good evening, Mr. Chairman, members of the Commission. I'm Sherman Patrick. I work with Compton & Duling and we're here this evening representing H.H. Hunt, the applicant in this proposal. It's difficult to sit through a presentation and have some of the answers to the questions that you're asking and not be able to answer them. So I've been fidgeting a little bit. I apologize if that distracted anyone. What I think that I would like to start with though is to let you know that we plan a two part presentation. One is to talk about how we got to where we are. That would be the first part and that's what I will do and then we'll have someone else come up who was more involved in the details of the design and can give you some of the design explanation of the building layouts and the buildings themselves that I heard many of you speak of that you have questions about. First thing that I wanted to point out or remind everyone of is that this property is 22 acres that are zoned B-1... or B-3 and B-2. Those are pretty high commercial categories without a lot of limitations on them, generally speaking. These, in addition, are totally un-proffered, because they are old zonings in the area and the way that this process got started, the impetus if you will for this applicant coming forward, was a planning process or an economic development review process really, that began several years ago that said that they wanted to identify areas of the county where the economic potential of the properties are not being realized and that they think they can promote more smart growth types of strategies, such as becoming popular but walkable communities. Pedestrian oriented design, things of that nature. And this area of the property was designated for residential uses, so we are here before you, proposing to down-zone from commercial to residential, because that's what you said you wanted, because that's what your plan says. So that's the proposal that's before you this evening. The re-developments guidelines first came out probably 3 or 4 years ago. They identified this area as being a place where you could have a walkable community and you could have mixed residential and commercial uses and office uses and we think that the attractiveness of this corridor is pretty strong, because you have the county courthouse, the county offices and administrative facilities. You have emergency services, the school board, all here clustered at the northern end of it. Then you have the Stafford Hospital that is moving further toward the south and as we get to our end here, we became aware that Germanna Community College was looking for a location. They wanted a place that was central to Stafford County. This met their demographic locational criteria and so we reached out to them and thought that was an exciting opportunity to add yet another anchor, another institutional anchor, to the area that's been identified as being some place that you want a kind of an urban core. If we could see the slides. I'd like to give you an overview of what...can you go back one slide? Okay, we had an aerial illustrative drawing that showed what the courthouse area would look like if it was built out. We'll have to figure out what the glitch is and figure out if we can show that to you later. The difficulty with the UDA plan was that it was not done with full engineering and because it wasn't done with full engineering there are practical constraints that were overlooked. It did not take any consideration of topography of this property. I didn't take into consideration road design standards. Roads have to meet minimum separation requirements for major intersections. They didn't take into consideration all of the environmental constraints that a property of this type would have. The most significant of which on a

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uniform basis is slope. This is a sloping area. There's a lot of topographic relief in this area. They didn't look at existing ownership or existing zoning either. And missing the practical constraints of development the small area plan that was imposed on this property is never going to fit. You're always going to have to have adjustment. You're always going to rubber sheeting it, if you will, trying to make thing fit into where they are. And one of the issues with it, I'll point too, is scale. When you look at those tiny little blocks that show apartments and townhouses and then single family dwellings. Look at that again. All of that is being proposed in 22 acres and the applications that you routinely have before you would have one of those uses. You'd never see 3 of those uses in 22 acres. And so what we've done is, we've done the additional planning that's necessary through the engineering that's privately funded and come back to you with a practical construction plan that is feasible that for developing the mixed used element that is asked for here. Otherwise the whole area would just be zoned commercial or just be developed commercially and I don't think that's what the plan is calling for. The UDA however does provide a very good guide for what you want and we followed that closely as we went through this process. Our first effort, staff had a lot of input into it, we made a lot of changes to the design, we came out with a much stronger grid pattern of streets and we had to do a lot with our adjourning property owner to relocate easements and access routes that had been previously agreed to over the past 30 or 40 years that were being revamped and rethought as a result of the UDA plan. But we went through this process and that's why we've been in this rezoning application process for a while, because it took a while to work that out with the adjourning property owners. The general mix of complimentary uses we're trying to provide by taking commercially zoned land and making it residentially zoned land. And the analysis that you have before you, again, is privately funded but is firmly rooted in your publicly funded planning efforts for this area which have been exceptional over the past few years. There is a change in circumstance that no one anticipated and that was Germanna Community College, their interest in locating in this area and they're here this evening and will speak for themselves and I've given you a copy of their feasibility study. They looked at this very closely and they know exactly what they're doing with this site and they will give you their thoughts on that. We saw it as an opportunity, again, to provide yet another institutional anchor that will make this urban area a reality. But these things need to evolve. If you look at other areas, other communities, Alexandria didn't grow all at once. Alexandria started off where it was residential, started off with a few shops and now it's become the office's complex and things that you have today. It took a long time for all of those things to build and come to fruition and that will be the same thing that will happen in this area. The educational opportunity that we saw in Germanna Community College we thought was unique. I don't think that you've ever had before you, in an earlier case, an opportunity to add an institution of higher education along with the other public county school education opportunities that you routinely see. So this is new and different. We know that. We do think that it's worthwhile. We think it's equal in value. If you have to get your kid from kindergarten to high school while having three kids that have already graduated from high school, I know that you have to get them through higher education too, before they can find a job. So this is something that gives people an opportunity to complete their education to the point of having a marketable skill within the workforce and we think that's very, very important and it's unique and we know it's different and we want to talk about it some more. I will tell you though that the estimated value of the land that is being purchased on behalf of this Germanna Community College Campus idea is not anywhere near the value that was suggested, \$186,000. I would love to go buy 25 acres anywhere within 50 miles of here for \$186,000. It just doesn't happen. This property is easily 6 times or more that price. We can't discuss price, but I'll just tell you, that it's in that range. The school's capacity in this area seems to be adequate to absorb the students that would come from this apartment project. Now we do have some differences of opinion in the way that apartments generate students. We are proposing 288 apartment units, as you know, 140 of those would be 1-bedroom apartments. And given the criteria that an adult cannot share a bedroom with a child, we believe that we have a good argument that those 140 1-bedroom apartments

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are not going to generate any children that would be in the school system. There are 142 2-bedroom apartments. We think that probably about 1 out of every 4 or 5 of those will generate a school student. Now this is based on H.H. Hunt's analysis on the 7,000 units that they manage and own, the county – I don't know the exact number of units that they have, but I think that the 7,000 that H.H. Hunt owns in the Mid-Atlantic area is a substantially larger sample and statistically possibly more accurate than the small sample you have here in the county, but we're going to stay around tonight, listen to the new proffer guidelines, because we want to understand that...we want to know how many 1-bedroom units and how many 2-bedroom units and 3-bedroom units were in the analysis that has been given to you this evening or cited a couple of times, so that we're sure that we're understanding what people are saying about impacts on schools. Transportation wise, all of the intersections function at the level of service that you all require in your Comprehensive Plan. We have one question about a traffic signal at Route 1. The reason that we're not proffering a traffic signal at Route 1 is because it will not meet warrants. If we were to pay the state the full amount of a traffic signal at that intersection, or if we paid them two times the amount of a cost of a traffic signal, it wouldn't matter. The VDOT standard says you have to have a certain amount of volume before you can put a traffic signal in place and we're not there, our numbers don't get us there. With respect to transportation access generally, we think that the... everyone should understand that today you have Marian Manor assisted living (inaudible) facility at the end of a dead end road. There's only one way in, there's one way out. The same is true for all of those residents who live along Old Potomac Church Road. When Abberly is constructed they will have a second way in and out, so they will not be solely reliant on the rural section street that exists today, so we're actually improving an existing situation there by giving them another transportation access point. The question of the shuttle was brought up. That is something that we're real interested in continuing to discuss. We've looked at an example from another rezoning that you had and we want to figure out the details of that and how that can work. Because that makes sense to H. H. Hunt, they've done similar types of shuttles in other projects that they own. With respect to the cultural resource survey of an additional phase 2 was already done. We're sorry that you got it late. It says that there are no areas that have been found to be eligible for the national register of historic places. There's some more study to be done. We're very happy to sit down with the cemetery committee and with the historic commission and show them the site and show them the data that's been collected and let them know the history that our archeologist has collected and then get their local information about the archeology that they have or the genealogy that they have. We're not so sure this is the Stevens family cemetery. Our archeologist couldn't find that link, but if we can make that link, that's great. Then we'll have some history of Stafford County that can be preserved for the future. So with that, I will do as I promised. I'll stop talking. I'll let our designer come up and talk about the design of Abberly. We have all of the consultants here this evening, the civil engineer, the transportation consultant, the archeologist, the environmental consultant. We hope to be able to answer any of the questions that you have and we're very happy to try to do that.

Mr. Rhodes: Just one quick question. I didn't catch it before. So I was just wondering, was there anywhere in that proffer the bedroom configuration, 140 1-bedroom, 140 2-bedroom, etc.?

Mr. Patrick: That would certainly...if that is not in the proffers, we can add that.

Mr. Rhodes: Okay. Thank you.

Mr. Patrick: Andrew Bleckly will speak from site design.

Mr. Bleckly: Good evening, Mr. Chairman and fellow Commission members. My name is Andrew Bleckly. I'm from Richmond, Virginia. I work for a firm called Site Design and we are landscape

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architects and land planners. Thankfully Mr. Zuraf has gone over, in quite details, a good portion of the design criteria that we used within the layout of this current plan of Abberly. And so I'll kind of skip through some of the detail, but what you see before you on the screen is excerpts from our design manual that we put together that's inside your packet which contains a lot of the design details that we've used to layout the site here. Of course what's of most importance to us is how this fits into the county network and we have a great guide by looking to the UDA and as we've noted already we've gone to great length to make sure that we are working within that criteria as we've produced this plan. Some of the big highlights that jump off the page here are the land use and urban design, the circulation and the open space, natural areas such as parks. So those were big factors for us in beginning to develop the values for the design of Abberly. As you can see from the diagram here, we begin to start to express those through how we arranged the pieces on the site and that is all a factor of understanding that Abberly is a small piece in a larger plan and that plan being the UDA that we're working with. So those mixed use components that we're working with are factored into the overall plan and understanding that Abberly is a 22 acre piece of that. So through that, we want to make sure that we are fostering a distinctive, an attractive community with a strong sense of place and that really goes into effect when we observe the surrounding properties and making strong connections to what's going on in the neighboring uses. So without further due, we've already seen the plan, but this is kind of a color rendition of that plan and Mr. Zuraf did a good job of kind of outlining some of the key features within the design, but let me hit on a few of those. We've got multiple points of access and we've created a strong grid network that's going to allow for a lot of strong connectivity to the other parcels surrounding for future uses, both, vehicularly and with foot traffic, so pedestrians and bikers have a good connectivity as well, all that to connect into a trail system as well that would be off-street pathways. So what you'll see is, you've got your two main roads and, I don't know if I'll be able to draw as well on here...the red, there we go. So we've got two main accesses that kind of work through the site and both of those actually connect out, both to roadways and neighboring parcels which is a key feature when you're starting to think through how to design urban spaces, is making sure we have a lot of great connectivity within the program. Furthermore there's more connectivity down into the site and this really gets us a good network of both, vehicular access and pedestrian access and all these streets are showing on street parking. The orange roadways will be showing parallel parking. And then also, to follow the UDA guidelines, we're showing parking in the rear of buildings and we're pulling all our buildings up close to the street. One of the big, nice features within this site and this program is our amenity center with outdoor pool and with green space that's going to allow for a lot of outdoor gathering space. That's all connected within this community. One of the nice things that the UDA program outlines is providing park space and community space that is bordered along streets. So this is a highlight for the community that we want to make sure is accessible for the entire community. On to the architecture program within the master plan. These are a couple of the images that you'll see in your packet and then from there we've also got a couple of other highlight pictures to show here. So what this is describing are the four building types that we're showing within this community and I think Mr. Zuraf showed one of these elevations, but we actually have 4 building types here to share with you. This one is the one that we were just discussing that has a 4 story front and a 3 story back. So we're showing the taller of the two scenarios here for you and then the other style is one that's a really nice, smaller scale piece that has 8 units in it. So that is the smaller footprint you see on the master plan. And then of course I look at what the clubhouse is intended to look like. So you can see that we're trying to provide a distinctive product that's got the look and feel of Virginia and really creates that sense of place and feel of authenticity and not a architecture that is irrelevant to this area.

Mr. Rhodes: Do you know at what point the clubhouse is available to the development? What percentage into the development.

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Mr. Bleckly: I do not know.

Mr. Rhodes: I mean is it at 50 percent, is it at 100?

Mr. Bleckly: I don't know if we have a designation on that.

Mr. Patrick: One phase.

Mr. Rhodes: All in one phase?

Mr. Bleckly: All in one phase.

Mr. Rhodes: So before people are moving into units, there is a clubhouse available to them. Okay.

Mr. Bleckly: On through the design manual, you have...we've outlined all of our building criteria for review here, so that we are being transparent on what kind of building criteria we were going to provide for each type of building and all of this is meeting the UDA requirements or we've made some provision and discussion with staff to determine how we're going to adjust that in the case where we would need to. And a lot of that comes out of accessible issues with a handicapped ramp, or just the nature of the topography that we're dealing with, with this site. So that's all outlined within the design manual as well as some furnishings and landscaping features. So all that's outlined within the components of the manual itself. So with that, I'll kind of leave you with the understanding that this community has been, or this design has been arrived at through a lot of hard work with staff and really a collaborative effort to arrive at this design that speaks to the style and the manner at which we're trying to match and meet the UDA requirements.

Mr. Apicella: Just one quick question. Do you have anything like this in your inventory now, well not you, but the applicant in general?

Mr. Bleckly: In the....

Mr. Apicella: H. H. Hunt's.

Mr. Bleckly: Yes. This style product is very familiar to the style that they have been building.

Mr. Apicella: So it's not something that you guys have experience with. When I say "you guys", again, the company that's...

Mr. Bleckly: Yes. The architecture is relevant to Virginia. It's not a cookie cutter architecture, but the building type in and of itself is a building that's been produced by H.H. Hunt.

Mr. Apicella: And you probably heard my question before, but I don't know how to better says it then the experience that we had when we were looking at a previous apartment rezoning request. When they came to us, again, they indicated that these were upgraded apartments that they were trying to pursue in comparison to what you've seen in Stafford. How do these apartments compare? Are they on par with? Are they an upgrade to what we have now? You used the term class A. I don't know if that's a real term.

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Mr. Bleckly: I've heard class A referred to in office, I haven't heard it in the apartment world, but the amenity class for these apartments is first class. We have worked with H.H. Hunt on a number of projects of this caliber and these are first class apartments with first class amenities and I don't know how that...

Mr. Apicella: I'm just trying to compare to what we have now, which may not be first grade. I don't know. The ones that were being pursued were the, I think, Havens...what's that? Well, Aventine is here by the courthouse area. I'm just trying to compare to the ones that were before us several month ago at celebrate VA south.

Mr. Patrick: Mr. Chairman, Mr. Apicella asked me that question earlier. I had it on my notes, but I'm sorry I didn't provide that in my presentation. I've talked with Mr. Cook of H.H. Hunt. It's not a broadly used term, but class A is the term that applies to these units and that has to do with the maintenance, the ownership and the amenities that are available as well as the construction materials and the construction types, so yes, sir, this is class A apartment dwellings.

Mr. English: I've got a question. How many 3-bedrooms are you going to have, none?

Mr. Sherman: Six.

Mr. English: And how many 4 story buildings are you going to have?

Mr. Sherman: Andrew could probably answer that better than I can.

Mr. Bleckly: Yes. If you look at the site plan. Here, the once that....

Mr. Rhodes: Computer, please.

Mr. Bleckly: Sorry, so the...let's see if I can get this right. So this is a split unit here and this is a split, so that means it's a 3 story front and 4 story on the back. So that's your dividing line. This is a 3 story and 4 on the back.

Mr. English: And how tall are you talking from the backside?

Mr. Bleckly: Sixty feet.

Mr. English: That's on the backside with the 4?

Mr. Bleckly: Correct that's on the tall side. So there's no designation within the UDA of determining the building height.

Mr. English: But my concern would be, if the fire department...if you had a fire there, would they be able to get up there with a ladder truck. That's my concern, because we have had apartment fires in the county and that would be a concern.

Mr. Rhodes: And then the 3 As and the C will be at 65 feet, right.

Mr. Bleckly: That's correct.

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Mr. Rhodes: So the one that's green and there's 2 more below it and 1 over to the right of it.

Mr. Bleckly: Yes, so this an A and this a C, this is an A.

Mr. Rhodes: And then the other A below.

Mr. Bleckly: This is an A, correct.

Mr. Rhodes: So is there 65?

Mr. Bleckly: And so to see, what those buildings are going to look like, are here.

Mr. Rhodes: Other questions? And then was there another phase of the discussion...please, Mr. Apicella.

Mr. Apicella: What kind of building materials will be on the façade of this structure?

Mr. Bleckly: These will all be brick and siding.

Mr. Apicella: So the brick represented in the darker color?

Mr. Bleckly: Correct.

Mr. Apicella: Can you show me the other 4 story? Or was it a 3 story? So this one is just siding?

Mr. Bleckly: You can see the brick foundation and the brick wrap. So two sides of the building, the front and the back.

Mr. Apicella: When you say siding, are we talking vinyl or hardy board?

Mr. Bleckly: We have outlined within our building guidelines, hardy board.

Mr. Rhodes: Okay. Any other questions?

Mr. Hirons: On that layout there were a few buildings that had extremely small footprints. Were those garage parking, or what were those? There were about 6 of them spread throughout the...

Mr. Bleckly: These buildings?

Mr. Hirons: No, keep on going back.

Mr. Sherman: Yes, we have garage units as well available.

Mr. English: Are the garages detached?

Mr. Bleckly: They are detached from the apartments, but they're attached in a row.

Mr. Rhodes: Was there further discussion on the Germanna pieces?

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Mr. Sherman: Yes, Mr. Chairman, if you could allow that.

Mr. Rhodes: Yes, I think that'll be helpful.

Dr. Sam: I appreciate the hard work you folks do on late nights like this. David Sam from Germanna Community College. We have 2 locations leased in Stafford County. Our automotive center and our general purpose, small center in Aquia Park. We appreciate the applicant and all the partners for considering, in their vision, Germanna as possibly part of the Urban Development Area, little bit south of it Community College. We heard very soon, when I arrived 6 years ago and even before that this was part of something that county businesses wanted, county government wanted, residents wanted. They saw us as an opportunity to attract businesses, so there'd be more in-county-commuting. We could also reduce commuting by having fewer students having to commute north or south for a community college. It's nice to be part of a tryout of institutions with the hospital and county government to create a walkable place for people to live. A livable community with lots of amenities. We are part of the educational infrastructure for Stafford County. Finished in the line is no longer a High School diploma and by having a larger site, a permanent site we'd be able to expand beyond the approximately 13,000 people that we currently serve in the fall. Most of those are Stafford residents and we would be able to do credit programs there, transfer technical education, moving our automotive service center there. We'd be able to do work force development. We serve people of all ages. We've had as young as 13, as old as 92. We have worked with the school system already. We offer credit classes as part of dual enrollment and it's expected to be expanded because of house bill 1184, which requires school districts to work with community colleges and vice versa to provide degrees and certificates to students while in high school. Now I did have some really good exploratory conversations with Dr. Randy Bridges about how the school system could actually use our site as well as Germanna having classes in the high schools which expand the capacity of those high schools to provide other kinds of education and look forward, when the new leadership arrives, to continuing those kinds of conversations and we expect, based on the feasibility study, that within 10 years or so, we will be able to double or triple the enrollment, depending on the kind and size of facilities we're able to build, which is always depending on such things as moneys and approvals, but we are in Stafford to stay and it would be wonderful if this kind of development would be very close to where we are and we could be part of the ongoing partnership with Stafford County businesses, residents and other institutions.

Mr. Rhodes: Do you have any capital funding programmed already or that done on a county basis, is it done on a region basis?

Dr. Sam: It's done on a state basis. We apply the feasibility study that you have as part of that process.

Mr. Rhodes: Any questions on this aspect of the presentation?

M. Hiron: Do you have any...is this campus going to have any sort of specialty, or is it general education?

Dr. Sam: The automotive service program will only be located here. Other kinds of specialties will depend on further needs assessment. We expect to have general business transfer kinds of programs there and other technical education, computer type, high-tech type technical education as well as what used to be kind of old fashion, although auto mechanics is pretty computerized now too.

Mr. Hiron: Do you anticipate having a nursing school?

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Dr. Sam: We can't really afford to have two nursing schools. If you'd like to visit the site, it costs millions of dollars in equipment and so we rather locate it in what's our central geographic area. However, other kinds of health care programs could be offered here and all of the pre-requisites that are for nursing could be offered here. Science class rooms and so on.

Mr. Hirons: And then do you anticipate having a sort of large conference space that might be able to be rented out or leased out or used by either private business or organizations.

Dr. Sam: Yes, it's possible. We have a very large space in Culpepper. We have spaces for lease in the Fredericksburg area campus. It's part of our work force division's role and our role as the community's college to provide spaces for conferences, workshops, job fairs, whatever. So when it's fully built out, I would hope there'll be something like that. We also explored the idea that the county government maybe had an external amphitheater that could be used by the college, but also by the community. All that's possible.

Mr. Rhodes: What is your acreage at the college down south and then also up in Prince William County.

Dr. Sam: The Massaponax campus, I think the usable acres is about 70, not counting the flood plain. Thirty-five is usable. It's approximately the same in Culpepper. There's only one building there right now. We have over 100 acres in the Locus Grove Campus, however, a lot of that we want to preserve for both, historical and natural reasons and I think the usable footprint right now is probably about 40.

Mr. Apicella: It was my understanding that to make this viable it involves a partnership between Germanna College and County EDA for additional acreage. So are you guys working toward that end if this comes to fruition, or where are you in that process?

Dr. Sam: There has been a proposal for some additional land in addition the Stafford EDA had pledged a million dollars for a development, not necessarily purchase of land, but other kinds of infrastructure, and that's a matching pledge, so we are in the process of trying to raise an additional million or more plus additional land.

Mr. Apicella: Will you have any small business training opportunities at the Campus?

Dr. Sam: Absolutely.

Mr. Apicella: What kind of an economic stimulator would this be for our area?

Dr. Sam: Well, maybe the EDA could answer better. I know the Culpeper center was instrumental in Terremark locating in Culpeper. If we had not been there, they might not have considered the site, because they looked for transportation, a power grid, dark fiber, along 29 and with their experience in Miami, a Community College that could do cyber security, Sysco networking, which we do.

Mr. Rhodes: Any other questions? Thank you very much.

Mr. Apicella: Mr. Chairman, I think we do have some members of the EDA and from the Economic Developments Department. Would it be possible to get their views?

Mr. Rhodes: Sure, we'll take it as an extension of the staff presentation. Be informative for those who want to public comments.

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Mr. Newland: Don Newland, Chair of the Stafford EDA. I also have with me tonight Joe Knight and Jack Rowley. Glad to be here, because one of the things I just heard you say was what kind of economic developments can we get out of this. And the first thing a business will ask when they're looking to perhaps move to Stafford County is "What's your educational system like?" And they're not anymore talking about just your public school system, they're talking about colleges and they're talking about community colleges and particularly talking about community colleges, because there is a big recession and a lot of people started going into community colleges to beef up what their resume looks like. And we were awfully glad to have the folks from Germanna come here. We gave Germanna Community College \$300,000 to locate here and the places they leased. I made a bet with a couple of people at the time, they would feel the thing up within a month. It was a couple of weeks. I mean it took no time at all. There's a huge demand around here for the kinds of course work and upgrades that Germanna can offer. So there's a direct economic benefit here. People can stay here. They don't have to go to Nova. They're right here. They're available. We also gave \$75,000 for the development of the automotive center and we've done all this with the full backing of the Board of Supervisors. They want this and we are here to see that they get it and I know I have done all I can to help Dr. Sam and everyone else in the Germanna system to promote wherever they can for Stafford County. It's been a boom and I think going forward is going to be more so and you're going to see it more so. I appreciate all your efforts to make this happen, because it needs to happen.

Mr. Rhodes: Questions? Please, Mr. Gibbons.

Mr. Gibbons: I would like to make a comment. Mr. Newland, you're the longest serving member of any commission or board in the county. God bless you.

Mr. Rhodes: Anyone else? Mr. Apicella?

Mr. Apicella: I think part of what I'm weighing, I suspect my colleagues are weighing, is the tradeoff here. We have to propose a community college site, however we're not getting proffers for schools and it will cost money. Whatever that number is, of students that we get as a result of the apartments, whether that tradeoff of the community college site in the absence of any proffers for schools and students is going to be balanced.

Mr. Newland: I think so.

Mr. Rhodes: Dr. Schwartz?

Dr. Schwartz: Maybe this is a question more for Germanna or maybe for you. Germanna's other sites, what is the local commercial? Do you see an uptake in the resale sales tax for lunches. What's commercial development surrounding their other Germanna sites?

Dr. Sam: The closest, I guess to this, because Culpeper and Locus Grove are still rural, there is a Walmart going up now across the street from the Locus Grove Campus, the original campus. But the Spotsylvania site would probably be the closest and there are, of course there's a hospital across the street too, there are office buildings going up, there was...I guess the Cosner's Corner developed after the campus opened up and there's multiple retails, restaurants – and of course that's also because of the area, it's not just because of Germanna. I'd like to take credit for a lot of things, but I can't take credit for that, but our students, we have 25,000 students in the fall taking at least one class plus an awful lot of people coming for noncredit workshops and training and they have to eat somewhere for lunch and

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whatever. Most of them will not want to drive to far. We also, when we do have things on campus, we also make use of local vendors for catering and things like that as well.

Mr. Apicella: I think that's a great question, not just in terms of potential for people who go to community college to eat, but in the broader context of what we're trying to achieve with urban development in the courthouse area. The apartments, the community college site in conjunction with the hospital being an anchor for additional commercial and residential development here in this area that's a redevelopment area which we want. Do you see that, these elements helping to facilitate that over the long haul?

Mr. Newland: Yes. Also Mr. Keywalt standing behind me. He and I have become to know each other in the past 7 years. I'm on the Board at Mary Washington and I think this combination is going to go forward with the development that I know is happening there at the hospital and other medical facilities moving into the area to surround it. I think you're going to see a real symbiotic relationship between the two.

Mr. Gibbons: Have you ever thought about, Dr. Sam, putting a dental facility in? I'm kind of hung up on that.

Dr. Sam: Dental program?

Mr. Gibbons: Right.

Dr. Sam: We don't have a permanent home for a dental program right now. The clinicals are done in the Moss Free Clinic for instance and we will continue that, because that's a wonderful opportunity for our students to give back to the community and they learn an awful lot by doing that, but it's possible.

Mr. Gibbons: Thank you.

Dr. Schwartz: Stafford has excellent dental service throughout the county, particularly up in the northern end.

Mr. Newland: Even though I live in Culpeper, my dentist is actually in Stafford.

Dr. Schwartz: 659-4900.

Mr. Rhodes: Anyone else with questions before we go to public comment portion?

Mr. Apicella: I'm indulging in one last set of comments from the historic...I'm sorry Mr. Newland, but another avenue of inquiry, the cultural resources issue, I think we've got Ms. Dodd here to, from the historical commission, who might be able to give some insights on their perspective of this project.

Mr. Rhodes: Sure, sorry I didn't see you over there.

Ms. Dodd: Good evening. I was going to talk during the public. Didn't have a whole lot to say. I think a lot of the issues with the culture resources have already been brought up and talked about and there should be a letter from the commission in your packet as well with some recommendations. The only thing that I really wanted to sort of emphasis this evening was...first of all we are very grateful for the studies that have already been done on the property and we do appreciate that interest in Stafford's

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cultural resources from the developer, but I would like to ask that the historical commission and the Stafford County Cemetery Committee, which I am Chair of both of those groups, be included in any discussion, specifically with the cemetery and on what the treatment of the cemetery will be. It's my sort of understanding that the plan is to move the cemetery and in the past we have not really been included in that process. The state does not require that with the permit that has to be issued for the removal of a cemetery they do not require that the person asking for the permit say where they're going to re-inter these individuals. So we would like to be involved with that process if that is what's going to happen so that we will have that information, because in the past we have not been involved and have not received the information about where these individuals are re-interred. So that was one of my main concerns as far as the cemetery is concerned and I also, in looking at the plan here, they have a great area here for where the club house is and everything. I just think it's unfortunate that that area couldn't have been where the cemetery and the civil war site are located so that could be incorporated in the community space, but I guess it's a little late for that now at this point. But just to sort of give that as an option if that's possible. I don't know if anybody has any questions or not.

Mr. Rhodes: Questions? Thank you very much.

Ms. Dodd: Thank you.

Mr. Rhodes: Okay, now I'd like to open to the public comment portion of the public hearing. Anybody that would like to speak on this item number 3 may come forward and do so at this time. I just ask that you state your name and your address. A green light will come on indicating 3 minutes to speak, yellow light when there's 1 minute, red light when we would ask you to begin to wrap up your comments. Thank you very much.

Walt Keywalt: Thank you Mr. Chairman. Good evening, my name is Welt Keywalt, a Stafford County resident. I got the pleasure to serve as a President of Stafford Hospital. I stood before this Planning Commission and the Board a number of years ago to help with the vision for the Courthouse area and to bring acute care and advanced healthcare to Stafford County. We appreciate this opportunity to listen to and hear about this exciting project that we feel is going to complement the Stafford Hospital Campus and envision that's been put forth for the Courthouse area. The Abberly at South Campus supports the proposed plans and surely will complement the Stafford Hospital Campus, provide education for a number of our associates... Mary Washington Healthcare has more than 4,000 associates. We have more than 400 that work at Stafford Hospital and a number of others that live in Stafford County and work at our other 20-plus facilities that we have throughout the region. We support the concept of health services education and quality housing. Along with that goes quality jobs, what has been talked about the fact that you're going to have high-end jobs being served at the Germanna Community College Campus. Education is critical to the nature of our work. We have a lot of our staff that hold Associate degrees. And equally as important in the State of Virginia, as you may or may not know, you can always utilize Associate degree credits to go further on to get your Bachelor's degree in various fields. So, we've had a number of associates we support education of our associates to the tune of many thousands of dollars each year. And we work closely with Germanna Community College, we work closely with their nursing program, all their clinical programs, and have a number of their graduates, not only in clinical services but in other types of services that work within our organization. We truly believe that this development will help ensure the quality of life at Stafford County, helping Stafford County residents advance through education and surely will approve the quality of life. It will be able to have education presented locally in the County so people aren't just living here and traveling somewhere else for their education or for work. We support the proposed zoning changes to meet this new development and we look forward to a strong and continued

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relationship with Stafford County, Stafford County Administration, and the progress of the development... the overall development of all the acreage south of Hospital Center Boulevard. We've had the pleasure to see not only this element of the project, but how comprehensive the vision is for the entire property that's south of Hospital Center Boulevard. So, we appreciate your time and are very supportive of this what we believe to be an important project. Thank you.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to speak on this?

Jo Knight: Good evening. My name is Jo Knight. I feel guilty standing here now to take up more time. But I'll tell you what... much of what I had in mind has been covered by those who've preceded me. But I remember in the 1960s when NOVA wanted to open their Community College Campus here and somehow it didn't pan out. This is the next opportunity that I'm seeing for a Community College and, believe me, it's important. It goes much deeper, I think, than the jobs that are created on the surface with those who are attending this school. I am so excited about this or I wouldn't have stayed here this late in the meeting; I'd been home watching it on TV. But, they've hit the bulls-eye locating right here in the UDA where the County wants to have the residential growth and then the community growth with the commercial and the public facilities. It ties in so well with our hospital, the Government Center, and now a Community College Campus. I hope we don't let this slip through our fingers. We really need it. Land isn't affordable in the County and that's one of the reasons that they're needing this support, and I think it's a small contribution of the citizens of Stafford County to make in donating or allowing these proffers to be relaxed for this Community College. I can tell you, it will be one of the greatest assets you can imagine. And in a walkable area, the timing will tie in with our new I95 interchange opening. It all blends. It's just a perfect shot. I am so thankful and I feel sure we'll get your endorsement. Thank you very much.

Mr. Rhodes: Thank you very much. Is there anyone else? Thank you all for your patience tonight.

John Reily: Good evening Mr. Chairman, members of the Commission. My name is John Reily. I want to see if I can keep it inside of Ms. Knight's remaining minute. As she said, most of the points that I wanted to make have been already addressed by the previous speakers. But I just think this is a great opportunity for the County to add some high quality housing in the right area. As it's been pointed out, this is a designated growth area in the County. This is the type of growth that was identified within the UDA designation and, obviously, being able to partner that with Germanna, as well as the hospital, is only going to spur economic development opportunities within this area and just be a great benefit to the County. So, I'd encourage you all to support this application.

Mr. Rhodes: Thank you very much. Anyone else who'd like to come forward?

Douglas Brown: Good evening, my name is Douglas Brown. I'm here tonight to speak in favor of the proposed Abberly apartments at Stafford Courthouse. I'll keep my comments brief because a lot of the comments have already been made. The point I'd like to make is that Abberly does conform with the future land use plan within the Courthouse Road UDA as defined in your Comp Plan. Abberly is also consistent with the number of multi-family units that have been envisioned here and it will be the first step towards realizing the vision of the Stafford Courthouse UDA. And while there may be some future revisions that the Planning Commission considers to UDAs, based on changing State Code that formerly required UDAs, the underlying smart growth principles still apply. Just because the state required you to eat your broccoli, if you will, does not mean that broccoli isn't good for you. Density within the growth area is still the basis for sound land use planning, and whatever else may change with the future of UDAs or the RDA in Stafford, I believe there's wide consensus on the wisdom of a

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denser urban-type development in the Courthouse Road UDA, or RDA, and Abberly is consistent with that. Second, again the 500 pound gorilla in the room is getting a Germanna Community College Campus here. Since the Board of Supervisors began to assemble land for the Stafford Hospital back in 2007, the Courthouse area has benefited from that bold initiative. Now, with the new Germanna Campus in close proximity to the hospital and the Urban Development Area, a few more pieces of the puzzle begin to fall into place. This is a great opportunity for the citizens of Stafford and future students of Germanna, and even if it does not conform exactly with the small area plan. The third point is that at completion, Abberly will add about \$40 million to the tax base and close to a half million dollars a year in real estate taxes, and that's on top of the four and a half million dollars in proffers plus all the road improvements. I guess just to close I'd say that do not let the perfect, the enemy of the very good. Accepting Abberly and Germanna will require some tradeoffs with the proffers and the details of the current UDA; however, this is a great deal for Stafford and I encourage you to support the project.

Mr. Rhodes: Great. Thank you very much. Is there anyone else?

Cathy Washington: Good evening Chairman, Cathy Washington. UDA on and off; saw it in the paper. UDA on. So, I am your Stafford County College Board representative. I'm also a math teacher in Stafford County. I cannot think of a more perfect fit to put Germanna Community College right here in the center of our culture. As a partner we need to have more conversations with the school system to offer more options for our students when they graduate. K-12 is not enough. We need a broader sense of what our students have options to do when they come out of high school. They are not entering the workforce. Germanna is the perfect place for these students. So, I beg you, please, please give our students options, give our workforce folks options so they don't have to drive. When I first came on board with Germanna, Dr. Sam asked me "why are you coming to the Community College system?" You know, you're a BS, a George Mason graduate. I said yeah, I remember when my mother had to do her recertification points to keep her teaching certification. And she drove from King George to Locust Grove, because that was the closest place she could go. Our teachers shouldn't have to do that. We should be able to offer workforce training right here and not just as transitions for our students in high school, but also for our teachers and our workforce people right here in our own community. So, please look at the opportunity in front of us. Please keep our people right here in our own community. It's the best investment you will ever make and you will not regret it. Please, I ask for your support. Thank you.

Mr. Rhodes: Thank you very much. Is there anyone else?

Suzanne Marsh: Suzanne Marsh. Throughout the whole process, there was one part, establish condemnation process for the adjacent land. I would like that revisited because there are a lot of, you know, these single-family homeowners that I believe Mr. Zuraf circled in the area... what is the options for these landowners. And if it's a condemnation process, what is involved in that. When are these landowners going to be made aware that it's a condemnation? I don't, you know... that word kind of scares me. I'm a long time... I grew up in this County and I don't think anybody's land should be condemned for growth in the County. As far as the... I don't know when these plans were drawn up but if you knew that there was a Civil War, I believe it was a Civil War hospital at that point in time and a cemetery on the property, why are you building buildings and roads over it when you have a community open area, pool. Just as Ms. Dodd said, why wasn't that planned on the site of these so none of that stuff had to be moved. That needs to be revisited. The cost should have already been done. The Community College part is great. I agree with all the comments; I agree with that in that respect as far as Stafford County needing the higher education. That is definitely great, but as far as

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the condemnation process for adjacent land and the Civil War and cemetery, I think that needs to be revisited before this is approved. Thank you.

Mr. Rhodes: Thank you very much.

Paul Waldowski: Paul Waldowski. I got up from my nice seat because I saw this and I... I'm not going to give you roses. First of all, let me educate you and the public. UDAs are not mandatory, they are optional. So, the one fellow who did say about an RDA, that sets more in. But you have all kinds of setback issues here. You're trying to fit a square building in a round hole. You never talk about stormwater management. And yes, I'm a big fan of education; I've got a Community College of the Air Force Associates Degree. I also got some BS and I got some MS... that's More Stuff. And I keep telling the School Board PhD's are Plain High School Diplomas and I kept harping about the new Stafford High School that you knocked down for \$35 million and now you're going to bring in a 20<sup>th</sup> century Community College because you take classes online today. Even when I taught at Strayer University, we were starting to do things online. So, the comments about the 1960s, of course, I've explained to you. From 1960 to 2010 the population has doubled every 20 years. Thirteen hundred students? Remember the population; it's 132,131 as of 2012. This population is not going to grow \$36,000... uh, 36,000 people like it did from 2000 to 2010. First class apartments. The only place there's first class, it's the third rank in Boy Scouting. It did get cleared up with Class A materials. Good question about siding, and I've been a patient of good dental services for over 20 years. So, yes, we do need aspects. I had surgery in that Stafford High School and they called it 'nicked an artery'. Well, I almost died in there March 4<sup>th</sup>. So I'm a real fan of the new Stafford Hospital as you can tell. That's probably why you didn't see me. Now, look at this amenity center. We're going to get another outdoor pool. Wow! Maybe we can have Olympic competition with the ones in the 400,000 houses in Embrey Mill. Yes, we know about 630 interchange coming, and you still don't know how to use vertical parking garages and use the VDOT system to get those aspects to truly modernize this County. Four-story buildings, being an owner of an apartment with 66 buildings in 64 without a County water bill for 31 years because Planning Commissioners and Board of Supervisors, in Resolution 82.341... I can always remember 341s because of that Air Force. I used to get those demerits all the time. I hope you pass this. It'll look real good.

Mr. Rhodes: Wonderful. Is there anyone else? Okay, great. We'll close the public comment portion of the public hearing. And, Mr. Zuraf, can you clarify the commentary on condemnation, where it was in the presentation?

Mr. Zuraf: Yes. The proffer, it basically spells out and says that if the applicant cannot acquire additional right-of-way, if they need additional right-of-way, that they would request assistance from the County and/or VDOT to acquire additional land through the condemnation process. This doesn't tie the County or obligate the County to do so, but it says if they do so, it identifies several points of what the applicant would provide to the County as far as supporting documentation. But, again, it doesn't require the County to actually... the County would have to take a separate action to actually go through that process. And it does say that if the County doesn't go through it, then the applicant would look for alternatives.

Mr. Rhodes: We're at 10 o'clock, so I'm just going to stop for just a moment. I think we have to take a motion for continuation, correct?

Mr. Gibbons: So moved.

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Mr. Rhodes: Motion for continuation from Mr. Gibbons.

Mr. Hirons: Second.

Mr. Rhodes: Seconded by Mr. Hirons. Any further conversation Mr. Gibbons? Mr. Hirons? Any other member? We just... we gotta get through these. So, all those in favor signify by saying aye.

Dr. Schwartz: Aye.

Mr. Apicella: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Anyone opposed? None opposed. Sorry Mike, thank you very much. But where it's referencing it for condemnation is associated with what? Roads with... what's it applied to?

Mr. Zuraf: It does apply to roads or any easements needed for proffered public improvements. So, it could I suppose potentially be for utilities as well.

Mr. Rhodes: I'm trying to think where that would apply. Because typically where they had put those in, it's where my lack of education goes here in the wording but it's where it's an out of a bid. If they're dependent upon... they're offering something up in a proffer but they're dependent upon some degree of other land or access to do it, it's they're out saying County, you'd have to help us with condemnation if we can't go out and buy it on our own or get the right to purchase. But it doesn't require the County to pursue that and I don't know whether the Board actually has ever executed one of those.

Mr. Zuraf: Yeah, I'm sure it's happened, but...

Mr. Rhodes: I can't remember the last time.

Mr. Harvey: Yes, Mr. Chairman, in the context of the Augustine neighborhood and Colonial Forge, the County worked with the developer to build a master plan sewer trunk line which the developer proffered to construct parts of it; but due to the fact that the developer couldn't acquire all the easements that the County had to step in and do some of those condemnations.

Mr. Rhodes: To get sewer connected through other areas?

Mr. Harvey: Yes.

Mr. Rhodes: Okay. Okay, thank you. I just wanted to make sure I understood the context.

Dr. Schwartz: Can I have a follow-up question?

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Mr. Rhodes: Please.

Dr. Schwartz: In that process there, did anybody lose their homes or were these just easements that were granted through the properties?

Mr. Harvey: They were easements. In that particular case they were easements along a stream valley so it didn't affect any homes directly.

Dr. Schwartz: Okay.

Mr. Rhodes: We've had that a couple of times. Were there any comments from the applicant based on the commentaries they heard in the public comment portion?

Mr. Patrick: Yes sir, I just wanted to point out this is proffer condition E on page 5. And it spells out an entire process where, if there is a scenario where a little bit of right-of-way or easement is necessary to do a public improvement, that if the applicant is not able to buy the land, then there's a process where it might go through condemnation. I realize that's a scary word and I really even hate writing it in the proffers. In this instance we believe that we have all of the land necessary to build all of the road improvements that have been shown. And that is the reason (inaudible).

Mr. Rhodes: And that was going to be my following question both to you and to staff. Right now, at this point, is there any area... so I understand the technicality here but... is there any area that we know of that would require, that you don't have the land for right now, associated with the easements and the public improvements?

Mr. Patrick: No sir. There's no area that we don't know... or that we know of that we don't... that we need...

Mr. Rhodes: Is there anything staff has identified thus far where they see they wouldn't have the easements to do the public improvements that have been offered, etcetera?

Mr. Zuraf: I'm not aware of any because we have not seen the detailed plans yet.

Mr. Gibbons: Mr. Chairman, I'd like to know what proffer... what proffer are you talking about?

Mr. Rhodes: It's on Attachment 11, page 5 of 15.

Mr. Gibbons: I got all the proffers here and I don't see it.

Mr. Rhodes: Attachment 11, page 5 of 15, subparagraph E.

Mr. Gibbons: It doesn't spell it out Mr. Chairman.

Mr. Patrick: This procedure is pretty detailed and it's pretty dull to read, frankly. It goes for a better part of a page and a half. It requires that the applicant demonstrate that they've made a fair market offer for the property; that they have 3 appraisals for the property to show that they're actually offering the full value of the property, whatever that might be. But, again, and then the applicant assumes all the costs necessary so that the government isn't paying the cost associated with having to get a little bit of land here or there that might be necessary. Where we've found that this kind of thing becomes an

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issue most often is near intersections, where you need just a little slice off a corner of a property or something like that. It is truly in here because it's an extra precaution just to make sure that improvements can get built. Frankly, the County likes it, or did like it when we wrote it into the earlier proffers, because they knew that it was a way that they could make sure that the road improvements that were being described could get built and that the development couldn't say at some future date "oh, we can't get that 300 square feet that we need to put in the switch gear for the traffic signal and so we can't build the road." So, it works very well for the County as well as the others. But the important part for everyone to understand, particularly the public, is that there is a very specific process that the applicant has to go through first. They have to offer full value, they have to prepare plats, and then once that happens then it's up to the Board of Supervisors and the Board of Supervisors also has a notice process. So nothing happens quickly in this process; it usually takes about a year or more and it's usually negotiated between the private property (inaudible).

Mr. Rhodes: And just to confirm with counsel and staff, the Board is not committed to going forward with this. They still have the option to choose to or to choose not to. But if they choose not to and it were necessary for an intersection or something else, then it is the out for the applicant to not have to complete that intersection or something else.

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

Mr. Rhodes: Okay. So the Board would have to consciously choose to go forward with it if it was deemed necessary.

Mr. Patrick: Just one more fine point is the applicant doesn't have an out; the applicant then has to apply for a modification to VDOT standards (inaudible).

Mr. Rhodes: Okay. I would just, and certainly will entertain whatever the other Commission members want. I would just share a couple observations. I think there is a lot of potential, a lot of positive, in the benefit associated with this proposal. There are a few things that have come to light in my mind and should we choose to defer this over would be the comments I would throw out to staff and applicant to consider working on. And from my notes, from the conversation here, one would be some degree of an inclusion in the proffers of the number of bedrooms associated with the units; just to make sure we've got that tied down because certainly a 3 or 4 bedroom unit apartment has a much greater impact than a 1 or 2 bedroom from the dynamics. So, if your models are truly based on a half of it really being 1 bedroom, half of it 2 bedroom, I'd like to just get that documented down. At least I would personally be interested in that. Two, as we have discussion on item number 5 on our proffer guidelines and as there's an opportunity for staff to talk with the applicant about our experiences here in this County, and the school does have good information for this County, that we just see how that compares to what you had calculated on the student impacts. But if they are mini 1 bedroom, mini 2 bedroom, that certainly is a different dynamic than a 3 and 4 bedroom, but I'd like to see how that lays out once you look at it with those specifics Mike. That would be my personal interest. Three is just something in the proffers that does clarify that the amenities that are associated with this unit are actually going to be completed upon occupancy or usage of it, that's that clubhouse and pool. I know we say we're building it one phase, but we've seen a lot of things end up at the end of the day happening in weird cycles. I think that's a positive... or that's an element I'd be interested in. For the consideration of something where you would at least be willing to consult with, if there is a movement of the cemetery or that's the instate in configuration, that you'd be willing to consult with Ms. Dodd and the members of those Commissions in that process. That's not necessarily an approval process but I think the consultation would be well received. And lastly, the one other thing... I wrote a little side

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note on this... when you develop this up, if this comes to fruition and all the great things happen that we'd like to see happen here, if that's where it ends up, especially with the Community College in this, you're traffic and your transportation is going to be significantly different. I'm not sure, you probably are going to start passing those warrants associated if we've got the distance and the spacing out of a light there. So, possibly consideration of, at least, and discussion of the possibility of proffering for a light should it pass the warrants and be required with the development of all the property, to include that that is being proffered. Those were the items that I just wrote down and I just throw that out to fellow members.

Mr. Hirons: There is one other think, Mr. Patrick. I don't think anyone asked you the question. Mr. Zuraf brought it up and I know we've had discussion. To ensure or look into a proffer of some sort that gets the shuttle service to the VRE, whether it be, you know, a direct shuttle service or working with the Fred line. One of my struggles with this application now is it really isn't creating anything that's walkable. As it is, as other amenities, other projects come in, I think it's good, it's great, but my concern is it's kind of out there on its own right now. It's not really walkable to anything. So at least if we could get people to public transportation and commuter rail, it would most certainly lead us in that direction.

Mr. Rhodes: As a follow on that, Mr. Hirons, I would just highlight, I apologize, I can't remember, it was several years back, but we had one development where it wasn't necessarily as economically viable for them to subsidize and provide for the shuttle themselves but what they ended up doing was working with Fred where for a small little partnership they were able to get them to include that in a routing system and that's how they facilitized that.

Mr. Hirons: Honestly, it seems like a win-win situation for the Fred line with Germanna and the hospital there. I don't know if Fred currently stops at the hospital but it sure does seem like it'd make sense if they did.

Mr. Rhodes: Yeah, okay. Other thoughts? Dr. Schwartz.

Dr. Schwartz: Mr. Chairman, the number was thrown out there. I had a question earlier for Mr. Patrick. The number was thrown out as a half million dollars a year in real estate tax. I don't know if we can firm that number up on an appraisal and what the actual contribution. That might help with that delta that we see with the school districts.

Mr. Rhodes: So, if we could pull that out of the data here, Mike. Mr. Apicella?

Mr. Apicella: Mr. Chairman, a couple things. First thing that I do have a question on, when I look at the proffer for the Community College, what's not clear to me is what would happen in the event that for whatever reason it didn't come to fruition. What I see is the proffer donating a parcel to Stafford County for a Community College but what I heard the gentleman representing the college say is that that's still dependent on the State providing the funds. So, normally there's some additional language in a proffer that says if what is proposed doesn't happen then this... you know, kinda if then. So I think there might need to be some language to speak to what would happen with that.

Mr. Rhodes: The disposition of the property, should it not be chosen to be picked up in the State's Community College system...

Mr. Apicella: Right.

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Mr. Rhodes: Okay.

Mr. Apicella: A couple things that I'd still like to see is, again, from staff, continuing to work with VDOT to get their comments on this project and the potential impacts. I would like to see, hope that the applicant and staff would continue to work together on those areas where there were proffers that were recommended and have not yet been incorporated to see if there's some potential to add some of those additional proffers to the package. From my vantage point, again, I still have some concerns about the impacts on Stafford County Public Schools and perhaps a reconsideration by the applicant to some proffers in that regard. And lastly, normally what we see in a package is, and I think some of my colleagues alluded to this, what the potential economic impacts would be of this proposed development. I didn't really see that. I heard some numbers thrown out. I don't know where they came from, but something more concrete on paper to let us know what those economic impacts might be for Stafford County. So those are my deliverables.

Mr. Rhodes: Okay. Mr. Gibbons.

Mr. Gibbons: Speaking from my heart, now, and this is kind of hard, but I'd like to see Germanna and Stafford Hospital get together. And I just think we can have a teaching hospital there somehow, when you talk about nursing. And see if we can't make a partnership between the two.

Mr. Rhodes: Very good. Anyone else? Mr. English?

Mr. English: Yes, in reference to the condemnation part of it, Mike, you said you didn't know how that would play out right now, right? That could happen or not. Is there somebody that we could reach out to the residents around there and kind of let them know that... I don't know how we would do that, but...

Mr. Zuraf: I think it's really you're not going to fully know until all the construction plans, the detailed construction plans get worked out. And I don't know if that's been done yet.

Mr. Rhodes: Again, where it's going to hit is road related issues or utility related issues, basically. That's the two places they typically come out, right?

Mr. Zuraf: Right.

Mr. Rhodes: I mean, that's what we usually find; easements for road or easements for utilities.

Mr. Zuraf: Yeah.

Mr. English: I know some people who live up in that area and I know they would be very concerned. So, if there's somehow we could reach out to them... I don't know at what point we can do that.

Mr. Rhodes: Well, right now you own the property that you're planning the road on, right?

Mr. Zuraf: Well, like Mr. Patrick said, it's a whole process where there's a time delay in notification and it's not a quick thing.

Mr. English: Yeah, I just don't want them at the last minute say oh, the County come took my property and I didn't know anything about it type of thing. Okay.

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Mr. Rhodes: Okay. Other elements out there that folks have open questions on so that we can press forward on this?

Mr. Apicella: Mr. Chairman, what's our deadline on this?

Mr. Rhodes: This one is September 24<sup>th</sup>.

Mr. Apicella: Mr. Chairman, I'm not going to be here in June. This project is...

Mr. Gibbons: You said that earlier in the program.

Mr. Apicella: ... just again, reminding folks... I'm not going to be here in June and this project is in the district I represent. Obviously we have some open issues and further considerations. I would ask for a deferral until the August meeting.

Mr. Rhodes: The August 28<sup>th</sup>?

Mr. Apicella: Yes sir.

Mr. Gibbons: Second.

Mr. Rhodes: Okay, so a motion for a deferral to August 28<sup>th</sup>. We've listed out a lot of items there. A second by Mr. Gibbons. Any further comments Mr. Apicella?

Mr. Apicella: No sir.

Mr. Rhodes: Further comments Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Okay. So, again, we listed out a good number of items and I think there's a lot... again, I personally think there's a lot of great potential associated with that and would just like to work to refine these details. Any other comments from anyone?

Mr. Apicella: The applicant seems to want to say something so...

Mr. Patrick: Mr. Chairman, I understand some not being here; will he be back on August the 10<sup>th</sup>? Are you having a meeting on...?

Mr. Rhodes: No, August 28<sup>th</sup> is our next scheduled session.

Mr. Patrick: Okay.

Mr. Rhodes: Okay. All those in favor of the motion to defer to August 28<sup>th</sup> signify by saying aye.

Dr. Schwartz: Aye.

Mr. Apicella: Aye.

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Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed and it passes and certainly with that extended amount of time in between I would think we'd be able to work through all these things and hopefully just resolve it then. Okay, very good. We're going to go on to item number 4, still on public hearings, Amendment to the Zoning Ordinance, Proposed Ordinance O13-31. Mr. Harvey.

4. Amendment to the Zoning Ordinance - Proposed Ordinance O13-31 would amend and reordain Stafford County Code, Section 28-58(d), "Historic resource overlay district regulations," to reduce the required time frame for the Architectural Review Board to receive complete applications prior to its meeting from thirty (30) days to fourteen (14) days or more. In addition, the proposed ordinance would add the word "complete" prior to "application." **(Time Limit: August 5, 2013)**

Mr. Harvey: Thank you Mr. Chairman. Please recognize Mrs. Baker for the presentation.

Mrs. Baker: I'm going to make this very brief. It's not too difficult.

Mr. Gibbons: Thank you very much.

Mrs. Baker: This is an amendment to the Zoning Ordinance regarding the Historic resource overlay district regulations. The staff report actually failed to mention the Architectural Review Board, or the ARB, actually generated this amendment. Currently, they review applications within our historic districts, which we have 22 plus the Falmouth District. Those applications are now required to go 30 days in advance for the ARB to review. So, this change is just proposing to reduce that time limit to 14 days that the ARB needs to receive those applications. It's also making a change that the word "complete" be inserted in front of the work "application", that way all the information is there and to the ARB at such time that they receive it.

Mr. Rhodes: And staff, you don't have the same advance notice requirements of other things associated with this so staff's good with it, right?

Mrs. Baker: There's no public hearing, notification, or anything of that nature.

Mr. Rhodes: Okay. Any questions of staff? Okay, I'll open this to public comment. If there's anyone here who would like to speak on item number 4, the amendment to the Zoning Ordinance, Proposed Ordinance O13-31, you may come forward and do so at this time. See many people lining up and racing towards the front, I will now close the public comment portion of the public hearing. I'll bring it back in the Planning Commission.

Mr. Gibbons: Mr. Chairman, I move for Ordinance O13-31.

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Mr. Rhodes: There's a motion to recommend forward approval of the amendment to the Zoning Ordinance, Proposed Ordinance O13-31.

Mr. English: Second.

Mr. Rhodes: Second by Mr. English. He beat you do it.

Mr. Hirons: Okay.

Mr. Rhodes: Any further comment Mr. Gibbons? Further comment Mr. English? Any other member?

Mr. Hirons: The only thing I wanted to say is this is going to be really helpful so I appreciate staff bringing this up and I appreciate everyone voting in favor of this.

Mr. Rhodes: Great, wonderful. All those in favor of the motion to recommend approval of the amendment to the Zoning Ordinance, Proposed Ordinance O13-31, signify by saying aye.

Dr. Schwartz: Abstained.

Mr. Apicella: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; it passes 6-0. Very good. Now we'll move on to unfinished business, item number 7 the Proffer Guidelines discussion. Really we need to pick an alternative here, but very good. Okay, Mr. Harvey.

UNFINISHED BUSINESS

5. Proffer Guidelines - Discuss proposed amendments to the County's proffer guidelines for zoning reclassifications. **(History: Deferred at May 8, 2013 to June 26, 2013)**

Mr. Harvey: Thank you Mr. Chairman. If I could have the computer please. We're going to continue our discussion about the proffer guidelines for zoning reclassifications. The Planning Commission board has been working on new policies and amended guidelines for several months now. At the Board's meeting on May 7<sup>th</sup>, they asked the Planning Commission to finalize its recommendations regarding proffer guidelines but, in your deliberations, to consider updating figures based on the new CIP costs, look at the impacts of student generation for new development projects, study a flat student generation rate across all housing types, and also consider a credit for use of TDRs in a development. Three alternatives for the monetary part of the proffer guidelines were considered. This is the current guidelines for monetary proffers. They vary in price based upon the type of single-family, townhouse, multi-family, age restricted, or mobile home type unit that would be developed. These guidelines right now have five categories. With the new guidelines we are proposing, we are narrowing it down to

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three with potential credits for other types of units. Mobile home units, we haven't seen a rezoning to that type of house in any near or past situation, so we figured that would be good to be eliminated off the chart. But the proffer dollars range from roughly \$45,000 to \$25,000. And these numbers are based on information from 2005 and have been updated annually based on the Marshall Swift Construction Cost Index. Beginning to study the alternatives. Alternative A looks at student generation factors based on countywide neighborhoods. The countywide neighborhoods show that there's on average .58 students per household across the County. And implying what's currently in our CIP, as far as projects that increase capacity, I'm focused on the school numbers because they're the ones that have the greatest potential to fluctuate. For the most part, non-school capital facilities are fairly consistent and there's not as many issues about per dwelling unit usage. With schools, under this countywide discussion, we noticed that the initial numbers generate out to \$32,000 for a single-family home, \$36,000 for townhome, and \$17,000 for multi-family. If you look at the credit that would be applied based on the household making tax payments towards capital facilities for the first 10 years, it would change the numbers to be \$28,000 for single-family home, \$34,000 for townhomes, and \$15,000 for multi-family.

Mr. Rhodes: And the townhomes are up higher for schools based on just their demographics?

Mr. Harvey: Yes, and I'll get to that in a little bit. Alternative B takes a look at...

Mr. Rhodes: I'm sorry, could you just go back a slide? I apologize. What's on the bottom there and what is that telling us?

Mr. Harvey: This bottom category here?

Mr. Rhodes: Yes.

Mr. Harvey: That is taking this top category, which was the initial calculation, subtracting out the debt service for capital facilities part of tax payment...

Mr. Rhodes: Okay, sorry, thank you.

Mr. Harvey: ... and then looking at what the new net number would be. Alternative B looks at the student generation factor for new neighborhoods by dwelling type. On a countywide basis, the number was 1.1 students per household. And that's looking at new neighborhoods. When you factor that in in the current CIP projects, the single-family home cost would be \$56,000, townhomes would be \$27,000, and multi-family would be \$28,000. Taking into account credits for taxes paid, the numbers would be \$51,000, \$25,000, and \$26,000, respectively. And there was a request at the Board level for us to take a look at a flat rate and apply it across all household types. When you do that, applying a flat rate of 1.1 students per household, the numbers would be \$52,000 for single-family, \$51,000 and \$49,000 for townhomes and multi-family respectively. Taking into account the credits, this would be a new subtotal of \$48,000 for single-family, \$48,000 for townhouses, and \$46,000 for multi-family. As you see by using a flat rate, it flattens the proffer guidelines by unit type too. They're very similar compared to the other two methodologies.

Mr. Rhodes: Now, the one we just did for a multi-family, right there off Mine Road, what did those proffers end up? They were about...

Mr. Gibbons: What's that, Liberty Place?

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Mr. Rhodes: Yeah, Liberty Place. Twenty-five thousand?

Mr. Harvey: I believe that was close to what they came out to was around \$26,000.

Mr. Rhodes: It would be closer to what's... yeah, okay.

Mr. Harvey: Yes. What the school number is. Some observations we saw from doing this, is we took information that the schools provided us on a countywide basis, as well as what we were able to determine from new neighborhoods from actual attendance records. And we found on the countywide average basis, as I mentioned earlier, was .58 students per household. Single-family homes generated .63 students per household, while townhomes were .81, and that's why you saw in the first example why the townhouse cash proffer guideline was higher than for single-family. Multi-family was .31. These are different than numbers we had used in the past. In the past, we saw an overall countywide average of .6, which was close to this average. But the townhouse and multi-family in the past had been lower rates than they are currently. I'm referring to in past decades. Looking at the new neighborhood student generation rate, it is 1.1 students per household, single-family was 1.31 students, townhomes .56, and multi-family is .61. So, you can see, based upon the longevity of the homes, the student generation rate is going to change. As Mr. Zuraf was talking about the discussion about the previous zoning case for a multi-family, for newer projects they're generating a lot more school students but, as you see over time, that levels off back to a lower (inaudible).

Mr. Gibbons: Well it should, shouldn't it? When the family grows and they leave the empty nest?

Mr. Harvey: Well, multi-family units are more transitional so I'm not really sure what the nature of the difference is between the new and countywide average. Whether the new units have more bedrooms, we haven't studied that yet so we'd have to take a look at that to see if that's a factor for newer projects.

Mr. Gibbons: Mr. Chairman, what we really need and I've asked for before, we need to know the capacity of the schools by numbers. So when you get a zoning case in and it's right next to the school, it's like 200 students over, and then you've got 300 empty down at the other end of the County. And where the growth is, I mean, where is the bulge in the schools? Is it in the middle school where all of the growth is occurring? Elementary? As it goes through, we don't have those numbers.

Mr. Rhodes: I'm sure we can get those from schools, right?

Mr. Harvey: Yes.

Mr. Rhodes: The last draft proffer guidelines, how much does this differ from those?

Mr. Harvey: All these numbers are higher than the last draft because we included the new CIP figures, which the CIP is an overall higher expenditure than in the past year. Also, we took into account the student generation rate which is somewhat similar, depending upon which alternative you look at. If you look at the countywide average it's very similar because we were using .6 before and now we're using .58. But if you use the new project generation number, it's significantly higher, almost double.

Mr. Rhodes: And then how does the transportation portion of the proffers versus transportation impact fee? Does one preclude the other?

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Mr. Harvey: Well, staff's recommendation would be the Board to consider removing transportation out of the proffer guidelines because we know that in next May impact fees will become effective for all development by-right or rezoning.

Mr. Rhodes: And how much is that?

Mr. Harvey: The Board capped the rate at \$2,999. The proffer guideline that we calculated was around \$5,000.

Mr. English: So, we'll be losing money (inaudible).

Mr. Harvey: Well, based on the state law, you cannot charge proffers and impact fees for a project.

Mr. Rhodes: No, proffers can't be charged on every development.

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

Mr. Rhodes: That's what they're doing.

Dr. Schwartz: When we were doing the subcommittee, Jeff, we talked about historically going back the past few years the new developments weren't even coming close to hitting the proffer guidelines that were set. We were always coming up short for the most part anyway; isn't that true?

Mr. Harvey: Yes, because some of the developments we've seen were based on older rezonings so the dollar funds that were being contributed by those projects weren't meeting what the current guidelines would be.

Dr. Schwartz: Because they had been on the books for decades.

Mr. Harvey: Yes.

Mr. Rhodes: Now, if you go back a slide, Jeff, those numbers... do those include, for example single-family, does that include \$16,250 and for townhouses it includes \$11,375, the transportation portion of our current cash proffers?

Mr. Harvey: Well, we reviewed the methodology for transportation and used a different methodology. In the methodology we've used in these examples, it's based on the CIP where, in the past, it was based on anticipated per household construction costs for building a lane mile of road. So, it's a different methodology trying to get back to what the State Code says is you should base your proffer guidelines on your CIP rather than some future impact that you may derive from looking at your desired level of service versus what you're providing.

Mr. Rhodes: So, based on the different methodology then, for everything else other than schools, for example in this one here, it's about \$10,400?

Mr. Harvey: Yes.

Mr. Rhodes: And that would be for your Parks and Rec, libraries, Fire and Rescue, and transportation general government.

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Mr. Harvey: Yes. And that's why I picked the schools as the one to show in this chart because that's the predominant cost in the proffer guidelines. That's the biggest capital facility cost we have in our CIP. And the last bullet point is the example used of the 1.1 students per household. We had rolled up the costs of all capital facilities, so we included in this example, middle schools even though we don't have one in the CIP. That, again, has an effect of increasing the overall dollars that are included in the calculation.

Mr. Rhodes: Intuitively, C just doesn't make sense to me. I mean, the rationale of A and B make more sense than the rationale of C.

Mr. Harvey: Some other observations we had, and this got back to some of the questions that we had specifically earlier tonight, these are the neighborhoods that we looked at. And for single-family home we looked at Stafford Lakes Village, Cambridge Crossing, Austin Ridge, Brentsmill, and Seasons Landing. All these projects are currently under construction with houses being built. Some of them are close to completion. I guess Cambridge Crossing is completed; I take that back. And for townhomes we looked at Summit Ridge and Port Aquia. For multi-family, Alta Courthouse Square which is the Aventine Project, Rappahannock Landing, and the Manor at England Run. The Manor at England Run is a little bit older and that's where we had some problems with multi-family was trying to find a large enough sample that we felt comfortable with. So, in looking at these numbers, you can see that there's quite a number of students that are being generated at all levels.

Dr. Schwartz: (Inaudible – microphone not on.) I'm not familiar with Seasons Landing, but that's the only one that really has more students generated then...

Mr. Rhodes: Austin Ridge is almost... 907 students and 559.

Mr. Harvey: Yes, we have a couple of neighborhoods that have a lot more students per household. This is not a scientific study; this was us picking projects that we thought were relatively new and would be a good snapshot of what's happening.

Mr. Gibbons: Do you have this on a soft copy? Can you email it to us?

Mr. Harvey: I can email it to you.

Dr. Schwartz: But there's nothing remarkable about Austin Ridge or Seasons Landing.

Mr. Harvey: No, we felt that those were new projects that we should take a look at. Austin Ridge was considered in discussion previously with the Committee.

Mr. Rhodes: Jeff, what would you say like the average square footage is for development per home in Cambridge Crossing or Stafford Lakes Village versus a home in Austin Ridge?

Mr. Harvey: I'd have to research that to see if we have any data on that. And it may vary, too, because Stafford Lakes Village is a very large project and it may have some homes that are larger than others. It may be difficult to describe how many students are coming out of what size house.

Dr. Schwartz: Would it be easier to go through the subdivisions and figure out what the average appraised value is?

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Mr. Harvey: We could do that.

Dr. Schwartz: That might, rather than trying to calculate the square footage, the average appraisal range.

Mr. Gibbons: What's our deadline on it?

Mr. Rhodes: Do we have a deadline?

Mr. Harvey: No sir.

Mr. Rhodes: I don't think we do.

Dr. Schwartz: We've been working on it for three years now.

Mr. Harvey: And yesterday I gave this information to the School Board. They invited me to come speak to them about proffer guidelines. And the School Board, when I was discussing with them, there was a number of concerns that came up in the discussion. I've tried to highlight them here. They are concerned about the impact fluctuations in the CIP because our proffer guidelines are recommended that they be updated every year based on the CIP and the CIP values. And the concern was if you had a CIP with a high school in it and then the next year there is no high school, that could be a significant change in what the dollar figures are used for the base calculation. And we've had some discussions along the similar lines with our colleagues in Spotsylvania and they've tried to address that in some form or fashion.

Mr. Rhodes: Can you do a five year average or something like that (inaudible)?

Mr. Harvey: I forget their approach, but they've tried to smooth that out with some similar type of approach.

Mr. Gibbons: They do it by student category, like high school, middle school, and elementary, and then you keep your CIP in. You follow them by attendance, that's how you do it.

Mr. Harvey: They also had concerns that if there were credits across categories such as the discussion tonight, schools could be short-changed. They felt it was very important that schools be able to get as many cash proffer dollars as they can to help offset their projects that they're trying to work in their budget. Also, there was questions about how do we define projects to add capacity. As I mentioned to them last night, the state law says that we are supposed to base our proffer guidelines on capital facilities and payment should go towards capital facilities that add capacity that address the issues of the growth warranted by that development. So, the question is, what does the term "adding capacity" mean? I explained to them an example that we used recently with the schools and Brooke Point High School was adding onto its clinic and the addition on the clinic allowed them to handle more students. So we could capture that marginal difference and capture some of that money towards that increase in capacity. You can't pay for it all because it's a renovation, but you can capture some of the costs towards the marginal difference. So, in the case of the CIP, if there is a renovation project of a school, normally that would not be eligible for proffers because that's not adding capacity. But if they add seats to the school as part of the renovation, like Stafford High School, you could capture that additional number of seats that are being built in the school and try to equate a cost to that and allocate that back towards the proffers.

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Mr. English: With the Stafford Elementary School, with their renovations, is that part of the capital improvements?

Mr. Harvey: That is part of the capital improvements plan but it's not part of our calculation because that renovation was not adding seats to the school.

Mr. English: I thought Falmouth added on when they did theirs?

Mr. Harvey: I may be speaking out of turn; I don't know all the specifics. But we looked at that and for where school projects added seats then we were able to incorporate that into the calculations.

Mr. Gibbons: But, Jeff, if you know you're going to grow by X amount of population in ten years, and you take your numbers here and you put it in the calculation, it will tell you how many students per category you're going to add. So you've already got the capacity add-on already built in. So your goal in the CIP is to go toward that capacity. So I don't see why we can't do it on the future.

Mr. Harvey: And that's the way our current guidelines are. Our current guidelines are based on our Comprehensive Plan and the level of service we see in the Comprehensive Plan...

Mr. Gibbons: But your club plan calls for X amount of people ten years from now.

Mr. Harvey: Yes.

Mr. Gibbons: Okay, so you've got to add capacity to meet that goal. Then you know whether it's a high school, middle school, or whatever it is, you've got to build into what it takes to do it.

Mr. Harvey: And that's where we have some of the issues as to what is the future demand versus what the CIP is going to have in it.

Mr. Gibbons: Right.

Mr. Harvey: Because there's certain things that the Board has to abide by its affordability index and what it can afford to fund for capital facilities. So that could create a problem as you've identified; if the County is not fully funding its CIP or building enough capital facilities to meet the needs, then in theory, we're not collecting as many proffer dollars as we could. So, from a staff perspective, we'd like to know if the Commission wants us to make any modifications to the document based on some of the comments we received from schools and/or if there's a preferred alternative that the Commission wants us to consider. I know with the alternatives that we discussed, in other localities they've done the number crunching like we have and find that the end result is not desirable from a practical standpoint or from their community standpoint. And they said well we're only going to take a percentage of that number because we feel that only a certain dollar amount may be palatable for the overall community. So, we're just throwing that out as a discussion point or any direction the Commission may want to give staff to take a look at.

Mr. Apicella: Mr. Chairman, I've got to tell you, when I first saw this I was a little bit shocked because it's actually higher than our current proffer numbers. On the one hand, I've said repeatedly that I think we need to try as best as possible to recover the cost of growth. However, when I see \$50,000 being proposed, and I don't mean that in a (inaudible) way, I mean, I think that's what the information indicated would be the right amount to pay for the associated impacts. But that's... on its

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face it's too high. We're not getting that now. And also it only creates, I think, an incentive to do the opposite of what we want. When somebody sees a \$50,000 sticker on the car, they're going to say no, I'm not going to buy that car, I'm going to go to the path of least resistance and go back to doing by-right development. So I think, on the one hand while we want to recover, we want to use proffers to mitigate the cost of growth. We also want to use proffers as a mechanism to encourage growth (inaudible) and where it is. I don't know what the right number is. I think maybe we need to have a cap or a percentage. I don't know what the right answer is but I think \$50,000 is not the right answer. We're not going to get it and I think we need to come up with something that I think is more economically viable and realistic. I don't know how we get there from here. I don't know if it needs to go back to the subcommittee to take another look at it. We have some time to work on it, but clearly \$50,000 is too much.

Mr. Rhodes: The driver of the biggest difference between the last draft proffer guidelines and this one is how we're calculating costs for schools?

Mr. Harvey: Yes. And, again, the drivers for the significant difference are looking at the new neighborhoods. And when you look at that student generation factor, like you said, Mr. Chairman, that's almost double of what it is on the countywide basis.

Mr. Rhodes: And what is A again?

Mr. Harvey: A was looking at the countywide figures.

Mr. Rhodes: And the countywide figures had townhouses with more children generated than single-family.

Mr. Harvey: Yes. And if you took the transportation part of the proffer out, you know, each number would drop by about \$5,000.

Mr. Rhodes: And B again? Does the same thing apply to B, alternative B?

Mr. Harvey: On all three alternatives, if you took the transportation part out of it, it would be approximately \$5,000 less.

Mr. Rhodes: Five thousand out because... that's including an increase of, a transportation impact fee of \$3,029? The net result?

Mr. Harvey: Yes. Well, the impact fee would be \$3,000 but that wouldn't be included in our guideline.

Mr. Rhodes: I don't think that the alternative C, all types of housing being essentially the same cost, makes sense to me personally.

Mr. Gibbons: Well, we've got time on this Mr. Chairman.

Mr. Rhodes: Right. What we do need to do though...

Mr. Gibbons: We've got a couple of people out here falling asleep waiting for the next...

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Mr. Rhodes: Well, they're enjoying it. No, and we should move on here but we have to start figuring out a way ahead to get towards picking an alternative so that we can have a public hearing so we can make a recommendation to the Board. I mean, I don't think we're going to resolve it tonight but just kicking it down to start this conversation over again the next time is not the solution either. We've got to figure out how we're going to come to a process of being able to pick an alternative until we give staff more direction. They've done what they can do.

Mr. Harvey: Well, Mr. Chairman, given the School Board's comments, do you want staff to consider addressing some of those in the guidelines regarding the fluctuations year to year? We can take a look at what Spotsylvania and other jurisdictions do to try to address that.

Mr. Rhodes: I do think you have to normalize, you have to smooth out the spikes and valleys with some method. And maybe that's a five year rolling average or something of CIP requirements, or, I don't know. Other thoughts anybody has before we move on from this?

Dr. Schwartz: You get into the situation where things sit on the books for decades and then the cost doesn't... it's not today's cost when it comes through. But getting to Mr. Apicella's point earlier, \$50,000 on a proffer, the developers are going to run away from that number one, or number two the cost of housing in Stafford County is going to skyrocket to the point where people aren't going to be able to, the deputies and fire fighters and teachers won't be able to live in the County they work.

Mr. Gibbons: Mr. Chairman, I'd like to have Jeff, if you've got the amount of money saved for the last 10 years that we got per annum on proffers, because I'm pretty sure when we look at it, we never had enough money to build a school anyways with it.

Mr. Harvey: I believe you're correct Mr. Gibbons. I don't know the exact numbers right now but I can look them up.

Mr. Gibbons: So, you know, we might be just wasting 3 or 4 months looking at something that's...

Mr. Rhodes: Okay. So, it sounds like it's a sense of the historical perspective on the values we receive on proffers compared to requirements, and then the other one is an approach towards normalizing the peaks and valleys out of these because we will, at the end result regardless of how we approach it, we'll have to figure out a way to do that.

Mr. Harvey: Yes.

Mr. English: Is it possible that you can just take the transportation out of the next figures (inaudible – microphone not on)?

Mr. Harvey: Yes, will do.

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

Mr. Harvey: Thank you.

Mr. Rhodes: Item number 6, TDR. We need to vote this for public hearing either tonight or next session. And I think staff has been working and doing some other inputs for that. Who's got that one?

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6. 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. **(Time Limit: August 30, 2013)**  
**(Deferred to June 12, 2013 to June 26, 2013)**  
*(Authorize for Public Hearing by: July 10, 2013)*  
*(Potential Public Hearing Date: August 28, 2013)*

Mr. Harvey: I do.

Mr. Rhodes: Lucky soul.

Mr. Harvey: Pretty much I'll skip some of these slides to try to save time. Basically, we've revised the ordinance to include the components that were proposed by the Planning Commission previously. And we've expanded the receiving area to show the Courthouse Redevelopment Area and we removed Interstate 95 out of the calculations for the new interchange. And this is the sending area map and shows the potential eligible parcels identified. We can accommodate through that sending area, it could transfer 1,236 development rights. Based on what we've determined with the receiving area and using the B-3 and R-4 as new zones, we could accommodate 2,637 development rights in that area. We had previously calculated 2,644 but we looked at the acreage for B-3 because noting where half that land could be used for multi-family. If you get much below 10 acres, half for multi-family would be 5 acres and you're getting really small as far as being able to build an apartment building. So, that's why we used the 10 acre number. But it didn't make a significant amount of difference in how many units could be received. This is the receiving area map overlaid on top of the Comprehensive Plan and highlighting the eligible parcels. And this is the zoning map. Again, the B-3 zoned properties are in the darker red, the R-4 is brown, and then the greenish colors are Agricultural, and tan is R-1, Suburban Residential. I've recently had some inquiries about Embrey Mill. We talked about this parcel here tonight for the public hearing and there was some questions as could you put TDR units here. Under the current proffers, they restrict the number of units in that zoning. So, based on that construct, no they could not receive any TDR units. So that's why it's not hashed in as potentially eligible receiving. Also, there are some large B-3 properties located here and here that are not eligible. This property right here is associated with the Regional Jail and Juvenile Detention Center, so that would not be eligible for a TDR receiving area. And this property is owned by the County for a future Utilities Department maintenance yard.

Mr. Hirons: Mr. Harvey, what does happen when a project like tonight... I don't recall if that property is in the receiving area... but let's say a project is proposed on a piece of property that is a part of the receiving area and acceptable to receive, that the project isn't going to use development rights that's transferring in and a proffer is associated that caps the number of units. So, that piece of property then can't receive development rights. Does the receiving area have to be expanded then to be able to accommodate? You know, because we still have the requirement to accommodate for development rights in the sending area.

Mr. Harvey: Yes. If we ever got to the point where someone was trying to land their development rights and they said there are no eligible properties, at that point in time we'd probably have to revisit the boundaries of the receiving area and the criteria for receiving properties to be able to accommodate those severed development rights.

Mr. Hirons: Okay.

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Mr. Apicella: How long will we have to keep that open though? I mean, are we talking 20 years? 50 years? At what point does somebody have to exercise their ability to use their rights?

Mr. Harvey: There's no time limit in the State Code as far as how fast someone has to utilize their severed development rights. But the incentive for the person who owns those development rights is they're paying taxes on it every year.

Mr. Gibbons: Yeah, but they're paying tax on what, Jeff?

Mr. Harvey: They're paying tax on the equivalent cost of what it would be to use that development right on a piece of property.

Mr. Gibbons: How do you base that?

Mr. Harvey: Well, it will eventually be based on sales of development rights, but probably initially would use it for similar calculation purposes like we do with Purchase of Development Rights. Our PDR Program this year, they're looking at purchasing development rights at a cost of \$25,000 per development right.

Mr. Rhodes: So, there is a bit of an incentive to use them.

Mr. Harvey: So, if that was the number that was used, you'd be taxed on the real estate rate on \$25,000 in assessed value.

Mr. Gibbons: Yeah, but that's nothing, Jeff. You get a 3-acre parcel where we are and it's like \$80 to \$100,000 except you're sitting on \$25,000.

Mr. Harvey: Well, then maybe that won't be a driver for some people. Some people may want to hold onto it in long term. But, again, in answering Mr. Apicella's question, there is no time limit in the State Code for how long someone can hold onto it. It could be forever or they could participate in the tax abatement program. If they want to sign up for 25 years and gradually work down the number of development rights they have and not have to pay real estate taxes on them.

Mr. Rhodes: Okay.

Mr. Harvey: And, we've revised the ordinance accordingly to include the...

Mr. Gibbons: Okay, but let me ask you something then. Then could you take away of the readjusted receiving areas? In other words, if you come on up and you say it's coming out of sending area A and it can go to receiving area A for 10 years and then change the receiving area, wouldn't that give them some incentive to say, hey wait a minute, I might end up some day and I don't know where I'm going to put myself.

Mr. Harvey: The State Code does not limit you to one sending area and one receiving area. You could have multiple sending areas and multiple receiving areas. And that could be the incentive for people to try to land their development rights...

Mr. Rhodes: And the receiving area doesn't have to stay the same.

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Mr. Harvey: Correct.

Mr. Rhodes: They can modify it.

Mr. Gibbons: So that might be the incentive.

Mr. Rhodes: Okay.

Mr. Harvey: As I was saying, we've modified the ordinance to reflect the changes. We also have modifications to the Comprehensive Plan amendment that was included in your package. And we recommend you consider authorizing a public hearing.

Mr. English: Mr. Chairman, I have a question.

Mr. Rhodes: Please.

Mr. English: The B-3, Office, it says use permit by-right. It says apartment/commercial. Is that those commercial apartments that we were talking about?

Mr. Harvey: Yes.

Mr. English: So that's... okay. So it's not just apartments, commercial; it's commercial apartments.

Mr. Harvey: Yes. In the proposal, there's 2 different options for housing in the B-3. You could have a commercial apartment which is an apartment over a business, or you could have a standalone multi-family building up to 50% of the land area.

Mr. English: Oh. And that would be by-right.

Mr. Harvey: Yes. But only with using the TDR units.

Mr. Rhodes: So, the next step is when we're ready or to authorize this for public hearing.

Mr. Apicella: Mr. Chairman, I would move, to that end, to move this revised ordinance with the changes that staff have development and the Comp Plan text amendment...

Mr. Gibbons: Second.

Mr. Apicella: ... to public hearing as soon as possible.

Mr. Rhodes: Okay. Motion to move forward to public hearing that staff has modified, and the second by Mr. Gibbons. Further comments Mr. Apicella?

Mr. Apicella: Mr. Chairman, we've been at this now for it seems like 2 years. I heard a gentleman use an accurate phrase, don't let the grade be the enemy of the good. We're never going to get a perfect pilot program. I think we've done what the Board asked us which was effectively to give them back the ordinance that we gave them prior to the February 29 changes. Again, I know that there may be folks out there who want additional changes. Again, this is a pilot program; it only involves potentially 1,200 units. It's not going to end the world as we know it if it's not perfect. This is a

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chance to test it out. I think it's viable; I think it's workable. I think we need to pull the trigger on this and get it to the public for a hearing and move it forward.

Mr. Rhodes: Very good. Further comment Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Any other member? Okay, all those in favor of the motion to take this modified text as staff has worked it and move it forward to advertise it for public hearing signify by saying aye.

Dr. Schwartz: Aye.

Mr. Apicella: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed?

Mr. Hirons: No.

Mr. English: No too.

Mr. Rhodes: Okay, so 5-2; it passes forward to public hearing. Very good. We're going to move on. Item number 7 has been deferred to August. Item number 8 and 9 are awaiting information from staff, so we're on to item number 10.

7. 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: August 28, 2013) (History: Deferred at May 22, 2013 to June 26, 2013) (Deferred at June 12, 2013 to August 28, 2013)**
8. 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)**
9. Discussion of Public Notification Requirements **(Deferred at February 13, 2013 until further information from staff)**

NEW BUSINESS

10. Amendment to Subdivision Ordinance - Proposed Ordinance O13-37 would amend Stafford County Code, Section 22-118, "Water and Sewer" to exempt boundary-line adjustment applications from the drain field land area requirements and provide a reserve drain field area equal to 100 percent of the primary drain field size. All lots shall have a primary and reserve

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drain field of equal size and capacity to ensure that the drain field will accommodate the number of bedrooms for the home making drain field requirements on existing lots less stringent. **(Time Limit: September 10, 2013)**  
**(Authorize for Public Hearing by: July 10, 2013)**  
**(Potential Public Hearing Date: August 28, 2013)**

Mr. Harvey: Thank you Mr. Chairman. We have the ever patient Andrea Hornung to give the Planning Commission...

Mr. Rhodes: You always give her the thing that's last. What is this, you don't like her.

Mr. Harvey: She usually ends up with new business which is the end of the agenda.

Mrs. Hornung: Good evening members of the Commission, Mr. Chairman. What we have before you is an amendment to the Subdivision Ordinance for drainfield standards. And the way it started out was this topic went to the Community and Economic Development Committee back in May. And what they did was they were looking at the Subdivision Ordinance where the requirement of the previous adopted drainfield ordinances, back in '08, required all lots when they were created at certain times to have drainfield and reserve drainfields that were 100% capacity or also a certain size. Well, this had become problematic for lots that were already created that were just coming through with boundary line adjustments. So, basically, what this amendment will do is, and you have a copy of the ordinance, is that it just allows boundary line adjustments not to require the drainfields to be the particular size. They still have to have 100% reserve to their drainfield but, when they're doing boundary line adjustments, we require soil reports for the lot that's becoming smaller. And for some existing lots it may become problematic that they have to go through and do a new soil report, have to come up to the current standards, and it's basically a lot that's already existing. So, as it states, the minimum size requirements from Ordinance 08-05, would require the, I think it was the 4,000 square feet for both reserve and primary drainfield. The Board referred this to the Planning Commission through Resolution R13-185... I'm sorry, it's actually Section 22-118, the water and sewer section, that requires the drainfield standards applying to all lots no matter what happens with the lots. So the ordinance just adds a couple words that basically says except as specified in F below which means in no case shall a boundary line adjustment reduce or give away the absorption capacity of the primary reserve drainfield and then all lots shall still have a primary and reserve drainfield. And it's ready for your consideration and I hope that's not confusing.

Mr. Rhodes: So, this is an item we need to advertise for public hearing and the public hearing would happen, regardless when we advertise it this time or next time, on August 28<sup>th</sup>.

Mrs. Hornung: That is correct, because of the time limit and the reduced meetings in the summer, the September 10<sup>th</sup> time limit is actually a day or two before your September meeting.

Mr. Rhodes: So we'd have to have the public hearing on August 28<sup>th</sup> and we would have to resolve it at that time.

Mrs. Hornung: Yes sir.

Mr. Rhodes: Okay. Questions for staff?

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Mr. Apicella: Just the standard question; is there any chance for any unintended consequences by making this change?

Mrs. Hornung: Staff doesn't think so. It actually should help the projects that come in as boundary line adjustments for when requiring certain standards for drainfields. It will still require drainfields to have primary and reserve and have the capacity.

Mr. Apicella: Okay, thanks.

Mr. Rhodes: Any other questions? Entertain a motion?

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

Mr. Rhodes: Okay, so there's a motion by Mr. English to advertise this for public hearing. Is there a ... second by Mr. Hiron. Any further comment Mr. English? Further comments Mr. Hiron? Any other member? All those in favor signify by saying aye.

Dr. Schwartz: Aye.

Mr. Apicella: Aye.

Mr. Hiron: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? It passes 7-0 for public hearing on the 28<sup>th</sup> of August. Planning Director's Report.

Mrs. Hornung: Thank you.

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you Mr. Chairman. I have two things to report on; one, we included in your iPad agenda a copy of your expenditure report for the year and the Commission was within budget. We would note that not all of the expenditures have been posted yet but we're confident they're well within budget.

Mr. Rhodes: I like how he says that, the Commission's in budget. Mr. Harvey is in budget.

Mr. Harvey: Also, the Board of Supervisors, at their last meeting, approved the Whitson Woods reclassification. And that concludes my report.

Mr. Rhodes: Wonderful. Thank you. County Attorney's Report.

COUNTY ATTORNEY'S REPORT

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

Mr. Rhodes: Thank you ma'am. Committee Reports; we talked about proffer guidelines. Does the proffer guideline committee want to talk any more about proffer guidelines?

COMMITTEE REPORTS

11. Proffer Guidelines

(Inaudible.)

Mr. Rhodes: Okay, very good. Chairman's Report. Nothing there other than Happy Fourth of July. TRC. Ma'am?

CHAIRMAN'S REPORT

OTHER BUSINESS

12. TRC Information – Meeting July 10, 2013

Mrs. Hornung: Hello again Mr. Chairman, members of the Commission. We have two items that will be on July 10<sup>th</sup>. One is Garrisonville Landing for Mr. Gibbons in the Rock Hill Election District; that is 25 lots with 13 stormwater facilities on parcel 8-17 and that lot is 84.2 acres and zoned A-1. Then...

Mr. Gibbons: Is that out by Ruby?

Mr. Harvey: Yes Mr. Gibbons. That's the one you recently saw a waiver request on.

Mr. Gibbons: Right. Thank you.

Mrs. Hornung: Then the other one is for Dr. Schwartz and that's a major site plan to construct the fuel station, Murphy Oil, that we saw through the public hearing process. Fuel station, convenience store, zoned B-2 on 1.86 acres.

Mr. Gibbons: That's a good Irish name, isn't it?

Mrs. Hornung: Then also, we do not know yet what projects will be submitted for August 14<sup>th</sup> because that due date is not until June 8<sup>th</sup>... July 8<sup>th</sup>, excuse me. And then also, August 28<sup>th</sup> is a potential TRC. So you will receive an email if there is a TRC, but I won't be able to be before you to let you know what you have. And I'll make sure that it's hand-delivered to whoever has a TRC project.

Mr. Rhodes: Very good. So, we've got Mr. Gibbons and Dr. Schwartz for the 10<sup>th</sup>.

Mrs. Hornung: For July 10<sup>th</sup>, yes sir.

Mr. Rhodes: Very good.

Mrs. Hornung: And there may be August 14<sup>th</sup> and August 28<sup>th</sup>, but that due date hasn't commenced yet.

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Mr. Rhodes: Sounds good.

Dr. Schwartz: (Inaudible – microphone not on.)

Mrs. Hornung: I'm sorry, I failed to get that information for you. But we want Murphy Oil first. I'll check for that.

Mr. Rhodes: Okay, very good. We have a slew of minutes that have come in, so I'd entertain a motion for either comments on the minutes or approval of the minutes starting with the March 13<sup>th</sup> minutes. Are there any comments on them, otherwise is there a motion to approve?

**APPROVAL OF MINUTES**

*March 13, 2013*

Mr. English: Motion.

Mr. Rhodes: Motion to approve by Mr. English, seconded by, I'm going to give this one to Mr. Boswell. Any further comments? All those in favor signify by saying aye.

Dr. Schwartz: Aye.

Mr. Apicella: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. Any comments on the March 27<sup>th</sup> minutes? Is there a motion to approve?

*March 27, 2013*

Mr. Hirons: So moved.

Mr. Rhodes: So moved by Mr. Hirons. Second?

Dr. Schwartz: Second.

Mr. Rhodes: Second by Dr. Schwartz. All those in favor signify by saying aye.

Dr. Schwartz: Aye.

Mr. Apicella: Aye.

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Mr. Hiron: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. Any comments on the April 10<sup>th</sup> minutes? I would entertain a motion for approval.

*April 10, 2013*

Dr. Schwartz: So moved.

Mr. Rhodes: So moved by Dr. Schwartz. Second?

Mr. Hiron: Second.

Mr. Rhodes: Second by Mr. Hiron. All those in favor signify by saying aye.

Dr. Schwartz: Aye.

Mr. Apicella: Aye.

Mr. Hiron: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. Any comments on April 24<sup>th</sup> minutes? I'd entertain a motion for approval.

*April 24, 2013*

Mr. Boswell: So moved.

Mr. Rhodes: Moved by Mr. Boswell. Second? Who wants that one?

Mr. Hiron: Second.

Mr. Rhodes: Okay, Mr. Hiron. All those in favor signify by saying aye.

Dr. Schwartz: Aye.

Mr. Apicella: Aye.

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Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. There was one open comment remaining and that was the possibility of legal review of the staff packages. I would just ask if Ms. McClendon and Mr. Harvey, if you all would just discuss that, the workload and the possibility, implications, considerations, concerns, and maybe we can discuss it next time. And that was the comment about possibly staff packages having a legal review before they go out. And just look at the realities of that and we can have a discussion on it next time. Okay. Folks, thank you very much. Hope you have a wonderful Holiday. It's out 237<sup>th</sup> birthday of this wonderful great nation. Thank you very much. We're adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 11:09 p.m.