

STAFFORD COUNTY PLANNING COMMISSION MINUTES
July 10, 2013

The meeting of the Stafford County Planning Commission of Wednesday, July 10, 2013, was called to order at 6:30 p.m. by Vice Chairman Scott Hirons in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Hirons, Boswell, English, Gibbons, and Schwartz

MEMBERS ABSENT: Rhodes and Apicella

STAFF PRESENT: Harvey, McClendon, Baker, Knighting, Zuraf, Blackburn, and Narvaez

Mr. Hirons: Thank you Ladies and Gentlemen. If you could please bear with me tonight, this is the first night or I guess it's the second night I'm chairing a full committee tonight. As we just learned we have two members absent, both our Secretary and our Chairman, so it falls on me to Chair the Committee tonight. There are a couple of issues tonight that I want to make sure I have a Vice Chairman or someone I can hand the gavel to, and without objection from the Commission I am going to ask Mr. English to fill that role.

DECLARATIONS OF DISQUALIFICATION

Mr. Hirons: So that brings us to the declarations of disqualification.

Mr. Gibbons: Mr. Chairman.

Mr. Hirons: Yes Mr. Gibbons.

Mr. Gibbons: I did meet with the counsel representing Clift Farms and I want that known.

Mr. Hirons: Okay, thank you. Mr. English.

Mr. English: Also I spoke with Mr. Moncure in reference to his issue too at Moncure Estates.

Mr. Hirons: I have a couple. I have spoken with Mr. Moncure as well on the agenda item related to the waiver request for Moncure Estates. I also... I am a resident of Leeland Station and have worked closely with both the neighborhood, I have spoken often with the applicant, the developer, as well as the agent of the developer. I just wanted to make sure that is clear. I think I can still make decisions with a clear mind. But just so it is known, I often talk about living in Leeland Station up here so, it is pretty obvious. And that is item one on the agenda. Prior to getting to our public hearings though, we will hear from the public.

PUBLIC PRESENTATIONS

Mr. Hirons: If any members of the public would like to address the Planning Commission you may do so at this time on any item that is not on public hearing. If you have an agenda in front of you, items one, two and three are in public hearing tonight. So if anyone would like to address the Planning Commission, please feel free to come forward. You have three minutes to speak, there is a little light on the podium up there, green you start, yellow you are starting to lose your time, start to wrap up and

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when it turns red we ask you to stop. So if anyone would like to address the Planning Commission please come forward. Seeing the mass crowd coming forward, we will go ahead and move on and open up our first public hearing. Mr. Harvey our first public hearing is RC1300138, Reclassification of the Leeland Station Proffer Amendment.

PUBLIC HEARINGS

1. RC1300138; Reclassification – Leeland Station Proffer Amendment - A proposal to amend proffered conditions on Assessor's Parcels 46-92B, 46-93 (portion), and 46-93E, zoned PD-1, Planned Development-1, consisting of 131.61 acres. The Property is located on the north side of Primmer House Road, and east and west sides of Leeland Road, within the Falmouth Election District. **(Time Limit: October 8, 2013)**

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

Mr. Hirons: Mike can you hold one second?

Mr. Zuraf: Sure.

Mr. Hirons: Mr. Gibbons asked me to recognize someone. I apologize Bob, for missing that, I even made a little note down here. Actually the County Administrator asked us to recognize Mr. Cody Sexton. Mr. Sexton is currently an intern with the County Administrators Office. As I understand it he is currently attending a graduate program at Virginia Tech. Mr. Sexton, can you stand up? Thank you, thank you for your service to the County. We really appreciate it. I am sure the County Administrator's office made good work out of you this summer. Alright; Mr. Zuraf.

Mr. Zuraf: Okay, good evening Mr. Chairman, members of the Planning Commission, if I can have the computer please. Item one is Reclassification RC1300138 for Leeland Station. It is a proffer amendment request. It is a request specifically to amend proffered conditions on a portion of the Leeland Station development. It is basically the parcels that make up the undeveloped portions of Leeland Station. It covers 131.61 acres, the property is zoned PD-1, Planned Development-1. The applicant is GTIS-HOV Leeland Station, LLC with the agent Clark Leming, representing the applicant. The location of the area of the proffer amendment, this request is located on the north side of Primmer House Road, which is located in this area, and on each side of Leeland Road, which is located here. The properties are highlighted in red and it is to the north of the existing sections of the Leeland Station community, which is here and then the developing portions of Leeland Station in this location. The map identifies the zoning of the property under the subject site and surrounding sites. The grey shading represents the PD-1 zoning district, which is within this area and then also the existing portions of Leeland Station are PD-1 zoning as well. Surrounding the site you also M-1, Light Industrial zoned land, that is the zoning of the existing VRE Station parking lot in this location and other properties adjacent to Leeland Station. The light green shading represents A-1, Agricultural zoning which surrounds the properties to the north and to the east and they do have some other R-1, Suburban Residential zoning to the west, in this location. So I have made quite a mess of this map. So the history of this site, the Leeland Station development was rezoned back in 1995 from M-1, Light Industrial to this PD-1, Planned Development zoning district. There are proffers that apply to the overall project. The proffers or conditions were amended back in 2004. There were some changes made at that time and some of the details of the overall project, it allows up to 743 residential dwelling units. There are commercial pad sites that are required. Several civic and community sites required to be provided, and also public facilities, existing elementary school was proffered under that original

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zoning and it has of course since been constructed for many years. Also there was a 3 acre parcel within the project that had been dedicated to County several years ago. This was for a potential Library site and this 3 acre site is also subject to this proffer amendment, and I will get into that. So looking at the aerial photographs kind of shows you the existing conditions, to the east of Leeland Road, the land in this area has previously been graded. This was graded several years ago, prior to the economic downturn and his now, as you can see, is starting to develop in that location. To the north of Primmer House Road...

Mr. English: Mike.

Mr. Zuraf: Yes.

Mr. English: How many houses are going to go in that area that is starting to be developed now? Do you know?

Mr. Zuraf: I believe in this area it is approximately 200 units. I might be a little off on that, but I believe that is the case. To the north of Primmer House Road and west of Leeland Road, this area is all wooded, forest land. You of course have the CSX Rail line that bi-sects this area and the cleared areas include the existing VRE parking lot and there is a clear area also at the intersection of Primmer House and Leeland Road. Part of this property which is owned by the developer serves as a temporary overflow parking lot for the VRE Station.

Mr. Gibbons: Can you show where the station is located.

Mr. Zuraf: Yes, the VRE station is in this location.

Mr. English: So what you are saying is the property that is existing now and being used as a temporary lot will be no longer there.

Mr. Zuraf: As part of the overall original plan, it is an area that is designated as a commercial pad site. So it may eventually turn over and be developed commercially as was part of the original development plan.

Mr. English: So there is not going to be any more room for expansion for the VRE lot then? Because it looks like there is not going to be...

Mr. Zuraf: Not in that specific location but there's other locations that are part of this proposal, that may accommodate that. So looking at the specifics of the proffer amendment request, they are requesting to amend type of dwelling units that are permitted. This would include deleting existing requirements to construct age-restricted housing. In this area of the affected there was requirement for 48 duplex units and 70 congregate care units. All of those would be age restricted. Their proposal would be to convert this area to non-age restricted single-family dwelling units. Basically it would be adding 84 non-age restricted single-family units to this area. The total units overall would decrease by 34, in the overall project. Also the applicant is proposing to reacquire the County owned 3 acre library site that I mentioned and dedicate new 3 acre site north of VRE Station, which could be used, potentially, as a VRE parking lot expansion area. I will point out those areas in a moment, and also deleting the requirement to construct 3 one-acre playing fields that are proffered currently. Proffers also would contribute \$500,000 into escrow account with two disbursements. The first \$250,000 disbursement would be for a temporary artificial turf field at Stafford High School and the second

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would be for a traffic signal at the intersection of Primmer House Road and Leeland Road. There is language that would allow for any unused funds to be distributed back to the County for their discretion. Also the amendments were proposing to delete phasing requirements that are in place for the construction of commercial development by a certain number of residential units. So that would go away and then also other previously satisfied proffers would be deleted. So here is the concept plan that is proposed to go along with these changes. And just to kind of highlight these areas that I have referenced, the location of the age restricted units, the duplex and congregate care units, were in this area and so this then is where conventional single-family units, non-age restricted units would take their place. In this location there would be 61 single-family detached units and then the remaining single-family units that I mentioned would be added to this area here. This area was always planned to include single-family detached units, but that would be increased from 34 units to 57 units. The library site I mentioned, the county owned library site, that 3 acre site is in this location and the county, by the way, the Board of Supervisors did approve a Resolution to include... to allow the applicant to include this property as part of this application. It doesn't mean that they approve it, but it provided the applicant to proceed with the application on this county owned property. The 3 acre property is here, the applicant's proposing to reacquire this 3 acre property and then dedicate a 3 acre property in this location for the potential VRE expansion.

Dr. Schwartz: Excuse me Mike.

Mr. Zuraf: Yes.

Dr. Schwartz: How are they proposing... if people do use that for the VRE they have to walk the road to get to the station?

Mr. Zuraf: Yes that is not part of the request as to how people would get from one side of the track to the other. There would need to be some sort of accommodations made for pedestrian accessibility from the one side to the other.

Dr. Schwartz: Leeland overpass overtop the tracks there is not very pedestrian friendly.

Mr. Zuraf: Right. Yes, that is... the construction of the parking lot or pedestrian accessibility is not part of this proposal. It would be done at a later date I guess, by others.

Dr. Schwartz: That sounds a little vague.

Mr. Gibbons: Mike, can you orientate us where the VRE is?

Mr. Zuraf: Yes, the VRE station is right in this location and here is the current parking lot, all of this area.

Mr. Hirons: And Mike, if I could. Has VRE requested any additional capacity there in the parking.

Mr. Zuraf: No, not to my knowledge.

Mr. Hirons: Okay and the second part to that, they are dedicating land that could be used as VRE lot, but they are not building it correct?

Mr. Zuraf: Correct.

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Mr. Hirons: Okay.

Mr. Gibbons: Well they have been using the overflow though.

Mr. English: That is what I was getting ready to say, the overflow...

Mr. Gibbons: The overflow is almost overflowing.

Mr. Hirons: Right, right.

Mr. Gibbons: I think the Doctor is right, you are going to have them cross over the bridge.

Dr. Schwartz: Is the overflow lot currently remaining an overflow lot at the corner of Primmer House and Leeland?

Mr. Zuraf: It currently is, yes.

Dr. Schwartz: And it is proposed to remain as such?

Mr. Zuraf: Well it may eventually... I guess I may defer to the applicant as to what the plans are for that because it is land owned by the developer so the applicant maybe can speak to what...

Dr. Schwartz: If you do away with that lot you are going to have a real car crunch.

Mr. Zuraf: The traffic signal reference that would be in this location at the intersection of Leeland...

Mr. English: Mike, one more question. I am sorry. When you are saying the other side, is that going to be on the other side of the tracks?

Mr. Zuraf: Yes.

Mr. English: Oh, okay.

Mr. Gibbons: When you say fly over you are actually going to fly over the tracks.

Mr. Zuraf: And I mentioned the commercial pad sites, this is one of the commercial pad sites that has always been proffered. There are other commercial pad sites in this location, in this location and then over here as well. So evaluating this proposal, staff made certain points in the staff report. This first point is a change from what was stated in your staff report. I think we referenced an additional 126 homes, and it is actually 84 homes that would be new non-age restricted and so the potential additional students is slightly less than what was estimated in the staff report. It would actually be 52 to 110 new school children resulting from this proposed change with 84 additional non age-restricted lots. And this would add some additional need and requirements for the school system with these additional students. The deletion of the 3 one-acre playing fields would be replaced with a \$250,000 offer for the funds for the temporary artificial turf field at Stafford High School. I guess it is an artificial turf field that may not...

Mr. Gibbons: The same thing is down at Smith Lake.

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Mr. Boswell: I did not know because it says temporary.

Mr. Hiron: I can probably shed a little light on that. The intention on that... that was a request from Supervisor Stimpson to help alleviate some issues they have with field use at Stafford High School during the reconstruction process. It is a product that actually could remain forever and be a practice field forever to give the school more practice space.

Mr. Boswell: (Inaudible).

Mr. Hiron: It depends.

Mr. Boswell: I was just curious what the difference in that is and the one at Smith Lake.

Mr. Hiron: Actually I was going to ask the applicant if we could remove the word temporary from that proffer.

Mr. Boswell: (Inaudible).

Mr. Hiron: Mike, while we are on the fields I think a bit of the contention or there is a little bit of contention there between the cash that they are offering there compared to what staff estimates the installation of 3 fields would actually cost. I think there was a point somewhere along the way that putting in 3 fields costs a lot more than \$250,000 on staff estimate.

Mr. Zuraf: Right.

Mr. Hiron: Do you have any information on how the County developed that cost or estimate cost of installation of playing fields?

Mr. Zuraf: The County... I don't have information as to how that estimate came about, but the County estimate was based on recent field work and construction projects. The County estimated the cost for 3 one-acre playing fields to be approximately a million dollars.

Mr. Hiron: Each?

Mr. Zuraf: Total.

Mr. Hiron: All together. And those 3... within the proffers it does not call for those 3 fields to be irrigated or lit correct?

Mr. Zuraf: No, it does not.

Mr. Hiron: So the County's estimation for installing 3 fields is a million dollars.

Mr. Zuraf: Correct.

Mr. Hiron: And they are offering \$250,000 right now.

Mr. Zuraf: Yes. And staff did not in our report that the location proffered for these 3 one-acre playing fields is not an optimal location. It is in an area to the north of the rail road tracks.

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Mr. Hirons: It is essentially where the land could be dedicated for a VRE lot.

Mr. Zuraf: Generally in that area. So it is somewhat remote and tuff to access from the majority of the rest of Leeland Station Community.

Mr. Hirons: And those fields, those 3 fields were also going to be County owned and operated, they were not specifically for Leeland Station.

Mr. Harvey: Mr. Hirons that is correct. They were to be dedicated to the County.

Mr. Zuraf: And the last point that staff did make is if there is no commercial phasing requirement it would remove any assurance that commercial space would be developed in the future on the site.

Mr. Hirons: That is true, but if we were to approve the proposed proffer amendment the land would still be essentially commercially zoned forever unless they came back with another proffer amendment, right?

Mr. Zuraf: Right.

Mr. Hirons: So even if commercial didn't come during their build, the applicant would still own that property and they would have to market it as commercial if they ever wanted to get rid of it.

Mr. Zuraf: Correct. Some other points, as far as the 3 acre library site is concerned, staff notes there are no immediate plans for a library in this location; it is not something identified in our CIP. There are 3 existing libraries that serve county residents. Residents in this area of the county likely use the Central Library in downtown Fredericksburg.

Mr. Gibbons: Do you have any input from the library? Have you run this by them?

Mr. Zuraf: No I did not get any input from them.

Mr. Gibbons: The last time we did a library we ate up every reserve we had for about 20 years. Then the other thing is, Jeff when you had the list, what are the numbers of students at the elementary there?

Mr. Hirons: Current enrollment is about 980.

Mr. Harvey: If you give me a minute I will check that information.

Mr. Hirons: Current enrollment is about 980 at Conway Elementary. I have got 3 kids there or I have got 2 kids there now.

Mr. English: What is the (inaudible).

Mr. Hirons: Right at a thousand.

Mr. Gibbons: When the high school comes in that will be 200 more than what the current is right?

Mr. Hirons: I am not quite sure I followed that.

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Mr. Gibbons: When they rebuild the high school, aren't you going to have 200 more students than you have currently?

Mr. Hirons: Capacity for, I guess, right?

Mr. Gibbons: Yes, because right now you are almost at no capacity for high school.

Mr. Harvey: Mr. Gibbons, based on the information that we have from the County Budget, the FY14 available seats for Anthony Burns would be approximately 200. It has a design capacity of 950 and it is reported average daily membership is 750.

Mr. Hirons: We are looking at Conway.

Mr. Harvey: Oh, I am sorry, wrong school. Yes it also has a design capacity of 950 and it had a ADM of 898, so there is 52 seats available.

Mr. Gibbons: No school proffers in this at all?

Mr. Zuraf: Other than the money for the field improvement at Stafford High.

Mr. Gibbons: It sounds like another zoning that we have got here.

Mr. Zuraf: Okay, the next point about the new 3 acre site could add parking for the VRE Station. There was the existing gravel lot provides temporary storage and as I noted it is not under County ownership so the time horizon of the use of that site might be limited.

Mr. Hirons: And Mike, what is the... do you know what the current size of that gravel lot is? The size of that temporary gravel lot?

Mr. Zuraf: No, not off the top of my head no. There is concern expressed about... from VRE about expanding the parking in that area without expanding the platform. Currently the existing platform is pretty much at capacity or under capacity. It can't support additional trains. And also they expressed concern about providing pedestrian access from the other side of the tracks and VRE actually did contact me today, this afternoon and provided some additional comments. They did note that current access through the temporary storage area off of Primmer House Road provides a good secondary access and feels that maintaining some secondary access through the VRE lot would be good, so if that went away they foresee a good deal of backups at the one entrance that is located off of Leeland Road.

Mr. Gibbons: Mike, did the applicant think about switching the commercial from one side of the tracks to the other side and leave the parking lot intact that we have now.

Mr. Zuraf: I would have to defer to them if they have considered that alternative.

Mr. Gibbons: Okay.

Mr. Zuraf: And then also the proximity of the commercial parking spaces that were shown, they expressed that may lead to some issues of conflicts with VRE commuters parking in those commercial parking spaces and then of course dealing with extra enforcement of illegal parking and that is all from experience that they have seen at other stations that have commercial development nearby. And then

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they also expressed concern with the usability of the 3 acre site to the north of the CSX tracks. I guess there is a stream that kind of bi-sects the site and then there is topography that might be a little bit more severe on the one side of the stream and so that could either make the site less usable than envisioned or a combination of it being more costly to develop. So he wanted to pass along those additional comments that VRE shared with me this afternoon. The last point here is the applicant is adding a 50 foot buffer between the residential uses and CSX right-of-way, 20 feet of that buffer would be undisturbed and the remaining 30 could be impacted, but it does add an additional buffer area between the residential uses from the rail line. The Comprehensive Plan, this site is within the Leeland Station Urban Development Area and Urban Development Areas are areas where urban scale of development is most appropriate. These areas would support more intense, pedestrian and transit oriented development. The proposed amendments would maintain the kind of development pattern that is consistent with what already developed along Leeland Station, more of a Suburban development pattern. The recommended density for single-family residential within a Urban Development Areas is higher than what is proposed under this development pattern. Staff does note that the Planning Commission is considering removal of the Leeland Station Urban Development Area from the Comprehensive Plan, but no action has been taken to date on that issue.

Mr. Hirons: Mike what is the total number of dwelling units that the UDA language calls for?

Mr. Zuraf: It is...

Mr. Hirons: Over a thousand.

Mr. Zuraf: ... over a thousand, around a thousand and mix of...

Mr. Hirons: Multi-family.

Mr. Zuraf: ... multi-family and townhouses in this area. A few single-family detached, so a high density than what's previously developed. The evaluation, there are positives and negatives with this. The proposal is consistent with the planned development pattern in this area. It does provide additional land for VRE improvements in the future. There are additional contributions being provided for a traffic signal and high school playing field improvements. The negative points, staff would note it is inconsistent with Comp Plan Urban Development Area designation. There are potential school impacts with an increase of 52 to 110 school children and it does remove assurance of future commercial development.

Mr. Gibbons: Mike, what is the difference of school children from what the senior citizen is now?

Mr. Zuraf: In that area of where the age restricted homes would be, there would be no children there.

Mr. Gibbons: We hope there would not be any but you never know now days. But I mean what is the difference in numbers?

Mr. Zuraf: As far as the number of homes?

Mr. Gibbons: I mean, you are adding another 50 to 100 by swapping one out for the other, right?

Mr. Zuraf: As far as the total population? Or are you talking about dwelling units?

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Mr. Gibbons: The number of students that you have now from the current zoning is projected to be what?

Mr. Zuraf: Well, in the area that I am referring to there would not be any students.

Mr. Gibbons: No students, right?

Mr. Zuraf: No, no.

Mr. Gibbons: So we are adding 50 to 100.

Mr. Zuraf: Yes, 52 to 100, yes.

Mr. Gibbons: To a school that is almost at capacity.

Mr. Zuraf: Correct.

Mr. Gibbons: Did you see an elementary in the budget for the next 10 years.

Mr. Harvey: Yes, there is an elementary school in the CIP. If you can give me a minute I can get more detail for you.

Mr. Gibbons: Okay, thank you.

Mr. English: My question is the impact from the 200 homes that are being built now, that is already going to have an impact on Conway and then you are going to add this. How much is the impact from the 200 homes that are being built now?

Mr. Zuraf: That is going to be...

Mr. English: We have not even counted those.

Mr. Zuraf: Right, right. I will have to get my calculator out on that, but it's somewhere around a little more or less 200 additional students there.

Mr. English: You are probably talking 300 extra students if all this is built, done.

Mr. Zuraf: Yes, at the higher end of the...

Mr. English: High end, then plus you are talking about those 200 homes that are being built and what about the commuter lot, what that is going to do to the VRE lot too.

Mr. Zuraf: With the additional...

Mr. English: What is being built now in addition...

Mr. Zuraf: Well a certain percentage of the age restricted homes, those may be commuters. So it would not be as much of an additional impact on the VRE lot as there would be with the school children.

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Mr. Hiron: Mike can you briefly describe how staff calculates the number of school children generated.

Mr. Zuraf: Yes, there are estimates that we received from the School Board staff. They have staff that deals with demographics and we work with them in getting their averages. We provided you a range, the low end of the range is the county wide average for the number of school children per single-family detached home. The high end of the range that we provided to you is based on newer developments. It is found that the newer developments in the early years will have a higher number of school children.

Mr. Hiron: To Mr. English's point, the homes that are currently under construction, the section that is currently under construction, that is a part of the zoning that was approved back in, I guess, 2004.

Mr. Zuraf: Yes.

Mr. Hiron: The PD-1. So the school children generation number for that was a part of that package which included any proffers that were given up to this point...

Mr. Zuraf: Right.

Mr. Hiron: ... of the Leeland project, right?

Mr. Zuraf: Yes and the proffers associated with those homes have all been satisfied through credits that they received from land dedication improvements that they have previously made as part of the development.

Mr. Hiron: Dr. Schwartz.

Dr. Schwartz: Just a few things. First a comment, from second grade through dental school I always got yelled at for being too noisy in a library. I love the irony of putting a library right next to the rail road tracks. That sounds like my kind of library. Second, could we get some information...

Mr. Gibbons: It doesn't come with the occupation.

Dr. Schwartz: No, no, no. There is a lot of screaming and yelling going on there too. But can we get a synopsis of what the proffers that were amended back in 2004. I mean this seems like incremental creep is going on here. I am not really in love with the new deal that they are trying to deal us. I would just like to see what was originally proffered back in 1995 that got altered in 2004 and they want to alter it again today. Was that a good deal we got in 2004 or was that a semi-raw deal? The VRE obviously is something that's... when did the VRE start?

Mr. Harvey: 1992.

Dr. Schwartz: Ninety-two, wow.

Mr. Gibbons: I was on the first train too, Doctor.

Mr. English: The coal train.

Mr. Hiron: That was steam driven then right?

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Mr. Gibbons: Yes.

Dr. Schwartz: I mean that have become a very... the lot, I understand that the developer is volunteering that temporary overflow lot and the county has gotten to the point where it is a needed thing. To do away with that overflow lot, we have got to sit down and renegotiate this whole deal somehow, but to put an overflow lot on the other side of the tracks, endangering the people who are going to attempt to use it by crossing over on that Leeland overpass over top of the rail road tracks, which is rather narrow. It is not going to work. Something needs to be done because VRE is very valuable to people in the area.

Mr. Zuraf: I would hazard to guess that any construction of the VRE lot to the north would go along with appropriate pedestrian accommodations.

Mr. Hirons: Mr. English, did you...

Mr. English: No.

Mr. Hirons: Any other questions for staff?

Mr. Zuraf: I did have one, the final slide, which was the staff recommendation. I don't think I went over that. Staff does not support the recommendation as proposed. It would suggest consideration of additional contributions to offset the school impacts and the loss of recreational amenities are not fully compensated. And I guess I took a few questions already.

Mr. Hirons: Any other questions for staff?

Mr. Harvey: Mr. Chairman, I do have an answer for Mr. Gibbons' question about the CIP and schools. The 10 year CIP shows 4 renovations or rebuilds to existing schools plus one new elementary school for our 18th elementary school. Funding would begin in year 2021 for that school and be fully funded by 2024, so that is probably when construction would commence for that new school. But the renovations occur in earlier time periods.

Mr. Hirons: Do they have a proposed location for that 18th school?

Mr. Harvey: It is not specified, no.

Mr. English: What about... you probably can't answer this one Mike, but he Grafton Elementary School, would that alleviate... would that take some away from Conway? Or do you know?

Mr. Gibbons: Jeff has got the figures there.

Mr. English: On Grafton, I am sorry...

Mr. Zuraf: Grafton Village, the numbers I have is they are at 75 percent of design capacity and 84 percent of program capacity. So they may have some... there would need to be some redistricting.

Mr. Hirons: I happen to be reading a little about schools and just so you know they are going to go through a redistricting process probably next year. So there will be some shuffling around and moving around.

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Mr. Gibbons: Is that part of the...

Mr. Hiron: Just some light reading in the evening. Anything else for staff? Would the applicant like to come forward?

Clark Leming: Good evening Mr. Chairman and members of the Planning Commission. My name is Clark Leming. I am here on behalf of the applicant. It would be helpful to have the GDP back up on the screen at some point. I do not need it right away. Let me answer Dr. Schwartz's question right off the bat. In 2004, this is in your package, those proffers in 2004 amended the commercial phasing and the same issue confronted the previous developer in that point in time and that simply was there was not a demand for commercial development at that location at that time, so the phasing was pushed back to where it is currently on the property. But that was the only change in 2004. But a little more history, some of you will remember that this was a former rail road property. It was to be developed as an industrial property, a siding property and as things evolved RF&P was absorbed into CSX and this became surplus property. RF&P owned the property and I represented RF&P at that time and in 1995 this was a pretty progressive zoning, what you would compare today to a TND or a Mixed Use Zoning. It had a number of unusual features for zonings of that day. There was the school site, there was a commercial land bay, there was the retirement housing and the idea for the retirement housing at that time was to integrate it within the community rather than having a separate segregated retirement community. There are 28 retirement units, I think, currently in Leeland Station. They are single-family detached homes. For whatever reason in 1995 their decision was made to include additional age restricted housing over next to the commuter rail station. There have been four subsequent developers of Leeland Station, K. Hovnanian is the fourth in line here, finishing up the project. I think at various stages along the way there was lament that there was retirement housing put next to the commuter rail station, but such as it was. The proposal also included a library site, which was conveyed to the County and cash proffers. The cash proffers that were requested were authorized in 1995. The cash proffers, as Mr. Zuraf indicated, have been paid for all of the units in Leeland Station. All 743 units including the age restricted units. The sum total has been paid and this is the reason, it is not the land dedication, the primary proffer commitment was construction of the new bridge across the CSX tracks, and that was an enormous undertaking, which took a number of years acquiring right-of-way over on the other side of CSX. The County actually had to get involved in some condemnation over there, purchases of those properties, acquisition of air space from CSX and then the actual construction cost for the road that is now used to access Leeland Station. So the arrangement under the original proffers was that all of the funds that went into the acquisition and the construction of that bridge would be offset from the total cash proffer package. And that is why all of the cash proffers for Leeland Station have been paid including those for the land bays over on the other side of Leeland Road that are just now getting started. Now the current proffers and the project is as you know largely built out. There is a portion that is designed and ready to go, a number of units that continue to come in on a by-right basis. There are a couple of things that are driving this proffer amendment and the timing of this proffer amendment. The first is the requirement that the playing fields be constructed, under the proffers, over on the north side of the tracks in the area designated for... that now is shown for a possible commuter parking lot. We will talk about that issue some more in a moment. But the playing fields, this was the site originally designated for the playing fields, it has been reviewed by the prior Zoning Administrator and three playing fields at this location satisfies the proffer and that's what the current developer is prepared to go ahead with. The problem is that they have got to do that, they have got to put those playing fields in place in time for the occupancy permit for the 500th unit. And that comes up relatively soon in the overall development scheme here. So they need to start construction on that this fall, on those playing fields. Once that opportunity passes there is no interest in doing

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away with that proffer because they are already under construction. As far as the price, whatever they think they can build them for, they are going to have to pay to build them.

Mr. Gibbons: Can you get more specific instead of general... when do you think a drop dead date is? And why can't you modify that one proffer?

Mr. Leming: April of 2014 that the playing fields would have to be in place.

Mr. Gibbons: In place by this spring, right?

Mr. Leming: That is right.

Mr. Gibbons: So you've got 6 months in which the Board could modify that proffer.

Mr. Leming: No, because what they cannot risk is the possibility that the playing fields are not going to be built in time for that 501st permit.

Mr. Gibbons: Okay, when is that going to be, Clark?

Mr. Leming: Well that permit comes in April, but they can't start the playing fields next year. They have got to start the playing fields this fall.

Mr. Gibbons: I understand.

Mr. Leming: October.

Mr. Gibbons: I am familiar with the zoning, I did the zoning. So I understand, I just want to know when is the 500th unit... is it due in April?

Mr. Leming: It comes up in April.

Mr. Gibbons: Thank you.

Mr. Leming: They have got to start the fields in October.

Mr. English: Can you show me where fields are going to be on the lot?

Mr. Leming: I can if I can work this thing. They are in this same area here. Am I doing anything?

Mr. Harvey: Mike can you erase...

Mr. Leming: Oh okay, they are in that area right there, a little further west over this way. Good, thank you Mike. They are in that approximate location. That is where they are under the preliminary plan. That is where by the 500th unit they have to be constructed as things stand right now. Now the other thing that is driving the need for this particular proffer amendment is the commercial phasing proffer again. This is the one that was amended in 2004 to back things up. The problem has been that there is no demand for commercial at that location. Somebody mentioned the possibility of moving the commercial over across the tracks. They want the commercial to be as viable as possible and having it at this location on Leeland Road close to the commuter rail station certainly makes sense, ultimately

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from a market standpoint for the commercial. But if they could sell the commercial property, believe me, they would do it. The problem is that the demand has simply not materialized. And under the proffers they have got to start construction on something by the 500th unit again. So once again we have a...

Mr. Gibbons: Yes, but didn't they understand that when they bought this property? I mean you are coming in...

Mr. Leming: I am sure they read the proffers, Mr. Gibbons. I am sure they read the proffers and knew what they were up against.

Mr. Gibbons: And it was a business decision to go forward with it, right?

Mr. Leming: It was a business decision to go forward, yes.

Dr. Schwartz: Mr. Leming.

Mr. Leming: Yes.

Dr. Schwartz: When you and I talked last year about Walgreens, the one reason Walgreens wanted to be... they wanted to be as close to Leeland Station as they could get and now... which is what you told me last year. And now you are telling me you can't get commercial at Leeland Station. But Walgreens wanted to be as close to Leeland Station as they could get.

Mr. Leming: I was not aware of the use of the word Leeland Station. I think Walgreens chose to be where they could get a good deal. If Walgreens wanted to be at that location they should have contacted Mr. DeMarco. I am not aware that any such contact occurred.

Dr. Schwartz: That was the gist of the conversation, last year that I had. And I asked them why that location as opposed to a location available at the Chatham Bridge, where they would be able to get business coming across from Fredericksburg. And they told me they wanted to be as close as they could get to Leeland Station.

Mr. Leming: Well the market... the property has been on the market. It has been available. Actually the County Economic Development Department has tried to market the property. So it is not as if efforts haven't been made to market the property. I don't get involved with contractual negotiations between any of my clients, so that I can represent them in land use matters. What goes on behind the scenes between my clients is up to them. So whether somebody was interested in this site, whether they got or whether they inquired about it, I don't know.

Dr. Schwartz: So the Economic Department has been pushing this site?

Mr. Leming: That is right.

Dr. Schwartz: Alright, thank you.

Mr. Leming: So that is what is driving the particular need for the proffer amendment from the standpoint of the developer. They have these two deadlines coming up, can they comply with them? Yes they can comply with them. Does it make sense for the county to have these three playing fields

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over on the other side of the tracks at this location? Probably not. This is not an area where I think there is any great interest in having these playing fields. But this is where they are under the plans and this is where something has to get moving sooner rather than later. As far as the commercial is concerned, some of you, Mr. Gibbons, will remember the Amyclae example. Where we get to a certain point in the development where commercial is expected to be commenced on the ground. It does not happen. We go through this kind of exercise trying to make adjustments. Amyclae now has a shopping center. There is demand for it now. It is almost all completely built out, but the midpoint of that development was not the timing. The timing was not right at that time. And so far as we know the timing is not right at this point. If somebody comes in next week and wants to buy the commercial property, there will be nobody happier than K. Hovnanian. So what we have are those two things that are going to move forward. We have the retirement housing which is not going to happen overnight. The work on the next phase of development is over on the other side of Leeland Road. We have the retirement housing that is next to the commuter rail station. A congregate care center active adult living center right next to the commuter rail station that does not make a whole lot of sense. There is a land bay that is shown right here. This is an area, if I do this right now. This is an area that is available for future commuter parking. If the County is interested, it is simply designated as parkland, but it is something that could be utilized for parking. The commuter rail is an interesting issue because as much as this county is committed to commuter rail and as important as Leeland Station is to all of that, there is the problem of expanding these parking lots and actually drawing other commuters from other locations to this areas, which is not something I think that either the developer or the residents of Leeland Station are particularly interested in occurring. As far as we are concerned that is a county issue. Where and whether there needs to be additional commuter parking, K. Hovnanian has and the prior developers of Leeland Station have always cooperated with the County in terms of making space available for temporary parking. They continue to lease at no cost to the County or low cost to the County, there is another land bay right next to that, that could be utilized for that. So that is an issue, I think, that can get worked out if indeed that is where the County wants to go with this. I would point out also that in a prior iteration of this particular application, we had an option for the commuter parking over here and a bridge. Basically we had this set up so there were several options the County could choose one of them being the development of that commuter parking lot and the access across the tracks. The current application as it stands right now is the result of additional discussion with the home district Supervisor and Mr. Hirons. So we may not be there yet, but there has been a lot of flexibility that has been exhibited as to how this can be accomplished. Obviously from the standpoint of the applicant, the marketability of non-age restricted homes is greater than marketability of age restricted homes. So one of the incentives in addition to these proffers that are coming due and have to be dealt with sooner rather than later, one of the incentives of the developer here is to have some additional single-family detached non-age restricted units. And I believe Mike did finally, I know the staff report was not right, but what this does is to cut the overall number of units from 743 to 709, but it increased your single-family detached units by 84 units. That is not a magic number but that is the number that could engineer on the property right now. I think what I want to emphasize is that there are several variables here. There are several moving parts and there are a number of ways that the developer can go on some of these things. We have tried to put together something that we thought we were asked to look at, number one. But we thought worked from the standpoint of addressing the issues that are coming up, the fact that we are not sure that anybody is interested in these three playing fields that we have to start construction on this fall. That I don't think anybody wants to see a building simply put up that there is not a user for in the commercial land bay and that the age restricted units don't really make sense next to the commuter rail station. So we are trying to fix those particular problems. There is also the library site and whether or not... that was something that was promptly conveyed as the proffers called for. It's in a good location; it could be used to enhance the commercial. The library site could make that commercial site more attractive and more marketable because it would

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allow for more square footage and greater flexibility in how the commercial is built out. So that was another thought that we had in bringing the library site back into the commercial bay, that it would actually help with the salability of that property. That is where we stand on this. As I say we are not absolutely wed to anything. We have been through a number of variations of this, iterations of it and I have talked to you about the four moving parts and what's driving this. And where Leeland Station is, why it is, where it is now. If nothing happens then we go for... I think this is what happens, we go forward with the playing fields, there is some kind of commercial structure put there that may or may not be utilized. Some of the retirement housing will go forward, over across the street. I don't think you are going to get a congregate care center next to the commuter rail station. So you lose... you eliminate... you don't have some of the school impact that you are concerned about. The school property incidentally, that was part of the original proffer package. But you eliminate some of that concern, but you don't have a community that really has a completion to it. You don't have the ability to complete the community with the proffers, at least in that land bay where the commuter rail station is right now under the current proffers. And you end up with some things that the County would probably rather have somewhere else or rather have something else. So that is where we stand. Mr. DeMarco is here from K. Hovnanian, our engineer is here. We are happy to answer any questions that you may have.

Mr. Hirons: Mr. Leming, I am going to ask you to go back just a second and elaborate a little bit on something that you said. In particular you were referencing the potential for a walkover from that possible VRE lot. And you said through discussion with the current Supervisor and myself...

Mr. Leming: Yep.

Mr. Hirons: You presented it as it was one of the options. But that was never an option within this current plan. That plan, when we were talking about even the potential for that was significantly different than what is not being presented to us, right?

Mr. Leming: I may have misstated your involvement in it Mr. Hirons. But in our... in an earlier iteration of this proffer package, what we did was to come up with several options that the County could choose from which included the light, playing fields, commuter parking lot with a bridge across.

Mr. Hirons: Okay.

Mr. Leming: And that was the actual first iteration of the proffers. Now we eliminated that collection of options because of the information that was brought to us regarding the turf field and the need for that. In fact in the first version of the redraft of the proffers I kept all that in there and I was told by my client that was way too confusing. Let's just go with the turf field.

Mr. Hirons: Okay.

Mr. Leming: So that was in it originally, when it was first submitted it was there.

Mr. Hirons: Okay. Going back to the question I asked Mike as well, one of the issue is the difference between you are estimating the fields to cost and what the County estimates the fields to cost to install these three fields. Can you describe why your estimation is much lower than what the County's is?

Mr. Leming: Well it is not my estimate, but...

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Mr. Hirons: The applicant's.

Mr. Leming: But keep in mind that if the proffer doesn't get changed, whatever it costs they are going to have to build it. But do you want to talk about the estimates? They have done the work and they are set to go as I understand things. Although David is not personally responsible for that.

David DeMarco: My name is David DeMarco and I am with K. Hovnanian Homes. I don't have any more detail of... but I can get that detail for you. Our development guys have bid out the fields. I don't know what the County... I don't know what size fields...

Mr. Leming: We have not seen those estimates.

Mr. DeMarco: ...the County's estimates are or whether it included irrigation and lights. So I don't know what theirs are but I am happy to share mine. I just don't have it tonight.

Mr. Hirons: Yes I think it is going to be helpful for your guys and the County to get together on those numbers. I know we have been through a couple iterations with this.

Mr. Leming: I think our conversation yesterday was the first we had heard that figure. But you know we do have to build up to the County specs.

Mr. Hirons: Right.

Mr. Leming: Under the proffer.

Mr. Hirons: Right.

Mr. De Marco: Due to the timing restrictions we have actually designed the fields. And they are designed and I believe they are submitted. If they are not they are going to be submitted any day because we have said... I think originally we had to concurrently do both because if we don't do something we are going to have to start those in October. So that is why the plans had to be prepared.

Mr. Boswell: What was the down side of putting three fields here? Was it the location? What is the reason... Mr. Leming you said...

Mr. Leming: Yes.

Mr. Boswell: ... there was no interest in putting these fields here. Obviously it was back in 1995.

Mr. Leming: Well the feedback that we have gotten, again we are sort of in a responsive mode here. The feedback we have gotten is that number one a conclave of three playing fields doesn't do a whole lot for anybody. The location of the playing fields, which goes way back historically in the development is not the best for access and it is not something that County Parks and Recs... I think there are actually some written comments on this that Jeff may be able to assist you with, is not particularly interested in this location or having these playing fields come into the County system. So basically we are in a situation where we have a proffer that required that we do it, but just not a lot of interest in our doing so. So that is why we are reacting in that fact to that.

Mr. Boswell: (Inaudible) fields in the County. Is it the location is that...

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Mr. Harvey: Yes Mr. Boswell. Mr. Leming is correct. In the previous years the Parks and Rec Department had looked at this site and felt that access was a concern and also it is not very well integrated with the overall community. So there is a limited number of people who could walk to the park and there are other physical constraints with the property that if the County had a choice of where we would put it we would probably look at a different location.

Mr. Hiron: Clark, do you have any estimates on... I know we had talked about this probably almost a year ago. You were trying to do some surveys on how many people within Leeland Station currently use the VRE lot and how many people... I think you may have gotten to the point of trying to find out how many people walked to the station.

Mr. Gibbons: (Inaudible).

Mr. Hiron: Is there any numbers, any even guesses that how many people would use the VRE that would come into... that would actually live in these new homes.

Mr. Leming: Do you... I recall the conversation Mr. Hiron, but do you... did you all actually collect some numbers or take some surveys to that effect?

Mr. DeMarco: No I actually think there were some estimates provided, but I am not sure who provided them.

Mr. Gibbons: VRE has that.

Mr. Leming: Was it the HOA?

Mr. Gibbons: No, VRE has that.

Mr. Hiron: This was specifically out of Leeland Station. I don't even know if VRE would...

Mr. Gibbons: Yes they do. They do a survey at every commuter lot.

Mr. Hiron: Frankly some of the feedback from my neighbors is... if you build more lot you just bring in more traffic. People are going to come. But if there is enough people from Leeland Station, that these homes would generate using the VRE, then that is why there is... a lot of folks that don't really want the VRE lot.

Mr. Leming: And I do want to emphasize that the parcel that identified here, this area right here, is probably the most viable for additional VRE parking. The temporary parking lot, you know, I mean it's not like there... as you all know it's not like there is a commercial developer ready to move forward with something so that the County loses its access to that...

Mr. Hiron: On that point Mr. Leming, is it a part of the proffers the lease of that property...

Mr. Leming: No. That is something that K. Hov has done and previous Ted Smart did the same thing.

Mr. Hiron: Right.

Mr. Leming: That was completely on their own, that is not something that is required.

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Mr. Hirons: Is there anything that we could possibly do within the proffer to add that? To add an indefinite lease until the sale of the commercial property or something along those lines?

Mr. Leming: You would not have a problem with that would you? No.

Mr. De Marco: No, that has been our intent Scott, as we have discussed. It is kind of like what is more important. We really would like and I think the County would really like a commercial center there.

Mr. Hirons: What made me, and honestly I just kind of thought of it here. Is the marketability of that property... I don't know how people buy commercial property. I don't know if people go out and drive it and see, oh there is a parking lot there, why would I want to buy that? I don't know. Does that play into that at all?

Mr. DeMarco: I would say not. The people that we... We are not commercial developers either but we have taken it to people that develop commercial centers to try to entice to even do a joint venture.

Mr. Hirons: So that is why I am concerned.

Mr. DeMarco: It is known, people know it is out there. I personally met with the Economic Development people to try to see what users are out there and what type of user may be attracted to this site.

Mr. Hirons: Right.

Mr. DeMarco: But we would certainly... that has been our intent, that is what we said. If it came down reducing it to a proffer we would retain that lease until a commercial user stepped forward and purchased the property.

Mr. Hirons: Okay.

Mr. Gibbons: Mr. Chairman.

Mr. Hirons: Yes Mr. Gibbons.

Mr. Gibbons: Clark I want to give you credit for being a great attorney, but it seems to me this is kind of ironic that within the last month your brought in two applications to remove age restricted. So I know that you are getting along in age yourself, and I don't know if you...

Mr. Leming: I technically did not bring the other one before. That was the Board of Supervisors that brought the other one to you.

Mr. Gibbons: Yes, but at your encouragement is what I was told. Your fingerprints are all over it. So the last two you have taken the age restricted apart and I don't agree with that. And from the beginning I have been a proponent of trying to integrate all types within it. The thing that bothers me is you are coming in and asking for a lot from the County to accommodate and I know the business climate has been rough, but you are grown people. You went out and bought this development and you knew everything that was required from it. I can understand maybe delaying the commercial and I am like Scott, I would say maybe a 10 year or 8 year and let the County have 8 years or 7 years of use of the commuter lot until we can find out how to relocate. And the other thing is that there is a difference

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between age restricted proffers and school generators. And to come up with no proffers for the school for those additional children Clark, it is just hard to swallow. And then you come up with \$250,000 for one field that is going to replace three one acre field lots. I don't know where the rational came from. But my concern is I can't see that the proffers balance here. And the other thing is I don't understand why age restricted... I mean every community needs age restricted people. You have got to integrate everybody.

Mr. Leming: Well there's...

Mr. Gibbons: And if you say it has got to go up on 17 where Del Webb is well that is fine but maybe you could transfer some proffer money up there to help it too. But I am concerned about that every time we come in there we go up almost a 100 children I don't see nothing for the schools except \$250,000 for an artificial turf and I know that is going to be more than that when you get done with the grading and everything. Because we are at a half a million dollars at Smith Lake, both fields up there are over a million dollars.

Mr. Leming: Well you have raised...

Mr. Gibbons: When you put an artificial turf in it is expensive Scott. It is no \$250,000. You put a high school field in with grass and turf and everything that is a million dollars. So I mean Scott, I will just be honest with you, I can't... I can understand delaying the commercial, that happens. And I can understand maybe moving the library, they are getting a choice three acre and putting the library down in the corner. It's almost like you should get air rights and put the library over the rail road track and put the commuter lot on the other side so everybody gains...

Mr. Hirons: Mr. Gibbons, I think we can get there during discussion period. Are there any other questions for the applicant?

Mr. Leming: Was that a question? Did you want me to say anything in response Mr. Gibbons?

Mr. Gibbons: Well I just appreciate your being here.

Mr. Hirons: I did want one last thing. You started your presentation with proffers for this property have been paid.

Mr. Leming: Yes.

Mr. Hirons: But obviously those proffers back in 1995 took into account that the age restriction...

Mr. Leming: Yes.

Mr. Hirons: So what we are talking about here is the mitigation factors are to mitigate the school children that are going to be generated because we are potentially removing the age restriction.

Mr. Leming: Yes. Now mathematically you are correct. The proffers that were calculated in 1995 did include cash proffers for the age restricted units but they would not have included a school component and for part of the... the proffers actually indicate on their face that for the congregate care center there were no cash proffers. The duplex... that is where the line was drawn, the duplex units even though they were age restricted, had the proffers, but the congregate care center did not have the proffers. So

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they were 1995 dollars and 1995 proffer guidelines. But they were paid for all of the units except the congregate care which were the last 70 units, I believe, under the calculations.

Mr. DeMarco: Scott, I would like to address Mr. Gibbon if I may.

Mr. Hirons: Sure.

Mr. DeMarco: Because you bring up a lot of excellent points Sir. I don't want you to think that we don't know what we are doing. We are builders of active adult housing. We have a model and a current section in the community that has active adult housing. We are happy and we went in with the full understanding that we were going to develop that site with more active adult housing. And I am happy to do so, okay. What the genesis of what we did, we said we essentially have two issues here. The market has not been going crazy for the active adult housing in that location. We don't really think it is an appropriate use. So we said what is the opportunity? We know there is a need, and we believe strongly that there is a need for a light at Primmer House Road and Leeland Station Road. So we essentially said hey, we are going to come forward, this is going to be... the goal was a win win. Frankly when we first started this it was we had \$200,000 and we didn't care whether it got used for fields or for schools or for parks. Since then it has gone to \$400,000, now it is at \$500,000. And we still really don't... we are happy to work with the County to best apply that \$500,000. The artificial turf field for the high school was an important use and we felt the light was an important use, okay. But don't get me wrong, we are willing to live with the proffers, we just don't think it is the highest and best use and we don't think it is in everybody's best interest. But we are only here because it should be a win/win. We are happy to let that interim parking continue. If I have a commercial phasing requirement that requires me to start a commercial development, whatever that proffer reads, that interim parking goes away. I don't think that's what everybody wants either. So we are really here to talk about it and to try to work out something that works for both of us. And if not, if that \$500,000 that we have on the table, because that is a lot of money, I know it may not seem like a lot, but it's a lot of money. The fields... that included the \$250, 000 for the fields and we believe... I trust my development guys. They develop these fields all the time. These fields are planned and approved and they do... they bid them out and have grading analysis and I will share with the staff. We need to make sure we are comparing apples to apples. But we can go either way, we just thought it was an opportunity to do something that the County would benefit from and we would benefit from. But we are happy to live with the plans that are approved today and the uses that are approved today.

Mr. Gibbons: I want to thank you very much.

Mr. Hirons: Any other questions for the applicant? Not seeing anyone, we can open the public hearing now. This is the opportunity for members of public to come forward and speak on this particular issue. Again this is reclassification, the Leeland Station proffer amendment. As you come forward, please state your name and address, there is a little light system on the podium there, you have three minutes. When you start speaking the green light will come on, yellow light will come on with about a minute left, start wrapping up your comments and when red comes up we ask you to please cease your comments.

Cindy Shelton: Hi I am Cindy Shelton and I represent the commuters. My concern is listening to this proposal, I absolutely love the idea of an active community near Leeland Station because we need an ability to get to Quantico, to the Pentagon and D.C. easily. Right now, as you have already heard, we have no parking. The overflow parking lot is even not enough. We have people going from Leeland to Brooke and other places, simply because there is not enough room. I respect the fact that you don't

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want VRE here, but we as commuters, the people that are actually doing that distance really want to have an ability to be able to park. The idea of going across the road and coming across in the rain, I can't even imagine how you could build something that would make it nice for us. That is my only point. Thank you.

Mr. Hirons: Thank you. Anyone else wishing to speak on this application, please come forward. Again state your name and address at the beginning.

Mike Quick: My name is Mike Quick. I have this page typed up, but probably will just have to hit the important stuff right now. First of all I am not trying to insult anybody, but it is sort of like there is so many overwhelming problems with this amendment. I studied it for hours, believe me. I spent many hours studying it. There is just so much wrong with it. Y'all know a lot of it but the closer you look at it the more you will see. It is bad, very bad. I only have three minutes to talk. I don't want to insult anybody or hurt anybody's feelings okay, but a used car salesman will usually try to find a price to hit you with and once you get that price for a used car then they can negotiate with you. They will tell you I am going to help, I know you don't have good credit, I am going to help you. We will help you out with a loan and all these things, promises. First of all I don't think a light is going to solve the problem, the light... 97 per cent of the time that light is not going to do anything for us. Y'all think it's going to solve the problem with traffic coming from Leeland Station, the train station, but it is not going to solve the problem. If you read the report from the train people, they said people in the parking lot are spending at least 10 minutes to get out of the parking lot already. If you put a light out there they are going to spend at least 30 minutes trying to get out of the parking lot. At least 30 if you put a light at Primmer House and Leeland Road. If you had a Starbuck's on that 3 acres, it is prime real estate. Why would you trade prime real estate on Primmer House Road, close to the train station, trade it for a property on the other side of the track, literally on the wrong side of the train track, almost inaccessible. It does not make any sense. That is only one part of the whole thing. So I am just saying, you find a solution not a light. A light is not going to be a solution. A solution would be if you had a Starbuck's or a little library, people could have a Wi-Fi connection, come early. That is what you want them to do. Come early to go to work and stay a little bit... half an hour. Starbuck's half price latta or whatever they call that fancy drink. Half price coffee a half an hour maybe. You know when a train comes in, whatever time, 5 o'clock till 5:30 you get coffee half price at Starbuck's. Or free coffee if it is a library. Libraries are changing now, its Wi-Fi, it's... I have friends that can't afford to buy DVDs, they can't afford to go on the internet. They could go there and use the service. I don't know how much more time. But a 70 unit building to help senior citizens, it creates jobs and we need jobs. We are talking about 70 units, not 70 houses. They play tricks with numbers. Oh, we are going to build fewer houses, it looks like houses but it's not its units. Beds in a unit... you know a 70 unit building for senior citizens, 48 duplex for senior citizens. Well you need to help senior citizens. We need to create jobs. You know we don't need to help the profit for a builder, they make plenty of profits. Thank you very much.

Mr. Hirons: Thank you. Anybody else wishing to speak on this application?

Ernest Lee: Yes my name is Ernest Lee and I am right behind the area that was going to be the ball field. Although on the chart as it was shown, it shows the ball field, I guess it would be more to the west. It is really back towards Leeland Road a bit, which is fine. But I have two concerns. One, the light, you can have a light if you want. A light is not going to do anything but backup traffic in Leeland Station parking. So, it's really no need for a light. I have lived there 40 years. No need for a light, I go by there all the time. As far as using the train station, I recognize what the lady said. Everything that she says is true about the commuters. I use the lot, I also was on the first train and the

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train business is a business I have been in and hopefully I am getting my chance to retire out of it finally. So with that being said, that's two things that I think are a concern. One, the \$250,000 proffer for a light, put it on the ball fields. You are going to need it on the ball field at Stafford. I am also a sports fan. And the second thing is I am a bit concerned about how this plan is going to affect the drainage. The drainage off of this property and off of Leeland Station goes through my two properties and back on to Sullivan's, which is down the street from me. So all I would ask is whatever you do with your decisions, just keep us informed. And I don't know if it's through another public hearing, usually that is not the way. Usually it's a session you guys do and you do your settlement, but just keep me informed of what is happening with the drainage, that is my only concern. Other than that, I really don't have too much of a problem with the whole amendment to the proffer. Thanks.

Mr. Hirons: Thank you. Anybody else from the public wishing to come forward to speak on this application? Seeing... yes ma'am. Again, please state your name and address at the beginning of your comments.

Marie Tate: My name is Marie Tate. I have used the VRE, I enjoy using the VRE going into Crystal City. Yes it is very crowded. You have to get there early. I still work, I still commute. That is why I was late getting here today. About the senior citizens home, I have looked at the homes that they have built over in Leeland Station and I was considering it myself. My property backs right up against this. My next question is, are these... I didn't catch whether these are to be single-family homes or... I came in a little late because of 95, sorry. Whether these are to be single-family homes or townhomes. Another thing I have is I noticed with the new construction over on the other side of the road. I live right on top of the hill, is my bank in the back of my property going to be chopped off like the house that site by the church? So I was just wondering about how that is going to be all constructed and so forth. But I was interested, and I am still interested because I like the area, in senior homes, single-family or the senior homes for the older folks. Thank you.

Mr. Hirons: Thank you. Anybody else wishing... yes sir. Again, state your name and address at the beginning of your comments.

Rob Hansgen: My name is Rob Hansgen. I just want to reinforce the concept of making sure that there is walkability over the Leeland overpass. I know that was part of the initial proffer. I watch every day as people walk in the dark, they run in the dark and it's a matter of time before somebody gets hit on that road. And you want to make the community walkable, I think that would solve some of the parking issues. The more walkable the community is to walk to the train station, the less parking you will need in the long run. So I just really hope the Commission considers that. Thank you.

Mr. Hirons: Anybody else wishing to address the Commission? Yes sir.

Douglas Richey: How are you doing? Douglas Richey. Thinking about the ball parks that y'all was thinking about bringing in. Have anybody considered the light, time of day, that is going to be on these people's property. Like when the lights... you turn on the lights for the ball park. You know is that going to be a problem to people... like older people that live in that area trying to go to sleep and anything like that? Have anybody really thought about that? Plus my property butts right against it too and I was just wondering how are y'all... are y'all just butting it up to our property or are y'all taking part of our property or what is the whole scheme of, you know, the way y'all are butting up the property. Thank you.

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Mr. Hirons: There were a lot of questions there. We will have the applicant address those. Anyone else want to address... yes sir.

Tony Roberson: Hello, how are you doing? My name is Tony Roberson. Our house... my wife and I house butts up... the back yard is to the track. The left side is actually right there at the bridge. So I live right there at the corner. The first house as you cross over the bridge. My concern is, along with everybody else, the amount of traffic that is going to be coming in. But I think one other issue... is there a way I can get this up on the...

Mr. Harvey: Computer please.

Mr. Hirons: Mike if you want to help him with the pointer.

Mr. Roberson: Okay. Understanding lights being put in at Morton and Leeland Station Road, but also... let's see. My home is actually right here, that is my yard right there. So as the road goes across, this is Riggs Road... what is going to happen with the traffic that comes here with the properties being built. Traffic coming out, what about there? Is traffic going to be backed up there, will there be some type of plat that is going to ease that traffic that is going to be congested there? Also the amount of children that my wife and I watch on a daily basis going over the bridge on bikes, running and playing around. It's going to increase, so are there any type of plans that is going to help ease that pedestrian traffic that is going to be out on that road as well? So that's pretty much what my concerns are.

Mr. Hirons: Thank you.

Mr. Roberson: Thank you.

Mr. Hirons: Anybody else wishing to address the Commission? Seeing no one else coming forward, I will ask the applicant if they would like to address any of the issues. In particular I would like to make sure you answer the young ladies question about single-family or townhomes. I think that is an easy one.

Mr. Leming: Yes.

Mr. Hirons: Lights on ball fields and if you could explain a little bit Clark or David or your engineer on the traffic light situation. The whole transportation situation, particularly the transportation study that was done.

Mr. Leming: Okay, we will cover all of those. These all would be single-family detached homes. There is no lighting required for the playing fields if they go in, which is probably another negative where the fields are concerned because that significantly limits the time that you can use the playing fields particularly in the fall months. I am going to ask Mr. Pyle...

Mr. Hirons: And Clark, that would include... there's nothing that calls for any lights on the fields or any lights in the parking that might (inaudible), right.

Mr. Leming: That's correct, that is absolutely correct.

Mr. Hirons: So essentially...

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Mr. Leming: And no land, no additional necessary that would be taken. There would be buffers that would be... if these constructed the playing fields actually are centered in a much larger area.

Mr. Hirons: That is one of the big negatives for the fields. It does not call for lights, does not call for lights in the parking.

Mr. Leming: No, they would be probably quiet under-utilized fields. I am going to ask Mr. Pyle to address the traffic situation in just a minute. I just... I wanted to talk for just a moment about the units here and be sure everybody understands about the way the calculations have been made here. Under the original proffers, I went back and checked them. All but the 70 congregate care units paid full proffers in 1995, or at least based on 1995 proffer guidelines.

Mr. Gibbons: That is correct.

Mr. Leming: What we are doing therefore, the number of additional units over and above that number, which comes down from 743 to 673. That is the number of units in Leeland Station that have paid proffers. The new total for Leeland Station would be 709, so that's what we are talking... we are talking about the difference. 673 have paid proffers, you may not like what they paid in 1995 but that is what they were assigned to pay in 1995, and they paid them. We are talking about an increase then, that is units that wouldn't have paid proffers previously, that don't have a credit for proffers. We are talking about a difference of 36 units.

Mr. Gibbons: No, no, no, no. You are good with your math. There is a difference of aged housing proffers and then number of school children.

Mr. Leming: No they are not Mr. Gibbons. Under the proffers we paid the full amount for the age restricted units under the 1995 proffers.

Mr. Gibbons: The same as...

Mr. Leming: The same amount.

Mr. Gibbons: ... as single-family?

Mr. Leming: What we did, the consideration... this is what I thought I remembered...

Mr. Gibbons: No, no. I will go back.

Mr. Leming: You can't.

Mr. Gibbons: I will dig it up.

Mr. Leming: The arrangement made back then is there would be no proffers at all in the congregate care units. So the tradeoff for that was there would be full proffers paid on the age restricted units. And that is what the proffers say, the only thing that's offset were the congregate care units, those 70. So back to my math, what that means is there in an increase, or there are 36 essentially un-proffered units. What they are offering is \$500,000, at current proffer guidelines you are getting awfully close to covering the education amount for those units. Not the full proffer amount, but the education amount. So 36 units are what we are talking about un-proffered here. I just wanted to be sure that everybody

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realized that the proffers were paid for the 673 units. And the Zoning Administrator signed off on everything saying yes, those proffers have been met and paid for. All over and done with. Not this Zoning Administrator, the prior one. Now to be sure everybody understands about the traffic, Bill could you talk about the light? The traffic study indicates to us that it would help, that it would help. I understand what people are saying about the commuter parking, the AM/PM peak times and backing up then. But I want Mr. Pyle to address and also the gentleman that raised the issue about the new, the parking... the development in the bay that would be adjacent to the commuter rail station. There is not going to be an increase in units there, it's an actual decrease although they are not age restricted. But I am going to let Bill give your more information on that.

Bill Pyle: Good evening, Bill Pyle with Bowman Consulting. First off, to address the gentleman with the question about the units across from Riggs Road. There were 48 duplex units and 70 congregate care units proposed in that bay. If you want to bring up the computer I will highlight it in blue directly across from Riggs Road, generally in here. Those units are being replaced with 61 single-family units. The traffic generation numbers are not the same for single-family as for the duplex active adult or the congregate care. I don't know what those are off the top of my head but chances are it is either relatively close to or a decrease in overall traffic at that intersection with Riggs Road. I don't have a copy of the traffic report, the traffic impact analysis in front of me. There were definite increases if I remember correctly, in levels of service at the intersections in the general vicinity of the light that was going to be installed here at Primmer House Road and Leeland Road, but I don't have the report in front of me. I believe that's in... staff at least has the report, I don't know if that was in your mail out.

Mr. Leming: Was there one other issue Scott, that you wanted us to...

Mr. Hirons: If you want to address it all, if you can, at all, for the folks who have the adjacent properties and their concerns about drainage and slopes.

Mr. Leming: Can you talk about that Bill?

Mr. Hirons: I know it might be fairly early in the process but I most certainly hope and I know K. Hov has been pretty good with neighbors. I hope throughout the construction process we will keep everyone informed. But if you can address anything now, that would be great.

Mr. Leming: We will be happy to and maybe this will help the Commission. If anybody wants to meet with Mr. DeMarco or Mr. Pyle after the hearing for more information they are happy to do that. Do you want to say anything generally about drainage?

Mr. Pyle: Yes.

Mr. Leming: Or cliffs?

Mr. Pyle: Generally both state requirements and county requirements are such that drainage leaving any of the property being developed here will either be at existing or reduced to below existing levels. So there should be no increase in runoff to any adjoining properties. This is accomplished by stormwater management techniques, either detention ponds, low impact development, bio-retention facilities and things like that. As far as grading cliffs on to adjacent properties, the adjacent properties do not belong to the developer. We can't do that, we will not be impacting your properties directly unless you grant an easement for us to do so. Was there anything else? I think that was...

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Mr. Hirons: If you could make sure, if anyone asks... If you have any cards with you, if you could...

Mr. Leming: Yeah.

Mr. Hirons: ... make sure (inaudible).

Mr. Leming: After the hearing we would be happy to address any of these questions in more detail. The final point I want to make is, with regard to the money we are not wedded to it going to any particular source.

Mr. Hirons: Right.

Mr. Leming: They have been willing to put a pot out there and...

Mr. Hirons: And the language of the proffers addresses that, correct? If it is not used for what it is being kind of directed towards, the County can still spend it as needs arise.

Mr. Leming: That is absolutely correct. Thank you all.

Mr. Gibbons: Mr. Chairman, if we go out tomorrow night and we see this rainbow, I was kinda hoping there would be a pot or something at the end of the rainbow that would help this application.

Mr. Hirons: Yes, perhaps... and I think we did come up with a few things that both staff and the applicant need to come back with us. I don't remember if you actually provided those immediately, but he parks and rec comments on the fields and the needs of the fields, their comments. I would like to see staff and the applicant get together on cost of the installation of the fields and try to figure out what the delta is, or why there is a delta. I think someone asked for kind of a table or something of proffer changes that have occurred from the original application in 1995 through...

Mr. Leming: Dr. Schwartz asked for that and they are in the package, those proffers.

Mr. Hirons: Okay. I can't read my bottom note so I don't know what the last one was.

Dr. Schwartz: Scott.

Mr. Hirons: We will close the public hearing at this point. Dr. Schwartz.

Dr. Schwartz: Going down this whole thing, the ball fields, there is no parking, there is no lights. Parks and Recs does not want them, they are going to be underused. This is not build it and they will come, type of philosophy. Nobody wants to waste money, it is just a precious resource that whole area being close to the Leeland train station is a very valuable stretch of Stafford County. The library is not really wanted, there is no demand for commercial according to the applicant. On the other side you have got the VRE crunch that is going on and I know the people in Leeland do not want a bigger parking lot, but unfortunately that lot services all of Stafford County, the commuters. By taking people off of 95 it services all the Commonwealth. Everybody benefits by having a larger lot there even if we have to increase the platform. VRE has been very successful since 1992 and the days of the steam engine according to Mr. Gibbons. The number of school children are increased and the proffers were adjusted back in 2004. Well a lot of things have gone up in cost since 2004. If you are going to throw another hundred children at us because we are doing away with senior citizen homes, something is

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going to have to give. Some money is going to have to give here. That traffic light, I live around the corner from there, the only time there is any trouble with traffic there is when the train lets people out at the end of the day. The traffic into that lot, there is no problem. The weekends, there is no problem. There is just four hours out of five days there is a problem, 24/7 there is no problem. There is no need for that traffic light there. It's a waste of money, just like the ball parks are, just like the library is. It is just such a valuable piece of property for the County, the Commonwealth. My opinion is the whole thing needs to be... the whole deal needs to be reshuffled and make it a win/win situation for everybody.

Mr. English: Addressing the traffic light, what about the impact during school time? Because I know that sometimes the busses (inaudible) a lot of traffic during school times. I am like you, during the day there is no traffic. There is not a traffic issue. That would be the only concern that I would have too, it would be during the school hours. I think they have... most of them go right, I don't think any of them go really left.

Dr. Schwartz: It doesn't really back up traffic that much, there aren't that many... since school buses are large vehicles the number of vehicles is not that great. It is when the people getting off of the train are trying to get home is the only time we really have any backup. Like you said if you put a traffic light there all you are going to do is backup traffic into the lot.

Mr. English: You are going to cause more problem than you are good.

Mr. Hirons: (Inaudible) make comments specifically about that light and whether that's needed or not. What it was, the traffic analysis indicated that would improve it, but traffic is pretty bad right there and knowing... living right there especially during school because there are a lot of parents, not only school busses but a lot of parents drive and pick up their kids from the school. Which really does increase traffic and most of the kids to Conway... I am sorry, all of Leeland Station now walk to Conway, so you have a lot of kids out there on the road as well or near the roads, walking to the school. My preference with the lights would actually be to have one that comes out from Walnut Farms... the intersection with Walnut Farms, Leeland Road and the road that services the new area that is currently being built. Which kind of addresses the same issue that the gentleman spoke to of the new bay that is being built and it is right across from Riggs Road. Just my comments (inaudible) I would think that would actually improve traffic, but their traffic analysis says it wouldn't. The light where they are suggesting would improve it more. But that is all for probably discussion down the road and see where this goes. Is there any other particular discussion points? I think we have asked staff and the applicant for some more information. So we are probably at a point where we need to make a motion to defer this. Now for deferral, we had talked about and there has been some discussion, we don't currently have a meeting scheduled for August 14th, but we may have another issue that comes up so part of my motion will kind of address that. I am not going to specify a date, but at this point I will turn the gavel over to Mr. English to chair.

Mr. English: Alright.

Mr. Hirons: My motion is to defer this applicant for, I can defer it without specifying a date at this point, correct?

Ms. McClendon: That is correct. You can defer it to the next meeting.

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Mr. Hirons: Okay, so my motion will be to defer RC1300138, Reclassification, Leeland Station proffers amendment to the next meeting of the Stafford County Planning Commission.

Mr. English: Mr. Hirons made a motion. Does anybody second?

Dr. Schwartz: Second.

Mr. English: Seconded by Mr. Schwartz. Any discussion? Anything Mr. Hirons?

Mr. Gibbons: Rysheda, doesn't... would you say the next regular meeting because the other one would be a special meeting.

Mr. Hirons: That is why I said the next meeting.

Mr. English: He did not (inaudible - microphone not on).

Ms. McClendon: That is correct. Basically when the special meeting is scheduled, at that time the topics that are going to be covered will have to be disclosed. So it is fine to say the next meeting now and when that motion is taken for a special meeting to add those topics to the list.

Mr. Hirons: Okay. So remind me if and when we get there.

Mr. English: Any other discussion? Mr. Hirons, any discussion?

Mr. Hirons: No, I think staff and the applicant have their marching orders. I am sure we will be discussing this.

Mr. English: Dr. Schwartz, anything?

Dr. Schwartz: Is it 10 o'clock yet?

Mr. English: Is it 10... call for the questions. All in favor of the motion signify by saying aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. English: Aye. Any opposed? Any abstain? Motion carries.

Mr. Hirons: Thank you.

Mr. Gibbons: Two absent.

Mr. English: And two absent, yes sir.

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Mr. Hirons: Five - nothing with two absent. Alright, moving right along, we are all the way up to item number 2 on our agenda. Item number 2 is the Amendment to the Subdivision and Zoning Ordinance, proposed Ordinance O13-34, to amend the lighting Ordinance. Mr. Harvey.

Mr. Harvey: Thank you Mr. Chairman. Robert Narvaez will be making the presentation for staff.

2. Amendment to the Subdivision and Zoning Ordinance - Proposed Ordinance O13-34 would amend Stafford County Code, Section 22-215, "Lighting," to clarify and define pedestrian scale lighting and street lighting. The proposed Ordinance would also amend Section 28-25, "Definition of Specific Terms," to define several terms associated with lighting in the proposed amendments. Proposed Ordinance O13-34 would further amend Section 28-87, "Outdoor lighting standards," to (1) create new outdoor lighting standards for all new commercial, industrial, and residential lighting installations or replacement of existing outdoor lighting fixtures; (2) create new lighting standards that will minimize glare, light trespass, overlighting, and skyglow, while improving safety and security, and conserving energy for businesses and residents of the County; (3) create exemptions from the lighting standards for certain listed uses, such as nonconforming uses, government lighting requirements, lights for emergency use, holiday lights, flag lighting, and airport lighting; and (4) create exemptions from and allow modification, waiver, or variation of the lighting standards for uses, as determined by the Zoning Administrator or CPTED official, applying specific standards as provided in the Ordinance. Additionally, the proposed Ordinance would streamline the review process by eliminating the need for conditional use permits in all zoning districts for pole heights taller than the zoning district's standards. **(Time Limit: November 18, 2013)**

Mr. Narvaez: Oh good I have still got a crowd. Good evening Mr. Commissioner... Planning Commission, this is item number 2, the Outdoor Lighting Standards, proposed Ordinance O13-34. The Planning Commission is to consider some amendments to the Subdivision Ordinance and the Zoning Ordinance, more specifically, to the lighting in the Subdivisions Ordinance and definitions and outdoor lighting standards in the Zoning. So the current standards lack... are a little bit outdated and lack the flexibility for to meet today's demands. On March 5th the Community and Economic Development Committee forwarded this proposal to the Board of Supervisors. On the 21st of May of this year, the Board of Supervisors forwarded the draft Ordinance to the Planning Commission for review and on July 2nd of this year the Board granted the Planning Commission a 90 day extension to review this Ordinance. So some of the highlights for this Ordinance is that it is going to address some of the CPTED principals, which is Crime Prevention Through Environmental Design and replace some of the outdated current lighting standards. This was created in conjunction with the CPTED officer, the Transportation Department, the Department of Parks, Rec, and Community Facilities, Schools, and the development community over the past year and a half. This will help streamline the site plan and subdivision plan reviews. It will also remove the need for a Conditional Use Permit for light poles for recreational fields in all zoning districts. So I am going to break it down a little bit, so here is an element of the Ordinance for the Subdivision Ordinance under lighting. It is going to break it down to two types of lighting. Pedestrian lighting which is lighting that is adjacent to the VDOT right-of-way but not close enough to be lit by it, so sidewalks that are just a little bit outside of the right-of-way. And street lighting will talk about lighting that is in the VDOT right-of-way. Section 28-35, "Definitions of Specific Terms" are going to add definitions related to lighting, so it is going to help define some of the terms that are going to be used in the next section which is 28-87, "Outdoor Lighting Standards". Again it will define the purpose, the applicability and general standards for lighting. But also provide guidelines for developers to help craft their lighting plan for residential and non-residential uses, the rec fields, multi-family residential, construction, architectural, landscaping,

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parking lot and pedestrian lighting. So this whole section will help address them so they have what is needed in a site plan or in a preliminary plan. As the last bullet shows, is that it is going to list what needs to be on the lighting plan and who can certify this lighting plan. So, staff recommends a proposal of Ordinance O13-34, because it will update the current lighting standards and eliminate the need for a Conditional Use Permit for pole height. And I will be here to answer any questions you may have.

Mr. Hirons: Questions for staff?

Mr. English: You said... when was the last time this thing was updated you said?

Mr. Narvaez: Oh, I think Mr. Harvey had referenced 1995.

Mr. English: Ninety-five, and the lighting for the street is going to be a lot brighter than as it is now, right?

Mr. Narvaez: When you say street, do you mean like...

Mr. English: Like subdivision street lighting.

Mr. Narvaez: Slightly, probably going from .03 to .05.

Mr. Hirons: The elimination of the CUP, did you say that includes recreation fields as well?

Mr. Narvaez: Correct, the CUP process, the maximum height is dictated by the zoning and some of the light poles are much taller than the underlying zoning. So by putting in suggested pole heights this will eliminate the need for a CUP. But it is only for pole heights, not necessarily for like buildings. So you can't get like a 90 foot building you would get maybe a 90 foot pole.

Mr. Hirons: Right, but I have a little bit of concern with that because of... hopefully Mr. Leming won't here this, I am not picking on him, but like the Leeland application we just heard, if they built those fields and two years from now the developer says oh I can market it better if I put lights up. He could essentially put light poles up without any public review... public comment outside of, I don't even know if that would go through TRC or anything. It wouldn't have any public comment before this Commission or the Board of Supervisors.

Mr. Narvaez: Correct. Well part of the site plan approval process is notifying adjacent property owners. So they will get some indication that there might be, but yes you are correct. There would not be a public hearing process, but the public is always welcome to come to TRC.

Mr. Hirons: In years past, lights on ball fields has been kind of a public issue, hasn't it?

Mr. Narvaez: I am not sure about that. I have worked with the Department of Parks and Rec who will be taking most of these fields, voicing their concerns and going back and for the. There is one part of the Ordinance where it states that no games are to continue past 11 p. m. unless otherwise specified and no games will start after 11 p. m. So that was one of the things that we had worked out with...

Mr. Hirons: The fields that are proposed... that were part of the Embrey Mill project, do you happen to know if those are lit fields within the proffers and the plan that is going through.

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Mr. Narvaez: I am not sure about that, but I can look that up.

Mr. Hirons: Do you happen to know Mr. Harvey?

Mr. Harvey: Mr. Hirons I do not know. The detailed site plan for that park is not yet finalized.

Mr. Hirons: Okay. Any other questions for staff? It is not necessary of an applicant for this so we will open the public comment portion of this public hearing. Anyone wishing to come forward and address the Commission on item number 2, the amendment to the Zoning Ordinance regarding lighting please come forward now. Seeing no one rush up to the podium, we will close the public hearing. Mr. Gibbons.

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

Mr. English: Second it.

Mr. Hirons: There is a motion to recommend approval, is that correct? And a second by Mr. English. Any discussion? I will just voice the concern, I am concerned about that CUP being removed but I will vote in favor of recommending this. But I will be sure to address that with the member of the Board of Supervisors from the Falmouth District. So with that I will call for the vote. Those in favor please signify by saying aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. English: Aye. Any opposed? Motion passes 5 to 0 with 2 absent.

Mr. Gibbons: Mr. Chairman I agree with you on the CUP, but there is a problem now that when you... we had an application here the last time with the security fence. And just to raise it four feet costs \$10,000 to do a CUP. And it is the same thing with a light for a ball field, I would unforesee a CUP but it has got to be a minor and a major or like you do with a subdivision.

Mr. Hirons: Yeah.

Mr. Gibbons: It has got to be... you have to address that.

Mr. Hirons: I have said that since day one.

Mr. Gibbons: What's that?

Mr. Hirons: I think I have said that from day one on this Commission. I wish there were more options, a better fee structure for permits.

Mr. Gibbons: Thank you sir.

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Mr. Hirons: With that we will move on to item number 3. Proposed Zoning Ordinance O13-36, to amend Stafford County Code Section 28-25, "Definition of Specific Terms," and this is microbreweries.

Mr. Harvey: Mr. Chairman, please recognize Susan Blackburn.

3. Amendment to Zoning Ordinance - Proposed Ordinance O13-36 would amend Stafford County Code, Section 28-25, "Definition of Specific Terms," to add definitions for the following terms: beer, brewery, distillery, and microbrewery. The proposed Ordinance would amend Section 28-35, Table 3.1, "District Uses and Standards," to allow a microbrewery by conditional use permit in a B-2, Urban Commercial zoning district and by-right in an M-1, Light Industrial and M-2, Heavy Industrial zoning district; to allow a microbrewery with facilities for social events by conditional use permit in an M-1 and M-2 zoning districts; and to allow distillery and brewery use by conditional use permit in an M-1 zoning district and by-right in a M-2 zoning district and allow a brewery or distillery use with facilities for social events by conditional use permit in the M-2 zoning district. Lastly, proposed Ordinance O13-36 would add Section 28-39(w), "Microbrewery," to the County Code to proscribe special regulations associated with microbrewery use. **(Time Limit: August 20, 2013)**

Mrs. Blackburn: Mr. Chairman, Planning Commissioners good evening. May I have... I have it. The item before you tonight is proposed Ordinance amendment O13-36, and this is to amend Sections 28-35, Table 3.1, "District Uses and Standards" and Section 28-39, "Special Regulations" of the Stafford County Code to define beer, breweries, distilleries and microbreweries, designate which zoning district the uses will be permitted and describe the special regulations for the uses. The County had received several inquiries and this was also through Economic Development, expressing desired to establish microbreweries within the County. Currently the Zoning Ordinance only permits the manufacturing of alcohol in the M-2, Heavy Industrial district, with the approval of a conditional use permit. Staff felt that this was maybe a little... well felt that it was not really addressing a microbrewery situation. But more of a Anheuser Busch or Seagram's distillery. And staff researched the operation of microbreweries and the size and how the surrounding jurisdictions permitted them. The industry standards define microbreweries as producing less than 15,000 barrels of product a year. After surveying the surrounding jurisdictions, which you do have that information in your packets, the use was generally allowed in an industrial zone either by-right or by interpretation if they had not had anything exactly in their Ordinance stating microbreweries. And the licensing that is required by the State is set up as far as volume goes. And it is more than 10,000 barrels or less than 10,000 barrels a year is their deciding factor. They also have licenses for on or off premise sales, keg and non-keg sales and many times multiple licenses will be required for these operations. And at the May 7th meeting of the Community and Economic Development Committee this information was presented to them and they felt that after discussion they did forward the information on to the Board of Supervisors. And the Board of Supervisors adopted Resolution R13-175 at their May 21st meeting and referred the proposed Ordinance O13-36 to the Planning Commission for your review and recommendations, and also stated that you could make any changes deemed necessary or appropriate. And the Commission discussed the proposed amendment at their last meeting on June 12th, and you agreed on several items that had already been included in the package and proposed different changes and additions. And the one thing that you did keep intact was the definitions of beer, brewery, distillery and microbrewery. And those definitions are in your packets. And you also decided that microbreweries would be allowed as they are defined in the B-2, General Commercial District, with approved conditional use permit. You also agreed that microbreweries to be allowed in the M-1, Light Industrial District, as a by-right use. You added distilleries and breweries to be permitted in the M-1, Light Industrial District, with approval of a

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conditional use permit, also distilleries, breweries, and microbreweries to be permitted in the M-2, Heavy Industrial District, as by-right use. The final thing that was discussed was approval of a conditional use permit for a microbrewery, brewery, or distillery in a M-2, Heavy Industrial District, that hosts a social event. And I have received several comments received from citizens and many of them were put in your packet and they have been very positive. Some of the information from the Brewers Associations is that it is a growing industry nationwide. In 2011 they had 1,747 licensed microbreweries and in 2013 so far, it's to 2,514. The comments have been that it will enhance tourism in the County, also there was information presented to you for a Brew Trail and a Grapes and Grains Trail that are currently in the Commonwealth. It does support a local business venture and one of the comments, or several of the comments have been that they would like to see it expanded to agricultural districts and to more of the business districts. Staff recommends approval of this Ordinance with the appropriate regulations and approvals put in place and with the appropriate zoning districts, this type of use could actually be an asset to the community and the tourism of Stafford County. And do we have any questions?

Mr. Hirons: Questions for staff? No questions on this topic. Mrs. Blackburn, the conditional use permit for B-2...

Mrs. Blackburn: Yes.

Mr. Hirons: Was that what the Board had forwarded to us?

Mrs. Blackburn: Yes.

Mr. Hirons: Okay, so...

Mrs. Blackburn: Because it was as it was defined and we did not... the definition for a microbrewery, a facility that produces and sells nor more than 10,000 barrels of beer, malt liquor or ale annually and is regulated by any applicable Virginia Law. That was to... that does not stop distribution, and that was what was discussed that we felt the B-2 zoning district was more of a retail type of district, those are the types of uses that are listed now in the Ordinance under that district. And that it really wasn't conducive to distributions, but if there was a location that potentially would be conducive for something like that, then a conditional use permit process that could be a process that could be applied for. And the individual location could be located. And as was brought up at the last hearing, if a restaurant and a microbrewery are associated with each other, and the microbrewery is only selling through the restaurant then it would be allowed as a restaurant in B-2, but there would be no distribution to the local stores.

Mr. Hirons: Someone could not just come in and buy a keg.

Mrs. Blackburn: Yes.

Mr. Hirons: Okay, great. Mr. English.

Mr. English: Yes one of your comments, somebody sent you a letter in reference to the live bands in B-2 zoning without nightclub permits. They are not planning on having nightclubs in these things are they?

Mrs. Blackburn: Well we require special permits for nightclubs.

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Mr. English: Okay. So that would take care of the issue?

Mrs. Blackburn: Whatever, yes.

Mr. English: Okay.

Mr. Hiron: Any other questions for Mrs. Blackburn? We will open the public comment now, at this point. And anyone wishing to address the Commission please come forward. At the beginning of your comments please state your name and address. Again there is a light system on the podium, three minutes to speak. Green light comes on when you start, one minute left with yellow and wrap up your comments when red comes on.

Everett Lovell: Thank you. My name is Everett Lovell. I am very excited about the idea of a microbrewery coming to Stafford County from the tourism aspect of it. If you currently go in and google microbrewery for Stafford County you get none, there are none in Stafford County. I think that certainly ought to change because you do have, as was mentioned earlier, people going from microbrewery to vineyard and it promotes a lot of tourism. The staff said something about currently it was... I think brewing was only allowed in M-1. I do know of one restaurant brewery in Stafford County and I assume they are still brewing and they are certainly not in M-1, they are in a business zoning. I think you ought to promote a lot more in the business zoning and not so much in the industrial zoning. There are two microbreweries that I know of that have opened up north and south of Stafford, one in Manassas and one in Ladysmith. They are both in strip shopping centers and of course that is not industrial, that is general business zoning. Again I think Stafford ought to promote something like that. There was a brewery that is going to open up down in the Virginia Beach area. They are going to have a 58,000 square foot facility, they are planning on 40,000 barrels of beer a year to start, which is a lot of beer probably much larger than we will see in Stafford County any time soon, a twenty million dollar facility with 41 employees. They said they wouldn't have come to Virginia had Virginia not relaxed the laws to allow tasting room, banquets and the like on site. Everything I hear in the staff report says if you have a banquet you are going to need a conditional use permit. So they are going to allow breweries or microbreweries by-right in industrial zoning but not if you have a banquet or a tasting room with more than 25 people on site. I think that ought to be relaxed so you can have more people without having to go through the conditional use permit. I hope staff will encourage microbreweries in A-1 zoning, so we can have something like the winery tasting room. I hope they encourage it on B-2 zoning without the conditional use permit and I would like to see it also allowed in the industrial without the conditional use permits. The banquet aspect of it is very important. Thank you very much.

Mr. Hiron: Thank you. Anyone else wishing to address the Commission?

Shawn Phillips: Good evening, my name is Shawn Phillips. I have worked or with Blue & Grey Brewing for the last 4 years and I am one of the proprietors that looks to open in Stafford County. The conditional use permit is an expensive permit, as you all well know, and it is kind of a heavy burden for a new opening business. And the concerns that I have heard are referencing the distribution of beer and the products that are produced in the brewery, and I can assure the Board that it's miniscule, the amount of traffic that is produced in the distribution process. No more than a delivery truck to a gas station on fewer occasions as well, maybe once a week or twice a week with the distribution. So that should not be a concern for the Commission. But I do appreciate y'all allowing us to come and speak to you. There's a M-1 by-right, and I have a vision, if I can see the computer please. We have gone and looked at some of the M-1 spaces and our business plan calls for a restaurant. It does... it will be

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inviting the community, that is what we want to be a part of is the community. If you have gone to a beer event in the past you will know it is a thriving industry because the community that follows it. And so these areas that you see here, you can see a lot of vehicles parked in random order, no ingress or egress to the locations and definitely no parking in the M-1 locations. So it is not very conducive to a community environment that we are trying to instill. That community involvement requires some sort of B-2 zoning. And the noise and nightclub was already covered in an earlier conversation. I would like to strongly encourage you to consider changing the wording just a little bit and allow for by-right in a B-2 and not restrict the amount of production just to sell in a restaurant, because that would stiffen our growth potential while not saving the county from anything other than very light traffic of delivery trucks once a week. Thank you.

Mr. Hirons: Thank you. Anyone else?

Tim Bornholtz: Hello my name is Tim Bornholtz and I am the president of Adventure Brewing Company. We hope to open Adventure Brewing in Stafford County before the end of the year. The three principal owners of Adventure Brewing all live in Stafford County and this is our preferred option for a location of a microbrewery, but it is not our only choice. We have much of the necessary equipment already purchased and we are working with vendors to purchase the rest of the equipment, supplies and merchandise but we feel like we have to wait for the zoning decision before we move forward with the location. The Federal and State licensing process to open a brewery is a very lengthy and capital intensive one. Before we can even begin a process we need to have a location secured and have a certificate of zoning compliance, which hinges on the decision tonight. There appears to be little debate on whether to allow a microbrewery to exist in the County or not, the question is whether to allow a microbrewery in M-1 by-right and B-2 by-right or M-1 by-right and B-2 with a conditional use permit. As a company Adventure Brewing Company is comfortable with either option, but it may be advantageous to the County and to us to allow B-2 by-right. On January 1, 2013 there were 48 breweries in Virginia, just 6 months later on July 1st there are 62 breweries in Virginia. That is a 30 per cent increase in 6 month and there's many, many, many more breweries planned in the planning stages. Virginia is quickly becoming a craft brew state and Stafford needs to act quickly or you are going to be left behind, both from tourism dollars and tax revenue. As I said Adventure Brewing is comfortable with the wording as written but we can definitely see the advantages both to us and to the County to allow B-2 by-right. We also agree with most of the comments here, the assembly is a bit restrictive. Really if you have been to microbreweries sometimes there is some music playing. We are not going to be open at midnight, we are not going to be a dance club. A brewery is not a place where people hang out and watch the super bowl. A brewery is a place where we make beer but we are able to sell beer with the new laws. We think some small assembly, we think is appropriate. Thank you.

Mr. Hirons: Thank you. Anyone else wishing to address the Commission?

Joe Katz: Good evening, my name is Joe Katz. I with Shawn am looking to establish a new brewery here in Stafford County. I am not originally from here. I am from Boston so I apologize for the accent up front. All that being said I have kind of grown up in different area and breweries have been part of the culture, a sense of belonging and a sense of community. So what we are looking to do is essentially bring something in that folks here in Stafford can own. Not looking for another Buffalo Wild Wings or Chili's or any of those corporate chains. We are looking for something local to help further our community. I think you heard a little bit about that. There was a reference to a brewery being opened in Virginia Beach. The proprietors of that are called Green Flash Brewing are from southern California. They are coming all the way across the county to open up here in Virginia. I think it would be best to have something local and to do that I think we need to be less restrictive.

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You've heard remove the conditional permit, allow by-right in a B-2 zone. Typically breweries, as the gentleman just mentioned, it's not some place where people are going to be hanging out until one in the morning. We are not going to be having crazy after hour's parties there. It's a craft and that's what we are looking to do. We are looking to bring that to the community, make local beer, sell it to Stafford County residents, Fredericksburg if they so choose to come here and also provide an environment where they can sit down and enjoy it. Looking to make something good here and as I say make a local culture. I appreciate the opportunity to do so and thank you for your time.

Mr. Hirons: Thank you. Anyone else wishing to address the Commission? Seeing no one come forward we will go ahead a close the public hearing and bring it back to the Commission. Any questions for staff or discussion? Mr. Gibbons.

Mr. Gibbons: I have got one question. There seems to be a lot of concern about the B-2. So we have a drop dead line of 20 August, right?

Mr. Hirons: I am sorry, what...

Mr. Gibbons: When is the next Commission meeting?

Mr. Hirons: The next scheduled meeting right now is August 28th.

Mr. Gibbons: Right here it says the time limit we got on this is 20 August. Is that right Jeff?

Mr. Harvey: Yes sir.

Mr. Gibbons: So it's tonight we have got to do this.

Mr. Harvey: Yes sir, unless there is another meeting scheduled in the interim.

Mr. English: I have got a question, the winery in the Potomac, is that a CUP? What that CUP?

Mr. Harvey: No sir. Wineries by State Law are by-right uses in agricultural zones.

Mr. English: I would not have a problem with them taking B-2 and making it by-right. I don't know how we would go about doing that. A-1 maybe should be a CUP but I think B-2 would be appropriate in this situation, in my opinion.

Mr. Gibbons: I don't know. That experience we had down there in Olde Forge. Thank God we had it B-2 by-right down there, otherwise you could not have put no conditions on it. I am not in favor of the \$10,000 charge for B-2 but I am in favor of some oversight because you never know where it is going in at or what community it is next to. And that is your only ability to put some sort of... some conditions on it.

Dr. Schwartz: Right next to a day care.

Mr. Boswell: (Inaudible microphone not on).

Mr. Hirons: No. Do you want to address that Mr. Harvey?

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Mr. Harvey: Yes Mr. Chairman. A conditional use permits require public hearing with the Planning Commission and Board. We have a set fee schedule based on the acreage of the property. If it is relatively small acreage involved it has a lower fee than a larger acreage. The lower fee is around \$6,000 to \$6,500 compared to \$10,000 and higher. Also there is an opportunity for a special exception in our code where that goes to the Board of Zoning Appeals. Generally speaking special exceptions are for uses that are considered to be compatible within the zone but need some oversight but not to the level of a conditional use permit.

Mr. Boswell: And if we went that way and we had a problem is there avenue to pull that special exception?

Mr. Harvey: The special exception is similar to a use permit and would have conditions that could be imposed.

Mr. Boswell: And that could be put on and not be as expensive as a conditional use permit.

Mr. Harvey: Yes.

Mr. Hiron: What is the will of the Commission at this point? I think... have we have asked all the questions that are necessary?

Mr. Gibbons: Mr. Chairman if you going to consider a 20 August meeting is what you are...

Mr. Hiron: 14th.

Mr. Gibbons: 14th. I would think we should take a little bit more time with this and see... have staff come back and say what is the easiest way to have conditions put. Maybe not with a special use permit but by exception to...

Mr. Hiron: Okay.

Dr. Schwartz: Can we handle that tonight with an amendment?

Mr. Gibbons: What's that?

Dr. Schwartz: Can we handle that tonight or do we need another...

Mr. Hiron: Yeah, do we need more information...

Dr. Schwartz: ... public hearing?

Mr. Hiron: ... or are you looking just technically...

Mr. Gibbons: I would like to have the staff come back and take a look at some rewording of it. I would rather have it done right.

Mr. Hiron: Okay.

Mr. Gibbons: Take a week or two then goof it up and the Board would have to send it back.

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Mr. Hirons: Was there a motion there?

Mr. Gibbons: I would like to make a motion.

Mr. Hirons: Was there a second to it?

Mr. Boswell: I will second.

Mr. Hirons: Because then I will ask. Would it be appropriate now Rysheda to maybe go ahead and authorize... it looks like we are heading towards a need for that August 14th special meeting. Can we now at this point where we are at authorize that or call for that.

Ms. McClendon: Sure you can call for the special meeting and as topics come up that you would like to be placed on that agenda, it just needs to be stated that it is going to be at that meeting so we have adequate notice.

Mr. Hirons: We can call for it by simply... you advised me earlier the Chairman can call for it.

Ms. McClendon: That is correct. You don't really need to have a vote on it as long you have...

Mr. Hirons: As Chairman can I say we will have a special meeting every night of the week, except for me?

Dr. Schwartz: (Inaudible - microphone not on) August 14th.

Mr. Hirons: I think that was what was distributed and discussed a little bit as the best option.

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

Mr. Hirons: Did he? Okay. Did you have any guidance on that Mr. Harvey?

Mr. Harvey: No sir. It would be up to the Commission as to when you would want to have another meeting.

Mr. Hirons: Okay. Alright. So I will leave it for discussion here. August 14th or July 24th?

Dr. Schwartz: I know some of the applicants time is a matter and a lot of their instances the sooner the better.

Mr. Bornholtz: Can I make a comment about the brewery next to a daycare? Federal law already prohibits breweries with 500 feet of a church or a school.

Mr. Hirons: I was going to ask that.

Mr. Bornholtz: So it is already not allowed by the federal laws.

Dr. Schwartz: But that was just basically, we are able to determine where... maybe a drycleaner...

Mr. Bornholtz: I understand, I just wanted to offer that clarification that federal law already covers...

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Dr. Schwartz: How about VDOT, we don't want you next to VDOT. Does federal law cover that? I was just saying by CUP we get to look exactly where you are going.

Mr. Bornholtz: I understand.

Mr. Hirons: I want to put you right next to the Sheriff's office,

Dr. Schwartz: There you go.

Mr. Hirons: So am I hearing Dr. Schwartz...

Dr. Schwartz: I am saying July 24th...

Mr. Hirons: Would be your preference?

Dr. Schwartz: ... would be my preference.

Mr. English: I can go with that.

Mr. Gibbons: July 24th?

Mr. Hirons: July 24th for special meeting as opposed to...

Mr. Gibbons: I don't (inaudible).

Mr. Harvey: Mr. Chairman, I will note that several of our staff members will be out at that time frame, but we could potentially have other staff at the meeting.

Dr. Schwartz: Who's running the... well what issues are we talking about bringing up...

Mr. Hirons: Right now we are talking about...

Dr. Schwartz: Abberly?

Mr. Hirons: ... Leeland, Abberly and most likely we are heading towards that one being continued as well and this issue.

Mr. Harvey: If you can give me a minute to consult with staff, because right now I know at least two of us won't be here.

Mr. Hirons: It sounds like yourself included.

Mr. Harvey: Including me, yes. I will be out of the area.

Mr. Hirons: Okay, with that we'll just stand the Commission at ease while they figure that out. Alright the Commission can come back to order.

Mr. Harvey: Sorry for the delay Mr. Chairman.

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Mr. Hirons: No problem Mr. Harvey.

Mr. Harvey: Mr. Zuraf and I are going to be heading back to this area on that date and we may be late getting to the meeting. So we possibly can make it for the 24th.

Mr. Hirons: Tan, rested and ready.

Mr. Harvey: We are at a conference.

Mr. Hirons: Okay, Dr. Schwartz is there a conflict that you have with the August 14th date?

Dr. Schwartz: No I was just trying to... because the things have to get in front of the Board of Supervisors and they have to do things before we get to their moratorium ...

Mr. Hirons: Yes and....

Dr. Schwartz: ... (inaudible) election involved.

Mr. Hirons: ...and that's one of the reasons they asked us... and they were okay with August 14th. I think with all the timing of all the issues before them.

Dr. Schwartz: Okay.

Mr. Hirons: Alright. So do I just as Chairman say we'll issue a special... we will have a special meeting on August 14th of the Planning Commissions. As of right now we will take up this issue, which is proposed Ordinance O13-36 and the Leeland Station proffer amendment. As we go through the agenda are we able to add items?

Ms. McClendon: Yes Mr. Chairman.

Mr. Hirons: Okay. Is that all we needed?

Mr. Gibbons: Yes, but we have to vote on this to go to...

Mr. Hirons: Right, so now we are back to our motion and so to take it up in the August 14th meeting.

Mr. Gibbons: Right.

Mr. Hirons: Mike is not going to be happy with me when he comes back and sees this long agenda for August 14th.

Mr. Gibbons: They might bring some tasting.

Mr. Hirons: There was a motion by Mr. Gibbons and a second by Mr. Boswell. Any further discussion on deferring? Did you have any concern with that?

Mrs. Blackburn: What do you want...

Mr. Hirons: We are deferring to August 14th.

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Mrs. Blackburn: That's fine. What do you want me to work on?

Mr. Hirons: Oh, I'm sorry.

Mr. Gibbons: We would like to have the language looked at for a special use permit... conditional use permit for the B-2.

Mr. Hirons: Yes.

Mr. Gibbons: As another avenue to go to or could we recommend lesser of an application fee or something to the Board?

Mr. Hirons: So I think that's... what we are looking at are options for, to make it more economically advantaged.

Mrs. Blackburn: Okay.

Mr. Hirons: On either by-right use in B-2 or any other options. I think it might helpful also if you could bring us any information that the folks back there might have on their federal regulations or state regulations that define where they can go and can't go and what other regulations they fall under that might typically we talk about as a part of the CUP application process.

Mrs. Blackburn: Okay.

Mr. Hirons: Okay. Any other discussion? Those in favor please signify by saying aye.

Dr. Schwartz: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Hirons: Aye. Any opposed? Motion passes 5 to 0 with 2 absent. And we now definitely have a meeting on August 14th. Alright, so with that we are on to item number 4 under unfinished business. Let the room clear out a little bit. Item number 4 is COM1200323, Comprehensive Plan Compliance Review for the Clift Farm Quarter continued from our last meeting.

UNFINISHED BUSINESS

4. 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: October 31, 2013) (History: Deferred at June 26, 2013 to July 10, 2013)**

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Mr. Gibbons: Mr. Chairman we have got a resolution from the Board that granted us an extension on this.

Mr. Hirons: As I understand it yes. I am hoping staff will give us the information behind that.

Mr. Zuraf: Mr. Chairman, members of the Planning Commission this item was for the consideration of the extension of public sewer and water outside the Urban Service Area to serve up to 108 lots on the property known as Clift Farm Quarter. The Planning Commission conducted a public hearing at their last meeting on June 26th and deferred it to tonight. The issues that were raised, there were three questions. One was the question about the land use designation of park land and how much of the County designated park land is on privately owned land. We provided you some statistics on that information. There are 6,689 acres designated park land on the Comprehensive Plan Future Land Use Map. Of that 82 per cent of that area, 5,400 acres approximately is under federal, state, city or county owned control. And only 18 per cent of that area, or 1,250 acres is under privately owned property. Also the second point, the Commission asked for a copy of the 2005 plan which was the basis for the previous Comp Plan Compliance approval. We provided that plan in as attachment 1 with your memo. And then the third point, there was concern about the water and sewer capacity to support the project and a desire to get some additional information from utilities. In talking to the Utilities Department, they are... their latest draft capital improvement plan is being reviewed by the Board and they... a more detailed analysis of the water and sewer capacity in this area has not been completed to date for this area. So those were the main points and as Mr. Gibbons referenced the Board, at their last meeting, did adopt a Resolution that granted the Planning Commission an extension to make a decision on this request until October 31st. And I will turn it over for any questions.

Mr. Hirons: Questions for staff?

Mr. Gibbons: Do we know what the status on the CIP is with the Board? I thought that got a tie vote, didn't it?

Mr. Zuraf: I am not certain what the status is on that.

Mr. Gibbons: Oh, that was the rate... was that the rate increase that ended up in a tie?

Mr. Harvey: Mr. Gibbons, the Board has not acted on that and to tie it in with that was the CIP.

Mr. Gibbons: Right, so it's still...

Mr. Harvey: It's still at the Board level, yes.

Mr. Gibbons: The questions I've got, I walked this property. I went down and met with the attorney and I think it's up to you Scott. You've got two applications on the same property. One has five hundred and some units and this is a hundred and I think ninety some if you do the bonus. And there is no provision. We looked on what is the procedure or provision that the applicant can go and pay for the upgrade to sewer and water thing on a pro rata basis. The applicant is willing to pay for the upgrades, so that is why I asked Jeff today for any guidance in... and I guess you suggested Jeff, maybe we could make service agreement with the... between the applicant and the Utility Department or a contract or something that they would go in and upgrade it to the capacity that is needed. And then it would qualify for pro rata.

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Mr. Harvey: Mr. Gibbons, yes. In my discussions with the Utilities Administrator, if there was a proposal to upgrade the pump station from a developer that would require an agreement with the county as far as pro rata reimbursement.

Mr. Gibbons: So, but the monies would go directly to the Utility Department, between that and the developer, correct?

Mr. Harvey: Yes, because often times in a case of this type of situation the developer provides the facility but the facility covers more capacity than the developers project so any additional capacity beyond the developers project would be reimbursed potentially back to the applicant as who constructs the pump station upgrade. But that is based on development as it occurs. It is for the fees that are paid by those developments.

Mr. Gibbons: So, I mean that is what I have done and that's why I did the disclosure tonight. Because I wanted to know if we did look at it was he willing to put up the money upfront for the upgrade so there would be no burden on the County. And he was willing to do that.

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

Mr. Gibbons: The applicant.

Mr. English: Is the applicant here?

Mr. Gibbons: Yes he is here. So I did walk the property. I did take a look at it and Scott, you know, it's in your area and Steven's area.

Mr. Hiron: Yes.

Mr. Gibbons: But there is a difference of five hundred, I think, seventy-six verses a hundred and ninety-three. But the only bad part about it, I think, it is awful hard to put some upscale homes backing up to the landfill. That's the only downside. But when you look at what he come in with...

Mr. Hiron: Sure. But, the discussion we already had earlier today, schools are pretty tight down there and if we add any density at all we are just adding to the burden of the schools. So, at any rate at this point if... Mr. Leming, if you have anything to add to the discussion?

Mr. Leming: I will just make a couple of comments because I assume with the additional time you are going to take some additional time. Two points, one, what Mr. Gibbons said and what Jeff has corroborated is correct. When there is a piece of utility infrastructure that needs to be enhanced or built from scratch then typically what happens if you have a developer that comes in, takes responsibility for that, they enter into a pro rata agreement with the County. And under the terms of that agreement they build or in this case improve the pump station to the county's specifications. Whatever they spend on that, they get credit for the pro rata payment that they make to (inaudible). You all don't get directly involved in this, but every time a building permit is issued there is a pro rata payment that is made to the county for utilities or for infrastructure. They would get a credit on that and then at such time that they exceeded their share of the contribution to that facility and others came in and used it they would get reimbursed from those other users. Not from the County but from those other users of that facility. I did want to share one thing with you and I hope I emphasized last time that I think the real issue here is simply whether or not the units on this property are going to be on all

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water and sewer or part water and sewer and part water and septic. And I had our engineers go back and prepare something for your review just to help you understand what I think the issue is here. I indicated last time that as far as the units were concerned that by mixing and matching these and crowding more units on to the part of this property that is in the Urban Service Area and then having some additional units in the part that is outside on septic, that we still reach the same number. And Mr. Reese is the engineer for Clift Farm and I want to... I would like to pass out what he prepared and show you the scenario that we think lawfully could occur here. Now to be sure there would be some additional engineering that would have to be done here and I will wait until you have that before you. And I am sorry I did not have this in, in time to get it on a slide. Now I recognize that you don't have the plan that was submitted in August before you, but if you recall from the plan that was submitted and that was before you last time there were units more evenly dispersed over the entire property. To orient you, to the left side is Route 1, to the right side at the very outside edge of the property is the County Landfill. To be sure the County Landfill is moving in the other direction and is reclaiming the area that is anywhere in the vicinity of the property. But there were still... to address that issue there were still considerable buffers. This leaves all that open. The reason that occurs is because we still have to meet an open space requirement. Under your Cluster Ordinance 50 per cent open space is required. So what we did here was to concentrate by Mr. Reese's calculation 149 units on the acreage that is in the Urban Service Area under the Cluster Ordinance. So 149 units are over there, this... he included some of these... there is a black line that runs through the property and has the oddest little angle in it. I think that is just around the wetland there and then continues to the east and then directly almost to the north from that point. That is the urban service line. That is the line that determines where sewer can be offered without any further review and where sewer is not to be offered without a 2232 review, such as before the Commission. So this urban service line you see actually cuts through some of the lots. And Mr. Reese has assumed that these lots because of how they are oriented and where the house would be, would be served by sewer, but not necessarily so they could also be served by septic. But the point, the point that this makes is that the same number of units could be engineered on this tract of property. It appears that at least 48 of them would be on septic, they would be outside of the Urban Service Area, 149 or maybe somewhat less than that, depending on where the split is here, would be in the Urban Service Area and would be on sewer. So it's the same number of units, they can do it. The property is owned by the nation's largest builder, D. R. Horton. Somehow it is going to be developed residentially. They are trying to come up with the optimal plan in recognition that probably you all are going to recommend to the Board of Supervisors that this be taken out of the County's UDAs and the Board may act on this. So what is the next best way to develop the property? The point of this is to show you the absurdity of the situation that could be done and may have to be done, that actually would have neighbors parcels immediately next to each other, one on them on sewer immediately next door not on sewer, or immediately across the street from each other, one on septic on one side of the street, one on sewer on that side of the street. And it seems to me that in this particular situation where you have the multitude of factors that affect this property, a parcel that is half in and half out of the Urban Service Area, essentially. You actually have physical sewer, a sewer line, a gravity sewer line on the property that under those circumstances, rather than have the property develop half and half or not even half and half, two thirds, three fourths to one fourth, that it makes sense for the entire property to be served by County sewer. And that is all they are asking. And the same units are possible without it, but not in a particularly viable or aesthetically pleasing manner. So I prepared that for you to try to make the point of what we are trying to accomplish here. You know there are many ways to cut this thing to accomplish the landowner's objectives here. We think putting the entire property on sewer is the most effective way to accomplish that. So that is all I have tonight. And we are looking at the cost estimates for the pump station and would be working with the Utilities Department to see if we agree on the estimates and then the product of that would be the pro rata agreement for the enhancement of the pump station. The Utility Department was quick to point out

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there are some other improvements necessary too on the force main to get sewage where it needs to go after it gets outside of the pump station. Thank y'all for your time tonight.

Mr. Hirons: Thank you.

Mr. Leming: I will be happy to answer any questions.

Mr. Hirons: Any questions for the applicant?

Mr. Gibbons: Scott it's... I tried to look at we have got to make a decision here. I don't know when we schedule it, but this allows that to be done but there's no proffers on this when this happens. So the difference between what you got before on the zoning application and this, I don't know how many millions of dollars in proffers is on the other one. But if we were going to do something I wanted to do it right and keep it away from the landfill as an option. And that is why I wanted to make sure that he would pay for the pro rata up front.

Mr. Hirons: Okay.

Mr. Gibbons: Now if he would go to the School Board and you know, with that golden pot at the end of the rainbow, it would help with some of that.

Mr. Hirons: Maybe.

Mr. English: So there is no proffers on this property?

Mr. Hirons: No.

Mr. Gibbons: No, no proffers. You can't do it. It's just the... we can't even accept money. We used to be able to do that up until recently. Back in 2004 and '05 we could take conditions and have them fund them, but we can't do it no more.

Mr. Leming: It's all by-right zoning.

Mr. Hirons: Any other questions for the applicant? Mr. Apicella had made a request that this be deferred so he could participate in the discussion and final decision as well. And sense, I believe the majority, if not the entire project is in the Aquia District I'm willing to honor his request if someone would entertain a motion.

Mr. English: I will make a motion to (inaudible - microphone not on).

Mr. Boswell: Second.

Mr. Hirons: The motion is to defer COM1200323 to the August 14th meeting, which we will add to the August 14th agenda. There is a motion and second, any discussion? Those in favor please signify by saying aye.

Dr. Schwartz: Aye.

Mr. English: Aye.

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Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Hirons: Aye. Any opposed? Passes 5 to 0 with 2 absent. Which will take us on to item number 5, RC1300240, Reclassification, Embrey Mill Proffer Amendment, which again was continued from a previous public hearing.

5. 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)**
(History: Deferred at June 26, 2013 to July 10, 2013)

Mr. Harvey: Mr. Chairman, Mrs. Baker will give an update.

Mrs. Baker: Good evening. As you recall, this application went to the public hearing at your June 26th meeting. This request is to amend the proffered conditions on a portion of the Embrey Mill development. Basically, we're looking at exchanging 100 senior housing units for 100 market rate apartments. At your June 26 meeting, you asked for some further clarification on a couple of items, the first one being the number of school-age children that we had referenced in the report. And, after looking at it again, we actually had calculated that incorrectly. So, based on the new data that was provided by the schools, we determined instead of 10 school-aged children that would be as generated as a result of the conversion that we would use a generation factor of .31 for an increase of 31 school-aged children. That's based on the proposed or the countywide average that the School Board came up with. The second alternative generation factor of .61 was based on specific neighborhoods that they came up with. So, really there is an increase potentially of between 31 and 61 school-aged children, depending upon which calculation of student generation rate that you would use. So, we were in error and it is more than was indicated there. The second item was the information on the existing monetary proffers with the original rezoning, and we had those noted in your mail-out. There was \$100,000 for improvements to the under-section of Garrisonville Road and Mine Road. There was also a per unit proffer of \$2,135 for school purposes specifically. There was \$100 per residential unit for Fire and Rescue purposes specifically. There was also 15¢ per square foot of gross floor area for every commercial building for Fire and Rescue purposes, and then \$75,000 for the purchase of library books or other library purposes. This doesn't include other indirect monetary contributions such as donation of land or infrastructure improvements. The Commission had also asked about a lawsuit regarding this property and I would let Ms. McClendon address that. But I'll be happy to address any other questions you may have.

Mr. Gibbons: Could I ask a legal question.

Mr. Rhodes: Yes.

Mr. Gibbons: How do we, if we're the sponsor of this application... True, the Board is. And you got the possibility of 60 more students, how does the school get the increase in proffers.

Mr. Hirons: I'm not sure if that's, Mr. Harvey, if that's your answer or Rysheda's.

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Mr. Harvey: I'll take a shot at it. The Board is the applicant in this case. However, the proffers are something that has to be agreed upon by the owner of the property. So if there were going to be any changes to the proffers the owner would have to sign off on it. So your question may be directed to the owner in this particular case.

Mr. Gibbons: Well, the applicant's counsel is here, isn't he?

Mrs. Baker: The representative for the property owner is here, yes. Mr. Leming is here this evening.

Mr. Hirons: Do you have a specific question for him?

Mr. Gibbons: Well, I'd like to... you know, I hate to give up the senior citizen thing but if we're going to give it up for more school children, then I think the school system needs the proffer money.

Mr. Hirons: Sounds like a theme. Mr. Leming, do you have anything to add?

Mr. Gibbons: Clark, I took out my handy calculator this time.

Mr. Leming: I'm not going to give you any numbers. But I will tell you this... the situation here is that there's already been consideration that has been worked out with the Board of Supervisors. And for that reason, the applicant is not going to change the proffers.

Mr. Gibbons: Okay.

Mr. Hirons: Any other questions for staff or Mr. Leming at this point? If not, then I suppose... this is Garrisonville District, correct?

Mr. Gibbons: It's in the Chairman's district but the Chairman isn't here tonight, so I'll make a motion for approval.

Mr. Hirons: Okay. Mr. Gibbons makes a motion to approve RC1300240; is there a second?

Mr. English: Second.

Mr. Hirons: Mr. English seconds. Any discussion Mr. Gibbons? Mr. English? Any other members? Those in favor please signify by saying aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Hirons: Aye. Any opposed?

Dr. Schwartz: No.

Mr. Hirons: No? Okay. The motion passes 4 to 1 with 2 absent. Moving right along, our next item on our agenda is item number 6 which is Proffer Guidelines. And staff has some information probably

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to provide us but I was wondering if it might be the will of the Commission, since it is starting to get late and we still have folks here in the chambers that have issues before us tonight, if we could defer item number 6 to the August 28th meeting? Is there any objection to that?

Mr. Gibbons: None.

Mr. Hiron: Okay. Item number 7, it looks like it is deferred already till August 28th. I believe that was a request of the applicant. Item number 8 says that it's deferred till August 28th; is that correct? I thought we were discussing that tonight. Mr. Harvey?

6. Proffer Guidelines - Discuss proposed amendments to the County's proffer guidelines for zoning reclassifications. **(History: Deferred at May 8, 2013 to June 26, 2013) (Deferred at June 26, 2013 to July 10, 2013)**
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. 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) (History: Deferred at June 26, 2013 to August 28, 2013)**

Mr. Harvey: Mr. Chairman, that is correct. It was deferred to the 28th.

Mr. Hiron: Okay.

Mr. Gibbons: No, that's the one we want to go to the 14th.

Mr. Hiron: Did we want to move that to the 14th?

Mr. Harvey: There had been some discussion possible.

Mr. Hiron: Okay. What do we need to do in order to do that? Do we just need to simply make a motion?

Ms. McClendon: I would advise making a motion. Truthfully, I just can't remember if it was deferred to the 28th specifically or was it deferred to that meeting date by a different type of motion. So I would go ahead and make a motion to move it to the 14th.

Mr. Gibbons: So moved Mr. Chairman.

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Mr. Hirons: Alright, Mr. Gibbons makes a motion and Dr. Schwartz seconds to move RC1200009, Reclassification, Abberly South Campus, to August 14th. Any discussion? Those in favor signify by saying aye.

Dr. Schwartz: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Hirons: Aye. Any opposed? The motion passes 5 to 0 with 2 absent. That moves us to item number 9; do we have anything on that?

9. Comprehensive Plan Amendment; Urban Development Areas - Amend the Comprehensive Plan recommendations for Urban Development Areas and targeted growth areas in the County. **(History: Deferred at February 27, 2013 until further information from staff)**

Mr. Harvey: Not yet sir.

Mr. Hirons: Okay. Item number 10, same thing?

10. Discussion of Public Notification Requirements **(History: Deferred at February 13, 2013 until further information from staff)**

Mr. Harvey: Correct.

Mr. Hirons: Item number 11, WAV1300263, Moncure Valley Right-of-Way Additions.

NEW BUSINESS

11. WAV1300263; Moncure Valley; Right-of-Way Additions - A waiver of Stafford County Code Section 22-167, Right-of-Way Additions, for a preliminary subdivision plan for 117 single family lots, zoned R-1, Suburban Residential, consisting of 53.08 acres located on the west side of Bells Hill Road approximately 1,900 feet north of the intersection with Jefferson Davis Highway on Assessor's Parcels 30-19, 30-19A, 30-20, 30-21, 30-22, 30-22A and 30-22B within the Aquia Election District. **(Time Limit: October 8, 2013)**

Mr. Narvaez: Computer please.

Mr. Harvey: Please recognize Mr. Narvaez for this presentation.

Mr. Narvaez: Good evening Commissioner, Planning Commission, this is agenda item number 11, Moncure Valley Waiver for rights-of-way. The applicant is Moncure Valley LLC, also the owner. Located on Assessor's parcels 30-19, 19A, 20, 21, 22, 22A, and 22B. The parcel is approximately 53 acres; it is zoned R-1, Suburban Residential. There are 117 lots proposed with this in the Aquia Election District. Here is the location. It's located off of Bells Hill Road and adjacent to the west of 195. And you can see Jeff Davis to the east a little bit, the lower south... southeast side. They're

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requesting a waiver to right-of-way dedication for the entire section of it. So it's approximately 2,100 square feet... a little bit under that actually. Like I said, they're requesting a waiver to Section 22-167, Rights-of-Way Additions, and that section states that all additional rights-of-way shall be dedicated for public use and that the subdivider shall be required to dedicate at least half of the right-of-way. So, the applicant is requesting a waiver to avoid relocating a private natural gas line along the frontage of Bells Hill Road on their side. Columbia Gas Company has an existing easement and the gas main that runs parallel to Bells Hill Road. They will not allow their easement to be located in the rights-of-way. The cost of a natural gas line relocation and easement shall be borne upon the applicant if they decide to move it. Figure 4-1 of the Comprehensive Plan identifies Bells Hill Road as a 2-lane upgrade. Appendix G of the Comprehensive Plan states that Bells Hill Road is to have an ultimate right-of-way of 60 feet, or 30 feet from centerline. The existing right-of-way in its current location varies with the average of 30 feet or 15 feet from centerline. The applicant should also be requesting a waiver to Section 22-212, Rights-of-way Width, which states that the rights-of-way for streets shall not be less than 50 feet. This would mean that the right-of-way would have to be at least... you would have to dedicate at least 10 more feet. This dedication would still impact the gas line. The applicant has met with employees from the Stafford County Department of Transportation. There is an approved and in process VDOT maintenance project which would include a 1 to 2 foot widening of the shoulder and ditch improvements and this could be done within the right-of-way. Some of the right-of-way dedication will be required associated with the turn and taper lanes into the 2 proposed entrances into Moncure Valley. VDOT will allow for the gas easement to be within the VDOT right-of-way, and I've provided you guys with an email chain up there about the Columbia Gas allowing it also with how they will do that. But they will allow the easement and the gas line to cross over those entrances and taper lanes. The justification from the applicant is that the dedication of 30 feet creates an undue hardship on the owner. The gas relocation will not be allowed to be located within the VDOT right-of-way and their relocation will result in delays in the plan approval, a large increase in construction costs and additional expenses due to re-engineering, and loss of density of the development. The VDOT maintenance project can be done within the existing rights-of-way and that the Bells Hill Road corridor is ultimately built out. And they further go on to say the road doesn't warrant any further expansion or widening of the road. Here is one of the exhibits they provided for us during the application. As you can see, the green line is the proposed right-of way, the blue line is the existing right-of-way, and the red line is the existing gas line easement. And this is for one of the entrances, Section 1 entrance. The other exhibit goes on to show the second entrance also, showing the same color designations. Staff does not recommend approval of the waiver request, but should the Planning Commission be inclined to approve the waiver, the waiver should be granted for 167 and also Section 212, Rights-of-Way Width. I'll leave it open for any questions. And I also do have a representative from the Transportation Department to help answer questions you may have.

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

Mr. English: (Inaudible - microphone not on) there's not going to be any improvements on that road or future improvements on that as far as widening?

Mr. Narvaez: Not currently planned or funded.

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

Mr. Narvaez: There is a, like I said, a VDOT improvement project which will help I think bring the ultimate pavement width to 20 feet with improvements to the ditch areas.

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Mr. English: That's not going to affect the gas line then (inaudible - microphone not on)?

Mr. Narvaez: No, because this can all be done with the existing right-of-way, I think, because there's a... the whole right-of-way dedication right now is 30 feet... the whole right-of-way dedication currently.

Mr. Harvey: Yes, Mr. English, with this widening project, right now parts of Bells Hill Road is not wide enough for centerline. This widening project will allow it to be wide enough for centerline.

Dr. Schwartz: Robert, you said that Bells Hill Road is... the development along that road is pretty much built out?

Mr. Narvaez: According to the applicant, yes.

Dr. Schwartz: Has the staff looked into that at all?

Mr. Narvaez: There are parcels out there that could be redeveloped, but there's nothing on the books right now to indicate that. Or nothing in process.

Dr. Schwartz: So, there are parcels out there that have not been developed and can be rezoned.

Mr. Narvaez: If combined, there could be potential for redevelopment in the area.

Mr. Hirons: Any other questions for staff? Do we typically hear from the applicant on this type of application?

Mr. Harvey: The applicant is available if you have any questions for him or if they have additional information they want to share.

Mr. Hirons: If the applicant wants to come forward and provide any additional information.

James Moncure: James Moncure. I guess the additional information I'd like to offer the Commission is that I did talk with Steven Apicella because it's his district. I went into length about everything and then I called him just to make sure that everything was good and he was getting onto a cruise ship. So, at that point, I sent out a call to Darrell and Scott and made sure everybody knew what was going on, but he had no objections to it. I certainly don't want to speak for him. The phone was very crackly when I was talking to him on the boat. I think he said, but I don't want to speak for him, that tell the Board the person's district is okay with it. But again, I don't want to speak for him. Being that my cattle kept Columbia Gas's line clear for the last 20 years I thought they'd have been a little more helpful but they do not want their easement encumbered in any way. So, VDOT doesn't need it; we have a letter to that effect, at least from County saying there's not planned, or maybe no need for... Jeff, I don't want to speak for you but... even beyond the Comp Plan, the 20-year Comp Plan, there isn't a big need for any more road improvement. So, having said that, it's pretty cut and dry. So if you guys are okay with it, I'd appreciate it.

Mr. Hirons: Mr. Moncure, I think... probably the other Commission members may want to make sure that the Commissioner from that district truly is okay with it. Does it cause you any hardship if we end up deferring this?

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Mr. Moncure: It does only because I have a timeline that I'm trying to meet which is why I immediately put out the call to Darrell. And I made that clear to Steven and he even checked with Susan Stimpson just to make sure everything was good. To be very blunt, everybody's been cooperative on this. Staff has been fantastic. VDOT's doing their thing. With the exception of Columbia Gas just saying hey look, this is a 12 inch high pressure main, I don't think anybody wants to get into moving this thing. You know, I view it as the VDOT easement was really an arbitrary thing but it doesn't make any sense in this case, even to grant it because nobody needs it. So, pushing for the vote today would be my preference.

Mr. Hirons: Any questions for Mr. Moncure? I'll bring it back to the Commission. Anything else for staff? And if not, what's the will of the Commission?

Mr. English: I would like to go ahead and make a motion to approve the Section 22-167 and also Section 22-212.

Mr. Boswell: Second.

Mr. Hirons: Mr. English makes a motion for approval and seconded by Mr. Boswell. Any discussion? Mr. English? Mr. Boswell? Dr. Schwartz?

Dr. Schwartz: Scott, I concur with you. I'd like to hear it out of Steven's mouth. Not that I distrust what Mr. Moncure is saying, but I'm the doubting Thomas. He specifically said he wanted to be here for Abberly and I just like to... Steve is very particular and I just want to hear from Steve himself. So I'm going to be voting no.

Mr. Hirons: Okay. I would agree. Mr. Gibbons, any discussion? I would agree to a sense but I did hear some information I think from Susan too. And I don't want to put words in his mouth either, but I understand and I agree. So those in favor of the motion please signify by saying aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Hirons: Aye. Any opposed?

Dr. Schwartz: No.

Mr. Hirons: The motion carries 4 to 1 with 2 absent. Moving right along then we are to item number 12, SUB1200440, The Glens Section 10 Preliminary Subdivision Plan. Sounds like fun.

12. SUB1200440; The Glens Section 10 Preliminary Subdivision Plan - A preliminary subdivision plan for 11 single family residential lots on 37.06 acres zoned A-1, Agricultural, located on the west side of Mountain View Road approximately 2,100 feet south of Stefaniga Road on Assessor's Parcel 28-22D, within the Rock Hill Election District. **(Time Limit: October 8, 2013)**

Mr. Harvey: Again, Mr. Narvaez will make this presentation.

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Mr. Narvaez: It's the last one, I swear.

Mr. Hirons: You've been in front of us a lot tonight.

Mr. Narvaez: Okay, computer please. This is agenda item number 12, a Preliminary Subdivision Plan, The Glens Section 10. It's Assessor's Parcel 28-22D located on the west side of Mountain View Road approximately 2,100 square feet of Stefaniga Road. It's approximately 31 acres zoned A-1, Agricultural, and that's allowing for 1 dwelling unit per 3 acres. They're proposing 11 single-family detached housing. And it's located in the Rock Hill Election District. Here is an aerial view of the property. As you can see, you've got Wood Road right... oop! Okay, I'm having issues here. Anyway, here is the site located right here. It is also adjacent to other concurrent properties of The Glens and I'll show that in a little bit. Like I said, it's zoned A-1 and the adjacent properties around it are also zoned A-1. Here is the proposed preliminary plan right here. All of the properties will have individual direct access off internal streets, off of Glenview Court or Sweet William Drive. This will connect to Section 8B/Section 9 and I'll show that in the next slide. And stormwater management will be achieved by using above- and below-ground bio-retention facilities. There's no RPA located on this site but there are some field delineated wetlands. You can see them here, there's a pond that's currently here, and goes on like that. All the lots will be served by public water and private septic, and the site is adjacent to an existing waterline so there's no Comp Plan Compliance required. Here is the adjacent sections of 8B/9, so they're going to connect right here. You can see future 10 here but they're going to connect right in this area here. So, staff recommends approval of The Glens Preliminary Plan Section 10 and I'll open it to any questions you may have.

Mr. Hirons: Questions for staff?

Mr. English: How many homes are going to go in there?

Mr. Narvaez: Eleven.

Mr. Hirons: Dr. Schwartz? Okay. Do we have the applicant? Anything else to add to the presentation?

(Inaudible from the audience.)

Mr. Hirons: Okay.

Mr. Gibbons: Mr. Chairman, I'll move for adoption of SUB1200440. I walked the property; it's an outstanding development. Very upscale.

Mr. Hirons: Mr. Gibbons makes a motion.

Mr. English: Second.

Mr. Hirons: Mr. English seconds the motion. The motion is for approval of SUB1200440. Any discussion? Those in favor please signify by saying aye.

Dr. Schwartz: Aye.

Mr. English: Aye.

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Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Hirons: Aye. Any opposed? The motion carries 5 to nothing with 2 absent. That's a quick subdivision. We'll move on to item number 13. What's our action on this Mr. Harvey?

13. Amendment to Zoning Ordinance - Proposed Ordinance O13-38 would amend Stafford County Code Section 28-35, Table 3.1, "Districts Uses and Standards" to further clarify the minimum lot size that will apply in a cluster designed subdivision in the A-1, Agricultural and A-2, Rural Residential Zoning Districts. **(Time Limit: August 31, 2013)**
(Authorize for Public Hearing by: July 10, 2013)
(Potential Public Hearing Date: August 28, 2013)

Mr. Gibbons: We've got to schedule a public hearing.

Mr. Harvey: Yes Mr. Chairman, Mr. Gibbons is correct. This is an item that was referred to the Commission from the Board of Supervisors and your time limit on this is August 31st. So you need to consider authorizing a public hearing for your August 28th meeting.

Mr. Hirons: Is there any further information from staff presentation?

Mr. Harvey: No specific information. We have this amendment that was forwarded to the Commission that deals with cluster developments in A-1 and A-2 zones specifically stipulating specific lot sizes for cluster developments because what the current ordinance says creates some questions of interpretation between the development community and the staff. Staff does note that this amendment would require us to notify property owners in the A-1 and A-2 zoning districts of this amendment.

Mr. Hirons: So, will of the Commission?

Mr. Gibbons: I'll make a motion.

Mr. Hirons: Motion to, and your motion is to authorize a public hearing to be advertised for the August 28th meeting?

Mr. Gibbons: Yes sir.

Mr. Boswell: Second.

Mr. Hirons: Is there a second? Who was that, Mr. Boswell? Motion made and seconded. Any discussion? Those I favor of the motion please signify by saying aye.

Dr. Schwartz: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

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Mr. Gibbons: Aye.

Mr. Hiron: Aye. Any opposed? The motion carries 5 to 0 with 2 absent. And that brings us to item number 14. Mr. Harvey, is there any presentation?

14. Index of Official Road Names – Amend the Addressing Ordinance for road names affected by the Courthouse Road (Route 630)/ Interstate 95 Interchange project and the Rocky Pen Run Reservoir project. **(Time Limit: October 8, 2013)**
(Authorize for Public Hearing by: August 28, 2013)
(Potential Public Hearing Date: September 25, 2013)

Mr. Harvey: Thank you Mr. Chairman. Yes, Mrs. Baker will be giving a briefing to the Commission.

Mrs. Baker: This item actually deals with two separate requests. Two ordinances were referred by the Board of Supervisors at their last meeting. And it's to change the ordinance to amend the index of official road names for two separate projects; one being the Courthouse Road/I95 Interchange and the second one being Rocky Run Road. This is not a really good map, it doesn't show up real well, but it will give you an idea of the road changes. We're looking at, because of the Courthouse interchange, some of the road names based on the realignment will either change the realignments, and so it's going to cause the renaming. There would be actually two new road names that are needed and I'll go through that here in just a second. I'm going to go by segment. The first one here to the left, segment A/B, that's just a realignment of Austin Ridge Drive. So, it's just basically needing to rename that segment. It's going to be located approximately 600 feet to the west of its current location. As you are aware, the Courthouse Road, the new intersection is going to be located south of its existing location. It would come out generally the location across from Hospital Center Boulevard. As you see, the yellow line, the segment from B to C would, as it's moving to the south, is going to retain the name Courthouse Road. That's the proposal at this point. The next section, C to D, is currently called Jason Mooney Drive. That would be proposed to be renamed to Courthouse Road so that we do have just one extension of Courthouse Road all the way to Jefferson Davis Boulevard. The third segment of Courthouse Road is going to be the existing section there between Jason Mooney Drive/Red Oak Drive intersection all the way to the Courthouse intersection. So, as you see, that entire segment from B to C, C to D, and D to F, although it has 90° angles, that's proposed to be named Courthouse Road. The actual northern section where it splits, if you look at the last yellow section from B to C again, that's going to be your westbound traffic from Courthouse Road and that would also retain the name Courthouse Road.

Mr. English: Wow... that would be awful confusing wouldn't it?

Mrs. Baker: There was a lot of discussion on whether to extend the Courthouse name all the way, directly across from say C to H, across from the hospital. But for various reasons, the addressing of the actual courthouse retaining the Courthouse Road address and also having, because at the courthouse, Courthouse Road does extend then to the east side of Route 1.

Mr. English: Let me ask you a question Kathy. G to H, what does that, in the blue, what is that called?

Mrs. Baker: That is going to be just an extension of Hospital Center Boulevard. There really would not be I don't think any addresses off of this section because it's going to be a limited access portion of the road. But that being across from the existing hospital, that's where the proposal is for that. Doing Courthouse Road in this fashion is also going to have the least impact on any re-addressing for that

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section. There are only a few addresses that would need to be changed. Moving on to the next segment, from D to E, that's your current Courthouse Road location. But that's going to now terminate in a cul-de-sac in the area at the segment where it's marked E. So, because the Jason Mooney Drive is going to be renamed Courthouse Road, we're now proposing this segment, D to E, to be renamed Jason Mooney Drive. That way the fire station can retain its address off of Jason Mooney Drive. It does have access off of both Jason Mooney and the Courthouse Road.

Mr. Hiron: Does the fire department, either its members or Chief, given any thought, any approval to that or made any comments?

Mrs. Baker: We've talked with...

Mr. Hiron: Is that what they desire? Is that they want?

Mrs. Baker: I think the desire is to keep the existing address. The 350 is the badge number from Jason Mooney and so it would retain that numerical address, as well as Jason Mooney Drive. But we're basically shifting; you've got two entrances in. One is off of the D-C and one is off of the D-E.

Mr. Hiron: I want to make sure he's still honored and that seems like kind of a lost road within the County and no one's really going to know it's there.

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

Mrs. Baker: And we've spoken with Jason Mooney's mother and let her know that that's the plan to retain the address. We'll still have a street sign and we'll be retaining that location. There would be not that many buildings that have access off of there but you are going to have a new commuter parking lot. As you see, the gray area...

Mr. Gibbons: Do you mention how much acreage? How many acres do we lose in (inaudible - microphone not on)?

Mrs. Baker: I don't recall the total acreage.

Mr. Harvey: If I remember right, there is 90 acres of land acquisition for the interchange project in total. There's some that's going to come from the County because the eastern commuter lot is on County-owned property, and also where the McDonald's is.

Mrs. Baker: So the next segment, the O-P, that is proposed to be Florida Rock Drive and that's really just to serve the concrete plant that's located just south of that. Right now it's accessed by Florida Rock Drive which comes off of Venture Drive but that is going to lose its access. So the access is shifting now and will be coming off of Jason Mooney Drive.

Mr. English: Is Wyche Road going to lose anything?

Mrs. Baker: Yes, I'll get to that in just a second.

Mr. English: I'm sorry.

Mrs. Baker: No, that's okay; I know it's a lot to consider.

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Mr. Gibbons: You can't take the road deputy out of the deputy.

Mr. English: Nah. I want a Bob Gibbons Drive.

Mrs. Baker: G to H, as I already mentioned, would be Hospital Center Boulevard, the extended end. The next one, I to J, this is actually going to be the new Venture Drive location. I'm going to really confuse you and put an extra line. Right now, Wyche Road comes down here, and you have Venture Drive which comes basically in this location. So, as you see, then Wyche Road is no longer going to have access to the yellow. So, the new access is going to be this way and would connect at that intersection then with Courthouse and Hospital Center Boulevard. So the next segment, the K to L, that's currently where Venture Drive now curves to the south and that is proposed to be named Humphrey Lane. That would be one of the two new road names. The next one is M to N and that is proposed as Rucker Drive. That would be the second new road name and that's just going into property for future development, as well as the relocated commuter lot that would be located on the west side of I95. I will note that when the Board of Supervisors sent the request down, they asked that any of the new road names, which in this case is Rucker and Humphrey, that we consider historical names or other persons that need to be memorialized. So, they would like for you all to consider that as you're considering the two new road names.

Mr. Hiron: Did they provide any sort of list of names?

Mrs. Baker: No. They just asked that you all take that into consideration.

Mr. Hiron: Do you think we could get a you know potential list of maybe 3 to 5 names from the Historical Commission or someone, whatever appropriate organization?

Mrs. Baker: Yes, we can do that.

Mr. English: Can I ask, who came up with these names of Rucker and Humphrey?

Mrs. Baker: The Rucker, that just came from the name of the developer who owns property. Do you know the Humphrey? Was that Toby Humphrey?

Mr. Harvey: Yes, that was something that staff suggested both names. Humphrey Lane was also to recognize a fallen Deputy.

Mr. English: I would recommend Jessica Cheney. She was killed while she was a State Trooper. I think that would be appropriate. She's got the bridge up there but she was killed right there in front of the skate rink and I think that would probably be appropriate somehow. (Inaudible - microphone not on.)

Mrs. Baker: Yeah, that's certainly up to you all if you'd like us to consider that one, or go to the Historical Commission; whatever you desire. But that's the gist of the changes. VDOT is looking to have the design plans done sometime later, hopefully November. But they would like to have the street names in place before the plans are finalized. The federal highways is looking to have that included on the design plan. So if there are any questions about the re-alignment or how that's working at this point.

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Mr. Hirons: Any questions for staff? I think you for taking the time and putting all the animation in there so you weren't actually drawing those lines tonight; it looked great. It was very, very easy to follow, even that crazy Courthouse Road.

Mrs. Baker: And I believe you have until your August 28th meeting to authorize a public hearing. You would need to have your public hearing by October 8th.

Mr. Hirons: When we authorize the public hearing, should we have the names in place?

Mrs. Baker: Yes.

Mr. Hirons: Would they be advertised?

Mrs. Baker: Yes.

Mr. Hirons: Okay. So we probably want to wait until August 28th, unless the Commission wants to...

Mr. Gibbons: So moved Mr. Chairman.

Mr. Harvey: Mr. Chairman, I need to clarify for the Commission. Based on the way the resolution was written referring it to you, specific to these names, so if you want to have a different name then you need to authorize a public hearing for a different name as well. So, you'd have the public hearing with... two public hearings with names options. A technical problem experienced.

Mr. Hirons: But you'll be able to figure that out when you send it to the paper, right?

Mr. Harvey: Yes.

Mr. Hirons: Okay. So, I think we can go ahead and just defer this until August 28th. We don't need a motion for that, do we?

Mrs. Baker: Did you all want us to consider the two names that you mentioned tonight?

Mr. Hirons: I think it would be good to include... folks like, I mean, really the Historical Commission should be included because they're part of our history. But, yeah, absolutely. I think we should have that list.

Mrs. Baker: And they should meet... I believe they meet on August 1st, so we'll get some input from the Historical Commission at that meeting and bring back options.

Mr. Hirons: Okay. And I don't think we would want a whole list of 20 people; just 3 to 5 historical names and then anyone is worthy of honor like Trooper Cheney was.

Mrs. Baker: Okay.

Mr. Gibbons: I'd like to mention one Lenzi, the gold medalist. He died. Mark Lenzi.

Mr. English: Well, the Fire and Rescue guy, I don't think he's ever been recognized; Rodrieguez, he got killed from Rock Hill Rescue Squad. He's never been recognized...

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Mr. Gibbons: He was the first one to die.

Mr. English: He was the first one who ever got killed in the line of duty as far as Fire and Rescue.

Mr. Gibbons: I'd like to throw that name in the hat too.

Mr. Hiron: Yeah, Darrell and Bob, if you can make sure Kathy has those.

Mrs. Baker: That's fine. And if you all think of any in the interim, you can also send me an email.

Mr. Hiron: I always wondered how streets got their names... in the modern history.

Mrs. Baker: I'm sorry, I guess I'm not finished yet because we just need to address Rocky Run Road real quick. Real quick... it's not going to be as complicated. As you know, the reservoir is going to cause the Rocky Run Road to be severed. Right now it has access to Green Bank and...

Mr. Harvey: Holly Corner.

Mrs. Baker: Holly Corner Road... sorry, I'm drawing a blank and I wrote the report. So, you've got the first segment, A to B is proposed to be renamed Roberson Road. That is named after longtime family members in the vicinity. The section from B to C is what's going to be severed so that will be under water and will no longer be a road. And then the last section, C to D, would retain the Rocky Run Road name. And that's it. Any questions on that? So we're just looking to renaming Roberson Road. Okay?

Mr. Hiron: Okay.

Mrs. Baker: And, again, that one would also need to be authorized for public hearing whenever you choose.

Mr. Hiron: Of course, you'll end up having to go through that whole animation again for Chairman Rhodes and Commissioner Apicella so, sorry for that.

Mrs. Baker: That's fine. We'll try and get a little clearer map for the first one for the public hearing. Any questions?

Mr. Hiron: That's it. Mr. Harvey, Planning Director's Report.

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Mr. Chairman, do you want to go back to the item that we deferred on the agenda, for Proffer Guidelines?

Mr. Hiron: Oh, did we not go ahead and say we'll take that up at our next... at the August 28th meeting?

Mr. Harvey: August 28th?

Mr. Hiron: Yes.

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Mr. Harvey: Alright, very good. Then, Mr. Chairman, as far as the Planning Director's Report, we covered a number of items that got referred to the Commission from the Board in previous discussions. However, in additional information, the Board denied the Celebrate Virginia rezoning and proffer amendment. They also did not adopt the ordinance amendment that accompanied that application. The Board did approve a Conditional Use Permit for the fence height exception for the Sydney Hastings Commons project. And that concludes my report.

Mr. Hirons: Okay. County Attorney?

COUNTY ATTORNEY'S REPORT

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

COMMITTEE REPORTS

15. Proffer Guidelines

Mr. Hirons: Committee Reports. We will have the Proffer Guidelines on here. I think that committee is probably done.

Mr. Harvey: Should we remove that from the agenda?

Mr. Hirons: Yes.

Mr. Harvey: Thank you.

CHAIRMAN'S REPORT

Mr. Hirons: Chairman's Report. I didn't receive anything from Mike to pass onto anybody, so... TRC?

OTHER BUSINESS

16. TRC Information – Meeting August 14, 2013

Mr. Harvey: I'm not aware of the information presently but we'll get with the effected district Commissioner and provide that information to him.

APPROVAL OF MINUTES

May 8, 2013

Mr. Hirons: And I believe the last item on our agenda were minutes from May 8th.

Mr. Gibbons: So moved.

Mr. Hirons: Mr. Gibbons approval for minutes from May 8th as they're written.

Mr. English: Second.

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Mr. Hirons: Second by Mr. English. All those in favor signify by saying aye.

Dr. Schwartz: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Hirons: Aye. Any opposed? The motion carries to approve minutes from May 8th 5 to nothing with 2 absent. Anything else? I thank everyone for their patience tonight and I made it through it and survived and you didn't kick me out.

Dr. Schwartz: Nobody ever said "at the end of the day."

Mr. Hirons: End of the day.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:48 p.m.