

**STAFFORD COUNTY PLANNING COMMISSION MINUTES**  
**August 28, 2013**

The meeting of the Stafford County Planning Commission of Wednesday, August 28, 2013, was called to order at 6:31 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Stinnette, Zuraf, Blackburn, Harbin, and Ennis

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Are there any declarations of disqualification regarding any item that is on the agenda this evening?

Dr. Schwartz: Mr. Chairman.

Mr. Rhodes: Yes Dr. Schwartz.

Dr. Schwartz: Item 2 and 3, the Park Ridge project up there, I'm social acquaintances with many members of the Wack family.

Mr. Rhodes: Okay, very good. Good to be identified but not a need for disqualification.

Dr. Schwartz: No sir.

Mr. Rhodes: Thank you very much for clarifying that. Any other item? Very good. Now we'll move onto Public Presentations. This is an opportunity for any member of the public to comment on any item that is not on a public hearing. There will be an opportunity for comment with the public hearing items later with each of those items. But if there is anyone that would like to speak on any item except items 1 through 7, they may come forward and do so at this time. When you do, you'll have 3 minutes. We'd ask that when you come forward, you identify your name and your address. Once you do so, a green light will come on indicating that you have 3 minutes, a yellow light will come on when you have one minute, and then a red light will come on and we would ask that you then wrap up your comments. So, anyone that would like to speak on any item except for items 1 through 7 on the agenda, because there will be an opportunity later for those, you may come forward and do so at this time.

PUBLIC PRESENTATIONS

Mr. Waldowski: Paul Waldowski. Seventy days till the lame duck session starts. That has 7 times 10 weeks. And when I think of the number 7 sometimes I think of the 7 seas... the 7 wonders of the world... even the 7 public hearings tonight. But really, I think of cartoon characters, the 7 dwarfs. And I wonder what Snow White would do if she only had 5 dwarfs; would she get rid of Bashful and Dopey? Or Sleepy and Sneezy? Or Grumpy and Happy? But I'm sure she'd keep Doc because that would be our Chairman. Now, I went to visit my dentist this week and I understand that Doc is going to be leaving us. I wish you God Speed and, for those of you who don't know, he's moving to Baha, Virginia. That's lower Virginia... that's North Carolina. Really, when you're a New Yorker, it's

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Baha, New York is New Jersey, so just to keep that straight. Now coming up after the elections, we're finally going to have an opportunity to see how these gerrymander districts and how the voting is going to go. And isn't it ironic on January 1<sup>st</sup>, the Redistricting Committee where the Chairman pick themselves as the Chairman and made his district grow, and then all of a sudden we have these houses being built off 630 that weren't around for 10 years. And you have this \$11 million swimming pool... can't wait to jump in that one. But I want to remind the public that, you know, we have a Rocky Pork Reservoir coming, it's only \$57 million over budget. That will give us 3 reservoirs; 4 more and we would have 7. If you'd all go to Hardee's, you'll see that the \$35,000 of your taxpayer money was done for the sidewalk. I just can't believe we spent \$35,000. I still didn't contact the Virginia Transportation office so they could put a blue sign up there and we could label it "Board of Supervisors - Former, Past, Current" and then they could keep it clean. If you go down the block, you'll see the thousand parking spaces and now you can see all the trees that were knocked down. If you ever heard by cicada speeches, you'll see what they did; they just rolled over the land horizontally because they have no use for land use. And yet they're going to spend \$7.5 million to straighten out Mountain View Road so they can race to the high school.

Mr. Rhodes: Thank you very much. Anyone else who would like to speak on any item other than items 1 through 7 on the agenda?

Mr. Coughlin: Good evening Mr. Chairman, members of the Commission... my name is Michael Coughlin. I'm here on behalf of the Westlake Development speaking regarding the Crucible application. Our clients own a 700 lot development adjacent to the Crucible property. Unfortunately, as we come here today, there has been no progress made regarding defining the use and operations in proposed conditions with respect to the Crucible application. There's been no documentation of the noise levels from expanded operations that have come from the Crucible themselves, other than the critique of what our expert did and Deputy Hamilton's noise measurements. There has also been no noise mitigation identified that the Crucible is willing to undertake and then document the effect, whether it's positive or ineffective. What we have seen is a critique of our noise study that we've submitted. And the theme of that critique is that it didn't follow the County's ordinance requirements in terms of measuring sound. Nonetheless, there has been some information that's submitted that we suggest does indicate that the existing measurements and existing use would violate the County's or does violate the County's Noise Ordinance. But I want the Commission to keep this in perspective tonight or when they ultimately make a decision. This is a legislative decision ultimately that the Board will be making and what our noise study did is take into account the uniqueness of gunfire, explosions, rifle shots, and measured them in an industry-recognized way because these type of noises have different impacts on humans than any other type of noise. So, you know, we'd submit that our noise study is something that absolutely this Commission should consider. We recognize that the Crucible is trying to improve their property, but ultimately there must be conditions with the effect of the Zoning Ordinance that identify what they can do, when and where, and what they must do to ensure that noise from gunfire, rifle fire, explosives, and vehicles does not violate the County's Noise Ordinance or become a nuisance. The people behind the Westlake Development remain interested in entering into productive discussions with the principals of the Crucible, but unfortunately that has not happened to date. We hope that it will and, you know, we're again open to those discussions. In light of the current state of the application and the lack of meaningful conditions, our clients request that the Planning Commission either defer action... which, of course, the Crucible would have to agree to... or recommend denial to the Board. Thank you.

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Mr. Rhodes: Thank you very much. Is there anyone else who would like to speak on any item except items 1 through 7 on the agenda this evening? Okay. I will close the public comment or public presentation portion of the agenda. Before we move onto the public hearings, I'd like to ask the members of the Planning Commission to entertain a modification to the agenda to discuss a Proclamation from the Planning Commission. Is there a motion to modify the agenda?

Mr. Gibbons: I'll move.

Mr. Rhodes: Is there a second?

Mr. Apicella: Second.

Mr. Rhodes: Second. Any further discussion? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hiron: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. None opposed? Very good; 7-0. So, what I would like to identify or address here is one of our members, Dr. Schwartz, will be leaving us. This is his last meeting this evening. He is moving on to other opportunities. He has been a tremendous member of the Planning Commission, having served since January 1, 2012. He has done some tremendous work on a lot of significant issues that we've been working; Neighborhood Design Guidelines, Transfer of Development Rights, Cluster Development, Urban Development Areas; served on separate committees dealing with Proffer Guidelines and the Farmer's Market Committee; has been very, very interested in historic preservation and rezoning projects, especially those with George Washington's Boyhood Home at Ferry Farm. He has just been a tremendous advocate, very deliberate and very thorough, and I thought it would be appropriate for the Planning Commission to consider approving a Proclamation to recognize his service and to commend him for all his efforts as a Planning Commissioner. So I would entertain a motion in that regard.

Mr. Hiron: Mr. Chairman?

Mr. Rhodes: Yes Mr. Hiron.

Mr. Hiron: I would move that the Planning Commission adopt PCP13-01, which is the Proclamation for Dr. Schwartz.

Mr. Rhodes: Very good. Is there a second?

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Mr. English: I'll second.

Mr. Rhodes: Second Mr. Hiron. Any further comments... I mean second Mr. English. Any further comments Mr. Hiron?

Mr. Hiron: I did just want to say, Jim, it's been a real pleasure to work with you. And I'm glad we were able to do this early and move it up because with the loaded agenda tonight, we probably won't get out of here until fairly late. I'm glad we have an audience to recognize Dr. Schwartz and thank him for his service. I'm really glad you were able to join us here on the Planning Commission while you were here. Back when Supervisor Thomas was first elected, I was sitting in his office chatting with him and we were talking about potential candidates, and we were trying to really rack our brains out. I just looked at him and said, what about Dr. Jim Schwartz? He said that would be great. So, I'm really glad you accepted his offer and you joined us and the Board of Supervisors saw it fit to appoint you. So, we're really sad that you're leaving.

Mr. Rhodes: Mr. English?

Mr. English: I can echo the feels too because you're just a great person and you're going to be really missed and I've learned a lot from the little bit of time I've been on here. And now I've got to find a new dentist.

Mr. Rhodes: Any other member? Mr. Gibbons?

Mr. Gibbons: I just want to say you're going to be missed Doctor, more than what you realize.

Mr. Rhodes: Mr. Boswell?

Mr. Boswell: Yeah, I'm going to miss the back-and-forth between you and the gentleman to my right here. And I too am looking for a new dentist I guess.

Mr. Rhodes: Mr. Apicella.

Mr. Apicella: I just the echo the sentiments of my colleagues. Dr. Schwartz, you'll be missed and your pen will be missed as well. Seriously though, you've been a great colleague and it's been great to have you. And I've disappointed you're leaving but I understand you've got other things to do and, as my colleague said, you'll be missed. Thanks.

Mr. Rhodes: Dr. Schwartz, any other comments before we take our vote here?

Dr. Schwartz: Well I might vote no on this one.

Mr. Rhodes: Okay, very good. You may abstain.

Dr. Schwartz: Thank you for your comments. It's amazing how you have to leave before a bunch of people say nice things about you though. I guess that's the only way a dentist should have it though. But we have a full agenda tonight and I appreciate you doing this early but we need to get to work. Thank you.

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Mr. Rhodes: Very good. Thank you. Now we'll vote to disapprove the Proclamation.

Dr. Schwartz: There you go.

Mr. Rhodes: Therefore, I will ask all those in favor of the Proclamation to recognize and commend Dr. Schwartz for his service on the Planning Commission which is PCP13-01 signify by saying aye.

Mr. Apicella: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed?

Dr. Schwartz: No.

Mr. Rhodes: None opposed. We're not going to accept that no vote, sorry. Okay, but we'll allow it to be a 6-0-1, how's that for humility. Very good. Okay, with one abstention. But Dr. Schwartz, again thank you very much. You're tremendous efforts, researching issues, being so prepared as you're coming here, working outside the bounds on all the issues, both in your district but other areas as well, which is what everybody should be concerned with, the efforts of the entire County, but your approach and thoughtful comments and thoughtful engagement has just been a tremendous benefit not only to the Planning Commission, to the citizens of this County. So thank you for those efforts. And so I'd like to give you this Proclamation. Thanks Jim; thanks for everything.

Dr. Schwartz: Thank you.

Mr. Rhodes: Okay, with that we'll move on to the Public Hearing portion of the agenda and the first item for Public Hearing, item number 1, Mr. Harvey?

PUBLIC HEARINGS

1. Amendment to Zoning Ordinance - Proposed Ordinance O13-38 would amend Stafford County Code, Section 28-35, Table 3.1, "District Uses and Standards" to state that the minimum lot size for cluster-designed subdivisions in the A-1, Agricultural Zoning District is 1.5 acres in area and in the A-2, Rural Residential Zoning District is 0.7 acre in area. The proposed Ordinance amendment would remove the references to "density" with regards to cluster subdivisions from the current Section 28-35, Table 3.1, "District Uses and Standards" of the Zoning Ordinance, replacing the references to density with "lot size" or "lot area." (**Time Limit: August 31, 2013**)

Mr. Harvey: Thank you, Mr. Chairman. Please recognize Susan Blackburn for the presentation.

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Mrs. Blackburn: Good evening, Mr. Chairman, Planning Commissioners. This evening we're going to have a staff report for the proposed Ordinance O13-38 which deals with the cluster provisions.

Mr. Harvey: Computer please.

Mrs. Blackburn: This evening the Planning Commission is to consider recommending adoption of proposed Ordinance Amendment O13-38 to amend Section 28-35, Table 3.1, "District Uses and Standards" to state that the minimum lot size requirements in a cluster-designed subdivisions in the A-1, Agricultural Zoning District to be 1.5 acres in area and in the A-2, Rural Residential Zoning District to be 0.7 acre in area. This proposed ordinance amendment removes references to "density" with regards to cluster subdivisions from the current Section 28-35, Table 3.1, "District Uses and Standards" of the Zoning Ordinance, replacing the references to density with "lot size" or "lot area." In June of 2012 Ordinance O12-17 was adopted, establishing cluster development provisions within the Zoning Ordinance. And this is a requirement from the State Law. Several amendments to the Zoning Ordinance have been adopted since then to clarify regulations and to align the fees associated with cluster subdivision applications with the level of staff work involved, particularly for the fees. Now, the differences of interpretation of the Code between the County staff and the developers have been debated as to how the regulations are to be applied, especially for determining the number of lots permitted in a cluster-designed subdivision. The Board desired to revisit this language to resolve this problem and staff drafted new language that removed the references to "density" from the Ordinance and replaced the references to density with "lot size" or "lot area." In addition, the minimum lot size in A-1, Agricultural and A-2, Rural Residential Zoning Districts, cluster-designed subdivisions were amended to reflect the percentage of open space required. The goal of the cluster ordinance is to provide for a percentage of the total parcel of land in the subdivision to be preserved as open space and to cluster the lots into the remainder of the parcel. The Virginia Code requires the number of potential lots in a subdivision cannot be reduced due to clustering. If a conventional subdivision can potentially be subdivided into X number of lots, then the same property designed as a cluster subdivision must also have the potential of having the same X number of lots. Since the number of lots in a conventional subdivision zoned A-1, Agricultural and A-2, Rural Residential, is determined by the area of the lot and not the density per acre, therefore determining the number of lots in a cluster-designed subdivision should be determined the same way, by lot size. In an example with no other provisions taken into account except for roads, in an A-1, Agricultural Zoning District, for a 90 acre parcel the minimum lot size is 3 acres of land per lot. The number of lots in a 90 acre parcel, taking away 9 acres of roads, and that is a guesstimate, would leave 81 acres. And out of the 81 acres, then it would be 3 acres per lot, which equal 27. If it were a cluster-designed subdivision, you'd have your same 90 acres parcel. You would have 50% of the total parcel open space, which would be 45 acres. The number of lots would be 45 acres and you would take half the size, the amount of acres for the roads, which would be 4.5 acres, which would leave you 40.5 acres of land and then it would be 1.5 acres per lot, which would equal 27. Since you were taking 50% of the land as open space we would be reducing the lot size by 50%. And the staff recommends that the Planning Commission vote to recommend approval of the proposed amendments to Ordinance O13-38. And do we have any questions?

Mr. Rhodes: Questions for staff? Okay, thank you. I'll open this to the public comment portion of the public hearing. Anyone who would like to speak on item number 1, the amendment to the Zoning Ordinance for proposed Ordinance O13-38, you may come forward at this time. Again, after you state your name and address, a green light will come on which will give you 3 minutes, yellow light – 1 minute and red light we ask you to wrap up your comments.

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Mr. Brito: Okay, I'm Joe Brito. I just want to say, I support the ordinance.

Mr. Rhodes: Thank you very much. Anyone else? Yes sir.

Mr. Gregory: My name is Tom Gregory. I'm opposed to this ordinance. We have enough growth in Stafford County now. All this is is another rewording to allow builders to put more houses and therefore more people in Stafford. We don't have the infrastructure to support the current number of houses and building that's taking place in the County. So if the Planning Commission goes forward with this, we're only going to worsen the road conditions, the school conditions and everything else and I'll like for you all to take that into consideration instead of a bunch of language that basically just allows us to have more houses and therefore more people stuffed into Stafford County. Thank you.

Mr. Rhodes: Thank you sir. Anyone else?

Ms. Schneider: Katie Schneider. I think we're in George Washington. I'm not sure. We're opposed to this ordinance. Again, high density does not pay for itself. If you look at, in Prince William County, the rural crescent, Nokesville – there's supposed to be 10 acre lots and the houses are all on top of each other and they do all that gerrymandering, it looks like, to get their 10 acre lot. They could do that, you would lose money, because now you're paying 1.5 acres instead of 3 acres of property taxes and it's just not a really a good idea.

Mr. Rhodes: Thank you. Anyone else? Okay, I will close the public comment portion of the public hearing and bring it back in to the Planning Commission. Just one clarification, Mr. Harvey. At the end of the process, as far as the way we're clarifying and cleaning up, ensuring compliance with State Code and between our Codes and cleaning up the language, the end result is that the number of units, by-right, stays the same on the parcel. It's just a greater portion of the open space, correct? The way the calculation is now?

Mr. Harvey: Yes sir. That's the ultimate intent. Staff believes that was the intent of the ordinance the way it's currently written. However, there has been some debate with the development community. Some developers believe that they're entitled to more houses than we interpret the ordinance to say they can accomplish. So this ordinance language clarifies exactly what the intent is.

Mr. Rhodes: That it stays the same. It just provides for the open space.

Mr. Harvey: Yes, just the minimum lot size.

Mr. Rhodes: Okay. Back to the Planning Commission. Mr. Apicella.

Mr. Apicella: Mr. Chairman, I would move to recommend approval of proposed Ordinance O13-38.

Mr. Rhodes: So a motion to recommend approval of proposed Ordinance O13-38. Is there a second?

Mr. English: Second.

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

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Mr. Apicella: I appreciate the question and answer that was just provided. As I understand, this is a necessary, technical clarification and change. That doesn't increase the amount of unit that a developer would otherwise get, in fact it may, from County's perspective, reduce the number that they might get. So again, from a County perspective, this is a good governance change and I would therefore recommend approval.

Mr. Rhodes: Further comment, Mr. English? Any other member? Okay, I'll call for the vote. All those in favor of the motion to recommend approval of the proposed Ordinance O13-38 signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Anyone opposed? None opposed. Passes 7-0. We'll move onto item number 2. I assume we're going to do 2 and 3 together in presentation Mr. Harvey? Is that the intent?

2. RC1300001; Reclassification – 610 Park Ridge - A proposed reclassification from the A-1, Agricultural Zoning District to the B-2, Urban Commercial Zoning District to allow for the development of a commercial retail, service, and office complex on Assessor's Parcel 20-20A, consisting of 9.24 acres, located on the south side of Garrisonville Road and east side of Parkway Boulevard within the Garrisonville Election District. **(Time Limit: November 26, 2013)**
3. CUP1300002; Conditional Use Permit – 610 Park Ridge - A request for a Conditional Use Permit to allow (1) motor vehicle fuel sales in a B-2, Urban Commercial Zoning and within the Highway Corridor Overlay Zoning District, (2) an automobile service facility in a B-2, Urban Commercial Zoning and within the Highway Corridor Overlay Zoning District, (3) a convenience store within the Highway Corridor Overlay Zoning District, and (4) three drive-through facilities within the Highway Corridor Overlay Zoning District. The drive-through facilities are for a proposed bank, pharmacy, and gas station with convenience store. The site is on Assessor's Parcel 20-20A, consisting of 9.24 acres, and located on the south side of Garrisonville Road and east side of Parkway Boulevard within the Garrisonville Election District. **(Time Limit: November 26, 2013)**

Mr. Harvey: Yes sir.

Mr. Rhodes: Okay, very good.

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

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Mr. Rhodes: Thank you.

Mr. Zuraf: Can I have the computer please? Good evening Mr. Chairman, members of the Planning Commission. Items 2 and 3 are two separate applications associated with one project. Item 2 is a reclassification and item 3 is a Conditional Use Permit associated with the project known as 610 Park Ridge. The zoning reclassification request would reclassify property from the A-1, Agricultural Zoning District to the B-2, Urban Commercial Zoning District. This is a proposal for a commercial retail, service, and office complex with multiple uses. The property is Assessor's Parcel 20-20A; it covers 9.24 acres. The applicant is the Thomas J. Wack Company with Charlie Payne as the agent for the applicant. Looking at the location of this site, it's highlighted in red and it is on the south side of Garrisonville Road at the intersection and east side of Parkway Boulevard, adjacent to the Park Ridge community.

Mr. Rhodes: Mr. Zuraf, is there a portion of land there that is owned by the Volunteer Fire Department, and I think Rock Hill?

Mr. Zuraf: That is this property right here, yes.

Mr. Rhodes: Okay, is it both what's highlighted in pink and what is in the gray next to it?

Mr. Zuraf: Yes. It does appear to be split-zoned. The pink shading designates B-2, Urban Commercial zoning. This is the zoning map. So you have B-2 Commercial zoning to the east and west of the site. To the north side of the site is A-1, Agricultural zoning; a larger undeveloped piece of property with... well, there's one older home on that property to the north. To the north and east are some existing residences under the R-1 zoning district in this location and the Park Ridge community, down in this area, is zoned PD-1, Planned Development-1.

Mr. Rhodes: Very good, thank you.

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Yes, please Mr. Apicella.

Mr. Apicella: If my recollection is right, did we not approve a reclassification to the left side of Park Ridge, the Sports Center, or isn't that somewhere close by?

Mr. Zuraf: That is, yes, this property right here is the Sports Center that was rezoned.

Mr. Rhodes: I think there's some mixed use commercial on the frontage and then the sporting complex behind (inaudible).

Mr. Zuraf: Right. Commercial was planned in this area with the sports recreation complex here.

Mr. Apicella: Thank you.

Mr. Zuraf: Here's an aerial view of the site, zooming in on that site. There is an existing single-family residence on the property in this location. It's an older residence that dates back to the early 1900's. The structure has been documented by the Stafford County Historic Commission. The rest of the site

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is mainly forested land. There is kind of rolling terrain that slopes down an elevation as you get to the back or south end of the property. There are no perennial streams on the site. There is a stream down off the site in this location. And there was thought to be a cemetery on the property near the dwelling, but in response to some comments about that, a cemetery evaluation was conducted and it was determined that there are no cemeteries present on this property. Here is the General Development Plan submitted as part of the request, to kind of point out the features of how this site is envisioned to be developed. The access points are two access points into this site; one in this location off of Parkway Boulevard, in this location, and then another entrance off of Garrisonville Road. This entrance off of Parkway Boulevard would be a full service kind of access where people can turn left in and out into the site. At the entrance off of Garrisonville Road, it would be a right-in/right-out access point because Garrisonville Road is divided with a raised median at that location. So you would have a main kind of spine road going through the site and the separate uses located off of that spine road. The spine road itself would have sidewalk running along it. And then the applicant is also proposing to add a pedestrian crosswalk across Parkway Boulevard to tie into the existing trail that runs along Parkway Boulevard. Also, just kind of looking at the uses within the site, there are several different pad sites along Garrisonville Road. A motor vehicle fuel sales facility is proposed in this location. A pharmacy is shown in this location. A bank is shown here. Then shown as a commercial pad site but is proposed as an auto service facility, and then two office retail buildings towards the back in this location. There are drive-throughs proposed associated with the vehicle fuel sales facility and convenience store. With the pharmacy there's a drive-through and a drive-through with the bank.

Mr. Rhodes: So, in that configuration, those are all the higher volume, higher potential volume items for a traffic study, correct?

Mr. Zuraf: Right.

Mr. Rhodes: Aren't those on the higher end?

Mr. Zuraf: Yes.

Mr. Rhodes: Is there an inter-parcel connector?

Mr. Zuraf: It's not shown on this plan. It is proffered to be provided. But it's not identified specifically.

Mr. Rhodes: So it's just that it will be provided but not...

Mr. Zuraf: Correct. It doesn't identify the specific location and the Conditional Use Permit that we'll talk about, staff did recommend a condition that the inter-parcel connection kind of occur in the location... in this location.

Mr. Rhodes: That would make sense. Okay, thank you.

Mr. Zuraf: As part of the General Development Plan, the applicant did incorporate some images of existing buildings that they would use to replicate the buildings on this site. The staff believes the images generally meet the intent of the Neighborhood Design Standards and the different features that they incorporate. Staff does note that there are no specific illustrations provided for for a bank, gas station, or auto service facility. The applicants noted that they don't have specific users for those

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businesses. But we do note in our staff report that the recent ordinance amendments to the Highway Corridor Overlay Standards now require individual buildings within the Highway Corridor to comply with the architectural standards in our Neighborhood Design Standards Manual. So, at the site plan stage, staff's going to have more ability to kind of review detailed drawings for specific users that come in. The applicant submitted a Proffer Statement, which this is kind of a summary of some of the key proffers. They would develop the site in accordance with the General Development Plan. The architecture and design we've already kind of gone over with the buildings in accordance with the photo illustrations. But that would also include monument signage; it would have to be consistent with the building materials and design and any rooftop mechanical equipment and dumpsters would have to be screened from view from the main roadways. Completion of transportation improvements; there's several transportation improvements proffered which we'll get into. Then also, prohibiting certain uses that might otherwise be allowed by-right in the B-2 zoning district. There are enhanced lighting standards established in the proffers. Landscaping enhancements which would require evergreen plantings in certain areas, especially in the lower portion where you're adjacent to the Park Ridge residential uses. And then design requirements that kind of go along with the CPTED principals to ensure safety in how the site and landscaping is placed on the site to ensure good visibility. And then also the requirement to provide an inter-parcel connection to the property that's zoned commercial to the east. Looking at the transportation impacts with this use, the applicant did submit a Traffic Impact Assessment. It was required and it was a traffic study that met the higher thresholds that VDOT has for traffic studies. The site was estimated with the proposed uses to have over 11,000 vehicle trips per day generated into and out of the site, with 438 morning peak hour trips and 637 peak hour trips in the afternoon. The study was based on the site development that we saw on the General Development Plan and other planned projects in the area, including the rezoning that we mentioned looking at the overall. My report does note that staff was thinking that one of the uses of a fast food restaurant was one of the kind of uses that was one of the bases for the report, but in talking with the traffic engineer it was more of a high turnover restaurant. It is not a drive-through restaurant so the high turnover restaurant that they've included in the report does not generate the high level of traffic that a drive-through restaurant would; so just to clarify that point.

Mr. Gibbons: Well, how would you classify a high level restaurant?

Mr. Zuraf: That might be like a carryout restaurant. Still, it's not going to be like a sit down restaurant where...

Mr. Gibbons: But I mean, do you have a definition of a rapid (inaudible)?

Mr. Zuraf: In the ITE manuals, there are...

Mr. Gibbons: I was just trying to make a joke out of it. But still, a high turnover is a high turnover.

Mr. Zuraf: Right. The study also looks at the impacts in future years, looking at year 2015 and year 2021 build-out. In the image that you see on the screen, highlights the intersections that the study looked at as part of the evaluation. We looked at several intersections along Garrisonville Road, all the way from Shelton Shop Road, in this location, over to Eustace Road; and then also the Parkway Boulevard/Hampton Park Road intersection near the library. And staff notes that how a site affects transportation is discussed in our Comprehensive Plan. The Transportation Plan chapter of the Comp Plan recommends that a new development maintain a Level of Service C. That's on a range of A to F; A is a good traffic situation and C is kind of acceptable, and as you go to the bottom, D, E, and F are

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failing conditions or worsening conditions. So our Comp Plan recommends Level of Service C be maintained, but then it does recognize that certain sites may not be practical. And so it says if maintaining Level of Service C isn't practical, that the new development should not further degrade the Level of Service. So if it ends up in the future like Garrisonville Road, the study shows that at certain intersections the Level of Service is going to go below C then you look at how the delay is going to be affected and the study looks at the amount of delay that might occur in the future, with and without the proposed project. So, in the study, it does show several of the intersections kind of further degrading below Level of Service C, increasing some of the delays at the intersections. So, staff notes that this is the case with the project build-out and proposed improvements to be constructed, the proposed proffered transportation improvements rather, a lot of those improvements include turn lane extensions and turn lane additions. The applicant's traffic engineer is going to get up and address this so I'll leave it to him to kind of go over the specifics of those improvements. But, you also received some comments from VDOT. A big concern that VDOT had was the turn lane, the left turn lane on Garrisonville Road onto Parkway Boulevard, they recommend a dual left turn lane as opposed to extending the single left turn lane. That was their big recommendation. Looking at the land use plan as part of the Comp Plan, the Comp Plan identifies this site within the Commercial Corridor as part of the Suburban Land Use designation. The Commercial Corridor encourages commercial activities where there's adequate transportation facilities, encourages infill development, and that also commercial uses should be designed such that the commercial use is integrated into and accessible to the surrounding community and designed to be unobtrusive to the community. Staff believes the proposed development is consistent with the recommended Land Use suggestions in the Comp Plan. The higher intensity traffic generating uses are located closer to Garrisonville Road with the lower intensity uses closer to Parkway Boulevard and the residential uses. Looking at the evaluation of the rezoning, there are positives and negatives. It is in compliance with the Land Use recommendations, consistent with the established and proposed development patterns along Garrisonville Road. Proffers would mitigate potential visual impacts. It does provide for a high quality design of the site in buildings, and it does incorporate pedestrian safety measures as part of the proposal. Negatives - it is not in compliance with the Transportation Plan recommendations and does not meet all the Fire and Rescue safety recommendations noted in the staff report. With the rezoning, staff cannot support the reclassification proposal in its current form. We would recommend consideration of VDOT's comments and additional further evaluation of the traffic impacts on this area. Going over to the Conditional Use Permit item, part of the Conditional Use Permit is a request for several different aspects associated with this project. Use permits are required for the motor vehicle fuel sales within this zoning district and within the Highway Corridor Overlay; for the automobile service facility in the district and in the Highway Corridor Overlay; the convenience store associated with the vehicle fuel sales in the Highway Corridor; and all of the drive-throughs, the three drive-through uses or facilities would require the use permit as well in the Highway Corridor. As I kind of mentioned, the vehicle fuel sales is in this location and convenience store, the auto service facility is in this location, and the three drive-throughs are associated with the pharmacy, the bank, and with the convenience store in this area. So those are the uses and aspects of the project that require the Conditional Use Permit. Staff is recommending several conditions associated with these uses, and they're kind of grouped into three categories. There are general conditions that the uses be located in conformance with the GDP; there are some specific references in the conditions of the location of the fuel sales, that it be near Garrisonville Road; and the auto service facility be adjacent and oriented towards the vehicle fuel sales facility. Also, that the uses would be accessed from the proposed internal street that we went over and not directly out onto Garrisonville Road, and then the conditions include standards for loading space and truck delivery space, locations and design, that includes standards for dumpster pad and trash compactor screening. Also, a condition would require the inter-parcel connection in the area we've

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gone over near the gas station. The conditions associated with the drive-through facilities; the drive-through lane shall minimize and be oriented to minimize headlight glare onto state maintained roadways. The condition does say if it's not feasible that the uses should be screened by utilizing berms and evergreen plantings. Also, the entrances for the drive-through lanes should not have direct access from the primary travel lane that bisects the site, and stacking lanes shall not impede traffic circulation and shall include a bypass lane. And the drive-through canopy shall be of coordinated color and materials with the primary structure that it's associated with. And the conditions for the automobile service; there should be no outside storage of unlicensed vehicles or outdoor display or storage of automobile parts. All automobile service shall be performed inside the buildings, and a limitation of the hours of operation from 7 a.m. to 9 p.m. Sunday to Saturday. Those are the conditions that we recommend with this part of the project. Staff notes with the positives of this proposal, it is consistent with the established and proposed development pattern along Garrisonville Road; conditions tend to mitigate negative impacts on the surrounding properties and traffic network; and then also it is in conformance with the standards of issuance of a Conditional Use Permit. And there are no negative impacts with the Conditional Use Permit. Should the concurrent zoning reclassification be approved, staff would recommend approval of the use permit with the proposed conditions. And I'll take any questions at this time.

Mr. Rhodes: Okay, questions for staff before we hear from the applicant and then before we go to public comment? Mr. Gibbons.

Mr. Gibbons: Mike, where the home is now, there's a tremendous retaining wall. Is that coming down?

Mr. Zuraf: I believe that would come down, because that's generally in the location where the entrance will be. So, yeah, that retaining wall will come down.

Mr. Gibbons: I didn't see that in the plan.

Mr. Zuraf: The General Development Plan... well, the wall, because the wall's gone... the General Development Plan just identifies the future condition. So it's gone.

Mr. Gibbons: It is?

Mr. Zuraf: Yes, and the applicant can confirm.

Mr. Gibbons: There's always an operation for everything but the mechanics?

Mr. Zuraf: There are no limitations to the hours of operation with the exception of the... other than the auto service facility.

Mr. Gibbons: And then the lighting, with all of that lighting at night... 24 hours.

Mr. Zuraf: Well, the parking lot lighting, I guess, the sites would usually be lit.

Mr. Gibbons: No proffers of screening everything (inaudible)?

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Mr. Zuraf: There is a proffer for the evergreen screening in that, I guess, just to show you... if we can go to the computer. On the site, this is looking at it upside down, here's Garrisonville, Parkway, the site entrance is going to come in through here. And the one proffer will require evergreen plantings down in this lower area to ensure some full year kind of screening.

Mr. Gibbons: But there's nothing to buffer the Parkway Boulevard and the back portion and keep it all intact?

Mr. Zuraf: There is other landscape transitional buffering around the perimeter of the site, but...

Mr. Gibbons: So the answer is no?

Mr. Zuraf: There will be trees and landscaping to buffer, but not evergreen down around the bottom portion.

Mr. Gibbons: If you love evergreens, then you're kind of out of luck I guess. Thank you.

Mr. Rhodes: Thank you. Mr. English?

Mr. English: Can you bring that map back up?

Mr. Rhodes: Computer please.

Mr. English: Where is the Fire Department's property connected with that? Is it close behind that?

Mr. Zuraf: It is... the Fire Department property is in this location.

Mr. English: Didn't a creek run through there Mike? Right there?

Mr. Zuraf: There is a creek through that property, yes.

Mr. English: Looks like a small piece of property for a lot of building on it. It's 9 acres? Ten acres?

Mr. Zuraf: It is 9.24 acres.

Mr. Gibbons: The Fire Department's 3, isn't it?

Mr. Rhodes: Yeah, about 3.

Mr. Zuraf: I'm not certain.

Mr. Rhodes: Yeah, I think just a little under; right around there.

Mr. Hirons: Mr. Chairman?

Mr. Rhodes: Please Mr. Hirons.

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Mr. Hiron: Two question; with the conditional use language referring to drive-through, does that exclude restaurants, a fast food restaurant? Or would they be able to possibly put a fast food restaurant in there?

Mr. Zuraf: We have a condition that it be associated with the specific uses proposed.

Mr. Hiron: Okay, so that was there?

Mr. Zuraf: Yes.

Mr. Hiron: And then the second part, you did mention this a little bit, but the traffic impact study analysis did take into consideration the potential uses for that property that we reclassified, you know, a year or so ago, the swimming pool facility?

Mr. Zuraf: Yes it did.

Mr. Hiron: Okay, thanks.

Mr. Rhodes: And that one had several front pad sites. Okay. Anyone else for staff before we get the applicant forward? Mr. Apicella.

Mr. Apicella: Mike, you mentioned that the back two parcels... the back two structures would likely be office or retail. Where does it say that in the material?

Mr. Zuraf: As far as an assurance that that's what the use would be?

Mr. Apicella: Right.

Mr. Zuraf: Let me check the proffer statement. I don't see that as a specific guarantee within the proffers.

Mr. Apicella: Right. So I have a little bit of a concern. I mean, I see they're proffering out certain types of uses, but they're not specifically saying that this would be office or retail. Maybe they can provide some more details on what their plans are. If you could help me, bottom line, what would it take for staff to alleviate the remaining transportation concerns? Any specific changes? Any specific improvements?

Mr. Zuraf: Well, there's a lot of improvements that are suggested in the traffic study that are out kind of beyond the scope of the area that the applicant controls. So, there's additional improvements that are recommended at the intersections.

Mr. Apicella: For those that are within the applicant's control, what else would you like to see that they might be able to accomplish?

Mr. Zuraf: Well, there could possibly be, one of the thoughts was with the request from VDOT for the dual left turn lane, possibly like a pro-rata contribution towards the future construction of that extra turn lane. That might be something that could help.

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Mr. Apicella: And have you discussed that with the applicant?

Mr. Zuraf: No.

Mr. Apicella: No? Anything else, or that's pretty much the one big outlier from a transportation perspective?

Mr. Zuraf: Yes.

Mr. Rhodes: But simplifying it so it really comes into 3 groups of items. One is improvements on the property or areas that they can control and directly influence; two would be immediate off-property improvements that would take really a monetary proffer to... but it's going to be VDOT to improve... or other projects to improve; and then third is the degree to which you may or may not further restrict... one might further restrict the uses to limit the traffic impact on the area.

Mr. Zuraf: Correct.

Mr. Rhodes: Somewhere in that spectrum.

Mr. Zuraf: Restricting the intensity of the uses that are proposed on the site could be...

Mr. Apicella: Which goes back to my earlier question about whether or not those back two are office or retail or any other non-excluded use. Okay, thank you.

Mr. Rhodes: Any other questions for staff at this point? Yes, please Mr. Gibbons.

Mr. Gibbons: I guess they've met with you. Have they met with you?

Mr. Rhodes: Well, we've had some discussions. They had a meeting with the homeowner's association.

Mr. Gibbons: Okay now, you've got two major intersections there within how many... what, 500 feet apart? You've got the main entrance to Park Ridge and then you're going to have a main entrance to this off of 610... plus you've got the school.

Mr. Rhodes: Yeah, the Shelton Shop turn is heavy.

Mr. Gibbons: Yeah, but between the Parkway Boulevard and where the retaining wall is now it can't be but three of four hundred feet.

Mr. Apicella: Mr. Chairman, can we bring up the... I think there was a depiction of that.

Mr. Rhodes: Computer please. Did VDOT have comment onto to that entrance that's going to be in the bottom middle there? Where the retaining wall is? That's just a right in/right out, correct?

Mr. Zuraf: Right, right. That's going to be not as impactful because it has a limited access with the right in/right out movement, and the applicant is proposing to construct a through lane and turn lanes in and out of that entrance.

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Mr. Gibbons: Thank you.

Mr. Rhodes: And VDOT didn't comment further on that one with concern, it was more the left turn in off of 610 into Parkway, right?

Mr. Zuraf: Correct.

Mr. Rhodes: Okay. Any other comments for staff at this point before we go to the applicant?

Mr. Boswell: Just one.

Mr. Rhodes: Please Mr. Boswell.

Mr. Boswell: Did I understand one of the pads is going to be used for an auto repair, is that what you said?

Mr. Zuraf: Correct. Auto service.

Mr. Boswell: There's a difference in auto service and auto repair?

Mr. Zuraf: Yes. Auto service is going to be...

Mr. Boswell: So they proffered out auto repair in the proffers.

Mr. Zuraf: Right, right, yes. And we went over that and clarified that.

Mr. Boswell: So this is just like an oil change...

Mr. Zuraf: So this would be like a Jiffy Lube type of use.

Mr. Boswell: Jiffy Lube's are starting to expand now and I don't know if you've noticed or not but they've opened into other things other than oil changes.

Mr. Zuraf: Well, our Zoning Ordinance does restrict... have a definition for auto service and it's separate from auto repair.

Mr. Boswell: A fine line... okay.

Mr. Rhodes: Dr. Schwartz?

Dr. Schwartz: Getting back to that ingress/egress on Garrisonville Road, you've got quite a few people coming out of Park Ridge and making a right on red. It's a very busy turn and there's a lot of traffic on that road. Has there been any talk about, for the length of this property, having an acceleration lane for people that are making a right onto Garrisonville Road?

Mr. Zuraf: You might ask the applicant and traffic engineer to kind of help clarify how that improvement is going to... I know they're going to be adding some and doing some extensions to turn lanes, so I would ask if they can clarify that.

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Dr. Schwartz: Thank you.

Mr. Rhodes: Mr. Gibbons.

Mr. Gibbons: Can we follow up one more time? In the traffic study or the transportation analysis, how many vehicles per day were coming out of Park Ridge making a right turn? I mean, that's a busy intersection.

Mr. Zuraf: I'd have to look at the report.

Mr. Gibbons: When you get a chance, thanks.

Mr. Rhodes: Okay, if the applicant could come forward at this time.

Mr. Payne: Mr. Chairman and other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant. I also have here with me Mr. Mark King from Bowman Consulting, our engineer, and also Mr. John Riley, our transportation engineer, and also the applicant, Mr. Wack... he's also here. Also please note that the property owner is a lifelong citizen of Stafford County, two senior citizens who've been in this area for most of their lives and have lived at this location for most of their lives. I'm going to make some initial comments in regards to highlighting some of the key pieces that staff has well presented to you, and we appreciate their hard work on this in getting it before this Planning Commission. Then I'm going to put Mr. Riley on the hot seat in regard to some of the transportation questions. An attorney should never try to pretend to be an engineer and I'm not going to start tonight. But he, I think, can answer many of your questions in regards to the transportation issues and in regards to what our plans are. Some really good questions from Mr. Gibbons, of course, as usual; always to the point on issues in transportation and other. Again, we have as we all know a very vibrant, a very growing in a positive direction County. For several years after the so-called great recession we were begging for projects like this obviously to come to our County. There are positive tax revenue generators as you probably know and if you've seen the staff report, this is netting close to a half a million dollars a year with very little impacts on core County services, specifically on schools which we're always mostly concerned about. We're always concerned about traffic and, as you know, there's plans not necessarily for this specific location yet but for widening 610 and improving transportation issues along that corridor. As you also probably know, in this particular location there's lots of rooftops without a commercial center necessarily serving it. So, in many ways, where you're seeing additional transportation, although through the official VDOT formulas we also see ways to cut down transportation because individuals who live near this site in the Park Ridge area can come to our site for the necessary services and retail goods that they may need. Also some good questions from Mr. Apicella in regards to our uses and how they transition. Obviously, a retail or service convenience store type location is going to want to be close to the main commercial corridor which we all know is 610. What we've planned is to have those uses towards the front, a bank, convenience store with fuel station, and then also the auto care service facility towards the front and then, as we transition back, our plan for office. And we would hope that that would be professional office space and attract some physicians to that location. Again, creating a layout, if you will, that would attract the type of retail that we think would be positive in this area and then obviously transitioning it back to commercial and office development. Just real quick, and as staff indicated, rezoning this from A-1 to B-2, as you've seen in your report we're surrounded by several similar uses. Again, consistent with the Comprehensive Plan which this respectful board passed as well as the Board of Supervisors which, as we know, B-2 encourages high density

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commercial use as a retail, services, business, and professional uses located along major road arteries and collector roads. Again, very consistent with the intent of the zoning district and also with the Comp Plan. And as I noted earlier, we are surrounded by lots of rooftops. I don't think there's an immediate location competitive sort of commercial center near us, so we think it will be convenient to those rooftops that are near the site. As I noted earlier, or what was noted earlier, we did meet with several HOA's over there; we met with many of them, their board leadership and others about our project back in February. The meeting was very positive and we think well received. Of course, we did get questions about transportation. At this point, instead of me going through all of the proffers that we've presented, I think it would be important to have Mr. Riley come up here and walk through each of the transportation proffers and some of the transportation issues that we've been discussing. But before he gets here, I think it's important to (1) note that this site is within the Route 610 service district, and we also know as the board and this respectful board... the Board of Supervisors and this respectful board passed last year which will be effective in May a transportation impact fee which exempted commercial properties. I think it's important to understand, as I've stated earlier, when you have a development that's generating positive tax revenue for your county, you want to incentivize that. I believe that the Board exempted commercial properties for that reason, also because they more than pay for themselves. So with that, I will have Mr. Riley please go through each transportation improvement and then we're going to answer some questions from that and go from there. Thank you.

Mr. Riley: Alright, thank you Mr. Payne. John Riley with Bowman Consulting; I'm the traffic engineer of record for this project. I think you for having us here this evening. Just a couple general comments before I go over some slides that will appear here momentarily. Stafford County, from a commercial development standpoint, is blessed with a lot of traffic, especially on 610. And there's a couple rules of thumb that don't often come out in these traffic studies and in the reviews that I often use when looking at traffic. Thirty thousand cars a day is usually a good number, a good threshold from a planning perspective to consider widening to six lanes; take a 4-lane road to a 6-lane road. When we conducted this study, the latest VDOT numbers indicated there were 31,000 vehicles a day already on 610. Since that time, VDOT's issued an update and there's closer to 35,000 cars a day, a 4-lane road. So that obviously paints a picture of kind of what we're stepping into and looking at developing alongside. It's where you want commercial but a little bit at a disadvantage traffic-wise with the need for widening. And that's really what makes the traffic work in the future, is a 6-lane Route 610.

Mr. Rhodes: If I could just interrupt...

Mr. Riley: Sure.

Mr. Rhodes: Mr. Harvey, what is the status of the expansion from Onville to Eustace?

Mr. Harvey: Mr. Chairman, that's currently in engineering design. That project is moving forward.

Mr. Rhodes: Have they completed or started the process of procuring all the remaining right-of-way?

Mr. Harvey: I don't believe they've gotten as far as right-of-way acquisition yet.

Mr. Rhodes: Okay, so they're still on the engineering design and then they'll have right-of-way acquisition, and then they'll...

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Mr. Harvey: Yes, I can get you a more detailed report at your next meeting.

Mr. Rhodes: That would be helpful, and then where they are at all or any of the... I know the future plans ultimately have Eustace to Shelton Shop becoming 6-lane at some point. It would be good to know from VDOT's perspective where they are in that queuing of their structure.

Mr. Harvey: Yes, Mr. Chairman, these widening projects for Garrisonville Road are being done by the County rather than VDOT.

Mr. Rhodes: Okay. Isn't VDOT the agent?

Mr. Harvey: VDOT ultimately accepts the road after the County does the widening project.

Mr. Rhodes: Ah, okay.

Mr. Harvey: In this particular case, as mentioned earlier, the commercial properties in this corridor pay an additional tax towards road improvements, so the County's been widening Garrisonville Road in segments as it can afford to.

Mr. Rhodes: So, the project management is on the County as well, for those projects?

Mr. Harvey: Yes.

Mr. Rhodes: Oh, okay. Good. Well, yeah, if you could just give us a queuing of those. I know, as I understood it, the segments were Onville to Eustace, then Eustace to Shelton Shop, I think.

Mr. Harvey: I believe that's correct.

Mr. Rhodes: Okay, thank you. Sorry, thank you very much.

Mr. Riley: Sure. Anyway, the traffic is going to grow, even without our site. It's projected to grow towards 40,000 vehicles a day at our horizon year, which is year 2021. Our development... Mr. Zuraf noted a number of 11,000 vehicles per day. It's actually with a revision that VDOT requested, and some of the ways we calculated a number, in our revised document it's closer to 9,000 trips a day. But the nature of uses is highly pass-by which means we're really capturing a lot of traffic that's already out on the road which is a good thing. The numbers in our study actually show roughly 50% of our traffic is already out on the road. So our contribution in terms of new cars that aren't there today is closer to 4,500 vehicles per day.

Mr. Rhodes: Can you characterize the refinements that VDOT had asked about?

Mr. Riley: They had a way they like to see trip generation calculated for the convenience gas use that we analyzed. I can go into more detail, but essentially that actually increased the peak trips but it lowered the daily trips.

Mr. Rhodes: Okay.

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Mr. Riley: That's the way the numbers worked out. When you distribute that traffic out three directions, east/west on Garrisonville and south, our contribution in terms of new trips to the roadway network on 610 is about 5%. Okay, so just keep that number in mind. Let me go to the overhead projector. The green dots indicate the extent to which we have studied the network, significantly larger network than what was studied for the Sports Center that's been mentioned a couple times... the study adjacent to us. VDOT has gotten more aggressive with what they want to see studied and evaluated and the network for our study was thus larger. And you can see the extents out to Shelton Shop to the west, Eustace to the east, all the way down to Hampton Park. Next slide please. There we go... thank you. Our transportation improvements focus primarily at and adjacent to our site where we do control property so to speak, but we also went offsite based on having met with the community and also having talked to VDOT we felt like if we were to do offsite improvements away from our site, it made sense to benefit the community and the local users. So there's a proffer improvement down at Hampton Park. And I want to talk about each of the improvements. Next slide please. There's a total of 8 that I want to discuss; 7 are shown on this rendering and I'll start at the top with number 1, the left turn lane extension. There's a need today to extend that left-turn lane and especially in the future. The left turn lane has been the subject of discussion. We actually feel like that's the most appropriate improvement that we can make reasonably. We can extend that significantly, almost triple the stacking that's there today and get it to about 500 feet. The second is the dedication of right-of-way... second and third... dedication of right-of-way and additional through lane, and the sidewalk on 610. So, if we're contributing 5% of the traffic, I'd like to think that we're widening and contributing 50% of the solution for the 6 laning that's needed. So I think that's a key point to drive home. We're doing everything we can on our side in terms of right-of-way contribution, pavement improvements, the turn lane, etcetera, to set the table for what this corridor needs to look like and what this section of road needs to look like to handle the future (inaudible).

Mr. Rhodes: So, would this, what you are doing there on number 2, if that were expanded to 3 lanes, that would still accommodate it; it wouldn't need further modification for the turn lane then?

Mr. Riley: That's correct. We're building a future through lane and a turn lane. In the interim, until it's a 6 lane road, we'll have a lane that essentially striped out.

Mr. Rhodes: Gotcha.

Mr. Riley: Number 4, again, with the community context in mind, we have a pedestrian crosswalk to tie to the trail. As mentioned before, that connects to a pretty good sidewalk network that runs all the way through our site; both sides of our spine road and back out to 610. We also are extending the, number 5, the two-way left-turn lane. What that allows traffic to do coming out of our site, if they want to turn left and go south on Parkway they can use that as an acceleration lane. That's a minor improvement but it actually has a significant impact on how well people can exit the site to the south. Number 6 is a taper... that's a safety improvement there... a decel taper into our site. And number 7, again, the spine road with sidewalks. Mr. Gibbons raised a question about the northbound right turns on Parkway. We feel like our spine road essentially acts as a de facto second right turn lane. So if traffic is delayed for any reason, particularly in the morning when commuters are on their way to 610, they now got two ways to get there; they can use Parkway or they can move through our site. Normally cut-through is a bad word. In this instance, cut-through is a good thing. We want the traffic coming through the site and certainly think that this spine road actually helps resolve some of the issues that might happen.

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Mr. Rhodes: Did you have a chance to just glance through your numbers and see how many cars take a right turn there at that intersection?

Mr. Riley: Today?

Mr. Rhodes: Parkway and 610? Yeah. I think that was Mr. Gibbons' question. Just curious of the volume perspective.

Mr. Riley: These are peak hour volumes. In the morning there's 245 right turns in the peak hour; 183 in the p.m. I would characterize the 245 as a moderate volume. When you think of double-rights, you're up in the 500 plus right turns, so it's not an overwhelming number by any stretch.

Mr. Rhodes: Were you looking at any type of acceleration lane associated with the right turn off the spine road onto 610?

Mr. Riley: No. That lane will have gaps; hopefully it will function well with gaps from the signal. So folks will be able to utilize the pockets that the signal creates in eastbound traffic and not need an acceleration lane.

Mr. English: For the spine road that you're talking about to turn right, that's not going to have speed bumps or nothing in there, is it?

Mr. Riley: No. They're not planned.

Mr. English: Because if you have people start coming and taking that right and using it as a cut-through, you know you're going to have traffic issues as far as speeding is concerned through there. Do you realize that?

Mr. Riley: Well, it's got curvature in the road, it's a fairly short travel. You know, it's hard to predict honestly.

Mr. English: I mean, you have it open for a year and then you use that and they start speeding through there and you decide, well, hey we need to slow this down; what are we going to do? Put speed bumps in there.

Mr. Riley: Yeah, we talked about that with VDOT and they didn't raise that concern. But that's something I think we can evaluate post-construction if need be.

Dr. Schwartz: Excuse me. Going back to your last slide, looking at the situation here, this reminds me quite a bit of people trying to make a right-hand turn down at the Wawa at the Interstate where you've got people coming up at the BB&T, and everybody's trying to make a right-hand turn. That Wawa will back up sometimes 6, 8, 10 people trying to make a right-hand turn. So, if you've got a red light there, you're saying their light is going to break and people making the right-hand turn out of Park Ridge and people making the right-hand turn out of your complex, your spine road, are going to be competing for that outside lane there. That's what's happening now. An acceleration lane, and it looks like you have the landscaping there for it, would probably be a wise move. I mean, what's the detriment to putting an acceleration lane there?

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Mr. Riley: You know, that's something we could look at with VDOT if the lane's going to be constructed and a striping improvement to allow for that is better. That's something that... You're referring to the future through lane?

Dr. Schwartz: In front of your gas station, right there.

Mr. Riley: I tell you, personally I'm not a fan of the accel lanes necessarily because you end up creating... while you can get out easily, you end up creating a merge, potentially a merge issue. And I think our analyses have shown that on this section of 610... I think the one you're referring to is towards the Interchange... it's much different...

Dr. Schwartz: It's much closer but things are backing up.

Mr. Riley: ... a much different level of traffic. I understand the similarity in terms of (inaudible).

Dr. Schwartz: If you're trying to merge going from 0 to 60 as opposed to trying to merge going from 30 to 60, it's a lot easier. I mean, I know you're not a big fan but...

Mr. Rhodes: He drives 60; we drive 45, but that's okay. I'm sorry Dr. Schwartz, I couldn't help it.

Dr. Schwartz: I'm just saying, when you're getting up to speed on the road that you're trying to merge onto, you're not playing chicken so much and there's a lot of people playing chicken up on 610.

Mr. Riley: Okay. Well, we'll take that into consideration, I think, and if it makes sense with VDOT and the lanes are going to be there, then they'll just be a striping modification. Any other questions on this slide? We have one more. Okay, next slide. So, a half mile south is Hampton Park Road; that's our last improvement for proffers. Next slide.

Mr. Rhodes: Please, Mr. Gibbons?

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

Mr. Rhodes: What are your current hourly turns, peak hourly turns? I'm sorry, I have trouble reading through all those numbers. I'm trying to learn those; I still can't weed through them. But the peak hourly turns for the left turn from 610 heading west onto Parkway.

Mr. Riley: Today?

Mr. Rhodes: Yes.

Mr. Riley: So, in the morning we have 66; that's very low. In the afternoon, 341.

Mr. Rhodes: Three forty-one for the hourly.

Mr. Riley: Yes.

Mr. Rhodes: Okay, thank you.

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Mr. Riley: Any other questions?

Dr. Schwartz: What is the detriment they spoke about making a double left-hand turn lane there off of 610 into Park Ridge? What's the pros and cons of that versus the extension?

Mr. Riley: Well, the construction cost, I think, it's a matter of what we control. That's on the far side of the median; right-of-way is limited. So that, while it sounds perhaps like the addition of a lane, it's an extremely expensive endeavor I think to make that happen to the full. Our analyses show that the extension of our lane, while there may be more delay for that movement, it does not create a queuing problem, it accommodates the future queues. There's also another nuance that's kind of lost in the discussion of Levels of Service and the Comp Plan, and that is that today you can turn left on a permissive, or green ball... green circle, at that signal versus having a green arrow. And that is a major factor in Levels of Service. Today you can turn left on a green ball, but if it's widened to 6 lanes, VDOT specifically requested that we take that permissive movement out and make it a green arrow, which that's a safety benefit but it's a Level of Service reduction. So more delay. So it's a trade-off and I think that's very important to understand that when you widen to 6 lanes, you get safer left turns with a protected green arrow, but you lose the ability to make turns on a green ball with the yielding to oncoming traffic. So, that's one of the challenges with this. We think 6 lanes obviously in the future makes things safer for that left turn, but the green ball gets lost and the Level of Service goes down.

Dr. Schwartz: Thank you.

Mr. Riley: Alright, next slide. So, further down at the library, this was the southern extent of our study. There was a significant Level of Service delay really not so much attributed to our traffic, but commuter traffic we think back-dooring down towards Courthouse and also the local school traffic all peaking at once. Literally within a probably a 30 minute window there was a significant queue there. So we proffered a westbound right-turn lane to help that situation out and we felt like that was an appropriate place for an offsite improvement, being that it's in the community, it's a congested area, it's got crosswalks and pedestrians and so forth. So that's our final transportation improvement. The sum of the total improvements, onsite and offsite, we estimate well in excess of half a million dollars. So, again, if there's a theme to this it's the number 5; we have 5% of the traffic on 610, we've got 50% pass-by, and we're doing 50% of the widening on 610, and we're doing north of \$500,000 of improvements. So, hopefully I've hit all the questions. I want to look back through my notes. Any other questions or...?

Mr. Rhodes: Any other questions for the applicant on the transportation portion?

Mr. Riley: And I think our key point is while there continue to be Level of Service challenges, I think everybody in the room understands, there needs to be 6 lanes out there and we're doing our fair share, 50% of it, we feel even though our contribution of traffic is roughly 5% and that's a good deal.

Mr. Gibbons: What if you took your, you know, being honorable souls, just wait until we get the 6 lanes. Would you delay the building?

Mr. Riley: Would we delay the building?

Mr. Gibbons: Until the 6 lanes are put in place?

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Mr. Riley: I would say no.

Mr. Payne: I would think you would want to incentivize that (inaudible - microphone not on).

Mr. Riley: Right. I'll take any other questions as they come and I'll turn it back over to Mr. Payne.

Mr. Rhodes: Thank you.

Mr. Riley: Sure.

Mr. Apicella: Mr. Chairman, could we get a copy of that slide deck?

Mr. Rhodes: Do we have copies of those slides?

Mr. Payne: Yeah, we sent it to Mr. (inaudible).

Mr. Rhodes: Wonderful, thank you. So staff will get it to us.

Mr. Harvey: Yes sir.

Mr. Rhodes: Thank you.

Mr. Payne: And just a couple other just follow-up points. In regards to the Fire Department's recommendations and sort of the negative not necessarily report but the aspect of that, again, I think they wanted us to sprinkle every building. What we always say and what we should say is we'll follow the building code requirements. So, just to answer that question... I didn't want to leave that open. Again, in closing, I'm certainly happy to answer questions. I assume most of your questions were related to transportation. Again, you guys have seen an influx of new residential rezonings and development; the economy is moving in the right direction. These are the kind of things that follow that type of movement. This is something that is very positive for us. I know that we've got to address some of the byproducts of that which is obviously transportation. What we need are viable commercial businesses and investors who help us offset those costs, and you do that by allowing us to open up for business to generate tax revenue and hire people. So, again, I think this is a very positive commercial project. I think it's in a location that makes a lot of sense for that purpose along 610, and I think the future of 610 as, we can all agree, will be widened at some point in the future. But to suggest that any commercial investor that comes to this County unless the roads were widened, you can apply that rule anywhere, on 17, 610, Ferry Road, Route 3, you name it, it's not going to happen. So you want these investors to be attracted to our site, but obviously you want us to mitigate our impacts as much as possible. So with that I'll answer any questions.

Mr. Gibbons: Mr. Chairman, two things that bother me. One is the transportation, and you've got an excellent briefer; the second is buffering. You've got to have good buffering on that site, especially in Park Ridge.

Mr. Payne: We've got excellent buffering and we worked very close with staff on that.

Mr. Gibbons: I know what buffering is and I know how trees grow and how (inaudible), so I'm concerned about buffering the Parkway Boulevard as well as the back part. Thank you.

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Mr. Rhodes: Do the... there was a question, Mr. Payne, from Mr. Apicella dealing with the specific uses for those other buildings down further, I guess the southern portion of the lot. There's nothing in the proffers that necessarily identify the uses.

Mr. Payne: We haven't asked for a Conditional Use Permit obviously for something that would be higher end or a drive-through type requirement. The transitions normally would be obviously the higher service end and retail in the front as it goes back from the commercial corridor back. We don't think a high end retailer who may generate lots of traffic is going to want to be in that back. We're hoping and promoting the process of putting some professional office users in that back end. But I think the proffer that would unreasonably strangle the opportunity to bring in perhaps not such a high traffic retailer who may want to be in the back so I want to be very careful about how we do that. But it is the plan and I think the way that it is naturally set up in our GDP it makes a lot of sense that you're going to see office in that back area.

Mr. Rhodes: Mr. Apicella?

Mr. Apicella: I appreciate the economics and the desire; I'm still concerned about what may come 5 years from now when circumstances may change and other uses may be the only ones you can pursue. So, without some assurances, I have some pause about the... I too would like to see something transitioned in the back but I don't have an assurance that that's the way it will.

Mr. Payne: Maybe you can help me a little bit about what those concerns would be. What kind of retailer are you concerned about in the back.

Mr. Apicella: It doesn't say retail; it just says commercial pad. So that's anything under B-2 that's still allowable.

Mr. Rhodes: Maybe we can work with staff to find a way to structure that ensures that the range of uses are there that it won't exceed a certain traffic impact. You've got a certain modeling that you've gone with thus far and that was based on certain assumptions for those buildings furthest to the south, and maybe we can work a way to address something that keeps it within that range.

Mr. Payne: Well, we'll certainly take a look at that. Again, I just want to be careful about how we...

Dr. Schwartz: Mr. Payne, along those lines, I have a dental office on 610 and the patients are constantly looking out the window and making comments. Staring at the backside of a Jiffy Lube is not really something that you're going to get high end professional people wanting to be behind. So I think the question of what is going to go back there, is it going to be a Dollar General Store or, you know... We're going to need more input as to what you want to put and are people going to be staring at the backside of a Jiffy Lube.

Mr. Payne: The auto care service, as you know, has been shifted up to the convenience store area, that's where that's going to be located on the GDP. We've asked for an auto care use as part of our Conditional Use Permit; the plan would be to move that closer to the front so when you're talking about staring at that type of use, it is shifted closer to the front, towards Garrisonville Road.

Dr. Schwartz: You have a gas station right on Garrisonville Road. On the east side of the property... the northeast, you have a gas station...

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Mr. Payne: We can show you right here...

Mr. Rhodes: Computer please. Maybe we can go to the GDP on the computer that way everybody can see.

Mr. Gibbons: But you can always tell when your car has its oil changed while you're at the dentist.

Dr. Schwartz: Offer a coupon... free cleaning and oil change.

Mr. Rhodes: If we could just go back to the GDP... there we go. Yeah, that will help best, thank you.

Mr. King: Mark King with Bowman Consulting. One thing we did, we worked with staff; we had the auto service further in the back and wisely we discussed this and we moved it up to kind of go between the gas convenience and the potential office building. But what we did in here was add some islands, one that would buffer this from the gas convenience store and 610. So as you were driving down 610 you wouldn't look right into the garage door.

Mr. Rhodes: Can you make that cool, super cool color pen work Mike so he can just kind of squiggle in there?

Mr. King: This here is one island, and we actually, this GDP just recently we took these parking spaces and made that an island as well. We're going to do like a bio-retention.

Mr. Rhodes: And we can see it on this one, but everybody else couldn't see it that's why I wanted to show it. Thank you.

Mr. King: Oh okay. So those two areas there, and I think Dr. Schwartz, to your comment, is if this is some type of medical office or just an office building in general that people wouldn't be just looking right out into the back of a building. They would be looking at trees and plants. It'll be at least this one area here will be a bio-retention area.

Dr. Schwartz: Thank you.

Mr. Rhodes: Okay, thank you. Any other... did you have more Mr. Payne?

Mr. Payne: No, that's all.

Mr. Rhodes: Any other questions for the applicant before we go to public comment?

Mr. Payne: Thank you Mr. Chairman.

Mr. Rhodes: Thank you. Mr. Zuraf?

Mr. Zuraf: Mr. Chairman, if I could just clarify to one point, that one question that was made about the specific uses associated with the drive-through. I know a lot of it was described in our advertisement and notices but, looking at the Conditional Use Permit, we do not have a specific condition that those three drive-throughs have to be for those three specific uses. So the Planning Commission may want to...

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Mr. Rhodes: Okay, those are examples but those are not specific.

Mr. Zuraf: ... add that in if you do feel strong about that.

Mr. Rhodes: Thank you. That's good, that's helpful clarification. Alright, I'm now going to open the public comment portion of the public hearing. This is an opportunity for anyone that would like to speak on... sorry, I always have to clarify with Ms. McClendon... they can speak to either item 2 or item 3? We don't have to do those in separate succession, correct? Okay, thank you. Anybody that would like to speak on item 2 or item 3 and as you might have noticed in the staff presentation, the reclassification was item number 2 and then there was a Conditional Use Permit for the subsequent uses in item number 3. Much of the discussion thus far has been on the traffic impact which is associated with the reclassification portion of the application. But if you'd like to speak on any element of the 610 Park Ridge application that is here, the reclassification or Conditional Use Permit, you may come forward and do so at this time. All we would ask is that you state your name and address, then a green light will come on. You'll have 3 minutes; a yellow light will come on when there's one minute; and then a red light we would ask you to wrap up your comments. Again, this is an opportunity for you to present your issues and your concerns. I know that it's not a question and answer open dialogue back and forth, but it's an opportunity to present those issues. If there's a way for us to get some of your concerns addressed in further staff follow-on or applicant follow-on conversation, we will try and do so, but I can't necessarily guarantee that everything you present as a question will necessarily be able to get an immediate answer back. So thank you. Sir.

Mr. Munoz: My name is Ben Munoz. As far as all this is concerned, I think it's a pretty bad idea. In my profession I do traffic intersections, build them... I've been doing that for about a decade now so I'm pretty familiar with the engineering aspect, the prints, layouts. I'm certified in a lot of stuff so I deal with a lot of people, traffic control, safety. One of the slides mentioned there was no negative in the traffic. Well, my main concern is my kids. I live right off Parkway Boulevard and the speed limit already is 35. And 35 is what they should be going but what they don't do. There's a lot of speeding as it is. I think this would increase it because of the other neighborhoods behind us rushing to these gas stations and banks, trying to get there in time before it closes because they're already sitting in traffic coming from northbound. The left turn issue turning off 610, even if you did add a second turn lane, the tractor-trailers for the gas, for materials, for food, whatever, would have to stay in the outside lane eventually merging onto the inside lane and there's no buffer area for them to merge over to go into the shopping center which would cause traffic to back up back to 610, and traffic coming the opposite way... accidents all day long. Pedestrians as well, with the tractor-trailer issue waiting to make a left turn into the shopping center, if they were crossing anyway, they can't see the traffic coming on the other side and that's potentially another accident waiting to happen. I see these issues all day long. I try to prevent them. I try to keep everybody safe with the visual aid and trying to keep trucks out of the way so people can see and be safe. I think there will be backups. Like I said, for the other neighborhoods coming through, I fear there will be also trash from these convenience stores of pharmacies or whatever going in. One of the slides said the only pro is the visual simulation. If that's the case, you might as well just put up a billboard. I mean, just leave it at that. Things will have to change if you extend the turn lanes, the timings will change and that will back up traffic. Having the Shelton Shop traffic thinking they can take these new turn lanes, increasing traffic again. So there's... I mean, I deal with people all day long, you know, VDOT and engineers, that's great but they don't get a lot of the real world applications that I have to deal with you know where we need it. And so I solve a lot of that problem. They said earlier the magic number was number 5; hopefully it's not 5 fatalities

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with I see potential accidents that can occur, may or will occur. Hopefully not, but... That's all I have to say. Thank you.

Mr. Rhodes: Thank you sir. Anyone else?

Mr. Woodall: Yes, my name's Kevin Woodall. With due respect, the work that's been put into this project by Mr. Mack and the team and the owners of the property, unfortunately I disagree with the current draft plan. It's a very busy area already. And this is the suburbs. It's turning into a very busy urban area. I see a lot of sprawl on 610 and it's just non-stop. Let's see... I understand a historic structure was mentioned on that. I haven't seen any study on that structure. I'm sure it will probably be torn down, which would be understandable, but it'd be nice to review that. The plan does look like a very aggressive plan for a neighboring type of area. So, it looks like they maximized all the structures and it's just too excessive for a neighborhood with 2 schools on Parkway. I think the turn lane off of Parkway is a bad idea. There's a Montessori school right there. Auto care, gas stations were mentioned. We already have more than 7. Pharmacies were mentioned. We have over 11 pharmacies; there's no shortage of that. A couple things I heard, it's not in compliance with the Transportation Plan. And I'm against any turn lanes off of Park Ridge at this time. No spines going through the back section, I'm not interested in any of that. And I appreciate your time and thanks a lot.

Mr. Rhodes: Thank you very much sir. Anyone else would like to speak on this item, either 1, 2, or 3?

Mr. Gregory: My name's Tom Gregory. I'm sorry I only have 3 minutes to rebut 35 or 40 minutes of rhetoric from the applicant. This is a bad idea, as the other 2 residents of Stafford County stated. I'm a resident of Stafford County and I think it's a bad idea. I've lived here since 1989. I've seen the traffic on 610 grow from barely movable to not move at all. I don't drive on 610 anymore because of that. I can no longer take the other roads because we put traffic calming measures on 4-way stop signs, 3-way stop signs. The improvement they spoke of next to the library, how can you improve an intersection that has a 3-way stop sign on it? With any more lanes, what, are you going to have more people running the stop sign instead of less? If you're going to do this and you're going to approve this zoning change in the first place, at least don't even allow any entrance on 610. That eliminates most of those problems with the traffic on 610. Let them get the business that they want from Parkway Boulevard; although I'm sympathetic to the people who live in Park Ridge because there's enough traffic on Parkway Boulevard already. This is a residential area. It is not a commercial establishment. As the other gentleman spoke of, there's 9 or 10 pharmacies on 610 within a mile of this location. As far as gas stations, there's plenty of those. In fact, they're going out of business everyday so we certainly need a few more of them placed along there. The other things that haven't been mentioned other than Mr. Gibbons observed, there's a 25 foot high retaining wall holding back a large hill of dirt. That's going to create an environmental impact to move all of that dirt to make this land so that they can build this property there. Where's all of that water going to go? Down in that little berm behind the thing and now make it a floodplain every time we have a heavy rainstorm, which we don't have now? So, I really believe this is a bad idea and I think the Planning Commission ought to vote no on the rezoning. And I certainly don't think you even have to worry about the Conditional Use Permit if you don't rezone it. So... start looking out for the citizens of Stafford and not worrying about the amount of money that these people claim they're going to bring to the County. I haven't seen it coming; all I see is my taxes going up and more traffic. Thank you. Tom Gregory.

Mr. Rhodes: Thank you very much. Anyone else would like to speak on these items?

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Mrs. Munoz: I'm Courtney Munoz. These 3 men have pretty much summed it up, but you do need a woman's thought. I think it could be trashy. And all of us with the kids, the school, look who hangs out outside of gas stations, sitting smoking, and older teens. And then they're going to be driving through our neighborhood and seeing the kids get out of school who have to walk from school to walk home. Are they going to just grab our kids? Some of the crazies because there's psychos out there and it's just... like I said overall, all I can say is it's trashy, it's a bad idea. We already have the 7 to 11 pharmacies less than a mile from our house. Same with banks and gas stations. So I just think you don't need it; it's unnecessary. Just drive.

Mr. Rhodes: Thank you.

Mrs. Munoz: Oh, thank you.

Ms. Freeman: Cathy Freeman. I'm also a resident right off of Parkway and I really want to emphasize the point that I feel like she just brought up. This is not your normal intersection off of 610. This is more residential. I don't think enough emphasis has been brought to the fact that Park Ridge Elementary is right there, there's a daycare that's going to be on the other side of the creek. The library. This truly is a residential area. Walkers. Has anyone ever really... you know, you talk about how many turns left and right and all this... what about all the young children, elementary age, that are walking up and down that street that now you're going to put all this stuff right there when there are many other places on 610 to stick your businesses. This is not the same type of area that you have at Wawa or Shelton Shop; it's residential... period.

Mr. Rhodes: Thank you.

Ms. Callender: Good evening, I'm Alaine Callender. I didn't come in this evening to comment on this item, but as I listened to the presentation and the comments from the citizens who live there in the area, I would like to support them. As I was listening to what was being proposed, I kept thinking about my visits to Route 610 which are periodic throughout the year. But I always am amazed at what a hodge-podge it is. So many gas stations, convenience stores, whatever. It's amazing the numbers. People are always commenting about 7-Elevens on 610. So I think the citizens have brought up some great points. I'm not sure that these are needed jobs for our community. Perhaps some of them are. They certainly are not going to be high wage jobs for the most part, and so I think I like Mr. Gibbons' idea... wait till the 6 lanes are in and then look at something like this and see if it's needed at that point. Thank you.

Mr. Rhodes: Thank you very much.

Mr. Taylor: Good evening. My name's Eric Taylor. Just a quick note from a commuter's perspective. Every morning I travel up to DC and make that right-hand turn from Parkway Boulevard onto 610. And I can validate that right now, it was interesting to hear the comments about acceleration lanes because that's what I use... many a times use the shoulder for is an acceleration lane. If there's another right-hand turn coming out of the proposed development and I'm fighting to get into the main lanes of traffic, that presents a problem. Now, I have options of living back in the backside of Park Ridge because I can make that right-hand turn down to North Hampton and cut through Hampton Oaks. And I presume that a lot of my fellow residents will begin to do that as traffic becomes untenable. So there are some second order affects that need to be considered while we're placing businesses in a congested area such as is already proposed. As a resident under one of those rooftops,

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I've heard very little right now that provides me any quantifiable benefit to me as a resident in conjunction with this project. Thank you.

Mr. Rhodes: Thank you. Anyone else who would like to speak on item 2 or 3? Okay, I will close the public comment portion of the public hearing and bring it back in. Are there some items that you would like to address Mr. Payne?

Mr. Payne: Mr. Chairman, thank you again for the opportunity to speak before this Board, this well-respected Board and we appreciate your time this evening. Lots of good questions and, as always, we appreciate the input from our public; they are very important, their thoughts, their concerns and their interest. They all want better quality of life, they also all want better schools, they want better roads, they want better healthcare, they want better public safety, and all that comes with a cost. And they don't want to pay more taxes. I don't blame them, neither do I. This is a project that can help offset those impacts, they can provide positive tax revenue for our community, so I encourage you to take a strong look at that process. And it can also offset and contribute to traffic improvements in that particular area. Again, generating close to a half million dollars in net revenue for the County and again, that number didn't come from thin air. We didn't make it up. What we did was we went to your Commissioner of Revenue and we asked them to compare similar uses and what those revenues are from those similar uses, and that's where the number comes from. So it's a real number that's happening today.

Dr. Schwartz: Excuse me, Mr. Payne? The residents made a comment that this will be the 10<sup>th</sup> pharmacy. You're not going to really be expanding additional revenue in the coffers here in Stafford County, you're just going to be poaching off of the existing businesses that are in the area.

Mr. Payne: That was taken into consideration when we came up with our numbers, and again, that doesn't take into account the propensity of putting this type of use near the rooftops versus they having to travel a longer distance. That propensity does mean that they spend more and they spend more often.

Dr. Schwartz: I tend to disagree. If they need a pharmacy, there's plenty of them on 610 now. You know, I'm a capitalist. You can set up your business and compete; I fully believe in that. But to say that you're going to be throwing \$5 million into the Stafford County coffers really isn't true.

Mr. Payne: I didn't say \$5 million; it's \$500,000 (inaudible).

Dr. Schwartz: Five hundred thousand dollars; I'm sorry, I threw an extra zero at you.

Mr. Payne: Yes sir. We'll take that though.

Dr. Schwartz: But you're not going to be throwing, really, that kind of additional money. People are not going to be getting off the highway, coming to 610 to spend money at your pharmacies and your banks and your gas stations.

Mr. Payne: Well, just as a reminder, and I'm sure you know this, most of that's being generated by real estate tax. There's a lot of this being generated by real estate tax. It doesn't matter if the real estate tax (inaudible); it is what it is.

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Dr. Schwartz: Do you have that number?

Mr. Payne: We have the numbers broken down; it's in our packet.

Mr. Rhodes: Yeah, we can have staff pull it out and highlight it for us.

Mr. Payne: And again, we worked with the Commissioner of Revenue and he took into account the issues of offsetting costs, offsetting dollars if you will. We've taken dollars from other locations.

Mr. Rhodes: Can you comment to the engineering that would be in place dealing with water runoff and so forth as you modify the site, and then put down the asphalt for the lots and other things if this should go forward?

Mr. Payne: We're working on putting a significant LID process on this site, not having a stormwater management pond. So that will address the water issue.

Mr. Rhodes: Okay.

Mr. Payne: By far. Mr. Apicella did raise a good point, and I didn't want to be argumentative with him; it's certainly never my intent. I'm just always trying to protect the obviously interest of my client in trying to make sure that there is flexibility built into the process. But I think we have a good suggestion and we can talk more about it, but capping, no matter what our uses are internally, capping them at the a.m. and p.m. peak hours that we have evaluated for our study today so it would never exceed that, with the exception as we assume the improvements will occur on that part of 610, that if we do have a use that exceeds that or uses that exceed that we could go to VDOT and get an updated study to determine whether we'd have an adverse impact on transportation. So, I think we're getting to exactly what you're asking for in the short term before all these improvements, and that would be to go ahead and cap the a.m. and p.m. peak hours for our uses. Unless you have some questions on that, we can talk more about that.

Mr. Rhodes: Other questions for the... I would now, actually I just want to make sure we haven't missed anything. I will ask Mike, just so I can give him a heads up, Mike, I will ask after the applicant talks here just to ask you to briefly restate what happened with the historical review of that one building, the one home that's on the frontage property. And then also just briefly recap how development generally works with the LID dealing with runoff and what the requirements are there. So if you can briefly comment on that in a minute. Go ahead Mr. Payne, I just wanted to give him a heads up instead of putting him on the spot.

Mr. Payne: We obviously did our evaluation of the site as well, which is part of the report. And just real quickly, you know, I heard some comments about this is not conducive from the public for a commercial use. I respectfully disagree. It absolutely is. It's along our significant corridor in the County, it's consistent with our Comp Plan, and again, this site is located within the 610 service district which is there for a reason. But again, we appreciate your time this evening. I'm happy to answer any other questions you may have and we can further discuss that capping of those a.m. and p.m. peak hours. I think that gets to exactly what you want Mr. Apicella.

Mr. English: Did you say or did I hear that did you meet with the homeowners in that area?

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Mr. Payne: Yes. We met with... there's a variety of different HOA's in Park Ridge. We met with, my understanding, it was either the President or members of the Board of Directors of that... of those HOA's back in February.

Mr. Rhodes: Kind of a master HOA and then several HOA's.

Mr. Payne: Right, right, right.

Mr. English: Well everybody that talked that lives in there was all negative. Did you have any positive feedback from anybody?

Mr. Payne: Oh, it was very positive, very positive.

Mr. English: And which associations did you get positive from, do you remember?

Mr. Payne: We can certainly put that together for you. But they were all invited. There's one Property Management group that covers all of them. We contacted her and she invited all of the HOA groups. My understanding was there was a representative from each different group, whether it was condo, single-family, townhouse, etcetera.

Mr. English: So, you had a lot of positive?

Mr. Payne: Absolutely. Very positive.

Mr. Rhodes: Anything else for the applicant before we have Mr. Zuraf come back up?

Mr. Payne: Thank you Mr. Chairman.

Mr. Rhodes: Okay thank you. Mike. If you could just briefly comment on those two since those two were items that were raised.

Mr. Zuraf: Sure. First, before I get to that, the question about the tax revenue date, that is in Exhibit C as part of the Impact Statement that you received. It's Attachment 6, page 15. So they have the breakout of the tax revenue.

Mr. Rhodes: It always amazes me how you all can just pull that out of all that. You do such a great job, thank you.

Mr. Zuraf: Thanks. With the historic review, the issue was looked at by our Stafford County Historic Commission and they did not see that the structure had any, I guess, need for further archeological review or need for preservation. And so in that case, if it is a structure that eventually will be demolished at some point, then what the Historic Commission will do is go out and do an architectural evaluation, get photographs, and kind of do some drawings just to document some of the older structures that are in the County before they (inaudible).

Mr. Gibbons: Mr. Chairman, you've got to go back and get the history from VDOT. They changed that whole road alignment for that one home and they built that retaining wall to save that one home. I mean, that was one expensive home to save. So it must have had some historic value to shift the whole

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road to the eastern view side of the road. So, I mean, I was on there when we did that. But it has some historic value; I don't know how much.

Mr. Rhodes: Okay.

Mr. Zuraf: Well, they've looked at it and at this point were kind of okay with the architectural evaluation. Now, with the stormwater management, any site that is going to be developed in the County, we have a residential kind of construction plan process or commercial site plan process. And whenever there's going to be land impacts over a large area, the applicant has to engineer plans and design the site to ensure that stormwater runoff will not increase impacts on adjacent properties or on receiving channels. So, they have to go through the whole series of engineering calculations to ensure that that runoff is not going to be excessive. And we have a stormwater management concept plan process that is kind of the first step in the site plan process. And they get that concept plan approved first before they come in and go through all the site plan details with parking and building location and everything else. So that's part of how stormwater is dealt with. And there's different means in addressing stormwater. The applicant mentioned low impact design or there's more conventional means through stormwater retention ponds.

Mr. Rhodes: Okay, very good. Any other open items before we... yep, please Mr. Gibbons.

Mr. Gibbons: Mr. Chairman, this is a very outstanding builder and he's well-known and very honest and his integrity, but what concerns me about this is that this County, and probably I failed most of anyone, we should have done the same thing with roads as we did with water and sewer. If a developer comes in, they put the proper water and sewer in and then pro rata the rest, so everybody pays for it. If we bring in a development that needs a 6-lane highway and we all know that, it would seem to me we would put the same rules of thumb to say okay, you put the 6 lanes in and we'll pro rata it back as development occurs or the County builds the road. Everybody knows it needs 6 lanes and why are we rushing into this. The other thing that concerns me, we've got 3 schools in that area, a library in that area, and a swimming pool in that area. You talk about a traffic generator; I mean, there's traffic going through there and then to put another main entrance on 610 within five or six hundred feet off of that main, it's ludicrous. I don't see how in the world we can handle it. I mean, it's backed up now. You can go there in the morning, you can't move the traffic into the high school. It's all backed up all the way around the corner. In the afternoon, it's backed all the way up without merging. Like the gentleman said, you come off of Parkway and you've got to merge. Now you merging in two ways and Dr. Schwartz, in his last visit to us tonight, made a very good point. Take a look at Wawa and the banks down there at 610 and how they merge into 95 south and 95 north. It's a zoo. And we don't need to replicate it there. I mean, I think the project has merit but it's a transportation nightmare right now with the amount of activity that's in there. So, I just think we've got to look into maybe getting a 6-lane road in place or see what the County's got on the horizon. Thank you.

Mr. Rhodes: Thank you. Other thoughts folks have? What we have heard here in transportation, transportation, transportation. That's a lot of the challenges. Certainly some members of some of our neighbors of the area, try to make sure to understand what does it do for them. And it is the right type of zoning for the area, but the impact of the zoning is what we really need to address, and the impact of the zoning being most significantly on transportation. There was a comment by a couple that spoke tonight talking about, one of them used the words aggressive development. And it is; it's maximizing the site for the most you can possibly put on there and I think the range of options to deal with

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transportation, even if it is the right type of development for that 610 corridor, the range of options to mitigate it are you maximize what you can do within the controls of the site that you have. And you're doing some of that, I think, on the 610 corridor. If you're going to maximize the property, you maximize what you can do towards other external improvements like a 2 left lane or otherwise and, you know, those are cash contributions that one might consider for that. Or maybe it's not as intense a development on the site that helps to relieve some of the pressure, or some combination thereof. But I think there's some work to be done in that regard that we're not ready to address here right now. I do have on my list here that staff will come back with some sensing and indication as to where the County stands with the 610 widening plans so we can better understand that context. I think that will be important to know. I would ask, and I will follow up as the representative for that area, I'll follow up with the applicant on some further discussions about the range of things we might do to better mitigate the transportation impact in that area, because I think that that would be important before this might consider going forward for recommendation of approval and then going to the Board with that. What I would ask at this point then is that we defer this to the 11 September session to take it up for further discussion at that time. That's my motion.

Mr. Hiron: That's then a formal motion. Is there a second to the motion?

Dr. Schwartz: Second.

Mr. Hiron: Second. Mr. Rhodes, any comments?

Mr. Rhodes: No further comment, thank you.

Mr. Hiron: Dr. Schwartz, any comments? Mr. Gibbons?

Mr. Gibbons: If this goes to the Board, what's the last date that it can go to the Board before it violates the...?

Mr. Rhodes: Well, if the Board were going to do a public hearing on it and address it, they'd have to deal with it in October, right? The first session in October?

Mr. Harvey: The Board hearing dates for October are October 1<sup>st</sup> and October 15<sup>th</sup>.

Mr. Rhodes: And so they would have to advertise it... I'm just back-planning... If they were going to do it October 15<sup>th</sup>, they'd have to advertise it at the end of September?

Mr. Harvey: Yes, if the Commission was to take this up at the meeting on the 11<sup>th</sup> and vote it one way or another, it could potentially be scheduled for October 1<sup>st</sup>.

Mr. Gibbons: So this would be heard before the election?

Mr. Harvey: It could be. It depends on how long they debate the issue.

Mr. Rhodes: It could be.

Mr. Hiron: Is that a particular need or concern with this particular application? Is the applicant pushing for that, as we've had others?

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Mr. Rhodes: I've never known an applicant that didn't push.

Mr. Hirons: Obviously you want it as fast as possible but...

Mr. Rhodes: I apologize, if I might have a moment for one further comment. I just would like to thank the members of the community that did come out. I would like to thank the members; there was a good representation. I appreciate the applicant meeting with the Homeowner's Associations. Mr. Schieber, the Supervisor for that district, had asked that they make sure to do that and make sure to reach out to all the subordinate Homeowner's Associations, not just the master one. So I do appreciate that opportunity for a dialogue. And that's what it takes; it takes an ongoing dialogue. So I appreciate that. But I certainly appreciate the members of the community who came out and raised some important points to consider in the overall calculation of this, so that you for that.

Mr. Hirons: Any other comments from any other members? Dr. Schwartz?

Dr. Schwartz: One thing, when we bring this up there was mention that previously the HOA's were very positive towards this coming. If we can get some letters from the HOA on their letterhead suggesting that they are in favor of this, that would be beneficial for the applicant.

Mr. Rhodes: And staff was present at that, right? Mr. Zuraf, I think you were there, so if you could look back in your notes and highlight what the points were that were raised. Thank you.

Mr. Hirons: So I'll call for the vote now. Those in favor of the motion to defer this application please signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Rhodes: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Hirons: Aye. Any opposed? None opposed; the motion passes 7 to 0.

Mr. Rhodes: Is that okay to... I'm sorry... accept for both 2 and 3, correct, we can just defer them both? Thank you. Thank you sir. With that we will move on to item number 5 and I assume we do... excuse me, 4, and I'll assume we do 4 and 5 together Mr. Harvey?

Mr. Harvey: Yes Mr. Chairman.

Mr. Rhodes: Okay, thank you.

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4. RC1300191; Reclassification – Walgreens at Heritage Commerce Center - A proposed reclassification from M-2 Zoning District to B-2 Zoning District to allow a Pharmacy on Assessor's Parcel 44N-1-5, consisting of 1.542 acres, located on the southwest corner of the intersection of Warrenton Road and Commerce Parkway within the Hartwood Election District. **(Time Limit: November 26, 2013)**
5. CUP1300192; Conditional Use Permit – Walgreens at Heritage Commerce Center - A request for a Conditional Use Permit to allow a drive-thru within the HC, Highway Corridor Overlay District for a pharmacy on Assessor's Parcel 44N-1-5. The property is proposed for the B-2, Urban Commercial Zoning District and consisting of 1.542 acres, located on the southwest corner of the intersection of Warrenton Road and Commerce Parkway within the Hartwood Election District. **(Time Limit: November 26, 2013)**

Mr. Harvey: Mr. Chairman, for items 4 and 5 tonight, please recognize Mrs. Ennis for the presentation.

Mr. Rhodes: Thank you very much.

Mrs. Ennis: Computer please. Good evening Mr. Chairman and members of the Planning Commission. I'm representing Robert Narvaez who is the project manager for this and I will be doing his presentation. Items number 4 and 5 is a reclassification, RC1300191, and a Conditional Use Permit, 1300192. It's for the Walgreens at Heritage Commerce Center Industrial Park. The site information is, again, it's a reclassification from M-2 to B-2. It's to also allow a drive-through in the HCOD. It's located on Assessor's Parcel 44N-1-5. It's located on the southwest corner of the intersection of Warrenton Road and Commerce Parkway. It's approximately 1.54 acres. It's within the George Washington Election District. And the applicant is being represented by Mr. Charles Payne. This is the location and the zoning map. As you can see, we have retail and restaurants to the north of the site. There's warehouses located in the back as this is an industrial park to the south and west of the site, which is highlighted, I'm sorry. And also to the east of the site is a convenience store. This is the aerial map. As you can see, there's an existing equipment rental place on site, so it is in use and occupied now. All the conditions and entrances and everything are existing out there today. Next is just another flat view of the site to give you the parking area. And you can see the entrances and the roadway here. Okay, this is the roadway here and an entrance going in this way, and then this is the Heritage Parkway, and this is 17. The proposal is approximately 14,725 square feet. It's a pharmacy with drive-through. They're proposing 3 access points; a right-in only off of Warrenton Road and 2 access points off the private drive off of Commerce Parkway. It's a service road off of Commerce Parkway. They're proposing sidewalks along Warrenton Road, Commerce Parkway. The private drive will be putting in a crosswalk connecting to the existing sidewalk along Commerce Parkway. Next is the conceptual layout plan. I wanted to point out that the 3 access points is, this is the one coming in here off of 17, and then this is Commerce Parkway... I called it Heritage Parkway, sorry. It's Commerce Parkway coming in this way, this is the service drive here where they'll have an entrance here and an entrance here.

Mr. English: The private... it says private driveway. Is that going to cause an issue?

Mrs. Ennis: No. We have that a lot in commercial shopping centers and industrial parks where the road is maintained by the uses on it.

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Mr. English: Okay.

Mrs. Ennis: The other thing I wanted to point out is this is the sidewalk that they're creating here connecting to the Commerce Parkway. The site currently uses County water and sewer and it does not have any sensitive resources on it. And the right-of-way dedication on 17 has already been done, so there's no further right-of-way dedication required for this development.

Mr. Gibbons: But the widening... is the widening on the way right now?

Mrs. Ennis: Yes. Or no, I think it's already completed. I think it is already completed.

Mr. Harvey: VDOT has acquired right-of-way in this part of Route 17. It's in the process of relocating utilities in anticipation of construction. So, construction has started out on this section of Route 17.

Mr. Gibbons: So, does this show where the construction will be and then where they would pick up on the right in?

Mr. Harvey: Yes Mr. Gibbons, this shows the ultimate condition. The applicant's engineer can probably provide some more detail.

Mr. Gibbons: Thank you.

Mrs. Ennis: Yeah, the GDP shows the proposed 17 improvements and the taper on it. It's showing where the improvements are; I apologize, I thought that was done. There was a TIA submitted where it showed approximately 1,307 vehicle trips per day, which included the pharmacy drive-through. And VDOT's review is not required for this but it was requested, and to date we have not received any comments back. So I am assuming they're waiting to submit those with the site plan review, what their requirements would be. The next is the elevation plan. As you can see, they're proposing the more modern Walgreens where they have the lifted roof which is aluminum and the gated lifted area in the front. It's proposed to be brick.

Mr. Gibbons: What happened to the old bowl and thing... they don't use that no more?

Mrs. Ennis: No, this is modern. This is high tech.

Mr. Gibbons: Okay.

Mrs. Ennis: And this is the monument sign which will use the same material with the aluminum façade on the signage. It will coordinate with the building materials. The next is the front view elevation at a long view so you get the look of what they're proposing it to be. This is the rear elevation of it where you'll see to the left, the left side and the rear, the left side which is facing Truckin Thunder. Truckin Thunder is right here and this is the drive-through facility here, so which is not seen. And this is 17 up here. So, the drive-through facility is clearly in the back, totally screened from the Highway Corridor. The proposed proffers limit the number of the access points to 3 as shown on the GDP. The construction improvements along the south side of Warrenton Road to include the dedicated turn lane, which they're proposing on their GDP. They're also providing the sidewalk along the property frontage on Commerce Parkway and the pedestrian connection which staff requested and

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the crosswalk along the service road to connect with the existing sidewalk on Commerce Parkway. The monument signage to be consistent with the building design, they're proffering to do that to make it comparable to the building materials and colors they're using. They're also proposing the installation of fire suppression systems with the building. They're also proposing to coordinate with the CPTED principals and to the lighting and landscaping of the plans, which usually is more with the berm and the landscaping, CPTED and then the lighting of the buildings. The building design to be similar in style and architecture to the proposed building elevations that were shown. The conditions that they're proposing is to allow a drive-through within the Highway Corridor on Assessor's 44N-1-5. The access to the property from the Warrenton Road shall be limited to one right-in entrance in the approximate location shown on the GDP dated July 12, 2013. The building shall be constructed in general conformance with the architectural renderings shown in Exhibit A and it was dated March 23, 2013. All the rooftop mechanical equipment shall be completely screened from Warrenton Road which is the Highway Corridor. The location of the drive-through window shall be in conformance with the submitted and approved GDP which shows the drive-through within the rear. The drive-through lane shall be oriented in a manner to minimize the headlight glare onto the state maintained roadways where they've oriented the drive-through away from the corridor. The applicant shall screen the drive-through utilizing the berm and evergreens to eliminate the headlight glare onto 17. They are also conditioning the stacking lanes for the drive-through facilities to not impede into the traffic circulations. Also conditions that they're proposing is that the drive-through facility shall not include a bypass lane for vehicles not utilizing the drive-through area. All drive-through lane canopies shall be coordinated in color to the primary material of the structure. Loading spaces and truck delivery spaces shall be located outside of any of the vehicle travel lanes. Such spaces shall be designed to allow the adequate turn radius to accommodate free-flowing turning movements to prevent temporary obstruction of any of the travel lanes. The loading areas and dumpster pads and trash compactors shall be screened from view of the corridor. Also conditions that they're proposing is that no carnival signs, banners, lights, balloons, and windsocks shall be utilized on the property except for periodic events such as grand openings and special anniversaries. This business may utilize such banners, flags, and balloons on a strictly temporary basis related to special events. The use of the flashing sign shall be prohibited at all times. The CUP could be revoked at any time that they are found in violation. The Comp Plan - the proposed location of the pharmacy with the drive-through will be a minimal impact on the HCOD and the commercial corridor is within the suburban area, and it's intended to encourage the commercial activities where there are adequate transportation facilities to accommodate the proposed uses. The Comp Plan also indicates that the suburban areas are designated to be primary residential in nature, that will be complemented by neighborhood and a community-oriented activities center, places of worship, parks and play areas, and retail and business activities. What they're proposing is consistent with the Future Land Use Plan. Also, the Comprehensive Plan is in the RDA which is the Southern Gateway Redevelopment Area. It was approved as part of the Master Redevelopment Plan adopted by the Board in May of 2011. The Master Plan is guided to show grid streets systems to optimize the pedestrian and vehicle circulations, and it's to encourage mixed use blocks with enclosed parking to foster the residential and office uses on the first floor commercial and to provide open space and pedestrian friendly environments. Staff recommended that the building be moved closer to the highway corridor to encourage the parking in the back, but the applicant was unable to move the building because of the existing service road and the entrances and stuff. So, they moved it up a little bit but they were having parking space issues; they couldn't get their parking spaces in that they needed.

Mr. English: How many parking spaces are they going to have?

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Mrs. Ennis: I don't know. I have to look at the site plan. Fifty-nine.

Mr. English: Oh, okay.

Mrs. Ennis: They're required 59 and they're proposing 59. So, the site is limiting the parking area so that's why they had to continue to put it up in the rear. If they put the parking in the back, they wouldn't have had to put the berm or any of that because the highway corridor. So they will still have to be putting the berm up. It's constraints again are the service road which enabled the applicant to shift the location of the parking to the rear. Staff recommendation - we haven't talked to the applicant to change any of the conditions he has. Staff recommends approval of the proposed proffers and conditions with the one little minor modification to proffer number 12... I mean condition number 12, where I discussed with staff thinking that it was a duplication. Where it states that the periodic events such as grand openings and special anniversaries is a little too vague and hard to enforce for our zoning department, so we are asking that be stricken and it just puts a period at the end of...

Mr. Apicella: Property maybe?

Mrs. Ennis: Sorry, I pulled out the wrong one. I had it tabbed at the wrong thing.

Mr. Apicella: No carnival signs, banners, lights, balloons, or windsocks shall be utilized on the property period.

Mrs. Ennis: Property period, yes sir. And then pick up "this business may utilize such banners, flags, and balloons on a strictly temporary basis related to special events." And that way the zoning office can coordinate with them what they consider what special events are instead of just grand openings and special anniversaries, which we found a little vague. I didn't know how many grand openings they were going to have and how many anniversaries they celebrated with the flags and stuff, so that's why we were wondering...

Mr. Hirons: Isn't... I'm sorry, isn't special events even more vague? Can we limit it to a certain number a year?

Mrs. Ennis: You could. But we were trying to give them the opportunity to be able to still have them. The thing was was an anniversary for every grand opening like Kohl's does and stuff like that.

Mr. Hirons: Yeah, I'd just be concerned that they would consider a special event any sale that they would have on whatever product and they put their product banners out front every other week. It's not a huge great concern for me but I'd like to see something that's maybe limited to a certain number a year.

Mrs. Ennis: Okay.

Mr. Apicella: I am curious; I mean, I've seen this language elsewhere on our CUPs. To what extent is this similar or not similar to what I've seen in the past. I don't have anything in front of me.

Mrs. Ennis: It's very similar to what you guys have seen in the past.

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Mr. Apicella: So, we're changing what we've had in the past by striking something or allowing something that wouldn't otherwise be allowed? I mean, I'm trying to understand. For this kind of use, have we, in CUPs in the past, limited or excluded the use of banners, balloons, lights, whatever, under all the time or sometimes?

Mr. Rhodes: I don't recall that second sentence being there quite as often; may utilize banners, flags, and balloons on a temporary basis related to special events. Is that an add or has that typically been in there?

Mrs. Ennis: I heard it was an add-in, but I'll let Mr. Payne, if you don't mind, answer that.

Mr. Rhodes: Okay.

Mrs. Ennis: Do you have any more questions for me?

Dr. Schwartz: Clarification... on our hand-out, this is listed as being in the Hartwood District and in your presentation you said it was in the George Washington District.

Mrs. Ennis: Okay, I apologize. I'm going with the staff report over the Power Point. It is Hartwood District.

Mr. Harvey: Yes.

Mrs. Ennis: I apologize.

Mr. Rhodes: Okay. Any other questions for staff? Okay. Applicant please?

Mr. Payne: Mr. Chairman, members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant here this evening. Mr. Larry Brozeic is here from Walgreens. He flew in from Deerfield, Illinois, to see us this evening. I appreciate him being here as well. We also have Brian Brewer from Kimley-Horn as our engineer if you have any questions related to the GDP layout and to transportation. Just real quickly, staff has done a very good job of outlining our proposal and we'll address some of the conditions that were just mentioned. I think there's a little bit of confusion but we'll address that and staff. But again, this is a rezoning from M-1 to B-2; it's on 1.54 acres of property. It also has a Conditional Use Permit tied into it because we have a drive-through at the facility. I think you're familiar with the location at the intersection of Warrenton and Commerce Parkway; it literally sits on that corner. A heavy equipment or equipment sales company currently is located on that site. To our east is a 7-Eleven retail gasoline station. To our west is Truckin Thunder, and to our north is several banks, retail, restaurants, etcetera, on the other side of Warrenton Road. Mr. Gibbons had asked whether our site included the proposed improvements for widening at that site. It does. It also includes that we will build a 200 foot right turn lane into Commerce Parkway as shown on the GDP. So we're actually building that, not VDOT. Again, B-2 purposes, the zoning district, high-density commercial uses, our uses as staff has said is consistent for that for service of retail and sales. Again, it's also consistent with the Comprehensive Plan. As many of you know, Walgreens just recently only had its first store approved in Stafford County and this is its second. It's the largest consumer brand pharmacy in the country; it has over 8,200 locations around the country in 50 states including the District of Columbia and Puerto Rico. It has a hundred stores in Virginia and employs about 25,000 people in Virginia, and it employs

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nationally about 250,000. Here it would employ about 25 to 30 full-time employees at the site. Real estate tax revenue generates about \$60,000 annually. I can't give you the sales number because that's confidential. We don't want our competitors to know what those numbers are but I will promise you they are not a national chain just for the heck of it... I mean a national leader in their arena for the heck of it. Of course, it will be about a 2 and a half plus \$3 million construction investment which also will generate new jobs on the site. And again, as staff noted, this is an urban architectural scale facility. It's their higher end; they believe that market is here so it's obviously a strong investment on their part. Just real quickly, the key proffers... transportation as staff has outlined, as I stated earlier, a right full width 200 foot turn lane from 17 going east into Commerce Parkway. A right-in only off of 17 as well into the site. We'll also provide 5 foot wide concrete sidewalks on 17, Commerce Parkway, and behind us on the private drive as well, in those areas that are obviously shown on our GDP. And again, we also have agreed to put a pedestrian crossing from our side to 7-Eleven across Commerce Parkway that will have obviously the proper striping and signage for that purpose. Sprinkler system... I think the Fire Marshall is going to be happy with us. We are going to fully sprinkle this site, so he got me on one. So we're going to agree to do that. And of course, comments that were raised by our law enforcement that we would ensure CPTED measures which we will do and we have proffered in our proffers. And I want to address the conditions real quick and then obviously take your questions. In regards to 12, we're not big windsock guys, we're not big balloon guys, so we may have a grand opening sign of some kind but that's likely going to be the only time that we'll have any sort of event like that so you're not going to see those type of signs on anniversaries or other. I believe that's correct Larry. And then, we do have an electronic LED sign which we did submit with our application and this is the first that we have seen into the conditions that would prohibit the use of electronic or variable message signs and flashing signs. It's not going to be flashing, but it will be of an electronic version sign which is authorized under the code. And what our proposal would be would be consistent with what's in the County's code already. So we're not asking for anything extra. So maybe staff can clarify what that prohibition is and I would ask them to answer that when they get a chance. They don't need to answer me; they can certainly refer that to you.

Mr. Rhodes: But from your comment then, other than grand opening, you're not really concerned about most of the things identified in 12. So the first half of that sentence, and maybe after the word property with comma, except for the grand opening event period... of the store period. And then we'll address the last sentence with staff a little later.

Mr. Payne: Yes sir. That will work for us. And if we can get some clarification on the electronic sign that would be great.

Mr. Rhodes: Okay.

Mr. Payne: Because again, we're not asking for anything outside the code. And we did submit, it's in your packet, what that sign would look like. With that I'll answer any questions you may have.

Mr. Rhodes: I just had one question. There was a rendering that was... you have proffered the design an consistent with the building façade being a brick façade, then you've proffered that the monument sign would be consistent with those materials. But the drawing they showed of that was kind of a futuristic aluminum frame with what seemed like a red tile. I was just curious; was the intent that that would be like a red brick consistent with the exterior façade. Could be go to the computer on the staff presentation. I didn't see it in my packet so that was the first time I had seen it. Go back... right there.

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So, I don't know what that material is of the bright red but that's not consistent with anything I saw on the building façade. Quite frankly, the only aluminum I saw was the roof rendering. So I wasn't sure.

Mr. Payne: I'll let Mr. Broziec answer that.

Mr. Rhodes: Thank you very much. Thank you sir and thank you for being here.

Mr. Broziec: Actually, what that is basically... Larry Broziec... the red panel is actually a red aluminum panel and then the lighter color which is the gray is actually a steel panel. And the red is just to try to pick up you know the Walgreens red logo. So it's just trying to tie into this very futuristic building that we're constructing on the site. We feel it's very complimentary to the building.

Mr. Rhodes: Yeah, it's just that on the proffers, you were proffering consistent with the building materials, so I would have thought that would be more brick façade for the red versus the...

Mr. Broziec: Right. We just thought maybe just as a total composition, you know, it works together. And we could change it if that's what you prefer but we thought this would add a little more interest to the whole, you know, complex.

Mr. Rhodes: Well, certainly, it's the Hartwood District. That was just the one thing that stood out to me. We've been trying to go back to a bit more tradition in Virginia. So I want to clarify, so that was red aluminum then... gotcha.

Dr. Schwartz: Staying with the elevation here, this is the same elevation that the first Walgreens was proposed with and I believe the developer said he thought George Jetson might have actually drawn it himself. And this was thoroughly rejected as the elevation and you changed the elevation. Do you have any other possibilities that you might have because this doesn't really go with the community. The store elevation. This is not what you're building up in White Oak.

Mr. Broziec: Part of it too, if you look at the area, there's other fast foods across the street like McDonald's and there's gas stations and I think there's also a pizza place too and those are the typical prototypes. So what we try to do is actually not go to a typical prototype but invest in a building we feel is probably the higher architectural feel. And the other idea too is we realize this is a gateway into the community and we decided to put additional money into this. We could have easily have gone with a typical prototype. We actually felt that this is a increased investment because of its special location, you know, in the County.

Mr. Payne: It does include brick façade. I don't know what the prior... we didn't move that one forward.

Dr. Schwartz: Right. No, you didn't move that Charlie, I think that was Clark. But this exact rendering was offered out in White Oak and it was thoroughly rejected.

Mr. Broziec: But I think White Oak has more of a traditional architectural area. But if you look at 17, you have your typical prototype stores, one after another. So I think actually anything that stands above the other buildings...

Dr. Schwartz: It will stand out, yes sir, I agree. It will stand out.

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Mr. Brozic: (Inaudible).

Dr. Schwartz: It will stand out.

Mr. English: What does the one in White Oak look like?

Dr. Schwartz: It's more of a red brick Virginia... something more, I mean, it doesn't look like it's going to take off in a big wind storm.

Mr. English: Would that be a problem with changing that?

Mr. Brozic: Yes, we could change that but I think, as an architect, I think the one in White Oak is probably appropriate for that immediate area. Maybe if you could even go on Google right now and look at what's down the street and what you have is your typical prototype that's just really a collection of eclectic buildings.

Mr. English: The ones in Fredericksburg... you've got one or two in Fredericksburg... are they like that too? Spotsylvania?

Mr. Brozic: I think so yes.

Mr. English: Are they similar to this one?

Mr. Brozic: I don't think so. It's actually a new look. We are open to whatever the community would like change it to architecturally, but I think you really have to look what's currently on 17. And you'd really get a hodgepodge of like all different architectural styles. So, it was really our attempt to try to get something of a higher architectural quality.

Mr. English: Right, I understand.

Mr. Payne: It is very similar to the Dunkin Donuts that was approved not too long ago in regards to that.

Mr. Hiron: Yeah, that's not the greatest example. I did take a look at Google, actually a little map program we have and I looked at the CVS that's going to be less than a quarter mile, half mile away and it's a very traditional red brick colonial almost looking, because I would argue that's great that the other stuff is there and looks the way it does. But this is new coming to the County. All the homes, dwelling units that you're going to be drawing from are from the most part colonial. It's a very historical area as a whole. I think staff had mentioned it's within the redevelopment zone, redevelopment area, and within the redevelopment area there's also some design guidelines and they're usually typically fairly colonial-looking. This is not Stafford County. It's not appropriate for the area. I think you really need to look at the design. My preference would be a design just like the one that's going to be going in in White Oak. I think it would be nice for consistency for the County for your brand.

Mr. Brozic: If the Planning board feels you'd like to have a more traditional store, we could make that change... if it's your recommendation.

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Mr. Rhodes: Other questions for staff?

Mr. Apicella: I would make the same comment. I would echo what I've heard from Mr. Hirons and Dr. Schwartz. In fact, I was thinking about the Dunkin Donuts as we were having this conversation. I think I was the lone wolf who argued that what they were proposing was not consistent with what we wanted to get back to, which was a more traditional style throughout the County, but certainly along the major corridor. So I would ask you to reconsider the elevation as well.

Mr. Rhodes: Okay. Other questions for the applicant?

Mr. English: Also, I guess the sign is going to have to be adjusted too to go along with the building.

Mr. Rhodes: Okay. Anything else Mr. Payne?

Mr. Payne: No, only to reiterate that obviously timing, given where we are and the limitations after November is important. So we would be willing to come back to the table if Mr. Broziec has authorized with a more traditional look. I assume you guys are going to want take another look at that which obviously is going to have some delay issues. But I just want to just emphasize that timing is key for this.

Mr. Rhodes: Yeah, and it seems to me, what I think caused a reaction was a little bit of the top roofing feature and really the little grating across the front. I mean, the rest is red brick, it's tradition, it's what we been trying to get some consistency with the new development, because we do have a hodgepodge. You're exactly right. So we're trying, one piece at a time, get back to a more traditional look. And then just the one item on the clarity, we've got to (inaudible).

Mr. Gibbons: Can I ask a technical question?

Mr. Rhodes: Please.

Mr. Gibbons: I mean, if he's willing to proffer that he would go back to the White Oak style, but I couldn't see why we would hold up this thing if he's proffering it.

Mr. Broziec: I would definitely commit to that. That's (inaudible) and if we could just make decided today and approve that, I would have no trouble going back to that look.

Mr. Rhodes: Do you have a way to do that Ms. McClendon that makes you happy? We still have to get through public comment, we still have more to do, but I'm just curious if you foresee a way to do that.

Ms. McClendon: It would be like any other proffer amendment, and I would just ask that it be as detailed as possible.

Mr. Rhodes: Very good, okay. Alright, well that's a possibility.

Mr. Payne: We can certainly refer it to the general design standards of that prior approval.

Mr. Rhodes: Okay. Any other comments for the applicant before we go to public comment?

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Mr. Harvey: Mr. Chairman?

Mr. Rhodes: Yes please Mr. Harvey.

Mr. Harvey: You asked for clarification on condition 12. I believe the reference to use of electronic variable message signs and flashing signs was an attempt to deal with these portable signs we see and temporary signs. Maybe additional language could be added in there because as you read that last sentence, it follows behind all the discussion about temporary use of flags, banners, and those types of things. I don't think it was intended to address the permanent monument sign.

Mr. Rhodes: The monument sign or the permanent structure. Okay.

Mr. Payne: If that's the interpretation, we'd appreciate that being clarified.

Mr. Rhodes: We could work to clarify it, yep. Okay. Alright, I will now open the public comment portion of the public hearing. If there is anyone here that would like to speak on items number 4 of 5 that are on the agenda for this evening, you may come forward and do so at this time. We just ask that you state your full name and address and then you'll have 3 minutes to make your comments as before. Okay, I will close the public comment portion of the public hearing and bring it back in to the Planning Commission. I heard the possibility of... well, what I think I've heard by a couple members was an intent to consider moving this forward if we could find a way to structure and accept a proffer amendment that would commit to the consistency of the design and GDP associated with the White Oak. And then tighten up a little bit of the proffer number 12. Is that an inclination here Mr. English?

Mr. English: Yes sir, that's what I would recommend.

Mr. Rhodes: Okay, well what I think we would need to do is again, with the proffer amendments, we need to make sure we've got it in writing so we're clear with it. So, what I'd like to do is move forward, if we can, on this and we'll set this aside and move onto items number 6 and 7 and then come back to this as we have something that we can take up, look at, and make sure we're all in agreement with. I can do that, right Ms. McClendon? I always look to you to make sure. Okay, so we're going to skip forward and move onto item number 6 and 7. What I would highlight is that there are a couple items I think that the Planning Commission needs to address with legal counsel before we move forward on items number 6 and 7. Therefore, I'd like to consider... entertain a motion for a closed session, hopefully not too terribly long. So with that...

Mr. Hirons: Should we take care of a piece of housekeeping, it shouldn't be long but in case it's 45 minutes, would it be okay to carry on and not take (inaudible).

Mr. Rhodes: Only legal matters.

Mr. Hirons: Okay. I'd like to make a motion to authorize a closed meeting of the Planning Commission to consult with legal counsel and discuss advice regarding the Transfer of Development Rights Ordinance and Comprehensive Plan Amendment.

Mr. Rhodes: Okay, I have a motion, is there a second?

Dr. Schwartz: Second.

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Mr. Rhodes: Second by Dr. Schwartz. Any further comment? Any further comment? Any other member? All those in favor of the motion to go to closed hearing briefly, signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. We will be back as quick as we can folks.

Planning Commission went into closed session and reconvened at 9:21 p.m.

Mr. Rhodes: Okay I will call us back to order. I will entertain a motion to certify the closed session.

Mr. Hirons: Mr. Chairman, I make a motion that the Stafford County Planning Commission certify on this the 28<sup>th</sup> day of August, 2013 that to the best of each members knowledge only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the closed meeting, to which this certification applies. And to only such public business matters were identified in the motion by which the said closed meeting was convened, were heard, discussed or considered by the Commission.

Mr. Rhodes: Okay a motion to certify the closed session. Is there a second?

Dr. Schwartz: Second.

Mr. Rhodes: Second by Dr. Schwartz. Any further comments?

Mr. Hirons: No, just that it is getting late.

Mr. Rhodes: Yes. So I will call for the vote just to certify that all the matters discussed there were all appropriate matters to be discussed in closed session. All those in favor signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

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Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? Therefore certified by all seven, we will now proceed with item 6, which I believe we will do 6 and 7 together, Mr. Harvey.

Mr. Harvey: Yes, that is correct.

Inaudible (microphone not on).

Mr. Rhodes: Oh, okay... before we do that, are we set here, we think we have something in writing that's set or do you need more time there Mr. Zuraf?

Mr. Zuraf: We are good.

Mr. Rhodes: Good? Okay. Please come forward, let's hear where we're at.

Mr. Harvey: Mr. Chairman, we are back to discussing items 4 and 5.

Mr. Rhodes: Items number 4 and 5, yes sir, yes sir. I stand corrected.

Mr. Payne: Just real quick, to reiterate where we are in regards to proffer change as discussed between the Planning Commission and my client, and my client proffering the same, it would be item number 2 in the proffer statement, architectural materials. It will read now as follows, if in agreement with the Planning Commission and staff, the following: The architecture and design of the building, for purposes of this rezoning, will be in general conformance with prior rezoning of Walgreens at Cool Spring Road, Ordinance number 12-28R as in Rick.

Mr. Rhodes: And that is, we looked up, that's the right numbers, right? Good. Alright, so that gets the design construct to the White Oak which we were all comfortable with. And then is there clarity to item number 12?

Mr. Harvey: Mr. Chairman, that would be the resolution for the Conditional Use Permit. I believe that with that we should consider inserting the words "temporary" and "portable" in that last sentence of the...

Mr. Rhodes: So the use of "temporary" and "portable" electronic or variable message signs and flashing signs shall be prohibited at all times?

Mr. Harvey: Yes.

Mr. Rhodes: Okay.

Mr. Payne: That's agreeable to us, Mr. Chairman.

Mr. Rhodes: And then I think we had on that first sentence...I'll read it. "No carnival style signs, banner, lights, balloons, or windsocks shall be utilized on the property, except for the grand opening of the store." Right? Okay. So Ms. McClendon, do you need something signed or initialed that is consistent with that or will the record as we just stated satisfy?

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Ms. McClendon: With regards to the proffers, you will have that in writing. But with regards to the conditions, since they're imposed by the Planning Commission, we don't need this in writing.

Mr. Rhodes: Okay, very good. Thank you very much.

Mr. Payne: We can either provide the writing tonight, is that...

Mr. Rhodes: She said we're okay.

Mr. Payne: We're okay? Thank you.

Mr. Rhodes: She's always right. Okay, so with that, if that satisfies all the members or if the Commissioner from the district wants to proceed. So that we be a motion to...I guess we would be on item number 4 first then.

Mr. English: I'm going to go ahead to make a motion to accept RC1300191 for Reclassification Walgreens.

Mr. Rhodes: There's a motion to accept it with the modified proffers as we've discussed and there's a second. Is there an further comment?

Ms. McClendon: I apologize. Because the proffers are being presented tonight and then changed by the Commissioners...

Mr. Rhodes: We have to accept the new information. Yes, Ma'am. I'm sorry. We'll have to move that motion from the table. We first have to entertain a motion to accept the new information that is presented tonight.

Mr. English: I make the motion to accept the new changes in the proffers.

Mr. Rhodes: Motion to accept the new information presented tonight by Mr. English. Second?

Mr. Boswell: Second.

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

Mr. English: No, Sir.

Mr. Rhodes: Mr. Boswell? Any other member? All those in favor of accepting the new information as presented and discussed tonight, signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

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Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. Now we're under number 4. Thank you, Ms. McClendon.

Mr. English: I make a motion to approve RC1300191 Reclassification Walgreens on Heritage Commons Center.

Mr. Rhodes: Okay, motion to recommend approval of the Reclassification with the proffers as modified tonight? Is there a second? Second by Mr. Boswell. Further comment Mr. English?

Mr. English: No, Sir.

Mr. Rhodes: Further comment Mr. Boswell? Any other member? Okay, I appreciate the willingness of the applicant to work on that and I do think going back to our traditional ways to get these corrected one at a time is the best way to go. All those in favor signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. We're on to item number 5, the CUP.

Mr. English: I make a motion to also accept CUP1300192, Conditional Use Permit for Walgreens with the changes as amended.

Mr. Rhodes: Okay. Motion by Mr. English. Second by Mr. Boswell to accept the Conditional Use Permit as amended tonight. Any other comment Mr. English? Mr. Boswell? Any other member? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

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Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. Passed 7-0. Thank you very much for your efforts tonight. Now we will all move on to items number 6 and 7, the TDR Ordinance.

6. Amendment to the Zoning Ordinance - Proposed Ordinance O13-48 would amend Stafford County Code, Section 28-25, "Definition of specific terms;" Section 28-355, "Applicability;" Section 28-356, "Rights to transfer developments rights; general provisions;" Section 28-357, "Sending Properties;" Section 28-358, "Receiving Properties;" Section 28-359, "Calculation of development rights;" and Section 28-360, "Transfer of development rights sending property limitations." (**Time Limit: August 31, 2013**)
  
7. Amendment to the Stafford County Comprehensive Plan ("Plan") - The Planning Commission will consider a proposal to amend the Plan dated January 17, 2012, in accordance with Virginia Code Section 15.2-2229 regarding Transfer of Development Rights (TDR). The proposed amendment would modify Chapter 3 of the Plan to incorporate amendments to the textual document and adopt one new map entitled Figure 3.8, Transfer of Development Rights (TDR) Sending and Receiving Areas Map. The proposed Sending and Receiving Areas Map generally depicts the area south of Aquia Creek, east of the CSX Rail Line, and north of Potomac Creek as a sending area for the TDR program and the proposed Map designates the Courthouse Redevelopment Area (RDA) as the receiving area for the TDR program. The proposed amendments describe sending properties as parcels which are: (1) designated agricultural, rural, or park in the Plan; (2) located in a sending area, as designated on the Sending Area Map; and (3) zoned A-1, Agricultural or A-2, Rural Residential on the Zoning Map, and be either (a) a separate parcel, in existence on the effective date of the Ordinance, that is at least twenty (20) acres; (b) contiguous parcels, in existence on the effective date of the Ordinance, comprised of at least twenty (20) acres, and under the same ownership on the date of the application; or (c) a separate parcel, in existence on the effective date of the Ordinance, that is at least two (2) acres and designated as Park on the Land Use Map in the Plan. Under the proposed amendments, the sending areas could send up to approximately 1,236 development rights to the receiving area and the receiving area could accept approximately 2,367 development rights. The proposed amendments describe receiving properties as parcels which are: (1) zoned A-1, Agricultural; R-1, Suburban Residential; R-4, Manufactured Homes; PD-1, Planned Development-1; PD-2, Planned Development-2; P-TND, Planned Traditional Neighborhood Development; UD, Urban Development; or B-3, Office; (2) located in a receiving area, as designated on the Receiving Area Map; (3) located inside the Urban Services Area (USA); (4) designated as part of a RDA; and (5) included in an assessment of the infrastructure in the receiving area to accept increased density and plans to provide necessary utilities. For non-residential purposes, the proposed amendment provides that one residential development right severed from a sending area will be deemed the equivalent of the right to construct up to three thousand (3,000) square feet of commercial space in a receiving area, provided that commercial uses are allowed in the zoning district of the receiving area. (**Time Limit: August 31, 2013**)

Mr. Harvey: Thank you, Mr. Chairman. Please recognize John Harbin for the presentation.

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Mr. Harbin: Good evening Mr. Chairman and Commissioners. My name is John Harbin. This is item 6 and 7, Transfer of Development Rights, proposed Ordinance O13-48, Comprehensive Plan Amendment. Could I have the computer, please? For the purpose of this presentation we'll combine both of them. The background on this, that you are probably well familiar with, the Ordinance was originally passed February 2013. We received public comments to expand the TDR eligibility and so in response the BOS requested the Planning Commission to research and prepare amendments to the TDR program. And the June 26<sup>th</sup> meeting the Planning Commission voted to schedule a public hearing for amendments to the TDR. So the Ordinance amendments can be broken up into 2 categories, the first being the "sending area". This amendment will expand eligible parcels to those that are designated as park on the land use map, that are a minimum of 2 acres in size and were originally created as a building lot. Such parcels would be entitled to 1 development right and this amendment would effectively expand the "sending" area, to include the Crow's Nest Harbor neighborhood adjacent to Crow's Nest Natural Area Preserve. It is estimated that the "sending" area with this addition could send 1,236 development rights. So the second category of the Ordinance amendments apply to the "receiving area" for TDR. It expands it to the boundaries of the Courthouse Redevelopment Area. It adds R-4 and B-3 zoning districts to the list of eligible "receiving" zoning districts. It would set the A-1 zoning district density to... it would actually remain as unchanged and I'll defer to Mr. Harvey to clarify on that point at this time.

Mr. Harvey: Thank you Mr. Harbin. The advertisement for this particular amendment referenced the change in density for the A-1 receiving zones from 5 units per acre to 3 units per acre. However the current adopted ordinance references 2 density figures – 2.25 dwelling units per acre and 5 dwelling units per acre for the A-1 receiving zones. And going back and looking at the minutes and the information in the staff report, it is clear that the Ordinance was intended to be adopted at 2.25 dwelling units per acre density. The concept behind reducing the density to 3 units an acre was to minimize or further produce the potential impact of development in A-1 zones that are receiving TDRs. Therefore, if the Commission decides to keep the 2.25 as it is, that would be acceptable, because the receiving area can still, with that reduced density from 3 to 2.25, could still accommodate all the potential sending units plus some for the receiving area.

Mr. Rhodes: So if we set those to just 2.25 that still allows it to function as a receiving area. There's enough space and capacity to be able to do that.

Mr. Harvey: That's correct.

Mr. Rhodes: And that adjustment does that complicate or compromise the public notice that we did here, Ms. McClendon?

Ms. McClendon: No, Mr. Chairman, it does not.

Mr. Rhodes: Okay, so if we just stick with the 2.25 that'll satisfy all of our requirements we have?

Mr. Harvey: Correct.

Mr. Rhodes: Okay.

Mr. Harbin: In addition to the Ordinance amendment there is also a Comprehensive Plan amendment. This will modify Chapter 3 of the Comprehensive Plan to incorporate amendments to the textual

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documents that outlines the TDR program. It will also adapt a new map entitled, "Figure 3.8, Sending and Receiving Areas Map". This is an image of that map that will be included in the Comprehensive Plan. It shows the "sending" and "receiving" areas, including the "expanded receiving" area that matches the Courthouse re-development area. Staff supports the adoption of the amendments to the TDR Ordinance and the Comprehensive Plan. We believe it will produce a well-functioning TDR program and the TDRs have a strong potential to serve as a key growth management tool for the future. This is just a map, in case you were wondering, of the eligible "sending" parcels within the "sending area" and then the map of the "receiving area" and the eligible parcels as well. Are there any questions from the Commission at this time?

Mr. Hirons: Mr. Chairman.

Mr. Rhodes: Yes please, Mr. Hirons.

Mr. Hirons: John, can you talk to some of the uses of B-3 and R-4 in particular zonings, because there is concern about... it does allow for commercial apartments.

Mr. Harbin: Correct. It was discussed at a previous Planning Commission meeting that the B-3 zone would allow up to 50% residential, based on floor area ratio and so you can provide some residential within the B-3 zone. The R-4 would remain strictly residential, but you would be able to construct townhomes, apartments, that sort of residential style buildings as opposed to what it's currently slated for, which is a mobile home.

Mr. Hirons: Alright. If a developer comes in and builds a project in one of those zones using TDRs, what review is there by the County?

Mr. Harbin: Well the County will go through their standard site plan review process. Depending on what kind of development it is, whether it's a major site plan for commercial or...

Mr. Hirons: But there wouldn't be any public review by the Planning Commission or Board of Supervisors, correct?

Mr. Harbin: I don't believe so.

Mr. Hirons: And within those zoning districts, is there any sort of architectural guidelines that kind of determine the types of materials, etc. outside of just your standard building requirements.

Mr. Harbin: No.

Mr. Hirons: Okay. And this entire Courthouse area, the entire receiving area is within the Courthouse re-development area, correct?

Mr. Harbin: Correct. Those boundaries are...

Mr. Hirons: And we do have plans of the re-development areas that include some architectural guidelines. They're not necessarily set in stone obviously; they're just guides of types of buildings, types of streetscapes, etc.?

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Mr. Harbin: That is correct.

Mr. Hirons: Okay. Thank you.

Mr. Rhodes: Okay. Mr. English?

Mr. English: Right now R-1 regular doesn't allow any of the multi-family zoning by-right, but the TDR says it's allowing. Is that kind of contradicting itself by doing that?

Mr. Harbin: If I understand your question correctly, the R-1 does not permit multi-family development.

Mr. English: Right, TDR R-1 allows that.

Mr. Harbin: Correct.

Mr. English: So is that kind of contradicting what we're doing?

Mr. Harbin: I don't believe so. I think that's kind of the purpose of the TDR program, to allow you to achieve a higher level of density using the TDRs and by doing so you would have to allow for townhouses, apartments, that sort of development.

Mr. Rhodes: Are the questions for staff?

Mr. Apicella: Let's go back to why we have redevelopment areas and urban development areas in the first place and why Courthouse was picked as the "receiving area", because at the end of the day the long term plan is to move density to places where we would prefer to have it versus places we would prefer not to have it and the places we want to put it towards is in places where we have more infrastructure. So that's one of the reasons why the Courthouse area was picked for "receiving area", is that correct?

Mr. Harbin: Yes.

Mr. Apicella: And this would help achieve that?

Mr. Harbin: Correct.

Mr. Apicella: With regards to the R-4 and the B-3 areas designated to be "receiving" destinations, the reason I believe those were picked was to comply with the requirements to have enough "receiving" density. So we had to achieve a certain number in the Courthouse area to make this program work, right?

Mr. Harbin: Right. State Code dictates that your "receiving area" must be able to accommodate all potential "sending" development rights.

Mr. Apicella: Again, so the way to make this program work was to add some additional areas...

Mr. Harbin: ... as "receive".

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Mr. Apicella: Okay. We have a TDR Ordinance on the books today, right? The Board had some pause based on reaction it got after approving its Ordinance based on the deletions it had made to the one that we sent to them, is that correct?

Mr. Harbin: Yes.

Mr. Apicella: So in large part what they've asked us to do is to add back in virtually everything that they took out with the exception of adding those few areas that weren't previously in the Ordinance, again, to make the numbers work.

Mr. Harbin: Correct.

Mr. Apicella: So that, in summary, is what we're trying to potentially achieve here and what's in front of us today.

Mr. Harbin: That is correct.

Mr. Apicella: Okay. Thank you.

Mr. Rhodes: Any other questions for staff?

Mr. Gibbons: I want to thank for the history lesson.

Mr. Rhodes: It's always helpful. Alright. Thank you very much. Now I'll open this to the public comment portion of the public hearing. Any member of the public that would like to speak on item number 6 or 7, any aspect of that, may come forward and do so at this time. Again, I'll ask you to state your name and address. A green light will come on. You'll have 3 minutes, yellow light – you have 1 minute, red light – if you could wrap up. Thank you, Sir.

Mark Jenkins: Mr. Chairman, members of the Commission, my name is Mark Jenkins. I appeared before you in June and I represent the owners of 284 of the lots in Crow's Nest Harbor out of approximately 346. We support these amendments. We think they solve some of the impediments that cropped up in the Ordinance that was enacted in February. I was looking at the map from the previous approval and it circles the portions of Crow's Nest Harbor that were then eligible. And it was, by my count, probably less than 30%, maybe 25%, whereas these amendments will allow all of these Crow's Nest Harbor lots to be eligible and since they are in an area where you call for this kind of preservation it seem to us to make a lot of sense and we think these amendments have focused on simple corrections that we hope will then make this pilot program really work and we can get it going. We have reason to think that there really is a market out there for these TDRs and we would like...these owners would like to really proceed with them. You may recall that when I was here before I mentioned that we had been in conversations with the Northern Virginia Conservation Trust. We had a conversation or a dialog about the ultimate uses of these lots. Should, for example, our lot owners, 284, sever their rights and use the development elsewhere, a cooperative agreement to perhaps put them into some sort of public or private ownership, but for conservation purposes. And we did follow up. We did speak further with Mr. Coady, who is here this evening and I prepared an agreement, as we said, and they considered it. They decided for their own reasons, Mr. Coady can explain, that they didn't think that their organization could enter into an agreement and so we've not pursued this any further, but that thinking is something my owners reiterate they were interested in and we're reaching out in other ways

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to address that, so we think that might be...it's kind of a singular situation that it might be an ultimate piece of an ultimate puzzle, but I think these simple amendments will hopefully get this process started. So I thank you for consideration and I hope that you can recommend approval of these amendments.

Mr. Rhodes: Thank you very much. Anyone else what like to speak on this, on one of these items? Welcome back to the Chambers Mr. Brito.

Joe Brito: Oh thank you. I'm Joe Brito. Anyway, normally I'd be here supporting preservation, but this Ordinance isn't about preservation. This Ordinance is about creating more density, putting apartments on both sides of Route 1. This Ordinance actually increases density. Now is this Ordinance was about preservation, the timber rights would be severed from the homeowner or the owners of the property, but in this case, you have land that your claiming to be preserving, but the owners of the land can clear cut it. So what kind of preservation is that? There are a number of things wrong with the TDR Ordinance, but the one issue that disturbs me the most is the impact it could have on people that weren't notified. The residents of Paradise Estates Trailer Park were not notified about the Zoning change. They could have their land and homes taken from them without know how it happened or being able to speak at a public hearing. Rezoning don't require tenants to be notified by mail, but the law does require the posting of signs on the property that states there will be 2 public hearings. Many of the residents of Paradise Estates are elderly. They pay a lot rent between 400 and 500 a month. Most of them can't afford to pay \$2,000+ to move their trailers or pay \$1,000 month rent to live somewhere else. If this was a normal rezoning the County could compel the landowner to proffer funds to mitigate the relocation cost on the residents. But this rezoning is far from the normal process. Paradise Estates has large amounts of open space. It has 94 trailers on 34 acres of land, about 2.6 units per acre. Apartments are not currently allowed in the R-4, but the landowner can transfer as little as one development unit to trigger the TDR 4 which would allow 260 apartments on 37 acres. That's 7 units an acre. The current proffer guidelines for 260 apartments equaled 6.2 million dollars, but the TDR Ordinance exempts developers from paying proffers. Even if the 94 trailers were deducted from the proffers of the 260 apartments, there would still be a proffer giveaway of 4 million dollars. It's clear there will be winners and losers if this TDR Ordinance is approved and the winners will not be the people at Paradise Estates or Stafford County tax payers. This Ordinance circumvents the rezoning process and all the public notifications, proffers, public hearings are not valid under this Ordinance. Thank you.

Mr. Rhodes: Thank you, Sir.

Elaine Callender: I'm Elaine Callender. I'd like to thank Mr. Brito for all his good research. There aren't a whole lot of people in the County who have the time and the expertise to really study the kind of details that we have in the complex TDR Ordinance and I know that I don't have the technical expertise, but I am very, very concerned about whether this is really doing what it was initially intended to do. Transfer of Development Rights sounds good, but so did Waste to Energy. The thing is, what are the real...the devil is in the details, as they say. You guys have been studying TDRs. Hopefully you have a complete understanding, though I have a feeling you may be vague on a lot of this as well as the public. I'm certainly not comfortable with you passing this this evening. I think that more likely, the developers and their attorneys know precisely what's in this and they know they're maximizing their profit at the expense of the citizens of Stafford. Thank you.

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

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Patrick Coady: Chairman Rhodes and fellow Commissioners, Patrick Coady, Chairman of the Northern Virginia Conservation Trust. I'd like to thank Mark Jenkins and the lot owners to take the effort to prepare an agreement. Just to kind of give you background from our side; we retained 2 separate counsel of quite relevant standing to advise the Board about the terms of the agreement and I guess, somebody said, the devil's in the details, as we work the substance, the essence of, I think, what the agreement was, was to restore what was proposed in early February and we had other issues which weren't taken forth in an agreement. There was also a tax angle which is kind of our arcane, but to the extent that the trust promotes something with the anticipation there might be donation and then you get in the way of a weird IRS quid pro quo which might actually disadvantage the lot owners going forward. So having looked at all that, it appeared to us that the representations made by the lot owners up to this point were about as good as what it was going to be in the agreement, so given other disadvantages in the agreement we thought that the Board decided that that was not a useful think for us to do. We've also, as you know, suggested changes that we thought would facilitate the preservation of lots from a mechanical and procedural point of view in Crow's Nest Harbor, but assessing the mood of the Board, my phone has not been ringing off the hook from Board members and the Commission about how this could come about. So I think we are kind of back where we were in February. We're going to play the hand that's dealt us and our interest is in preserving the lots in Crow's Nest Harbor and we're going to make efforts, we have 4 lots, we have moneys and trust for Crow's Nest. We hope we can work with the County and others to the extent there's money needed to buy lots that could be transferred. So we are going to make our best efforts, going forward, to fulfill our mission with, as I say, with the hand we're dealt. The trust has a new executive director. She just started August 5<sup>th</sup>. I drug her down. Peggy Stevens. So I'd like to introduce her to you and she'd like to say a few words.

Mr. Rhodes: Thank you very much.

Ms. Peggy Stevens: Good evening all. I hope this is the first of many trips to Stafford County to work with organizations in the County that are interested in creating a great place to live for all the citizens of Stafford County.

Mr. Rhodes: If you could restate name and address please?

Peggy Stevens: Yes. My name is Peggy Stevens. I'm the executive Director of the Northern Virginia Conservation Trust.

Mr. Rhodes: Thank you.

Ms. Stevens: In 1997 Northern Virginia Conservation Trust acquired 70 acres of land. Blue Heron nesting habitat land. I'm very proud to say, that that was the very first fee acquisition of the Northern Virginia Conservation Trust in all of Northern Virginia. That was the first, right here in Stafford County. And now a bit about our future. We're building on our 1997 acquisition you heard Pat Coady make reference to that. We aspire to be a regular voice in support of open space to benefit Stafford County and to close our ultimate vision is to see that the Crow's Nest Harbor become part of the existing Crow's Nest Natural Preserve. We are deeply committed to making that happen in the coming future. Thanks very much.

Mr. Rhodes: Thank you. Is there anyone else who would like to come forward to speak on these items?

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Tom Gregory: My name is Tom Gregory. I am opposed to you changing the Ordinance to allow the transfer of the rights, because I think it's an elimination of due process. I echo what Mr. Brito says about the transferring of rights for development, which, while some people think it was a good idea to have a development area around the Courthouse area, I think that we've reached the point where the density is almost overwhelming. I mean, y'all come down here, you know, once every couple of weeks to a meeting and you come down here at other times, I come down here to the Stafford area. There's plenty of density already. I can appreciate what the conservationists want to do, but that's what the conservations want to do. I don't want to see any more density in the area where I have to come to the Courthouse, or I have to come to the Administration Building with what would be hundreds and hundreds of more dwellings, because you're now circumventing the ability for public hearings and...I mean changes for the zoning when you allow these Transfer of Rights over here, so that we can do these things as you were talking about. I think you said with R-4 or whatever the numbers are. I didn't write them down and I don't have a presentation, but I'm certainly opposed to the changes that are going to make density worse. I'm not opposed to fixing the Ordinance if it's broken, but I'm not sure it's broken. I'm trying to understand it. I read a little bit about it tonight. I came down here for another reason, but as I listened to speakers and I know that some of y'all know me, I know that Mr. Gibbons knows me, I'm opposed to development and increasing of the number of people in Stafford County. I think we have enough people in Stafford County. I think we have enough children in our schools and we need to devote more time and energy educating the ones we have, before we bring some more in and certainly the changes in the Ordinance that are being proposed by staff to you, makes it so we can just bring some more people in here and we can overcrowd the school some more. The middle school here, the high school here...I'm sure that those people that own that property up there, they can get some schools built up there when they move into those pieces of property up there in Crow's Nest, but I really don't think they're going to move in there. So why are we going to force them to move down here. So I'm opposed to it and I would like you to vote at least to table this for further studies so you can correct this Ordinance correctly without a lot of questions in it. Thank you.

Mr. Rhodes: Thank you, Sir. Is there anyone else who would like to come forward to speak? Okay, I will close the public comments portion of the public hearing and bring it back to the Planning Commission on items number 6...

Mr. Hirons: Mr. Chairman?

Mr. Rhodes: Yes, Mr. Hirons.

Mr. Hirons: Maybe a follow up question for staff, if I could?

Mr. Rhodes: Please.

Mr. Hirons: One of the speakers mentioned some specific concerns that were raised. Were there any specific concerns raised to staff of the way the Ordinance exists?

Mr. Harbin: Could you be more specific? I'm not quite sure...

Mr. Hirons: What public comments were made to staff about the existing Ordinance, the Ordinance as it currently exists and what are these fixes trying to fix, based on public comment.

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Mr. Harbin: Well it is my impression that we received comments from the owners of the Crow's Nest Harbor neighborhood, that they would be willing to participate in this program and would like to be included in the "sending area".

Mr. Hirons: So the comments were just based around: We weren't included, we want to be included?

Mr. Harbin: I think that the original Ordinance was to include the Crow's Nest Harbor as a method of preserving that neighborhood and allowing the owners to get some equity on their undevelopable lots. So that's why this program was drawn up and then, as Mr. Apicella noted, that area was excluded when the amendment passed in February 2013...

Mr. Hirons: Right. And early on in the discussion of these TDRs in general...probably before your time with the County and if you have to defer to someone else...didn't the original drafts include Crow's Nest Harbor?

Mr. Harbin: That's my understanding.

Mr. Hirons: And didn't this Commission specifically vote and pass this Ordinance, recommending removal of those or a "sending area" that did not include those lots?

Mr. Harbin: I would defer to Mr. Harvey on that.

Mr. Harvey: Yes, Mr. Hirons. There has been multiple iterations of TDR, some of which the Planning Commission has not supported, some of which the Planning Commission has supported. I believe there was one iteration that did not include Crow's Nest Harbor.

Mr. Hirons: So we, as the Commission, have already passed an Ordinance with considerable debate on it that did not include these lots. Now that you fix, that's being requested here is really, as it comes down to it, to include these lots and then adjust the "receiving area" to create enough space for those potential "sending" TDRs. Is that correct, Mr. Harvey.

Mr. Harvey: Yes. By adding additional eligible properties, we have to adjust the "receiving area" zoned into these and or expand the "receiving area" to make accommodations. This proposed amendment does both. It expands "receiving area" from the Courthouse UDA to the Courthouse re-development area, which provides more land which could potentially receive development rights. It also includes changes to allow the R-4 and B-3 zones to accommodate development rights.

Mr. Hirons: So the root problem we're trying to fix is lots that weren't included that want to be included. They are represented by a lawyer.

Mr. Apicella: Mr. Chairman? I completely disagree with the statement Mr. Hirons just made. The version that we did send to the Board did include these lots. For whatever reason, the February version that they ultimately voted on took those lots out. So we did, as a body, not unanimously, Mr. Hirons voted against it, at that point in time the last version that we sent did include the Crow's Nest Harbor lots in their entirety. We are now being asked by the Board that took these lots out, to add them back in, based on the concerns that the vast majority of lot owners in Crow's Nest Harbor would be adversely impacted and were not included and therefore this would not be as viable a program if they were not included. That's why they've asked us to re-visit this and to reinsert the provisions that they

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took out. So I don't agree with Mr. Hiron...respectfully, I don't agree with the insertions that this body did not want this Crow's Nest Harbor and in fact voted we voted to keep those Crow's Nest Harbor lots in the "sending area" in our version that we sent them.

Mr. Rhodes: Okay, any other questions for staff? Other discussion? I would just share that the TDR process has had a long and imperfect road. What it does represent at the end of the day, in my opinion, is one of very few, very few tools that a County has, based on the structure of the governance in the State of Virginia, a County has very few tools to help guide and direct growth. It's not to pull in growth, it's to guide and direct the growth that we're going to have. We've got people coming. The population keeps growing. Every 20 years it almost doubles. It hasn't stopped. It's continuing even with the last low that we've had. And so how can we help direct it into areas where we want to see the growth go, versus the by-right growth that's just going to sprawl throughout the County. That's what this is an attempt at. And our TDR Ordinance, as we've been trying to get forward, has been one to be a pilot. It's been one "sending area" and one "receiving area" to try to target an approach and see how we can make this work best for the County and then off that model maybe something bigger. The Board of Supervisors can do as they wish on behalf of the citizens of the County or maybe not do it any further, if they find that they don't believe that we can modify it or adjust it in a manner best serves the County. But it's an attempt. It's one of the few tools we have to try and direct growth into areas that we would prefer to see it if it's going to happen anyways, versus not just have it continue to spread out and further strain and challenge our road networks and other things that we have here. I haven't been fully for all the areas of the "sending area" either, but it is clearly what the majority has held for and what has come through the process of trying to coalesce an approach to this and I do believe the County ought to test an approach of this one limited authority that we've been given by the state, to be able to try and go forward and help better manage our growth and for that reason I'm supporter of trying to step forward.

Mr. Apicella: Mr. Chairman if I may?

Mr. Rhodes: Please.

Mr. Apicella: I would like to recommend approval of Ordinance O13-41 "Amending the Transfer Development Rights program" with the exception that no change be made in the maximum density for the A-1 district that currently exists.

Mr. Rhodes: Okay, a motion to recommend approval, but no density increase associated with the A-1 and that was, I think, consistent with our technical change we talked about earlier.

Mr. Apicella: Yes, Mr. Chairman.

Mr. Rhodes: Is that represented, Mr. Harvey.

Mr. Harvey: Yes, Mr. Chairman. I also would like to suggest that the Ordinance reference number be Ordinance 48.

Mr. Rhodes: Ordinance reference number O48?

Mr. Harvey: Yes, that's what advertised in the agenda, however in your packets it says 41.

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Mr. Rhodes: Yes, the packet says 41, but what's in our packet is 48, right. Okay, I got you. That's consistent with your intent, Mr. Apicella?

Mr. Apicella: Yes, Mr. Chairman.

Mr. Rhodes: Okay, is there a second?

Mr. Gibbons: Second.

Mr. Rhodes: Second by Mr. Gibbons. Further comment, Mr. Apicella?

Mr. Apicella: Mr. Chairman, one of the speakers said that we should spend our time researching this issue. We have spent our time researching this issue. We've been at this for over 2 years now and I think we've made a lot of adjustments, heard a lot of the concerns and made a lot of readjustments. As you eloquently indicated, there are not a lot of tools in the toolbox. This is one of the few that's available to us. A big goal of this County has been to preserve Crow's Nest. I think we're 70 percent of the way there. Part of it has not yet been preserved. This allows us to do that at minimal to no cost to the tax payers. It merely moves existing density, one for one, from the "sending area" to the "receiving area". It doesn't increase density, it doesn't adversely impact the County's proffer situation. Again, it just merely moves density from one location to another and in the place where we would like to have that density. I agree with you, we are going to grow as a County. We want to stir growth into places where it makes the most sense. This helps us achieve that end. It's a smart way forward and it's a small test given the total number of units that we have in Stafford County. I think with this change it becomes a more viable program and we'll have greater participation. We have a commitment from the vast majority of lot owners at Crow's Nest to preserve this property and potentially make it part of a public conservation easement. So for those reasons and many that I've stated over the last two years, I think we should move forward with this, with the changes that the Board asked us to make.

Mr. Rhodes: Any further comments, Mr. Gibbons? Any other member?

Ms. McClendon: Mr. Chairman, before you vote on this issue, I would like to point out that it's after the 10 o'clock limit imposed by the by-laws.

Mr. Rhodes: I apologize. I was tracking it up till 9:57 and then I failed. Yes, we have to halt at this point. Our by-laws do identify that meetings will go until 10 o'clock and after that it can continue only by a motion of the Board. So therefore I would entertain a motion to continue.

Mr. Gibbons: I so move.

Mr. Hiron: Second.

Mr. Rhodes: Okay. So I'm going to give that one to Mr. Gibbons and the second to Mr. Hiron. Any other comment? All those in favor of continuing the meeting beyond 10 o'clock signify by saying aye.

Mr. Apicella: Aye.

Mr. Hiron: Aye.

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Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed?

Dr. Schwartz: Nay.

Mr. Rhodes: None opposed. Okay 6-1. We will continue to move forward. Thank you very much for that clarification. So further comments on the motion, Mr. Hirons?

Mr. Hirons: Yes, Mr. Chairman. I'll correct Mr. Apicella again. We've been at this for almost 4 years. So the TDR is...my entire time on this Planning Commission I have not supported, I think, a single Resolution related to TDRs and I won't be supporting the Resolution tonight. These fixes that were pushed down to us, so we can debate, well we'd have to go back to the record and Mr. Apicella, I can see that you're probably right, that we had those included when we send it up to the Board of Supervisors. So now they're coming back and trying to fix their problem, which doesn't make it any better, and to fix their problem that they apparently created, they want us to add options for multi-family apartments to B-3 and R-4, which there is...it's not a huge amount of land within the Courthouse area, but there is some...and we could potentially have development that we have not input on, no public review of from a legislative body level in an area that we have spent a significant amount of money to say what types of developments we want. In fact I have the [gostaffordva.com](http://gostaffordva.com) website open which is related to the master re-development plans and in it it says "The Board of Supervisors adopted these visions, the visions of the re-development plans, which includes the Courthouse area, which includes the receiving are, these visions falling unprecedented public involvement. The ultimate goal is to spur economic development and encourage and opportunity to create positive, initial impression to visitors and inviting pedestrian environment for workers." If we don't have any ability to have input on what this area is going to be, which is the initial thought and desire with the re-development area and the urban development area, we designated this area and urban development area as well and this body also sent up to the Board of Supervisors as the Courthouse being recommended as an area to continue as a targeted growth area or whatever the future of urban development areas become. So there is definitely a will to have some input on what this area ends up looking like. We have an application before us that I think may still be in our agenda later tonight for a little bit of discussion. The Abberly at South Campus. That's an apartment complex just south of the Courthouse area. I believe it's just outside of the actual re-development area. We've spent I believe at least one session, if not two sessions, talking about that project and we've gotten down to the point of talking about the type of siding, the color of siding, the color of roof, the types of shrubs that are going to go in. A developer comes into B-3 and has development rights, we have absolutely no review in an area that's much closer to our town center, you know, what the Courthouse area is envisioned by many citizens and elected officials and appointed officials here in the county. If we go forward with this, and I would really, strongly urge each of you to think about this vote and hopefully join me in opposing this motion. If we go forward we're really saying to the citizens we don't care about your input on this particular area. We are wasting a lot of money that we put into these re-development plans having them developed. A lot of time an effort that went into the urban development areas and it's just a real shame to me that we're trying to fix a problem that was now apparently created somewhere else, that is just making it worse. To the Chairman's point, we have a TDR Ordinance in place. It is a pilot

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program. The “sending area” was made smaller to make it even more of a pilot program. Let’s see how that works before we start expanding and going forward. I completely agree. TDR is a program that could have potential to save a lot of open space, to conserve some area. I don’t think this is the right place. I don’t think this is the right place. I don’t think this is the right program for it here in Stafford County. I don’t think we’re at the point where we need this tool yet. Although we have an Ordinance in place, there’s nothing I can do about giving it completely appealed and off the books. Hopefully the Board of Supervisors will eventually see the error of their ways and go for it that way. But this fix does not fix anything. It just makes a bad program even worse. So, I don’t typically do this, but I would ask my fellow Commission members to really think about this vote and I would ask you to join me in opposing it.

Mr. Rhodes: Okay. Thank you. Any other member? I would just add to earlier discussion part to the motion, the fact that this is a tool. We’ve always intended this to go forward to the Board of Supervisors, to be a tool. That they would adjust and modify at time and as they deemed appropriate. They have come back with a recommendation that we conduct a public hearing with just one of those adjustments that they deemed appropriate and I think it’s important that we try and find the fullest potential from this and I think it is not necessarily...I will very openly say, I don’t think it’s perfect, but it’s something we have yet to try and I believe we just need to get it going forward to try. As they’ve looked at it they’ve asked us to reconsider some of the elements of it and they have sent it back to us and I for one will be voting in support of recommending this forward. So with that, I will call for the vote. All those in favor of the motion to recommend approval of the proposed Ordinance 013-48 as modified in the motion by Mr. Apicella, especially dealing with the no-growth in A-1 signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. All those opposed signify by saying nay.

Mr. Hirons: Nay.

Mr. English: Nay.

Mr. Rhodes: Okay, it passes 5-2. That one moves on. Now we’re on to item number 7.

Mr. Rhodes: Now we’re on to item number 7 which is the amendment to Comprehensive Plan, consistent with what we just did on the Zoning Ordinance.

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Yes, Mr. Apicella.

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Mr. Apicella: I move to recommend approval of the Comprehensive Plan amendment as presented to us in the staff package.

Mr. Rhodes: Okay, I'll motion in a second. Might I just ask for a clarification, Mr. Harvey? Were there any inconsistencies in there dealing with the A-1 and the 3 versus 2.25 units?

Mr. Harvey: I don't believe so, Mr. Chairman.

Mr. Rhodes: I'm not aware. I just wanted to ask that. Okay. I know we had that one little, technical question we need to make before. Okay, there is a motion by Mr. Apicella, second by Mr. Gibbons. Any further comment, Mr. Apicella?

Mr. Apicella: No, Sir.

Mr. Rhodes: Okay. Any further comment, Mr. Gibbons? Any other member?

Mr. Hirons: Just to say one last time, because I think I have spoken on every single TDR motion that's been in front of us, I won't be supporting it.

Mr. Rhodes: Very good. All those in favor of the motion for the amendment to the Stafford County Comprehensive Plan, consistent with the changes to TDR signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed say nay.

Mr. Hirons: No.

Mr. English: Nay.

Mr. Rhodes: The ayes have ; 5 to 2. We're on to item number 8, Mr. Harvey.

UNFINISHED BUSINESS

8. 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)**

Mr. Harvey: Thank you Mr. Chairman. Mr. Zuraf will give the update on item number 8.

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Mr. Zuraf: Good evening. This item is a proposal for a Conditional Use Permit continuation of a request by Crucible Properties, LLC for a use permit to allow an industrial school in an M-1, Light Industrial Zoning District. It's on Assessor's Parcel 35-22. We had a public hearing for this back on May 22<sup>nd</sup>. The Commission initially deferred the request to June 26<sup>th</sup>, but before that time on June 12<sup>th</sup>, in response to requests by the applicant, the case was deferred to this meeting. There were several issues that were brought up previously, and those included the applicant consider additional limitations on the hours of the use of the proposed vehicle training track, modification of the hours of weapon firing and black powder detonation, exploration of measure to enhance the noise attenuation of the activities proposed on the site including the use of weapons, explosives, and vehicle training, and then there was a follow-up request that staff conduct noise readings during normal operations of the site. Included with the information sent you, you did receive some noise measurement information. If you can go to the computer please. On August 20<sup>th</sup> staff went out to the site to conduct measurements with Deputy Hamilton of the Sheriff's Department. We went out on that day at 11 a.m. and conducted noise measurements at 5 different locations around the property. The noise measurements were taken at the same locations as were provided by the applicant as part of their original request for consistency sake. We've gathered up measurement information on small arm fire and black powder detonation. The location of the measurements on the site... it's hard to see on this map... but area 1 is in this location, location 2 is here, location 3 is here, 4 is in this location, and 5 is in this corner. And so at each point, we measured sounds of the small arm fire that occurred in this location and then black powder fire that was actually done in 2 locations. The applicant's initial measurements were based on detonation in this upper location, but they also did a second area of detonation down in this lower corner. It was apparently an alternative area that the applicant is looking at for future black powder detonation. So, in the report, and I'm not going to go through it in detail, we have readings that were received on these different locations for the small arm fire and black powder detonation. In these readings, the only point where we had some reading that was in excess of the County noise ordinance of 60 decibels, it was at the upper corner, position 1, when there was black powder detonation at this close point here. So, I got a reading at 62.9 decibels in that reading. All other readings that we received that day were below the level of 60 decibels for this purpose of comparison to the applicant's prior readings. We did ask that the people that operate the facility provide some extra testing for us, so we took measurements of them firing rifles from what's known as Range 5, from this point, the point that's probably one of the closest points to the adjacent Westlake property. And from those readings we took measurements at point 1, 2 and 3. And at points 2 and 3, the readings that we received were the highest at 69.2 and 71.1 decibels. So, those are the readings we received. You did receive some follow-up information that I believe was emailed to you after the regular report went out. It was a review by the applicant's noise consultant kind of providing a critique of our noise assessment, and they pointed out some things that they believed were where maybe our process might not comply currently or fully with the County noise ordinance. So they've kind of narrowed that, ran through their comments. And that was a memo dated August 22<sup>nd</sup> from Parsons Brinckerhoff and other than that there is also other noise-related information included in your staff report. Attachment 2 is a letter dated back on August 12<sup>th</sup>; that was also another kind of letter from the applicant's noise consultant, Eric Thalheimer of Parsons Brinckerhoff, that was a critique of the noise report submitted by the Westlake property owners. And then Attachment 3 was another letter provided by the Westlake owners reiterating their concerns with the application. And Attachment 4 are the original approval and denial Resolutions. We've not, I guess, received additional information from the applicant on any additional consideration on limitations to noise, limitation to the operating hours, or other measures to mitigate noise impacts. So, at that point, also the time limit of the case, the 90 day time limit, was at August 20<sup>th</sup> and the applicant previously did request an extension to this date. So today's meeting

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would be the deadline to make a decision unless additional time is authorized by the applicant, who is here.

Mr. Rhodes: Okay. Was there any further discussion with the applicant about other sound mitigation efforts at the firing points? I know that was one of the points we had talked about last time we met in May.

Mr. Zuraf: We have not received or discussed any of those issues yet.

Mr. Rhodes: Alright. Questions for staff? Mr. English?

Mr. English: That was my question I was going to ask.

Mr. Rhodes: Okay, anyone else? Okay, would the applicant come forward please. It's the Payne show tonight.

Mr. Payne: Mr. Chairman and other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and I represent the applicant, Crucible Properties II, LLC. And their representative, Mr. John Garman, is here as well. And I think, before we kind of just jump into sort of any muddy waters here, no pun intended, first kind of discuss obviously where we came from from our last meeting and what the process was. As you may recall, there were questions about whether or not we were, based on the Westlake study, whether or not we were violating the noise ordinance and whether the report that was provided by Westlake was accurate and consistent with the County's noise ordinance. Since that period of time we were also asked to look at some other mitigation features and to come back to the Planning Commission after going through that process and determine whether or not we could do any sort, take any sort of actions to move this process forward. Also, just as a reminder, as I'm sure you all know, we're a grandfathered use. This request is to allow us to improve the site so that we actually could make some of those improvements in regards to potential mitigation and also to allow us to be more efficient on the site. The next part of that was we asked for an extension, so many of my principals who are out of the Country at the time and continue to be for a period of time, so we can get them back here, get them fully appraised of all the issues and then get authority obviously to retain the experts that we needed to do that. So, coming forward today we did retain an expert, Mr. Thalheimer, as you have seen and hopefully reviewed his reports. He is an expert in this field. He could not be here; he went on vacation and he's in Boston, so he could not fly down for this meeting. But I think it's important to review his report, as I'm sure you have, and I will just very quickly go through that and then I will have Mr. Garman talk about his thoughts, what they're thinking, what their plans are. I think it will give you some more comfort level as to where we're going. But first, in regards to the Westgate report, which should be dated August 12<sup>th</sup> letter I believe that you have from Mr. Thalheimer, but just real quickly, again the measurement process that was utilized by the Westgate expert was not what's required by County ordinance. The ordinance requires a slow measurement process; he used an impulse measurement process which obviously provided a dramatic increase in the noise. Based on that analysis and the fact that there weren't adequate enough readings to even to an average mean, our expert basically said it's not consistent with what is required by the County ordinance and, by the way, it's attempting to muddy the waters. And that was just sort of his analysis on that. In regards to the County testing, again the wrong equipment was utilized. It was a fast measurement, not a slow measurement metric process which gives, as you can see in our August 22<sup>nd</sup> analysis, about a 9. decibel higher reading with that fast measurement analysis, which is giving, obviously, a higher reading than what the County ordinance requires, which

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is a slow pulse measurement. So just real quickly on that update. So given all of that, we believe that we're not, at least based on the analysis, that we're not violating the County noise ordinance based on the clear County requirements in Section 16 of your ordinance, specifically 16-4, which provides exactly what kind of equipment must be used, how the measurement should be applied, slow method, and that there should be at least 3, a minimum of 3 measurements taken and then averaged. And that did not occur on either one of those studies. So just for your background, that's what we found. As to the next steps, we have taken that information and sort of scratched our heads a little bit and determined how best to move forward with that process. So with that, I'm going to pass this over to Mr. Garman; I think he's the appropriate person to explain to this well-respected Board what they're thinking and how we're planning to move forward. Mr. Garman?

Mr. Garman: Thank you Charlie and Mr. Chairman and Commissioners, thank you for your time. I know this is a very sensitive issue and I appreciate all of your attention and your willingness to stay this evening to stay late to talk with me. I'd like to start off first, there's two slides that I provided... or 3 rather... that I've provided to the County, if I could start with the first just to paint a picture... there we go. Perfect. So, first with regard to our site and where this thing came from, I apologize for not being here back in May. I was out of the Country and unable to attend. But as soon as I returned was able then to get with Mr. Payne and understand what happened at the meeting. You guys have a video link that I was able to watch and basically attend virtually the entire meeting. And I noticed that as this came about, the word expansion and the word track got thrown around a good bit, so it's important that I bring you up to speed on what our intentions are with the property. When we started leasing the property back in 1999, we did just that... we leased it. The training that we provide to our students requires that we provide scenarios to those students. So these students travel to other countries and it's important that we teach them techniques (inaudible) and procedures to use in those countries. In order to make sure that they received the training appropriately in order to give them a chance to experience this opportunity before they need to do it with mortal consequences, we put them through scenarios. And if you'll look at the graph that I have here in front of you, we have our main building here, which is Building 5... how do I make it work?... I gotcha, thank you. There you go, and if you could help me draw here, which one is that? The blue line, perfect. If you'll notice, our training happens here in Building 5 and then the scenarios that we provide to most of our students, they travel to and from a home or office. As you may or may not know, you're most vulnerable in the vehicles as you're traveling about and the techniques of the enemy, or the folks that attack our people, typically occur around vehicles. So, we'll give our students a scenario that where they will leave their training venue and travel along this gravel road, out and back, and they're allowed to pick several different routes, primary and secondary routes. So they may pick to leave and go this route and come up here to visit and then choose to return along this route to their second location. But my point here is to show you that they use this roadway to perform their scenarios. We identified here that there's a mixture now as we do these scenarios of what we consider our public traffic and our student traffic. So when I have an air condition repairman come on the compound, he has to use the same roads that my scenarios use. Now I have things in place to make sure that they don't intermingle with each other, but at the same time it created a potential problem in our facility. So we looked at ourselves once we bought the property in 2011 and we decided if we could segregate now our scenario traffic from our public traffic, or business traffic, it would make our facility much more attractive to businesses and also safe for the people that come and go. And so with that in mind we came up with a general development plan that allows us now to put these, what I've colored here in purple, these purple roads in, to allow us to have these scenarios occur away from the public domain. As luck would have it, we found that we understand that sound is an issue. This also allows us to pull our scenarios away from the residential areas that are on the property and into an area that is closer to Vulcan or our neighbor to the, in this

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case, south. There you go. So Vulcan is down here, our scenario area now can be here as opposed to here, so we're further away from the residential area and closer to Vulcan. And we're in more room where we're segregating our two traffics.

Mr. Payne: And Mr. English had raised a question about the road that was to our north and whether we're using that for scenarios. No, that's just a travelway road to our scenarios. So there will be no scenarios in that location.

Mr. Rhodes: What about the one that's on this orientation to the left of the screen?

Mr. Garman: All the way left? Again sir, the way we're looking at these roads is maintenance roads. Access became an issue as well in the staff's comments where they asked us to apply an 8 foot perimeter security fence. Our fix was if we can put a perimeter road in here, it allows us to have a visual and physical difference between the communities, residential and/or Vulcan property, and our property.

Mr. Rhodes: But so training will only occur on the right and on the lower portion of that road?

Mr. Garman: Well, Chairman Rhodes, to be honest, training happens for our students anytime they're on our property.

Mr. Rhodes: Oh, that's what I would anticipate.

Mr. Garman: You understand? So, when I talk to someone about using a primary and secondary driving path from one location to another, when I talk to my students about looking for places for fixed point surveillance in areas where they need to pick up where they have decision points along their routes, that happens everywhere that they go. So training occurs when they're in their hotel room at night; training occurs as they come and go to our place of business; and training occurs on our property. So I don't want to mislead the Board to let you know that I will, you know... they can't appear in this location without driving one of the roads to get there.

Mr. English: So, my question for you, all the red areas is what you're trying to build?

Mr. Garman: That's right, that's right. The red areas are...

Mr. English: Any of those red areas would be your training areas.

Mr. Rhodes: So, you may recall from the video then, the question became as we looked at new development, because this would be new capability to do training. So as you looked at new development coming in, on the top orientation it's green, or the existing residents that are a little ways away and spread out but that are on the lower left corner of that screen...

Mr. Garman: Yes sir.

Mr. Rhodes: ... if you were doing evasive procedures, other things, late at night because you're simulating nighttime operations versus daytime, that's up on that top property line or that's on that left property line, that's what started asking us about sound mitigation and other things. If those procedures were all going to occur, I think it may be a different consideration if all those procedures

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were going to occur on the portion that abuts Vulcan or the portion that abuts the Mary Washington Foundation that has written us and saying they're supporting and fine with what you're proposing here. I know I for one would have a different perspective on this if those others are just access roads and getting you there. But if you're going to doing at night, overnight, training procedures that are going to have loud noises and other stuff, especially abutting the property lines where the residences are, then I want to start questioning how can we work to mitigate that.

Mr. Garman: Absolutely. And so, to the end of that mitigation, as you use the term evasive maneuvers, that's perfectly accurate, in our operational plan and the way that we do things, we dictate where those evasive maneuvers take place by providing the attack. So currently as I spoke to you, this is an area that we use for our scenarios. But most of our attacks happen in this area right here. It's where we did the IED simulations for our study and then later on for the County's study as well. Yeah, it's where we do them today. We put them here because it keeps them out of the public traffic that is here. We put them here because there's a decision point and a natural choke point, so we control where those evasive maneuvers and where that sound goes. Our intent absolutely is to focus the attack and the evasive maneuver activity here. Okay. So I can allow them to move down this perimeter road and then here, once I'm close to Vulcan, then that's where the attack can take place.

Mr. English: What would ensure me that you would keep it there if we approved that this wouldn't happen up there? What kind of insurance would you (inaudible)?

Mr. Garman: Well, the first one is 15 years of execution without any problems with the County all. The second would be we can identify if you'd like an area for attacks only. I stopped short of saying training only in this location because, as I spoke earlier, training happens everywhere. If you would like us to identify an area for attacks only, we can do that. And... what's that? Yeah, in our GDP this was a scenario training area and that's what that spoke to.

Mr. Rhodes: So, I think you could address some folks' concern. I know in my mind's eye there is some degree of a condition associated with where the... understand they can take any approach to get there... but where the operations or scenarios, the activities are going to take place, where the potential for... I mean, it's all about noise... where the potential for noise and where those scenarios are going to be, if we can develop some conditions that limit those to a quadrant. Ideally it's the probably 50 or 60% of your property that is inside the perimeters from the top of the Mary Washington Foundation property line over to almost in a box to the end of the Vulcan line down there on the bottom. So that would certainly would address it and that actually, as you said, pulls away some of those current scenarios a little further from what were the existing property lines. I know for me personally that's the step towards addressing these concerns, because as it was presented before, I could see 2 car convoys running and then halting, having to do evasive maneuvers, all up and down that property line, also at midnight because things happen at night, and suddenly I was gravely concerned about the other development that's going to be there. And they have a right to raise issues about that because we're adding this. The existing is what it is. Now if we can show a scenario that's actually pulling the existing a little further, that's starting to go a step in the right direction.

Mr. Garman: Absolutely, and we'd be completely open to, again, our hesitation was at training; where does training take place. But rather where the scenarios, or attacks for lack of a better term of what we would call it in-house, where the attacks take place. We're completely open to that and willing to do it. As we talk a little about the plan that we presented, the idea here was for us to be able to patrol that perimeter and control our access, and then also the idea was to move our scenario trainings elsewhere.

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As we left the meeting last time, we were directed by the Chairman to look at the potential of limiting our explosives, we were asked to look at limiting our hours of track and firing times, and also for general opportunities for noise attenuation. So that's what brought in Parsons Brinckerhoff and their firm to help us understand what's going on. As you may be able to deduce from the dates, we waited for about 90 days for the Westlake plan to be presented to us because we assisted them in collecting those numbers; we invited them onto our compound. We did the studies in December, requested the results in January then in February and then in March when we still hadn't received them we submitted the CUP to you folks. And then we were given the sound study right after that. That's okay because you gave us a continuance and made it available now for us to have Parsons Brinckerhoff look at it. And what we found is, from both the Westlake study and from the study that... those two studies that we did, all of the numbers, albeit inaccurate and inconsistent with the County Code recommendations, though they're not consistent, they all point to compliance or better in all of our sound use. So when we take that information, we say well we can still move the explosions away, we learn from our study to the County study, we learned that if we bury our detonations into the ground it helps direct the sound up as opposed to allowing the sound to go flat. So we've now added to our operations, Conditional Use Permit notwithstanding, that we dig our IED detonations into the ground to direct the noise up. And then lastly, what we've identified from the Westlake study is that this one shooting position, it's what we call Range 5 for the purposes of our discussion, this shooting position at the back of Range 5 Westlake identified as being very close to their new buildings. Now we understand that their buildings at this end of their development is some 10 years in the future because it's the back of the development. As we know, they develop as they go this way. But after the noise studies that we took with the County we've decided and spoken with our sound experts, we can put a sound deadening canopy over this shooting position because it is close. Regardless of whether we're complying or not, it makes sense that that's the closest one to the oncoming houses. It makes sense that that's the one that got the highest readings as we did our study, so we're willing to put a sound deadening chamber on top of that shooting position to make sure that that sound is controlled, whether it's compliant today or not, will control it more they say anywhere from 5 to 10 decibel effect we're can get out of that and we're willing to do that as a company and make that happen.

Mr. Rhodes: Is there... I assume the ranges to the bottom there, the two smaller ones... I assume those are all small arms?

Mr. Garman: Every one of our ranges there are small arms.

Mr. Rhodes: Okay.

Mr. Garman: So, you're correct in assuming that these two here... every one of them, typically our most common weapons used are the 556 or the M-4, and then any sort of 9mm pistol. That's the bulk of the weapons that we use. We did our study with the 762x39 because that's the largest caliber weapon that we use on a daily basis. It's a foreign weapon, it's an AK, and so we do some fan fires with those maybe once a week or every other week or so. So it was worth it for us to use the louder weapon, but we use small arms on all 5 of the ranges that we have shown here. So, as we go back, we also after we left this we had the opportunity to attend the public meeting and Chairman English, you were there as well. We had a public meeting. As a result of the meeting with you folks where we had some of our closest neighbors attend to find a little bit about what we do and what their... while they didn't attend here, they wish to have a chance to speak with us and understand more and so we attended that meeting. And to our surprise, a lot of our very adjacent, and Mr. English you can help me out with this, a lot of our very adjacent landowners said listen, we're in this community with you.

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We understand that you have a job to do and that you shoot the weapons and the noise is here, but what we're really bothered by is the traffic. People speed back and forth in front of us. So now we understand from our community there's another concern. So immediately we jumped on the phone with the Sheriff's Office and said hey, we understand that there's a concern. I can't stop my students or my neighbors from driving quickly once they're on the road. Before they leave my compound, I can add language to their indoctrination when they show up and every day when they leave to tell them to slow down. But I talked with the Sheriff's Office about how we can affect change on the roadways. And since then, the Sheriff's Office has worked with us very well and they've been able to put a sign up out front that illustrates drivers' speed when they go by. And luckily enough we found that 85% of the drivers on our public roadways are actually driving considerately. But there are people speeding on our roadway, not our people, but everyone, including us and everyone, from 9 a.m. until 1 a.m. At least one person speeds 15 miles per hour in excess of the speed limit. So we understand that it's a problem that we are a part of and so is the community and we're working very diligently to help solve that. Even right now we have School is Back in Session Please Slow Down signs in my office that we intend to put up at the weekend. So we continue to be responsive to the County's... I'm sorry, to our neighbors' and to our communities' concerns. We'll continue to be so. The passing of this Conditional Use Permit now in response to the County asking us to go away and understand what we can do to help fix it. With regard to the limiting of explosives, we're willing to concede a half pound limit to all of the explosives that we use, and we're willing to put that in as a provision. We're also willing to limit the hours of track and firing times from 8 a.m. until 10 p.m. What that does is that consolidates all of our firing to just the daytime hours as defined by the County.

Mr. English: They also requested because of the kids going to sleep earlier, they wanted you to cut out at 8.

Mr. Garman: Correct. They would like us to and we are willing to stop as early as we can but we have government contracts that require us to provide training at night as Chairman Rhodes pointed out. So we are required by existing government contracts to train our students to shoot their weapons in the evening time... I'm sorry, not evening time... at darkness hours. So we could do that at 4 a.m. in the morning or we could do that at 8:45 p.m. in the summertime hours. Wintertime we get done earlier because it's our job. We don't want to work until 10 o'clock any more than anyone else does. So in the wintertime, we're able to stop earlier. In the summertime, however, as you are aware, the daylight hours, the sun doesn't go down rather until very late in the day. Ten o'clock is acceptable; it's something that we've been able to manage and remain compliant with our government contracts, but if we move it earlier than 10 p.m. for our cessation of weapons fire, we fear that we might find ourselves out of compliant with the government contracts that we've agreed to support.

Mr. Rhodes: You know, I think to the degree it's possible to, whether it's that type of a sound deadening cover or other things, that all the firing points you're going to find it's going to mitigate it some as well. The degree to which you can expand that to your other firing points I think would have a very positive effect.

Mr. Garman: I agree a hundred percent. And one of the things we've come up with as we look at our general operations and our noise attenuation is while the 300 yard line of Range 5 is a static position, and I shoot from that position without moving, from the hundred meters and in we're training folks to escape an attack. So they're unable to stand as you may can imagine to stand and fire the 15 and then put the gun down and stop. These people move forward and shoot, they move backward and shoot, they get out of a vehicle and fire their weapons, they fire their weapons and get back into the vehicle.

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So the overhead cover then would have to start at the hundred and go all the way forward, and you can understand how that can be outrageous.

Mr. Rhodes: So the overhead cover works probably pretty well for the top two ranges right, in concept?

Mr. Garman: In concept.

Mr. Rhodes: In the bottom one, the only thing you've got then is whether or not... no, you've probably got people on their feet... whether or not there's berming or other things that could go along the perimeter, the bottom perimeter of that one range. That'll at least start to affect some of the sound flow.

Mr. Garman: Absolutely. Now, Chairman Rhodes, understand while their fixed positions are the 300, we call this the 250, the 200, but this range here is from the hundred and in and this range is from the hundred and in, we still cannot cover them from there forward because that won't allow our people to move and shoot too. It's not just 2 ranges, it's 3.

Mr. Rhodes: No, no, that's understood.

Mr. Garman: But with regard to berming and with regard to sound mitigation, back in November of 2012 we were approached by Westlake to work together on how can we coordinate their construction with our noise mitigation efforts. And we opened the door right away. We met in November and in December they were there measuring the sound. We still have only received the letter that you received with regard to mitigation. If their able to assist us in putting up berms, we don't have miles and miles of dirt that we can move around on the property to build berms with. But to the extent we're able to work with Westlake, we're more than willing to. Every time they've asked, we've opened the doors. If they would like us to put berms on any of the ranges, provided it's something we can do and it meets the County's approval, we're more than happy to put up berms to make ourselves more compliant. Right now we are compliant under the noise county ordinance but we have no problems doing more.

Mr. Rhodes: So you would be willing to consider the sound deadening on the 3 fix point?

Mr. Garman: The 3 circles that I have there?

Mr. Rhodes: Yes.

Mr. Garman: I can say this... we know that we can do it here because I can shoot forward unobstructed.

Mr. Rhodes: Roger.

Mr. Garman: Okay. Here, we can do it here as well on the 250 because I can shoot forward. At this 200...

Mr. Rhodes: That makes sense.

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Mr. Garman: I'm not certain that I can shoot through a noise deadening structure.

Mr. Rhodes: And then, so now really those are the firing points that are closest to the Westlake property line.

Mr. Garman: These two help tremendously, I would agree.

Mr. Rhodes: You're controlling the... if you're controlling the scenarios where the major activity all happens in the kind of lower third quadrant there, that hits it. I guess the only other part now I would just, and I'm sure as hell not a sound engineer, but wonder about from the existing private residents that are in your lower left-hand corner there, is there any degree of berming that can go on that bottom range, the shorter ranges you've got down there, that might impact the sound travel that'll go that way?

Mr. Garman: Currently we have a berm here and here, on what we call Range 1. And then currently we have berms here, here, here, and about I would say back to the 25 on Range 2.

Mr. Rhodes: How high are those berms?

Mr. Garman: These berms are the highest at... I'm sorry, these berms here are the highest at about 20 feet. I'm going to estimate under so that I don't mislead. And here, these berms are only at about 12 feet. So these berms are shorter.

Mr. Rhodes: But still they affect the sound travel.

Mr. Garman: They do help to point the sound off, I'd agree.

Mr. Rhodes: Alright.

Mr. Garman: So with the last... let's see, let's make sure we cover all of the four points you asked us to back in May. We are willing to concede our half pound limit to our explosives. We are willing to limit our times for driver simulation training and firing times from 8 o'clock in the morning until 10 p.m. at night. And then we talked about the general opportunities for noise attenuation. The last thing that's worth discussing is I know there was a lot of discussion around the perimeter fence last time. And while we've had 15 years... I'm sorry, 14 years now of successful operations without people intruding on our property, we fully understand the fact that in the future, when houses are built on that perimeter with Westlake, there will be more kids, there will be more experiential folks, not unlike the University of Mary Washington and this border who suggested the same problem that our wire fencing and our posted signs that currently exist may not be enough to keep their kids out. And so we're more than happy to work on or to construct that 8 foot perimeter fence around here. Our concern is the timing. And it was under discussion for a good bit last time. We started this back around the middle of last year and now here we are almost 12 months or better later. Here we are also as a private security contractor for the government, having just lived through their first sequestration and looking at another continuing resolution in September when the fiscal year ends. If this Conditional Use Permit passes and the next day you ask me where my fence is, I'm concerned that as a business I'll put myself in a bad situation where the houses are coming say 5 to 10 years from now but we're asking you to invest in a perimeter fence that, by today's standards, is not needed. If we point to the fact that people aren't intruding on our property right now, if we point to the fact that our current practices with regard to patrolling, keeping people out during hunting seasons, have been effective, then if that is effective

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today it would make sense to push back the perimeter fence until (a) we have the fiscal where-with-all to start the administration buildings and we can tie it to that, or (b) there's a clear and present need for a perimeter fence and we put it up in those areas that we need to.

Mr. Rhodes: When do you anticipate doing the expanded roadway network compared to the administration building you discussed?

Mr. Garman: Given the current government situation, I don't have a lot of confidence moving forward immediately with any of these plans. The problem is I just listened to Congressman Rob Wittman this morning talking about how we're having troubles with the defense, we're having troubles with preparedness, we want to go to this... but I'm not sure what's going to happen in September when we vote on this continuing resolution. So, right now, not knowing whether the contracts that I have are going to be extended into the future, today not knowing whether or not the spending of the government use is going to go up or down, it's very hard for me to predict exactly when we're going to be fiscally able to do any of these improvements. I would say that the administration building and the roadways will both be very high expenses. At the time our finances align so that they make it happen, the business decision will be based more on operations and more on what do we need more.

Mr. Rhodes: I would just suggest as we work... assuming we get more time to address, to finalize some of these if that's where all the members are... one suggestion I would throw out for all's consideration is just like we do with housing developments, we tie it to the completion of X number of units you'll have this point done. I mean, if you're not able to start on the roads and the other buildings and really start on these, you don't need... I think you could tie the construction of a building, construction of the road network, to the construction of the fence. It's really when you're now directing your roads along that perimeter line that I might be a little bit more concerned about the way a youngster from Mary Washington or any other place is starting to get out there because now you've pulled the cars a little bit closer to them crossing that perimeter line. I think that might be a possibility.

Mr. Garman: Absolutely. And I think it makes sense as we add the administration building, it makes sense from an operational perspective to put that fence in around with it because then we can tie that building into the perimeter fence as well and have that go to increase our access security there on the compound as well.

Mr. Rhodes: Alright. Other questions for the applicant?

Mr. English: Yeah, one question. What about your indoor range? Are you still considering?

Mr. Garman: The indoor range is still on there and we're still considering it. Again, this is one of those things in (inaudible) development plan when we're saying that this is what we're going to do and the first condition is that all our developments cease with the plan. It was important that we put that indoor range on there. Again, should a government contract come up that requires an indoor range, we want the ability to build that. We feel putting it in the center of the facility and an indoor range we don't expect much noise changes when that building gets placed.

Mr. Rhodes: So, what I think I've heard is no argument against and thoughts for possibly modifying to add the direction or conditions appropriately such that the, especially for vehicle scenarios that all that activity is going to be taking place in a quadrant that is probably away from development. And so we

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would need language to get there that there would be some sound mitigation efforts, particularly with those fixed point locations for the firing ranges, and that there probably needs to be a little bit... we need to work together with staff on some language to work timing on the security perimeter fencing when things are expanding. Any other thoughts? Mr. English?

Mr. English: No, I think that's right on track.

Mr. Rhodes: So the one challenge we have is right now we have a time limit of tonight to act on this. We would need to have agreement for some additional time for you all to work with staff at least until the next session to see if we can come up with something.

Mr. Payne: It's agreeable with us Mr. Chairman.

Mr. Rhodes: Is that acceptable verbal? Okay. Okay, so that means we could defer this to the, if it's the will, defer this to the 11<sup>th</sup> and give staff time to work with the applicant to see how those work out. Maybe some more engagement with some of the neighbors and see if everybody can get to the best compromise of positions.

Mr. Garman: Fantastic.

Mr. Rhodes: Okay, I'd entertain a motion then, Mr. English.

Mr. English: I make a motion if we can defer this to September 11<sup>th</sup>.

Mr. Rhodes: Okay. Motion to defer to September 11<sup>th</sup>; is there a second?

Mr. Boswell: Second.

Mr. Rhodes: Second by Mr. Boswell. Any further comment Mr. English?

Mr. English: No sir.

Mr. Rhodes: Further comment Mr. Boswell?

Mr. Boswell: When you guys are looking at this, I'm more apt to support this if we fence this thing in when the track is put in. I can see these guys running around this track maybe getting a little out of hand. I'd be more inclined to support it if the fence went up with the track.

Mr. Garman: Fantastic, thank you.

Mr. Rhodes: Any other comments by other members? Dr. Schwartz.

Dr. Schwartz: You made a comment that the fence would go up when there's a clear and present need. That sounds like you're going to make the call after the fact.

Mr. Garman: Actually, there's two triggers for us; one, when we're financially ready to make the improvement, or two, before that if something requires us to do it we'll do it.

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Mr. Rhodes: I think we would need to get probably a very clear tie and we'll have staff work to bring back something that has a... we want to eliminate the ambiguity to make sure it is the right point, but we probably need to get that addressed. I mean, that is a fair point. It can't just be left open.

Dr. Schwartz: I mean, if somebody comes across the line and gets hurt then that's after the fact and then you have a clear present need.

Mr. Garman: Absolutely. For the last 15 years, we've monitored that and we've made changes to what we do in our operations and with signage and such. So I don't have to wait until somebody gets hurt to realize there's a need. When we see hunters start to encroach more and our efforts to put up signage and wire fence is being not heeded, then at that point is when we do it. We don't need to wait until somebody gets hurts. That's not our intent.

Dr. Schwartz: So you have wire fences up?

Mr. Garman: Yes sir. Wire fencing up and No Trespassing signs.

Mr. Payne: And I think the point is and, Dr. Schwartz, I know what you're getting at, but the point is you know currently our current operations, our neighbors know us, they know where we are, they know the boundaries, they know the routine. It's been a successful model for 15 years. But as growth comes our way, which is going to be awhile, but it's going to come our way eventually, you know, we're not going to wait for it to be on our back doorstep. But we're going to recognize that growth coming and then that's going to be likely the trigger point.

Dr. Schwartz: Well Mr. Payne, you and I were both 10 year old boys that got into places that we shouldn't have been at one time or another.

Mr. Garman: I think we all have.

Mr. Payne: Dr. Schwartz, I know you're speaking for yourself and not for me because (inaudible).

Dr. Schwartz: Yeah, you never went anywhere you shouldn't have.

Mr. Payne: My former principal was here not too long ago at a Board meeting and he claims I never got (inaudible).

Mr. Rhodes: I think the intent would be that, working with staff, we'd come up with something that ties it to as they start to do some of the expansion plans that needs to be a key part of it. It should be definitively tied. Any other comments?

Mr. English: I just want to make one more comment. Even if this wasn't passed today, you would still be doing what you're doing so it's not going to make any difference as far as...

Mr. Rhodes: This is actually just going to make it better.

Mr. English: Exactly.

Mr. Garman: We're willing to wait and do it right as opposed to push it through and do it wrong.

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Mr. English: I was just going to make that point, you know, whether it was passed or not, you guys are still going to be there.

Mr. Garman: Yes sir.

Mr. Payne: And that's what we want to do. We want to move in that direction.

Mr. Rhodes: All those in favor of the motion to defer this to the 11<sup>th</sup> of September, giving staff and the applicant time to work on refining some of those points discussed tonight signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; it passes 7-0. Thank you all very much.

Mr. Payne: Mr. Chairman, if I may real quickly. Dr. Schwartz, I did not say this earlier and I apologize. But it's been a pleasure serving on this side of the isle, if you will. Your questions, your points have always been very positive, constructive, and fair, and I want you to know it's been a pleasure working with you over the past year or so. So congratulations and good luck on future endeavors.

Dr. Schwartz: Thank you Charlie.

Mr. Rhodes: Mr. Apicella.

Mr. Apicella: Mr. Chairman, as it's close to 11 o'clock, I would ask the Board's indulgence that we defer items 9, 10, and 11. I think given the dates that they're due that that would be permissible?

Mr. Rhodes: Any concerns Mr. Harvey? I think 9, there was a request for a deferral anyways.

Mr. Harvey: That is correct Mr. Chairman. There is a request for a deferral and extension of limit. Item 10 we're in a mode to need to advertise a public hearing; 11 can be deferred.

Mr. Rhodes: Okay. How about we take up 10 then. Okay, so item 9 is...

Mr. Apicella: I thought I just heard him say that 10 can be deferred?

Mr. Rhodes: No, 10 he needs to advertise for public hearing... index of the roads. Okay, so item 9 we've got a request for deferral and we will... we don't need to take a motion to pass that, do we?

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Okay, so we're going to do that. Eleven we're going to slide unless anybody objects and 10 we're going to run with. Okay, Mr. Harvey, 10.

Mr. Gibbons: Okay, so... 9 we don't have to, as a Commission, acknowledge this? No?

Mr. Rhodes: Do we need to take a... no?

Ms. McClendon: No.

Mr. Rhodes: We can choose not to object to their request.

Mr. Gibbons: Okay. As the Rhodes Commission, I'll go along with that. I like that term you've got now in your email. You've got to put a "the" in front of it.

Mr. Rhodes: Okay, so we are on item number 10, Index of Official Road Names. Mr. Harvey.

9. 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 on June 26, 2013 to August 28, 2013) (Commission voted July 10, 2013 to move to August 14, 2013) (Deferred on August 14, 2013 to August 28, 2013)**
  
10. 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) (History: Deferred at July 10, 2013 to August 28, 2013)**  
**(Authorize for Public Hearing by: August 28, 2013)**  
**(Potential Public Hearing Date: September 25, 2013)**

Mr. Harvey: Thank you Mr. Chairman. If I could have the computer please. There are two street name change issues that are going to be considered by the Commission. One is dealing with the reconstruction of the Courthouse Road interchange at Interstate 95, and also Rocky Run Road as it's affected by the reservoir project. Walking through the Courthouse interchange, this is the proposed layout of the interchange, and staff has identified a number of street segments that are going to have to be changed based on the overall redesign of the interchange and the road network in this area. We have segment A which is a relocation of Austin Ridge Drive. Segment B through C which is a relocation of Courthouse Road. We're proposing C and D to be also named Courthouse Road, which is formerly Jason Mooney Drive. We have D and F which would remain as Courthouse Road. C to B westbound would be Courthouse Road as well. D to E which is currently Courthouse Road could potentially be changed to Jason Mooney Drive. We have O and P which could be changed to Florida Rock Road. Florida Rock Road currently comes off of Wyche Road and serves an existing concrete manufacturing facility; this would be a relocation of that street name. We have G through H which would be an extension of Hospital Center Boulevard. And then I and J which would be an extension of Venture Drive. That leaves in this area two roads that potentially don't have names designated which

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could be re-designated. This is K through L which is a leg of Venture Drive currently and that we need a new name for that segment. And then also M through N which would be access to the commuter parking lot that will be built on the west side of the interstate, as well as serving commercial property to the north of that location. And again that's where we need a name. Some names that came up...

Mr. Rhodes: Could you go back real quick? So, Courthouse Road would go from F to D to C to B.

Mr. Harvey: Yes.

Mr. Rhodes: Okay. And then G to H would not be Courthouse Road; that would be...

Mr. Harvey: Hospital Center Boulevard.

Mr. Rhodes: Hospital Center Boulevard.

Mr. Harvey: And the reason why we did that adjustment, dog leg so to speak, was so we minimize the number of people who had to be readdressed. This is pretty much in the middle of Courthouse Road, so if you didn't have Courthouse Road be a continuous Road, you'd have to readdress half the people on that section of that road.

Mr. Rhodes: Okay, that's fair.

Mr. Harvey: So that was some of the rationale behind it.

Mr. Rhodes: And it keeps the Courthouse on Courthouse Road. Okay, got it.

Dr. Schwartz: Could we call it Courthouse Journey?

Mr. Harvey: Last time this was discussed the Commission asked for information about some service personnel that have lost their lives in the line of duty. There were three names that have been identified. Also, we asked the Historical Commission to weigh in. Unfortunately, the Historical Commission hasn't had an official meeting but we did get some input from some members about some potential name of historic significance for this area. Staff would request some guidance from the Commission as to what, if any, of these names should be considered for the two road segments.

Mr. Rhodes: Folks?

Mr. Hiron: One thing I wanted to mention, if I could Mr. Chairman?

Mr. Rhodes: Please.

Mr. Hiron: Is we also discussed this in the ARB and the general consensus there, for what it's worth, was to, while everyone had concern for service members and members of the public safety, the general consensus and there may have been a motion to this effect to keep it historical names because the of the historical nature of the area. That was all they discussed; they didn't put forward any names. I think some of the names come from the Historical Commission that the ARB agreed with.

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Mr. Rhodes: Okay. Mr. English?

Mr. English: My recommendation would be to keep with Mr. Sullivan; he was one of the first persons that were killed in the line of duty on a fire truck. It was in the sixties. He's never been recognized. And Mr. Rodriguez was the first EMS to get killed in the County and has never been recognized. But Ms. Cheney has been recognized; the bridge on 610 has been named after her, so I would recommend to pull hers out. But I would... those two names I would recommend.

Mr. Gibbons: Second, Mr. Chairman.

Mr. Rhodes: Okay. Other discussion? Other thoughts?

Mr. Hirons: I love the nickname; can we call it Izzy Drive?

Mr. English: Sure you can.

Mr. Harvey: Mr. Chairman, that was one clarification that staff was going to ask for.

Mr. Rhodes: Please.

Mr. Harvey: Is that typically with road names for individuals, it has a first name listed and a last name listed, rather than three names.

Mr. Rhodes: Right, so it'd be Israel Rodriguez or John Sullivan.

Mr. Harvey: Or you could go with the nickname if that was appropriate. I would defer to some Commission members for guidance on that.

Mr. English: Is it possible that staff could just contact both families and see what they would prefer? I mean, would that be out of line?

Mr. Harvey: We certainly can do that.

Mr. English: Contact their family and see what they prefer, the middle name or the nickname. I mean, that's just out of respect for them.

Mr. Harvey: Okay.

Mr. Rhodes: Other thoughts? Right now we've got a few that are kind of leaning towards the first two individual names. So a general thought about maybe just go into the historical nature of the area. Anyone else?

Mr. Apicella: I'm looking for clarification. So we're just talking about the M and N segment and the K and L segment? Naming those two?

Mr. Harvey: Yes sir. The other segments we'll use existing street names.

Mr. Hirons: For what it's worth, I'll support the motion as with the names that Mr. English suggested.

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Mr. Rhodes: Okay, so no further discussion... There's a motion to use the names of John Sullivan, or Garnett Sullivan depending on desires, if there are particular desires of the family, and Israel Rodriguez, or Izzy Rodriguez, depending on desires of the family if there should be such, to be used towards the two unnamed segments. Any other further discussion? And there's a second. Is there any other further discussion? Okay. Do we... well, we did a motion, let's go ahead and do a vote. All those in favor signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None? Okay. So anyways, that's the input from the Commission on that portion.

Mr. Harvey: Yes. Now the next section that we'll be dealing with for renaming is Rocky Run Road. And as you can see from this map, we have three segments to consider. Currently, Rocky Run Road runs from, and its current street origin, is at letter D which is at the intersection with Greenbank Road. It runs through the area that's going to be part of the reservoir which is segments C and B, all the way to segment A which ends at Holly Corner Road. So the way the current addresses run, they run from D to A, from lower to higher number. When the reservoir is open and the road is eliminated and flooding occurs, you'll have two separate road segments. Segments C and D have the most homeowners along the road, so the request was to rename segment A and B because fewer people would be impacted by the road name. Certainly people will be impacted.

Mr. Rhodes: How many homes/addresses are in each segment, do you know?

Mr. Harvey: I'd have to go back and look. I can get that information for the Commission. So, this is highlighting again the three segments that I was referring to. So, the question is, what to name segments A through B. At the Board of Supervisors, it was discussed possibly renaming it Roberson Road. The Robersons were a long-time family in this part of the County. They owned a lot of land historically and they still reside in certain parts of the County. But the Commission was requested by the Board to consider other historic names and/or names of people that have served the County.

Mr. Rhodes: And this goes to public hearing for them to give inputs on whatever it is we recommend. And we just recommend one name for the public hearing?

Mr. Harvey: Yes.

Mr. Rhodes: Okay.

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Mr. Apicella: Mr. Chairman, may I ask what happens if the sentiment is for a completely different name that's put forward at the public hearing. I know we can't do anything that's adverse as a result of a public hearing, but can we just change a name? Is that permissible?

Mr. Rhodes: Yeah, as our recommendation goes forward from the public hearing? Okay. I believe Mr. Brito earlier had an email too that suggested like West Rocky Run or something like that, right? There's another thought. What was the second one? Oh, Old Rocky Run. Okay, thoughts folks?

Mr. English: You said if we make a recommendation that it can be changed at a public hearing, is that what you're saying? Okay.

Mr. Rhodes: This is just what will get advertised, whatever we come up with.

Mr. Gibbons: Do you have any problem with West Rocky Run?

Mr. English: I don't have a problem with either of them.

Mr. Gibbons: I'd second your motion if you did that, it's in your district.

Mr. English: Well, the only question I have is has the Roberson family been notified or do they know anything about this? Because I don't want to...

Mr. Harvey: Not that I'm aware of. From a staff perspective, we'd prefer not to use directionals in street names in case that creates confusion. If someone is verbally giving directions, so it's not that you're going west on West Something Street.

Mr. Rhodes: What about Old?

Mr. Harvey: Old can be used.

Mr. Rhodes: We use that right? Do we do it with...? Yeah. A couple places, but not a lot.

Mr. Gibbons: A few of us here are old anyway.

Mr. English: The only problem I have is I don't that family thinking that we were going to name this road and then we come back and we say we haven't. That would be my only concern. I mean, I don't know what kind of input they had on it or how they came up with that.

Mr. Harvey: The name was originated from staff having some discussion with Mr. Snellings. It was thrown out as a placeholder name from the staff perspective again, because a significant part of the property that was acquired for the reservoir came from that family and they're historically associated with that area of the County.

Mr. English: So, if I say... but it can be changed at a public hearing if it needed to be, right?

Mr. Harvey: Yes.

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Mr. English: Okay. Well I'm going to make a motion that we just keep it at Roberson right now for the public hearing aspect of it, because of the family. That's my motion.

Mr. Rhodes: Motion to just sustain the recommendation of staff, Roberson and Rocky Run.

Mr. Boswell: Second.

Mr. Rhodes: Second by Mr. Boswell. Further comments? Mr. English?

Mr. English: No, I don't have any.

Mr. Rhodes: Mr. Boswell?

Mr. Boswell: No.

Mr. Rhodes: I would just ask that staff in the staff report raise that other possibilities, you know, just as your commentary for the public to hear in public comment, other possibilities that were suggested include Old Rocky Run. You know, just prime the pump and see if there's any comments.

Mr. Hirons: If I could, Mr. Chair, also within the staff report if we could just get some information about what happens to folks that live on that road and what happens how they have to go through change of address and what kind of costs might be incurred by residents of a particular road that changed name. Now, the name is going to change regardless, right?

Mr. Apicella: I'm going to ask that dumb question, I apologize at this late moment. Why not Reservoir Road?

Mr. Harvey: There is an existing Reservoir Road.

Mr. Apicella: Oh really? Oh, well there you go. How about New Reservoir Road?

Mr. Rhodes: Dr. Schwartz?

Dr. Schwartz: There's an adjunct to it, what Scott said, do we have a number of residents that would be affected by this address change?

Mr. Harvey: I know we know that number and I don't have it.

Mr. Rhodes: We'll bring it up at the... we'll make sure we raise it in the staff report of the presentation.

Mr. Gibbons: And forward a copy to the doctor's new address.

Mr. Rhodes: Yeah. Okay, any other discussion on that item? All those in favor of the motion to leave it as the staff report has presented it for the Rocky Run and then the added commentary to be in the staff report for the presentation at the public hearing signify by saying aye.

Mr. Apicella: Aye.

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Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; passes 7-0. Thank you very much. And we are on to... let's see, we are skipping 12, that's next time; 13...

11. 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) (Deferred at July 10, 2013 to August 28, 2013)**
12. 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 on June 26, 2013 to July 10, 2013) (Deferred on July 10, 2013 to August 14, 2013) (Deferred on August 14, 2013 to September 11, 2013)**

Mr. Gibbons: Oh, I'd like to address that. We deferred that to September 11<sup>th</sup>. The Court has changed the date to September 12<sup>th</sup> when they're going to hear it, so could we change it, delay it to September 26<sup>th</sup>? We'll have a decision (inaudible).

Mr. Rhodes: What complications are there if we further delay that? Does anybody know? Is there any timing complications (inaudible)?

Mr. Gibbons: No, we have until October 31<sup>st</sup>.

Mr. Rhodes: Yeah, yeah, I just don't know if there's something else back planning from there that might be a complication. I'm just asking if anybody's aware of anything.

Ms. McClendon: No Mr. Chairman, we're not aware of any other complications.

Mr. Rhodes: So, would the Aquia and Falmouth Election Districts like to recommend deferral to the 25<sup>th</sup>?

Mr. Apicella: Mr. Chairman, I recommend deferral until the 26<sup>th</sup> of September.

Mr. Rhodes: Motion to defer to the 25<sup>th</sup>... or when is it? The 25<sup>th</sup> I think. Second?

Mr. English: Second.

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Mr. Rhodes: Second by Mr. English. Any further comment Mr. Apicella? Mr. English? Any other member? All those in favor to defer that a little further to the 25<sup>th</sup> of September signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? Nope. Okay, it passes 7-0. Was there an update on 13 or 14, Mr. Harvey, that you wanted to share?

13. 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: Mr. Chairman, 13 we plan on bringing information back to the Commission at your next meeting.

Mr. Rhodes: Okay.

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

Mr. Harvey: Fourteen, there may be some more information later on. Right now I don't have anything.

Mr. Rhodes: Okay, that's very good. Okay, so we're onto New Business. Item number 15, Brooke Village Preliminary Subdivision Plan.

NEW BUSINESS

15. SUB1100373; Brooke Village Preliminary Subdivision Plan - A preliminary subdivision plan for 20 single family residential lots on 9.54 acres zoned R-1, Suburban Residential, located on the south side of Little Whim Road, approximately 250 feet west of Brooke Road on Assessor's Parcels 54C-1-26 and 54C-1-27, within the George Washington Election District. **(Time Limit: November 20, 2013)**

Mr. Harvey: Thank you Mr. Chairman. Mrs. Ennis will be giving the presentation for this case.

Mrs. Ennis: Computer please. Item number 15 is a Preliminary Subdivision Plan for Brooke Village. It's a cluster concept. It's located on Assessor's Parcels 54C-1-26 and 54C, Section 1, Lot 27. It's on

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the south side of Little Whim Road approximately 250 west of Brooke Road. It's on 9.54 acres and it's currently zoned R-1, Suburban Residential. They are proposing 20 single-family lots and it's within the George Washington Election District. And I confirmed that this time. This is the aerial view of Brooke Village. It is this piece here and this piece here. This is the zoning map and it's basically the same zone all around within the vicinity here and it's all residential R-1 zone. The site information provides all the lots have individual access to Brooke Road... I'm sorry, to Brooke Village Drive. All the lots will be served by public water and sewer. A perennial stream runs east and west in between lots 6 and 7, and adjacent to lot 18. This is the perennial stream here. It's protected by a hundred foot buffer and the stream and RPA is located in the open space; it is not on individual lots. No lots encroach into the RPA. No lots will have any access to Jones Roberts Lane and that's this road right here. Stormwater management will be achieved through a stormwater pond. The Planning Commission approved a Conditional Use Permit to allow 20 single-family dwellings with a maximum density of 2.25 dwelling units per acre. And then in May the Board of Supervisors also approved the Resolution to allow the density increase.

Mr. Apicella: This was the cluster subdivision that we...?

Mrs. Ennis: Yes sir. Staff recommends approval of the Brooke Village Preliminary Subdivision Plan. And I'd like to know if there's any questions.

Mr. Rhodes: Any questions for staff? Yeah, they worked with us a bit on this one. Yeah, appreciate that. Any questions for staff?

Mrs. Ennis: No questions.

Mr. Rhodes: How do you like that?

Mrs. Ennis: I know.

Dr. Schwartz: What time is it?

Mr. Rhodes: You've been here the whole time. You've got something?

Mrs. Ennis: That is the applicant.

Mr. Rhodes: The applicant is here if anybody wants to speak to him.

Mrs. Ennis: Yeah, the applicant is here if you have any questions.

Mr. Hiron: The easy question... were there any changes from when it came through us through the CUP from what's presented to us tonight?

Mrs. Ennis: No.

Mr. Rhodes: Okay. And no questions for the applicant.

Mr. Hiron: Change one line at least.

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Mr. Rhodes: I'll bring it back in. George Washington Election District. You finish with a flurry.

Dr. Schwartz: Mr. Chairman... there you go. I recommend approval of SUB1100373.

Mr. Boswell: Second.

Mr. Apicella: Second.

Mr. Rhodes: Oh, there was a race there. Mr. Boswell got you Mr. Apicella. Okay, a motion by Dr. Schwartz, second by Mr. Boswell. Any further comment Dr. Schwartz?

Dr. Schwartz: No sir.

Mr. Rhodes: Any further comment Mr. Boswell?

Dr. Schwartz: They did a great job working with us.

Mr. Boswell: No.

Mr. Rhodes: Any other member? Okay. We'll call for the vote for SUB1100373 and the motion recommending approval for Brooke Village Preliminary Subdivision Plan. All those in favor signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; 7-0. Sorry it was a late night. Just one of those nights. Okay, item number 16. Do we even want to do this? What is it, we have to go to public hearing by the 25<sup>th</sup>. Whose is this?

16. Amendment to Zoning Ordinance - Proposed Ordinance O13-46 would amend Stafford County Code, Section 28-35, Table 3.1, "District Uses and Standards," and Section 28-39(s)(2), "[Master plan.]," HI, Heritage Interpretation Zoning District. The proposed ordinance amendment would correct an error in a section number that was previously misidentified in Section 28-35, Table 3.1, "District Uses and Standards," and would require a review and recommendation of a master plan by the Planning Commission to Section 28-39(s)(2), "[Master plan.]" (**Time Limit: November 12, 2013**)  
(**Authorize for Public Hearing by: September 25, 2013**)  
(**Potential Public Hearing Date: October 23, 2013**)

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Mr. Harvey: Mr. Chairman, this is the amendment that the Planning Commission generated for the Historic Interpretive Zone in the master plan.

Mr. Rhodes: Oh, this is ours. So we ought to be able to drag this out hours discussing it. So, all we've got to do is authorize it for public hearing?

Mr. Harvey: Yes sir.

Mr. Rhodes: Okay.

Mr. English: I'll make a motion.

Mr. Rhodes: This is ours folks. Does anybody have an issue with this?

Mr. Apicella: I'll second.

Mr. Rhodes: Okay. Motion and seconded; any further comment? Motioner?

Mr. English: Nope.

Mr. Rhodes: Secunder?

Mr. Harvey: Mr. Chairman, it was brought to my attention that staff had made some minor suggestions to be added to the ordinance.

Mr. Rhodes: Okay. You want to clarify those points?

Mr. Harvey: Yes sir. Give me a second.

Mr. Rhodes: Everybody read it. Everybody liked it. Okay, so we'll remove the motion.

Mr. Apicella: There are changes beyond what was in the staff package?

Mr. Harvey: No sir.

Mr. Apicella: So, I thought that's what we were doing. We were approving what was...

Mr. Rhodes: You were just going to highlight where those changes were?

Mr. Harvey: Yes, if I can remember what they were.

Mr. Rhodes: Just make sure we don't have any technical thing there from the staff that we need to clarify... whether we need to pull the motion off the table.

Mr. Harvey: Let me just make sure that that's in the staff presentation. Oh, it's the last page... apparently I don't have it. But it says... I'll read the wording. "The master plan, and any subsequent amendment to the master plan, shall be submitted to the Board for approval after receiving a recommendation from the Planning Commission."

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Mr. Rhodes: So, instead of “The master plan shall be approved by the Board” it’s saying “The master plan”...

Mr. Harvey: ... “and any subsequent amendment.” So, that means that any change to the master plan would have to come back through the Planning Commission and the Board.

Mr. Rhodes: Okay, so this is Attachment 1, page 2 of 2, you’re adding those few words to it.

Mr. Harvey: And then further it says, “The Planning Commission shall provide its recommendation within 90 days of its receipt of the proposed master plan or master plan amendment.” Again, clarifying the amendment.

Mr. Rhodes: Okay, so in that second underlying sentence, you’ve added the words “or master plan amendment.”

Mr. Harvey: Yes.

Mr. Rhodes: Any on the first underlying sentence, “The master plan shall be approved by the Board of Supervisors”... could you say that one more time?

Mr. Harvey: I’m sorry, could you say that again?

Mr. Rhodes: I’m sorry, I didn’t see the red underline. Oh, there it is. I’m on the wrong one. “The master plan, and any subsequent amendment to the master plan, shall be submitted to the Board for approval after receiving a recommendation from the Planning Commission.” And then the second sentence is “The Planning Commission shall provide its recommendation within 90 days of its receipt of the proposed master plan or master plan amendment.” And then you have a couple other changes, okay.

Mr. Harvey: So, the added language is, in effect, trying to incorporate concerns if there’s a change to the master plan.

Mr. Rhodes: So, you’re wanting to confirm, is the motion dealing with O13-46 or O13-46 as amended by Attachment 3.

Mr. Harvey: Correct.

Mr. Rhodes: And your recommendation... you want to clarify that the motion was incorporating the proposed changes that were at Attachment 3.

Mr. Harvey: Please sir.

Mr. Rhodes: Is that acceptable to the motioner?

Mr. English: Yes.

Mr. Rhodes: Is that acceptable to the seconder?

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Mr. Apicella: Yes.

Mr. Rhodes: Okay, very good. Thank you, thank you very much. So, we have a motion on the table. No further comment. This is to authorize for public hearing the proposed Ordinance O13-46 with the modified changes by staff that are listed at Attachment 3. All those in favor signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? No; it passes 7-0. Thank you very much. Planning Director's Report.

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Mr. Chairman, I only have one item of information for the Commission.

Mr. Rhodes: You're a smart man.

Mr. Harvey: Just to make you aware that there's a potential agenda item on the Board's September 3<sup>rd</sup> agenda which may request the Commission to participate in a joint public hearing.

Mr. Rhodes: Okay.

Mr. Harvey: If that occurs, the joint public hearing will likely be October 1<sup>st</sup>, which is a Tuesday night.

Mr. Rhodes: October 1<sup>st</sup>; super. Okay, we'll get a three-fer in October.

Mr. Gibbons: Would the Hartwood rep tell us what it's all about?

Mr. Rhodes: What property is it on?

Mr. Harvey: It's dealing with Celebrate Virginia. There's been a new application filed for that property.

Mr. Rhodes: Okay, very good. So, keep your calendars free for October 1<sup>st</sup>. Possible fun. You're going to miss it Dr. Schwartz. County Attorney's Report.

COUNTY ATTORNEY'S REPORT

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

Mr. Rhodes: It'll be streaming. Ken Mitchell watches these. That guy has nothing better to do; he watches them from Texas. Okay, thank you very much Ms. McClendon. Committee Reports? Do we have anything outstanding? Nothing new, right? Okay. Chairman's Report. I have nothing in particular other than once again thank Dr. Schwartz. But I will hand over the floor for a minute to Dr. Schwartz, if you have anything else.

COMMITTEE REPORTS

CHAIRMAN'S REPORT

Dr. Schwartz: Yes, Mr. Chairman. I'd like to say it's been my honor and pleasure to serve on this Commission. It's been a real eye-opening event. I never cease to be impressed with the professionalism and knowledge of the staff in totality.

Mr. Rhodes: Here here.

Dr. Schwartz: And my fellow Commissioners... it's always been a pleasure and I have to, at this late date, I have to apologize to Commissioner Gibbons. He made a comment during our work session about how well we get along and I expanded upon that in a locker room manner. And it was pretty funny at the time, but he was hitting home very much to the point. And I appreciate working with y'all. It's been a great time and a lot of fun. Thank you.

Mr. Rhodes: Here here.

Mr. Gibbons: Mr. Chairman? I won't be here at the next meeting; I'll be in Stafford, England.

Mr. Rhodes: Ah, very good for you. Seeing the real original county.

Mr. Gibbons: I'll be holding up this sister city relationship.

OTHER BUSINESS

17. TRC Information – Meeting September 11, 2013

Mr. Rhodes: Good man. TRC. What all we got? Anybody know?

Mr. Harvey: We have one item and it's Westlake.

Mr. English: It's mine.

Mr. Rhodes: It's yours. You got it? You rolling? Okay, you're good. I'll entertain motions to approve the minutes. I will just qualify that I will be abstaining from the July 10<sup>th</sup> minutes because I was not there. So, entertain a motion to approve the May 22<sup>nd</sup> minutes.

APPROVAL OF MINUTES

***Planning Commission Minutes  
August 28, 2013***

*May 22, 2013*

Mr. Hirons: So moved.

Mr. Gibbons: Second.

Mr. Rhodes: Moved by Mr. Hirons, seconded by Mr. Gibbons. Any other comments? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. We've got to give Dr. Schwartz all of these now. Okay, entertain a motion to approve the June 12<sup>th</sup> minutes.

*June 12, 2013*

Dr. Schwartz: Motion to approve June 12<sup>th</sup> minutes.

Mr. Boswell: Second.

Mr. Rhodes: Moved by Dr. Schwartz, seconded by Mr. Boswell. Any further comments? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; passes 7-0. Motion to approve the June 26 minutes?

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August 28, 2013***

*June 26, 2013*

Dr. Schwartz: Mr. Chairman, I move that we approve the June 26<sup>th</sup> minutes.

Mr. Rhodes: Awesome. By Dr. Schwartz; any second? Somebody's got to second.

Mr. English: I'll second.

Mr. Rhodes: Okay, Mr. English second. Any other comment Dr. Schwartz? Mr. English? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; 7-0.

*July 10, 2013*

Dr. Schwartz: I move to approve the July 10<sup>th</sup> minutes.

Mr. Rhodes: Motion by Dr. Schwartz to approve the July 10<sup>th</sup> minutes. Is there a second?

Mr. English: I'll second.

Mr. Rhodes: Second by Mr. English. Any further comment Dr. Schwartz? Any further comment Mr. English? Any other member? All those in favor signify by saying aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Any opposed?

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Mr. Apicella: I'm abstaining.

Mr. Rhodes: And two abstentions; Mr. Apicella and myself. We were not present on July 10<sup>th</sup> so it passes 5-0-2. Kind of like a hockey score. Very good. And, anything else Mr. Harvey we missed?

Mr. Harvey: Not that I'm aware of sir.

Mr. Rhodes: Ms. McClendon?

Ms. McClendon: No.

Mr. Rhodes: Mrs. Stinnette? Anyone else? Speak now or forever hold your peace. Okay, thank you. We are adjourned before midnight!

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 11:27 p.m.