

STAFFORD COUNTY PLANNING COMMISSION MINUTES
September 11, 2013

The meeting of the Stafford County Planning Commission of Wednesday, September 11, 2013, was called to order at 6:30 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: Gibbons

STAFF PRESENT: Harvey, McClendon, Stinnette, Zuraf, Hornung, and Doolittle

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: I would now like to ask for any declarations of disqualification on any item on the agenda this evening. While not a declaration of disqualification, I will highlight that I did have discussions in the interim periods since our last meeting with the applicant and his representative associated with the 610 Park Ridge item that is 4 and 5. Now we'll move onto Public presentations. Public Presentations are an opportunity for members of the public to make a comment to the Planning Commission on any item that is not agenda'd as a public hearing. So, on any item other than items 1, 2, and 3 on the agenda, now would be the opportunity to come forward and speak on those. When you do, there will be 3 minutes provided. We would ask that you state your name and your address. A green light will come on up here at the podium that will indicate 3 minutes; a yellow light will come on when there's a minute remaining; and then a red light comes on and we'd ask that you begin to wrap up your comments if you would please. Again, just to reinforce, Public Comment... Public Presentations and Public Comment are not question/answer interactive but it is an opportunity to express your positions, your views, on any issue you'd like to. So, if anybody would like to come forward to speak on any item except for items 1, 2, and 3 may do so at this time.

PUBLIC PRESENTATIONS

Mr. Waldowski: Paul Waldowski. Sorry I missed the public hearings last time. That's what happens when you make the final table at Texas Hold'em league. But I will bring my comments, especially about what the real word, TDR, means. It really means a Troubled Development Region, and anything you read in the newspapers be aware. Next Tuesday is a public hearing in front of the Board of Supervisors, so we'll really find out where this is going. Yesterday I spent a little time at the School Board and I passed out a quote that I'd thought I'd pass onto the public that there is no saturation point in education. And the guy who made that comment was the IBM founder, Thomas J. Watson, Sr., who lived between 1874 and 1956. It's very interesting today to see how much has got digitized from that vision of planning and other aspects. Now the other public hearing I want to make my comments about, I call it the house on the hill... you know, the one where we built a wall so it won't fall over! And don't forget, just down the road on 610 you approved a whole mess of commercial stuff right in that Park Ridge planned community who had to sell their big building off because the HOAs don't work. Amazing! I guess I should have worn my HOA shirt but Jefferson is much more appropriate of what's going on. As I was eating dinner before I came here, I saw that the Rocky Park Reservoir was in the paper this week. And, for those of you who don't know, that's at a 57 million overrun. And getting back to TDRs, the way it's approved, there's a potential cost to taxpayers of over 50 million dollars in lost proffers. Now, what would proffers go to? I mean, they only impact our schools. And that's the thing I asked the School Board yesterday. You know, I hear there's 1800 to 2000 students in

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the high schools. But yet we have a week of school and I don't see it published in the newspaper or anywhere how many people enrolled in schools. I think you, as planners, would like to know that. Because as I was doing some research, it was very interesting to go through the School Board website and someone put together a spreadsheet that was entitled "Subdivisions and School Zone Listings." And they had 632 subdivisions. I don't know how they did that but the four columns were meaningless, as most things are in this County. But... I want to end with the quote that I read: "The TDR process has had a long and imperfect road, but it does represent, at the end of the day, according to someone's opinion, that it's a tool that will help guide and direct growth." Well, for 30 years people have tried TDRs and they don't work. And the main reason you, as the public, should know if you're not going to be notified who's developing next door to you, so beware. They're coming to getcha.

Mr. Rhodes: Would anyone else like to come forward for public presentation? Please sir. Again, just state your name and your address please.

Mr. Kirrane: Hi, I'm Joe Kirrane. I'm the President of the Park Ridge Masters HOA and I guess I don't know exactly what was stated at the last meeting, but we just wanted to let you know that the developer did meet with the HOA and that we did not give a vote for or against the development. Now, the two things that we primarily were concerned with were, one, did we need another gas station and another pharmacy. I mean, we understand the need for development, we understand the need for revenue, but we didn't know if that would really be the right road to do it. And then the second issue that we were dealing with was if this development were to go through, we were concerned with traffic, easements, how it would blend into the community. So those are the things, at least from my point as the President of the HOA, that I wanted to bring forward to the Planning Commission. Thank you.

Mr. Rhodes: Thank you sir.

Mr. Austin: Good evening everyone. My name is Lawrence Austin. I am here tonight as the President of the HOA for the Colonies. I'm attending tonight's meeting to advise this body that, as the person before me just said, the Board of Directors did not have an official position concerning this matter. Yes, we did facilitate an open meeting, received information and disseminated that information to membership, but that's where it ended. That said, as a private citizen and resident of Park Ridge, I am currently neutral leaning toward opposed to this project. There are many unanswered questions. And expediting the rezoning of said parcel does not appear to have overwhelming support by local residents at this time. There are concerns about the safety, health, and welfare of the community. For example, proceeding with the project prior to the widening of 610 contrary to the report that was provided by the developer that I read, has a potential to greatly increase traffic congestion on Parkway Boulevard, as this is the only way to legally enter the new development if you're coming from the west. Additionally, this increase in congestion has the potential to impact pre- and post-school hour traffic. Additionally, Park Ridge Boulevard is designated as no thoroughfare. Does the rezoning redesignate Parkway Boulevard as well? The design currently shows as automotive fueling station and eating establishments. I'm wondering if they have sufficient etymology studies that have been completed due to the close proximity to an existing housing community adjacent to the Coldwell Banker Realty office. Just so you know, as cited in a study entitled "American Cockroaches" by the Penn State College of Agricultural Sciences, the American cockroach is the largest of the species known to Pennsylvania. The species, most common in basements and steam tunnels of restaurants, bakeries, food processing facilities, and grocery stores. I don't believe the study is exclusive to the State of Pennsylvania, not to mention the potential increase in the number of other rodents. The current design will undoubtedly affect the quality of life of the residents of the

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aforementioned community. Perhaps placing the project on hold, or introducing a smaller scale project with more community-friendly establishments should be considered, such as dry cleaners, banquet hall facilities, a church, physicians' offices, legal services, UPS Store, etcetera. Thank you very much.

Mr. Rhodes: Thank you very much.

Ms. Freeman: Kathy Freeman, also a resident of Park Ridge regarding the 610 Parkway. I oppose these changes. While a lot of emphasis has been placed on the mess this project will cause to 610, I will like to put some emphasis on Parkway Boulevard and its surrounding residents. My home, the school, the daycare, the parks that the kids play soccer and football on, the library, the community pool, where kids walk up and down Parkway all day, every day, to play and to visit, to walk to and from school... all this on Parkway Boulevard. These changes are not just impacting community property but residential. The safety, the traffic up and down Parkway, the increased traffic this will surely cause through Hampton Oaks, the cut-throughs, the people it would bring into the neighborhood right beside our houses, the daycare, the school. Will it still be safe to allow our kids to walk up and down Parkway? How about the curb appeal that made people want to come live in Park Ridge? The fountains on the corner say, come look. And then the school and the daycare and the park and the library say come live here. This project offers nothing we can't get as residents 30 more seconds up the road that most families pass to and from every day to work. If none of the residential impacts make a difference to you, then I hope that the common sense of at least waiting until 610 has expanded prevails.

Mr. Rhodes: Thank you very much.

Ms. Laub: My name is Olivia Laub and I am a member of Park Ridge. My husband and I were not brought here by our choosing; the military brought us here. However, we recently retired and we had decided to make Stafford our home. And we really liked Park Ridge when we got here. My husband was technically stationed at Dahlgren but he chose, for the last 3 ½ years to make the 45 mile commute, one way, and I chose to commute to Ft. Belvoir. I think that if you add anything else to this neighborhood, you're not going to be necessarily improving it. Like she said before me, it's a nice quiet, peaceful neighborhood, and we didn't have to pick Park Ridge and we didn't have to pick Stafford. But we wanted to and we don't want to leave, that's why we are making this our home. I think that this road has enough gas stations, it has enough banks, it has enough automotive places. With the traffic that's on 95 right now, I do feel almost trapped on 610 because, is it really worth going up or down 95 to get what I need? But, for the most part, I feel like every service that we possibly could use is available and is already there. So I hope you make some serious decisions with more about the curb appeal, like she said, and just the want that everyone has to live in Park Ridge instead of the money.

Mr. Rhodes: Thank you very much.

Mr. Coughlin: Good evening Mr. Chairman, members of the Commission, my name is Michael Coughlin. I'm here on behalf of the Westlake Development and I'm speaking on the Crucible application. I'd like to update the Commission and indicate that we had a productive meeting on Monday with the Crucible, one of its principals... or two of its principals... and Mr. Payne. We are now finally, I think, at a point where we understand what the Crucible intends to do on the property with the expanded uses, you know, whereas before, for all we know, they would be firing live ammunition anywhere on the property right on our property border. When, in fact, that's not actually

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their intention. Nonetheless, this is essentially been planning by fire or under duress, if you will, in that, you know, we're now at a point where we can provide substantive comments on the conditions. That's what's been passed out to you folks and I apologize for not getting it to you earlier but the circumstances and the parties' schedules just did not allow it. But we are committed, again, to continuing to work together. Regarding the conditions that are in the staff report, you'll see that they have been revised. Our comments are set out in our letter and we provide in italics what those are. Just a couple highlights; for condition number 3, for example, regarding hours of operation, we're still not satisfied that they should be able to shoot live ammunition and blow off IEDs until 10 p.m. because, you know, candidly, children need to go to sleep much earlier than that. So we're requesting a specific limitation on that related to the IEDs not after sundown, and then firearms not later than 1 hour after sundown but not later than 10 p.m. In addition, there was a term brought up at the last hearing and the staff seized upon that regarding the attack zone. We think there needs to be a further definition of what goes on in the attack zone. It turns out that probably is only going to be simunitions, it's called, not live firearm, so it should state that, and there should be specific locations identified for where the IEDs would be exploded. Moving on, we have more kind of vague conditions regarding mitigation. So, 16 is essentially staff's attempt to work on noise mitigation. And, at this point, it's not enough but it's getting there. So, that's what really needs to occur at some point and certainly between the Planning Commission and Board if this gets moved on tonight, because there needs to be a real mitigation plan. We've also submitted a draft mitigation plan that is still a work in progress. So, we ask that if the Planning Commission moves this on, they consider our comments that have been made. And we understand that you don't have a lot of time to review them, but also require that the Crucible continue to work with Westlake to arrive at a mutually agreeable set of conditions. Thank you.

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

Mr. Bowman: I'm not sure this is the appropriate time. My name's Page Bowman. But I served at Ramoth Baptist Church; I'm associate Pastor there. And I had some questions, maybe it's on the agenda, maybe I need to wait. About the roadways into the project off of Ramoth Church Road going past our church into Augustine North I believe it's called. So I don't know if you want me to wait.

Mr. Rhodes: Yes sir, there will be an opportunity during the public hearing that we will allow for public comment there sir.

Mr. Bowman: Alright, thank you.

Mr. Rhodes: Thank you sir.

Mr. Valvo: Hello. My name is John Valvo. I'm opposed to the rezoning and this project. I feel that the changes in the zoning and allowing this project doesn't provide anything that the County or its citizens need. We have enough of these inconveniences already. The proposed project comes with many problems from hazmat issues, accidents, public safety, and would change the environment that has made Park Ridge a sought after community. The current zoning that the property was purchased under allows the property to be used in ways that could enhance our local area. Having Parkway Boulevard drastically changed to allow mass public, service vehicles, and associated problems is of a particular concern and would, without a doubt, be a major disruption to our peaceful community. In general, people like to live in areas with less congestion and changes that are useful. I took interest in this when I heard that someone at the last meeting said the project has the support of the HOAs. As a member of the Board of Directors of our sub-association, I could say that we were not contacted about

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this. I did canvas our community, however, and there were no residents in favor of this. All were opposed and many were upset that it could happen. Based on that, we would be opposing the plan, not supporting it. One other point... the pond and stream adjacent to the property being considered for a zoning change is a tributary and flows directly in to the Potomac River. Regardless of how this land is designated, I am concerned that the adjacent property may be part of the State of Virginia Critical Resource Protection Area. And it's vital that these areas be protected with the required buffered areas to prevent water degradation. Please vote against the Planning and Zoning change and thus far it seems that all the speakers are opposed. Thank you

Mr. Rhodes: Thank you very much.

Ms. Valvo: Hello. My name is Joanne Valvo. I am opposed to changing the zoning for the 610 Park Ridge plan. Our Park Ridge is families. It is a library and schools. It is walkers, cyclists, kids, and dogs. Our Park Ridge is beautiful. It is friendly. It is peaceful. Our Park Ridge is clean. It is safe. Their Park Ridge plan and all that it would bring to us is none of the above. Please vote no. Thank you.

Mr. Rhodes: Thank you.

Ms. Aguilar: Good afternoon. My name is Lucy Aguilar. I am opposed against this project. I'm sorry, I'm not ready for this because I only find out a couple of days ago from one of our neighbors who told me about this project. Yes, I was upset about it. I love Park Ridge. I love my community. It is a clean, nice place. I love to walk up and down Parkway Boulevard with my kids, riding their bicycles and play there. Now with this project I will be a little bit scared I guess because of all the traffic that is going to be there, all the cars going up and down. I sincerely do not like this at all. Please vote against it. Thank you.

Mr. Rhodes: Thank you very much. Is there anyone who'd like to speak on any item except for items 1, 2, and 3?

Mr. Defeo: Good evening, I'm Peter Defeo. I also opposed the change in zoning and the development of that piece of property. Again, when you look at the retail aspect of this thing, just go a little bit further west up 610; there's a whole development there with a bunch of office buildings that were built I guess 3 or more years ago. They're all empty. They've been empty. So, I don't see the need for additional retail space that may or may not ever get filled, and that, of course, doesn't... you know, that's a blight on the community for all the reasons that were already mentioned as well. It just doesn't make sense. You know, a novel idea would be just to leave the trees alone. Make it something useful because that's what makes Park Ridge great. It is quiet. It is beautiful. There are still trees there; it's not all just been torn down. So, again, I oppose this. And thank you very much for your time.

Mr. Rhodes: Thank you sir.

Mr. Cooper: Good evening. Mike Cooper. I also hear about the 610 rezoning and I lend my voice to those who so have eloquently spoke as being opposed to such rezoning. Really, a rehash of some of the well-stated opposition points include many venues right down the road that also serve exactly what this project proposes to serve, including 7 gas stations within 2 miles. Traffic will be increased. Green space will be decreased. The over-development again will increase. When you enter Park Ridge, you enter an area that takes you away from development, it takes you away from high traffic, and it puts

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you in a home setting. Putting this development on the corner as you turn in detracts from that and, not only our housing values will decline, but clearly the desirability of a community, a well, established community in Stafford, will be degraded. We have enough of these sort of things, again, in the area. As I review this and look at it with some inspection, I would offer that I see no increased benefit, no tangible or otherwise benefit, only negative impacts. I appreciate your time tonight and hope you will vote in the negative. Thank you.

Mr. Rhodes: Thank you sir. Anyone else who would like to speak on any item except for items number 1, 2, and 3?

Mr. Munoz: Hello, my name's Ben Munoz. I spoke last time. Made a lot of points about the traffic situation and the double turn lanes and adding all that and the mass confusion and tragedy that it may cause. We've spoken with neighbors that not all of them could make it tonight because they either have work or stuck in that wonderful 95 traffic still coming home, so I'm kind of speaking on their behalf. None of them have favored this either. I'm still opposed; wife's still opposed, and I have yet to find someone that's happy about this. Thank you very much.

Mr. Rhodes: Thank you sir. Anyone else who would like to speak on any item other than 1, 2, and 3?

Ms. Greco: Hello, my name is Paula Greco. I had sent an email to some of you earlier saying that I just oppose this. I've lived in Park Ridge for over 14 years now, so I've seen it slowly develop. I've also see how many accidents have happened at the edge of Parkway and 610. Tragically, some of them actually ended up in the beautiful fountains we have. Thankfully nobody got hurt, just damage. But it's an extremely dangerous area as it is with the high school not even a thousand yards away. There's gas stations not even... you could probably throw quarters from Parkway to get to the 7-Eleven, the Valero. A half a mile down the road is the Wawa. There's no need for this mass quantity. Technically, yes, there's only one thing that is in Park Ridge proper; however, there is an entrance into Park Ridge. And thankfully after years of seeing dump trucks flying down Parkway Boulevard at 50 miles an hour, past the school zones, we finally have a No Thru Truck Zone. There are still accidents though where people are just driving too fast and making it a shortcut. Having this big huge commercial area is not going to help reduce the traffic pattern. And now with the children walking to school and having crossing guards, it's not gonna help. I fear a tragedy could happen and I know this County just would not want that on their heads. So please, I pray you vote no.

Mr. Rhodes: Thank you. Anyone else who would like to speak on any item other than 1, 2, and 3?

Ms. Nordeen: I'm Kathryn Nordeen and I came just to add to everybody else pretty much to disagree with this project being built. My children are all young; they're under 6. We've already had several close calls on Parkway Boulevard with the speed limit being 35 miles an hour and the traffic as it is, and I don't know if you've gone by in the morning but, having the crossing guard there, it's a little hectic. And we're very concerned about the additional traffic and the additional trucks and vehicles and cars that would be coming through and the danger to our children. It's becoming, you know, difficult to stay in Park Ridge with the amount of building out towards our area. And we just... we were very sad to hear that they were going to build right at the opening of our community that we love so much because it was just outside of all the crazy stuff off of 95 and 610. So, we just appreciate being heard. Thank you.

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Mr. Rhodes: Thank you very much. Anyone else who would like to speak? Okay, I'm going to close the public presentation portion of the agenda. We're going to move onto public hearings and then we will go into the unfinished business items. The Public Hearing first item is CUP1300293, the Conditional Use Permit for the CVS Pharmacy, Onville Road. Mr. Harvey.

PUBLIC HEARINGS

1. CUP1300293; Conditional Use Permit – CVS Pharmacy Onville Road - A request for a Conditional Use Permit to allow a drive-through facility within the HC, Highway Corridor Overlay Zoning District. The drive-through facility is for a pharmacy, specifically the reconstruction of the existing CVS Pharmacy. The site is on Assessor's Parcels 20-83, 20-84, 20-85, and 20-92A, consisting of 4.14 acres located on the northwest corner of the Garrisonville Road and Onville Road intersection, within the Griffis-Widewater Election District. **(Time Limit: December 10, 2013)**

Mr. Harvey: Thank you, Mr. Chairman. Please recognize Natalie Doolittle for the presentation.

Mrs. Doolittle: Good evening Mr. Chairman and members of the Planning Commission. Item number 1 is Conditional Use Permit CUP1300293 for CVS Pharmacy Onville Road. The request is to allow a drive-through within the Highway Corridor Overlay District. The site is located on Assessor's Parcels 20-83, 20-84, 20-85, and 20-92A at the north-west corner of the Garrisonville Road and Onville Road intersection. The total acreage of the site is 4.14 acres, however the resulting acreage of the site may be less due to VDOT right-of-way acquisition. The site is within the Griffis-Widewater Election District and the applicant is Mr. Brian McNeal of Rebkee Company, and Mr. Charlie Payne is representing the applicant. Here is the map showing the location and zoning of the site and surrounding properties. All 4 parcels are zoned B-2, Urban Commercial. The property is adjacent to medical offices to the west, undeveloped properties to the north, and a small portion of the north-western property line is adjacent to multi-family, residential development. Parcels 20-84 and 20-85 were rezoned from R-1, suburban residential to B-2, Urban Commercial in April 2010 and are subject to proffers. Here is an aerial view of the site. Parcel 20-92A is occupied by a small office building, right here and parcels 20-84 and 20-85 are undeveloped. Parcel 20-83 is occupied by the existing CVS Pharmacy. VDOT has recently acquired right-of-way in order to upgrade the intersection at Onville Road and Garrisonville Road. Therefore, CVS must demolish the existing pharmacy with drive-through and reconstruct the store in a location further to the north on the existing site and additional parcels. The applicant has already submitted a major site plan, an easement, and lot consolidation plat in anticipation of VDOT moving forward with construction. A VDOT representative has stated the project will be advertised by VDOT on October 8th, 2013, and the contractor should receive the notice to proceed no later than mid- to late February of 2014. The applicant intends to keep the existing store open while the new building is under construction. The existing CVS with drive-through was approved without a conditional use permit as it predated the HCOD requirements. It was determined that reconstruction of the CVS and drive-through required a CUP. The GDP depicts the potential redevelopment of the property. A 14,600 square foot pharmacy with a drive-through is proposed. The store will have a loading space area, a dumpster with enclosure and 92 parking spaces. Additional sidewalk along Onville Road and Garrisonville Road will be provided. And the plan proposes a slightly realigned, existing entrance on Garrisonville Road and an entrance on Onville Road relocated further to the north. Inter-parcel connections are proposed with the parcel to the north and the parcel to the west. Here is the proposed drive-through facility. The location of the drive-through window and stacking lane is oriented to minimize impacts on the Corridor

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Highway. Landscaping, buffering, inter-parcel connections and building architecture are subject to existing proffers. Here are the provided architectural elevations. At the top is the view from Onville Road and at the bottom is the west side of the store and you can see the drive-through window and canopy. And here is the view from Garrisonville Road and the rear of the store and you can see the drive-through window and canopy here. The building will be similar in design to the existing CVS and it will be compatible with surrounding architectural styles and meet applicable proffers for the site. The proposed conditions include that the building shall be constructed in general conformance with the architectural rendering. The location of the drive-through window and stacking lane shall be in conformance with the submitted GDP. All drive-through facilities shall include a by-pass lane. The drive-through canopy shall be in conformance with the architectural rendering. No carnival style signs, banners, flags, lights, balloons or windsocks shall be utilized on the property, except on a temporary basis for special events. The Comprehensive Plan identifies the site as being within the commercial corridor as part of the suburban land use designation. Commercial corridors are intended to encourage commercial activities where there are adequate transportation facilities to accommodate proposed uses. Suburban areas are designated to be primarily residential in nature, but will be complimented by neighborhood and community oriented activity centers, places to worship, parks and play areas and retail and business activity. The development proposal incorporated with this request is consistent with the current Land Use Plan. The conditions intend to mitigate negative impacts. The plan is consistent with adjacent uses and the established development pattern is consistent with the Comprehensive Plan and it brings the existing use up to the current standards while allowing for public improvements of the adjacent roads. Staff recommends approval of CUP 1300293 with conditions as specified in proposed resolution R13-283. And I can answer any questions.

Mr. Rhodes: Thank you. Are there any questions for staff? Yes, Mr. English.

Mr. English: Does that currently have a drive-through, the current one up there now?

Mrs. Doolittle: Correct.

Mr. Rhodes: Any other questions for staff?

Mr. Apicella: Mr. Chairman. I recall we had a pharmacy under consideration at the last meeting. I'm curious how the conditions proposed here compare to the ones in that project. For example, we had a discussion about signs, banners, balloons, what have you in special events. I think Mr. Hirons raised the point that anything could be classified as a special event. So I think we propose some additional language to kind of put some perimeter around that. So I don't know if we have the conditions for the, I think it was a Walgreens...

Mr. Rhodes: Walgreens on 17.

Mr. Apicella: ... close at hand so that we can make some kind of comparison, but that might be helpful and instructive. My other question is, hours of operation. The one that's there now, is it 24/7?

Mrs. Doolittle: I would have to ask the applicant.

Mr. Apicella: And do we know what's proposed here?

Mrs. Doolittle: Again, I'd have to ask the applicant.

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Mr. Rhodes: Any other questions for staff? Mr. Harvey, you think it's possible to pull the one from the Walgreens? I think that's the one where we made... the banners and things were just for the grand opening and there were a couple of other modifications there. You think we could pull that while we hear from the applicant or hear from the public hearing portion?

Mr. Harvey: Yes, Mr. Chairman. We'll try to gather that information.

Mr. Rhodes: Thank you very much. And now applicant please.

Mr. Payne: Mr. Chairman, other members of the Planning Commission. My name is Charlie Payne with the law firm Hirschler Fleischer and we are representing the applicant here this evening. I want to thank staff. They did an excellent job in presenting this matter to this well respected Commission. Obviously you've heard the details in regards to the proposed development. The current site is obviously an active, approved CVS that's been there for a few years. The rezoning of this was approved in 2010, so not just too long ago. Obviously with the right-of-way acquisition requirements for the expansion of that particular intersection Onville and Garrison Road is driving the requirement for us to move further north and to come forward for that purpose to request this conditional use permit, given the fact it was in a HCOD and utilizing a drive-through facility. The answer to the question that did come up, I believe from Mr. Apicella, we are 24/7 just like the current facility. And in regards to the condition of signage, the consistency with the Walgreens approval, if you will, in regards to anniversaries, grand openings, etc. would be similar in this matter. The client would have a grand opening, but my understanding is anniversaries and balloons and flags and etc. for those kinds of things isn't necessary. So very consistent with that process, if that helps with your questions.

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

Mr. Payne: Thank you, Mr. Chairman.

Mr. Rhodes: Thank you very much. One more question for staff. I'm sorry, I'm not iPad-ing very well here so I'm still... I thought I could find it myself and I'm failing. To confirm on the right-of-way that they got for the Onville intersection, does that also take care of the widening of Garrisonville Road? Is that all addressed in that?

Mr. Harvey: Yes, Mr. Chairman, there is two project that are going on in this general vicinity. There's an Onville Road widening project which spills over and tapers into Garrisonville Road. That's a federal project and then the County is picking up from where that taper ends out to Eustice Road.

Mr. Rhodes: But the taper accommodates the widening of 610 that we are envisioning for that portion all the way to Eustice?

Mr. Harvey: Correct. We're designing the county's project. So there is only one right-of-way take necessary at one time.

Mr. Rhodes: Makes sense. Okay, very good. Alright thank you. I'll now open this to the public comment portion of the public hearing. This is an opportunity for any member of the public that would like to speak on this particular item, the Conditional Use Permit for CVS, you may come forward and do so at this time. Again, you'll have 3 minutes to speak. Once you state your name and address a green light will come on. When the yellow light comes on there's one minute and the red

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light we would ask you to start summarizing and wrapping up your comments. Again, anyone that would like to come forward to speak on item number 1 on the agenda, the Conditional Use Permit for CVS Pharmacy. Seeing that no one is storming to the front, I'll close the public comment portion of the public hearing and I will bring it back in. I know we wanted to get that language; I guess Mike was having to go up and see if he can find the Walgreen one? Is that what we're doing?

Mr. Harvey: Correct.

Mr. Rhodes: Okay. But I did hear a receptivity towards that language which, I think, was restricted to just the Grand Opening, we need to see, but there was certainly a receptivity towards that. Are there any other comments or thoughts as we're waiting? Maybe we can go forward to the next item if we need to.

Mr. Apicella: I have a more generalized comment. This is a potential sign of things to come as we move forward with the projects on 610 and 17. I wonder if it's worth having a more strategic look at what the potential impacts are on the abutting properties as these projects come to fruition. I don't know how to achieve that, but again, other property owners might want to move their buildings as well as time progresses and get a better sense of what the overall impact cross-county might be.

Mr. Rhodes: That's a fair point. Mr. Harvey, thoughts? Any initial reactions? Or maybe we can think on this a bit how we might address it more strategically.

Mr. Harvey: Mr. Chairman, I can answer some of the questions, in particular with this property. When VDOT looked at not only just the right-of-way but the area limits the construction. That's where the limits of construction was extending into the existing building. That's why it needs to be removed. With the Garrisonville project, that's still in design, but the county's goal is not to widen so it impacts to where we have to relocate existing structures, because that adds to the cost of the project.

Mr. Rhodes: Sure.

Mr. Harvey: With Route 17 that's been already designed. The right-of-way acquisition has occurred. It's currently under construction. Existing buildings will remain in place. There may be some that have to have their parking readjusted as VDOT rebuilds the road, but right now I'm not aware of any buildings that were demolished or had to be relocated due to the road widening.

Mr. Rhodes: So as far as 17 and the portions that will run in 610 right now, the way I understood, just to recap, the planning tenants you have in place right now are not too... are to design, such on the 610 widening so as not to need to move existing structures?

Mr. Harvey: Yes, that's the goal. It's not final designed yet, so we don't know what the outcome will be.

Mr. Rhodes: And 17, the acquisition is already in place or final design far enough that you are comfortable that one is not going to impact in this manner.

Mr. Harvey: Yes. On Route 17 right-of-way acquisition has already occurred. The project is currently under construction.

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Mr. Rhodes: Okay. Why don't we, for the moment, if it's okay Mr. Boswell, can we just move on to item number 2? Ms. McClendon? Okay, just want to make sure that's not a procedural move here. We'll move on to item number 2 and we'll get back to item number 1 after we do number 2.

2. RC1300296; Reclassification – Colonial Forge Proffer Amendment - A proposed amendment to proffered conditions on Assessor's Parcels 28-94, 28-94A, 28-100, 29-27, and 29-31, a portion of the original development known as Augustine, consisting of 110.17 acres, zoned R-3, Urban Residential – High Density Zoning District, to remove phasing requirements for the commercial development. The Property is located on the south side of the intersection of Courthouse Road and Woodcutters Road, within the Hartwood Election District. **(Time Limit: December 10, 2013)**

Mr. Rhodes: So this is RC1300296. The Reclassification for the Colonial Forge Proffer Amendment. Mr. Harvey?

Mr. Harvey: Thank you, Mr. Chairman. Andrea Hornung will be giving this presentation.

Mrs. Hornung: Good evening, Mr. Chairman, members of the Planning Commission. The second item is Colonial Forge Proffer Amendment, Reclassification RC1300296. It is a proffer amendment to amend the proffered conditions on Assessor's Parcels 28-94, 28-94A, 28-100, 29-27, and 29-3. The basis of this proffer amendment is to delete proffers requiring phasing of commercial development that is tied to residential occupancy permits in Colonial Forge and also delete the proffer to construct 4 ball fields which are on another parcel in the what's considered the south part of the subdivision of the development. The zoning designation is R-3, Urban Residential which is high density. The total area is 89.15 acres. The applicant is North Stafford Associates LTD Partnership No. 2 and the agent is Clark Leming of Leming & Healy. This gives you schematic of the existing development which is known as Augustine and Colonial Forge. A little bit of history, Augustine North, Augustine Central and Augustine South was the original development of some proffers which had been amended throughout the years in '90, 2001 and 2004. Augustine North is currently the area of the development that is built out. Augustine Central is now known as Colonial Forge, which is under construction and Augustine South is the area that is the zoned M-1, B-2 property. The Augustine North is R-1 zoning and the Colonial Forge is R-3 zoning which is a mix of single-family, detached, duplex, townhouse, multi-family developments. This is an aerial showing you the existing conditions. This is the Comp Plan at the time recommendation which is currently suburban development. And basically the proffers that are requesting to be eliminated are eliminating the requirement to submit a site plan for 50,000 square feet of non-residential area by the 801st residential occupancy permit and completion of a 50,000 square foot non-residential building area that would allow for an additional 100 residential occupancy permits. Another proffer to delete would be constructing the additional 100,000 square feet of non-residential area in order to be entitled to 91 occupancy permits and then of course the 4 ball fields on a 12 acre site in Augustine South. In going through this, there is some discrepancies in the proffers which you have toward the end of your packet of pages 1 through 21. They eliminated parcel 3-A which is a parcel that has been sold to the George Washington Foundation Accokeek Furnace. So that's... staff is presuming that it essentially will come back to have the Heritage Interpretation Overlay District placed upon it, but...

Mr. English: Where is that located on that? Do you know? That you're talking about?

Mrs. Hornung: The 3-A?

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Mr. English: Yes.

Mr. Rhodes: The top purple.

Mr. English: The purple part?

Mr. Harvey: Yes sir.

Mr. Rhodes: Thank you.

Mr. Harvey: Actually, Mr. Chairman, I pointed at the wrong spot. It's this property here, at the end of Accokeek Furnace Road.

Mr. Rhodes: Okay. The one that is solid purple, kind of wrapping around that little piece? Gotcha.

Mr. Harvey: I believe the boundary extends like this.

Mr. Rhodes: Thank you.

Mr. English: So that's going to (inaudible - microphone not on).

Mrs. Hornung: Well, there is no information that we know that for sure, but because it owned by the George Washington Foundation that's going to be for Ferry Farm. George Washington Foundation of Ferry Farm, I think that's their name. Right, Jeff?

Mr. Harvey: Yes, it's the George Washington Ferry Farm Foundation. They own that property. It's formerly been Iron Furnace that was associated with George Washington's father. That land was proffered to the County. The County subsequently ensured that it was conveyed to the foundation.

Mrs. Hornung: In going back and reviewing the proffers that you have, the south part, the M-1 and B-2, that has been sold off to another entity. So the North Stafford Associates do not own that parcel anymore. The proffers are all tying in the Colonial Forge residential units to the development that would happen on the M-1 and B-2, specifically the ball fields which is the main purpose of this proffer amendment.

Mr. English: When you said sold off, who did it sell off to?

Mrs. Hornung: I believe Mr. Garrett. Andy Garrett is the owner of that piece, or that development and the applicant agent is here and can correct me if I'm wrong. By having the residential units tied into the amenities or recreational facilities on the M-1, B-2 that satisfied the proffered guide lines for parks and recreation development policy when this was initially done. And when you're looking at page 15 of the proffers, it shows to eliminate for Augustine South, which is the M-1, B-2 property, eliminate the 4 ball fields on 12 acres that were tied into the 800th residential unit. But if you go to the next page there is a paragraph that was not eliminated and it says that, paraphrasing: it's hereby agreed and understood that the applicant's commitment to construct the 18 hole golf course, which is in place, as specified in previous proffers shall be given full credit against any land requirements in the development control policy for parks and recreational land requirements by the resolution 90-74 adopted August 7th 1990 in access of the said 12 acre dedication with Augustine South. So when

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you're looking at that, the golf course is actually beyond the 12 acre ball field. So that is one of the reasons why staff does not recommend it. There is not mitigation for that 12 acres, for the 4 ball fields that were proffered and we have this paragraph that's still in the proffers for the ball fields. Also you have the other proffers toward the end for the commercial part that want to remove the 50,000 square foot and actually the proffer says: shall submit a site plan for construction of 50,000 square feet of non-residential building. And completion of that would entitle them for the additional 100 occupancy units.

Mr. Rhodes: What page is that?

Mrs. Hornung: I'm sorry, page 20 of the proffers which is F-4. And then on number 5 it also wants to remove the additional 100,000 square feet of non-residential building area which would give them an additional 91 residential occupancy permits. By removing these proffers and tying the development into the residential permits, it will allow the residential component to continue to build without any guarantee for the commercial development to occur. Now that commercial development is tied to a property that the applicant does not own.

Mr. Rhodes: That they sold.

Mrs. Hornung: That they sold. But as we know, proffers run with the land, but you have two owners that are bound to proffers, that they will be affected by each other because the commercial has to be built first or the ball fields have to be built first before or at the time that they receive their 400th or 800th permit. So does that make it a little clearer, because as I was going through this it was a little confusing, making sure that the parcels that are associated with these particular proffers, they still have proffers that tie them to the M-1 and B-2 property. So basically the staff's recommendation is that the staff cannot support it as proposed, because there is no mitigation for the amenities that were proffered in support of the residential that was approved at the time of reclassification. If you have any questions, Mr. Harvey and I... I can try to answer, Mr. Harvey can also assist.

Mr. Rhodes: So 191 units that are now tied to proffers associated with property they've sold off and therefore they would like to exclude the requirement to develop the 150,000 of commercial and the ball fields on the 12 acres and still build 191 units.

Mrs. Hornung: That's correct.

Mr. Rhodes: Got it. Okay. Questions for staff?

Mr. Hirons: Were those 4 ball fields, I wasn't sure if I was completely sure clear on, were they for Parks and Recreation or were they Stafford County or were they maintained by the community?

Mrs. Hornung: They were to satisfy the proffer requirement for Parks and Recreation at the time of the request and I believe the 12 acres would have been dedicated to the County, but I'm not sure. Maybe Mr. Harvey can clarify that.

Mr. Harvey: I believe that was the intent, yes.

Mr. Hirons: Okay.

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Mrs. Hornung: Also, I'm sorry, one more thing I failed to mention. Also on the last page of the proffers, page 21 under miscellaneous, it does talk about a commercial/industrial property owners association and it's still tying that to these parcels, but this is talking about that they would have control and would form an Augustine Business Owners Property Association for the M-1, B-2 and that also they would maintain architectural control of the commercial development. Which I think that's in conflict if they want to remove the requirements for what's happening on the M-1, B-2. There is still proffers in here that are tying the residential to the M-1 and B-2.

Mr. English: Can you go back to the map and show me where this commercial part would be?

Mrs. Hornung: It must be off the map, because it only shows the R-3 and then the other properties that are A-1.

Mr. Harvey: Also, for the Commission's information, on page 4 of the staff report, there is a map that shows the location of Augustine North, Augustine Central and Augustine South. Generally speaking, Augustine South is on the north side of Ramoth Church Road, south of Kellogg Mill Road.

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

Mr. Apicella: Mr. Chairman, I realize this is planning 101, but I have some basic questions, so the number of development units is like 950 something. The proffers that were included in the most recent version, the 2004 version, are there for the purpose of mitigating the total number of development units and their impact on the community, right?

Mrs. Hornung: Yes.

Mr. Apicella: And the applicant knew or should have known when they sold off what is Augustine South that that was a commitment that they were required to fill if they wanted to build that total number of units.

Mrs. Hornung: Yes.

Mr. Apicella: So I'm not quite sure where the Planning Commission is going to go with this, but if the reclassification is not approved, what are their options?

Mrs. Hornung: Well, if it's denied I believe they have to wait...

Mr. Harvey: They would still have to commit to the proffers, so the proffers would govern the development of the property.

Mr. Rhodes: You'd be limited to 800 at least.

Mr. Apicella: Or that's another option. One option is to not exceed the number of 800 units and the other option is to fulfill the proffers that they committed to most recently in 2004. That's it. That's my question.

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

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Mr. Leming: Good evening Mr. Chairman, members of the Planning Commission. I'm Clark Lemming here on behalf of the applicant. Let me correct a couple of misconceptions and then I have a proposal for you. First, Augustine was originally, all sections of it, originally zoned back in 1992. There were 3 sections. North, South and Central, as Mrs. Hornung has indicated. The present owner of Augustine Central, which is Colonial Forge, never owned or sold South. The original Augustine South was owned by an organization called KEG. KEG lost the land, the bank foreclosed on it and it was purchase by Mr. Garrett. So there has never been any sale there. It is true that from the very beginning the whole idea was that there would be integration between these 3 different parts of Augustine, but, given the different ownership, none of that has occurred and all of the proffer obligations, which are substantial, in the early 1990s the county had very limited cash proffer authority, so proffers took on a different nature. The Colonial Forge School Site came out of the Augustine land, the grading, the infrastructure, infrastructure for Winding Creek School, the pump station and the sewer trunk line that serves this entire area was put in by Augustine. Water tanks, road improvements, million dollar road improvements, extension of Mine Road. All of these are part of the proffers and the burden for all of these proffers fell on Sal. That is the owner of Augustine Central, Colonial Forge and previously the owner of Augustine North. I think that's all been sold out at this point. So there has been no contribution to any of the proffers by the owner of Augustine South. In 2004 there was an adjustment to the proffers to address some of these issues. The proffers were amended at that time, only for Augustine North, what was left of it, and Augustine Central and the Augustine South owner did not participate in that application. So the older proffers still apply to Augustine South. The 2004 proffers apply to Augustine Central and Augustine North, or whatever is left of it. The point of this exercise from the standpoint of Colonial Forge was really just housekeeping. There were two proffers that were tripped before the end of the development. Now it's not 900 and some units and I realize you all have gotten an email today, everybody in world got an email today, from Cord Sterling, except us. So the numbers are not accurate there either. There are about 80 units at stake here. There are about 80 units that they would not be able to complete. Not because of the cap on the overall units, I think probably Mr. Garrett will claim some of those units for Sal, but because of the number that are actually planned for Colonial Forge. So the intend here was to simply come back and say, look we don't control what's going on here. There is no level of cooperation here. We're not able to implement the proffer. We have no control over the commercial that occurs at Augustine South. Never had any control over that and the playing fields are not even to be on our property. We don't know where they would be on Augustine South or how you get to them or whether we'd even have permission to do that. So it certainly imposes some difficulties in terms of complying with the proffer. Now 80 units is not a terribly big number. That's where they would be cut off at the 800 number, both with regard to the commercial proffer and with regard to the playing fields. But having heard all of the... seen all the email discussion today and some of your questions tonight. What I'd like to propose, there are a couple of things that I think would be beneficial to you, and in fact we didn't know what staff's position was going to be until the staff report came out, but I think there are a couple of things that would be beneficial. One would be for you to see the value of the recreational proffers that have already been made by the owners of Augustine North and Augustine Central. They are substantial. And I think we can demonstrate that even under today's park and recreation guidelines we come very close to complying with those if not exceed them. We also did dedicate to the County an almost 12 acre, 11.3 acre site that is not utilized by the County that is in the same proximity. And what we would like to do is to look at that acreage and see if that wouldn't be suitable for the same improvements that are planned for Augustine South property. At least the County could give us permission to do those improvements. It already has been dedicated to the County and is not currently being utilized, but we'd like to take a look at that to see whether that's feasible or not. I'd also point out that the proffer, I don't think they have any problem at all with it coming to the County if it was done on County land

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and no question it would be the County's property, but I also want to point out that the proffer itself only requires that the land be graded and seeded sufficient to accommodate four playing fields. It does not require the construction of 4 playing fields. It doesn't require the conveyance of the County either, but that's not an issue. But what I would propose, because we have to look at the numbers for this also and decide what 80 units is worth here, because Colonial Forge would be essentially built out before we actually get to that 800 number and come back to you, I think we can have something back to you for your next meeting, looking at the contributions that Augustine North and Central have already made recreationally and looking at the feasibility of doing these same improvements to that 11.3 acre site and see if that might be something that would work. I think those improvements could be made for approximately the same cost that it would cost to go into Augustine South and make those improvements. So that was the intent of the exercise. We don't have any control over the land where the improvements were to be made. The owner of that land is not participating in this proffer amendment. Didn't participate in the last proffer amendment. Augustine South, as I'm sure you all know, is part of the George Washington UDA and it's certainly entirely possible that somebody would get interested in that and come in and reconfigure the entire thing and you'd have a chance to revisit and enhance all of those proffers, which are not very substantial, at least under the terms of the Augustine proffers, because with these two exceptions the commercial is not really a County improvement, with exception of this 12 acre park site. All of the other proffers have been complied with, with exception of some road construction which they're going to do. So that's what I would propose.

Mr. English: Who's going to do the road construction?

Mr. Leming: They will. Colonial Forge does that and in fact Mr. Harvey had to make a particular election at a point in time as to which road improvement was to be made and did that, I think, Jeff, way back in, was it 2009 or so, you decided on which road improvements you wanted to be made under the proffers. So that we have to do.

Mr. Rhodes: Questions for the applicant? Just to clarify. Is it the position... I'm just trying to clarify because I made this comment too... if you don't do over 800 units, do you feel like you don't have an obligation for the 4 ball fields?

Mr. Leming: That's right. It's tripped at unit 800 and so one option, clearly, we have is to simply cut off that last 80 or so units and not do them or at least not do them until somebody else complies with the proffer. I mean I pointed out that this proffer is still binding on Augustine South. This doesn't affect that. It's on that property. They're the ones that have the obligation. They've done nothing else. So we think the equities of this cry out pretty loudly for them to be compelled to comply with this proffer. From the county's stand point, and I understand perfectly, it's a lot easier to hold some additional residential units over the developers head and make them go work it out. But that's just not something that's likely to happen here.

Mr. Rhodes: It seems like the proffer says that those have to be done regardless, just the timing of it would have to be before the 800th unit.

Mr. Leming: And I think staff concedes that.

Mr. Rhodes: Okay.

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Mr. Leming: The proffer still remains in full force and effect for south, it just means that what does the County has to go to them and say okay time to put the playing fields in. The unit has been tripped, you are still obligated under this proffer. You have got to do them, but what is the cost to that land owner if not doing them, I guess it what it comes down to and what would the County have to do in order to enforce the proffer.

Mr. Rhodes: But also enforce for Colonial Forge, because you can't go past the 800th.

Mr. Leming: That is right. And we are stuck at...

Mr. Rhodes: And it does say specifically 4ball fields and 12 acres.

Mr. Leming: Yes.

Mr. Rhodes: Okay. I think that is probably the hardest point in all this, given the desperate need for additional ball fields and recreational support in this county.

Mr. Leming: Sure.

Mr. Rhodes: Giving that up is just a hard one to even consider.

Mr. Leming: Well we will look at that 11.3 acre site and see it is feasible on that site. We just... as I say with regard to Augustine South, when and where it would be or what you would have to do to get there, I mean that's not an area that has been improved or is subject to any road system at this point.

Mr. Rhodes: And you would not look at any other proffer for building them anywhere else? Or any other modification, monetary or otherwise?

Mr. Leming: Well I mean if the County has other land and would want to see the same thing done. I mean, I think what Mr. Sterling proposed is not going to happen. I think he was talking about 3 turf fields which...

Mr. Rhodes: I did not read what he proposed, I don't know what you...

Mr. Leming: Somewhere in the vicinity of 2.5 million dollars. Which, you know, when you weigh that against the 80 units, it just does not make any sense.

Mr. Rhodes: Yes.

Mr. Leming: So anyway, that is where we are and I am sorry there was some confusion about this, but it started off simply enough.

Mr. Rhodes: Alright, other questions for the applicant? Please, Mr. English.

Mr. English: Yes, I guess what you are saying is you would be willing to do something as far as the ball fields were concerned, is that...

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Mr. Leming: Yes. I mean, if we can take... I think, I don't want to put words to soon into the owners mouth here, but I think if given the cost of what... if we could get to the Augustine South side and do the improvement there, whatever that cost was of grading and seeding that area, if we can take that and transfer that somewhere else then that is certainly a reasonable thing to consider.

Mr. English: Okay.

Mr. Leming: And that... the County still ends up better because you still have the proffer obligation that Augustine South is obligated to comply with. You still have that, plus you get the additional improvement that we would put out there.

Mr. Rhodes: Okay, well we still have the public comment portion... I am sorry, Mr. Hirons.

Mr. Hirons: No, Mr. Chairman, I really just had kind of a point of order, a procedure question. I believe what I just heard Mr. Leming say was they want to come back to us with a new proposal. If we have a public hearing at this point, are we able to keep that public comment open? If they have a brand new proposal that no one is going to have a review or eyes on.

Mr. Rhodes: I mean are we cancelling this entire proffer amendment?

Mr. Leming: We are not asking you to cancel the public hearing tonight or the proffer amendment, if somebody is here and wants to speak on it. We are simply alerting you that we are going to come back... I think you have the ability to continue your public hearing if you choose to do that, until... so that there can be public comment on the...

Mr. Rhodes: We could retain that and we could see if there is not a modification to our... to what we would recommend on forward on the proffer amendment through the public dialogue. And certainly if it was too significant from what would have been the public hearing and should be more constraint on the public we would have to re-advertise and go forward. But it could be the modifications, they are not too significant as to negate the public hearing, correct.

Ms. McClendon: That is correct Mr. Chairman. I will say that if the Commission does decide to keep the public hearing open, when it decided to keep it open it needs to set it for a date specific. If a date specific is not set then we will need to re-advertise regardless.

Mr. Rhodes: Okay, thank you very much. So I think if there were anyone here that was on this issue, thus far I don't know that it's going to be modified much. We will have to see. We certainly can receive their public comment and then see where we are going to take this. So I will open the public comment portion of the public hearing. If anyone would like to speak on item number 2, RC1300296, reclassification, Colonial Forge proffer amendment, may come forward and do so at this time. I know there is one.

Mr. Carpenter: Mr. Chairman and members of the Planning Commission, my name is Dale Carpenter. The Augustine South, I believe if I am understanding where that is, would be to the south side directly bordering our property. My wife Sandy is with me tonight. We moved into that property 2 years ago and are recent residents moving into Virginia. I have to say that we love where we live. Virginia is a beautiful State. The property that we live on is treed, wooded, has wildlife and we are fortunate to be within a half mile of historical Accokeek Furnace. Which we discussed earlier tonight, my wife and I

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are friends with some of the adjacent property owners. They let us ride our 4-wheelers down and we have ridden down, numerous times into that area to the creek and observed those settings. This is the first time... some of my comments probably don't go exactly along with this proposed amendment. But if you will bear with me, I think that it does tie together with things that were discussed tonight, about this amendment. The first time I saw the document that all this is in, with the Planning Commission and all the attachments was yesterday. So forgive me if I say something that is redundant with previous meetings or say something that has already been determined otherwise. But what my concern is, and we are witnessing the entrance being created off of... in this document it seems to want to call it Accokeek Furnace, but it is truly Kellogg Mill Road where the other entrance for Colonial Forge is being built, which I understand to be a two-lane access road that will open up new areas in the subdivision. Not having been familiar with this project, reading this for the first time. A number of things kind of stood out that I wanted to at least bring forth as questions and possible concerns. At least concerns to those of who live in that area, that in reading the documents it appears as so there are certain things that were planned to be done to handle the traffic flow, to expedite the traffic flow and minimize impact to properties in this community. I believe Pastor Bowman may be speaking about Ramoth Church specifically, so I will limit my comments to the properties in the area. The biggest concern is about traffic that would divert to Ramoth Church Road. We don't see anything that will handle that traffic. We are talking about a road that will cut through eventually from the Colonial Forge High School all the way to Kellogg Mill Road. Right now the current County road is a minimally paved gravel and tar road with no pull-overs, no lanes and the intersection of Kellogg Mill Road and Ramoth Church Road is already dangerous. When I go home at night and turn on onto Kellogg Mill Road, I am facing traffic on a hill that I cannot really see over. If somebody comes flying over the hill at 50 miles an hour we can have a disastrous impact. I am concerned that this could become a death point for the community, that if something is not done and it appears as though in this document things were planned to be done to make this a safer journey. The impact of this area is...

Mr. Rhodes: Sir the 3 minutes has ended if you could just identify what your last key items were.

Mr. Carpenter: The last key item is the environmental impact. There are things in the document that address that. We have witnessed things along the Accokeek Furnace, the historical property, that I fear... the Accokeek Furnace, we have actually visited. It is not easy to find and it is only about 25 yards from the adjoining property of Colonial Forge. That property is in severe jeopardy of damage that may not ever be repaired.

Mr. Rhodes: Okay, thank you.

Mr. Carpenter: Thank you.

Mr. Rhodes: Would anyone else like to speak on this item?

Mr. Bowman: Thank you Mr. Chairman. I am Page Bowman. I am an Associate Pastor at Ramoth Baptist Church. I have been associated with the church for 23 years now. And I have some concern on page 7 of 20 and page 8 of 20. If they come out 45 feet off the right-of-way on the center line they will be in the midst of our chapel or they will be in the midst of the building we bought from the school in the '50's that we use for education and storage and so forth. Also 15,000 autos coming through there, there is no 4-way stop, just a concern there. We would lose a lot of parking if they were to claim that area. I noticed on page 8 it says if there is not a reasonable effort by the applicant to obtain the needed right-of-way at fair market value, but fair market value and losing 2 buildings... 2 structures

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and parking would be a minimal fair market value. So we are just concerned at the church. We are interested in the homes and people, our church is certainly in a growth mode now, but just concerned about the amount of traffic that would be coming by there. Thank you.

Mr. Rhodes: Thank you Sir. Anyone else who would like to speak on this item? Okay I will close the public comment portion of the public hearing... yes please Mr. Apicella.

Mr. Apicella: I would ask that you do not close the public comment...

Mr. Rhodes: Oh I am sorry, thank you very much. Yes, I was going to ask. Thank you. So how do we keep it open Ms. McClendon? Is that a motion? Is that a... I would like to get... so what I would like to do is be able for allow some follow up comment from the applicant on anything that was stated, and any other point. And then keep the public comment portion of the public hearing open.

Ms. McClendon: Yes Mr. Chairman. I believe you can bring it back to the Commission for discussion and then when you take the vote at the end...

Mr. Rhodes: Take a motion.

Ms. McClendon: ...to dispose of the item have the motion... put the next date of the meeting in the motion and keep the public comment portion open.

Mr. Rhodes: Thank you very much. Okay, so we will bring it back in. Mr. Leming, any comments to the...

Mr. Leming: We will talk with them after the meeting and try to help them understand what the improvements are that are planned. These are not things... these things are already part of the proffers and road improvement are already part of the plan. But I think we can help them understand what is going on a little bit better. I did want to point out since they brought up Accokeek Furnace, I think Mrs. Hornung indicated that was sold. We did not sell that, that was dedicated. That was a required proffer as well. We want to be sure that we get credit for that.

Mr. Rhodes: Okay, thank you. I will bring it in to the Planning Commission at this point. It's in the...

Mr. English: My district.

Mr. Rhodes: Hartwood, yes. To keep the public hearing, the public comment and public hearing opportunity open, we need to identify the specific date that we bring it back up and will be again allowing for public comment. Correct? Okay, thank you. So that would need to be in any motion you made to defer.

Mr. English: I make a motion to defer it to the October... thirty days from now and leave the public comment open on this issue.

Mr. Rhodes: The 9th of October.

Mr. English: Does that give them enough time?

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Mr. Rhodes: So there is a motion to defer this to the 9 October session of the Planning Commission and to continue to allow for public comment at that time.

Mr. Boswell: Second.

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

Mr. English: No sir.

Mr. Rhodes: Further comment Mr. Boswell? Any other member? Okay, very good. So there is a motion to defer this and bring it back on the 9th of October including and continuing the public comment being open. All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. Okay, passes 5-0. Very good so we are back to item number 1. Was staff able to identify the specific language for the CUP for the Walgreens?

1. CUP1300293; Conditional Use Permit – CVS Pharmacy Onville Road - Continued

Mr. Harvey: Mr. Chairman, staff was planning on incorporating that language in our Board of Supervisors report, we have not done that yet. We don't have the exact language without going back and listening to the tape. So, staff's suggestion, and the applicant has agreed that we would modify that language of that condition to reflect what was previously done with a similar case for Walgreens.

Mr. Hirons: And that is similar to what we said with it would be in conformance with the Walgreens on 17 and similar to the one on Cool Springs Road with the architecture design.

Mr. Harvey: Yes and we will make the changes accordingly if that is the desire of the Commission for your motion.

Mr. Rhodes: Can we get a specific statement then that would be there for that portion of the CUP?

Mr. Harvey: Not at this moment.

Mr. Rhodes: Okay. So what we will do is... so what we could do, what I think we are prepared to do then is... that I think was the only issue of the Commission and that being the case we would bring it back next time modifying that language and be able to act on it then. Is that what we are thinking?

Mr. Harvey: Staff could make the adjustment to the condition if that was included in your motion.

Mr. Rhodes: And you could just do it subsequent to be tied to it?

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Mr. Harvey: Yes.

Mr. Rhodes: Okay, I've got you, I see. I understand now. I leave it with the Commission members.

Mr. Payne: Mr. Chairman, a point of clarification. The condition that we are looking to is just on the signage.

Mr. Rhodes: Correct.

Mr. Payne: Not the architectural features.

Mr. Rhodes: The architectural features are already addressed, yes. Just the signage. Which I think was really just doing balloons and things only at a singular grand opening.

Mr. Hirons: I am fine with that Mr. Chairman. Again, I am just trying to look for some consistency, especially when it relates to pharmacies.

Mr. Rhodes: Right.

Mr. Hirons: We have had a number of those come up. There may be something else there that I am not remembering, but as we go forward I think it's probably useful for staff to look at the previous versions of what was approved and try to come up with potentially sort of a boilerplate. I know it has got to be site specific so there might be some changes. But as long as we can start with some consistent language, I think that would be useful for all parties.

Mr. Rhodes: Very good. I can't move my iPad, which number item was that in the CUP?

Mr. Boswell: 1300293.

Mr. Rhodes: In dealing with the signage, which one are we referencing that they will modify consistent with the Walgreens on 17?

Ms. McClendon: Mr. Chairman that would be condition number 6.

Mr. Rhodes: Thank you very much. That is what I was trying to ask. Okay, so I think what I am hearing is if it were the will of the Commission, we could if we chose to, to pass a motion to recommend approval of this CUP subject to include a modification of CUP item number 6 to be consistent with the similar language of the one for the Walgreens on Route 17. Something along those lines?

Mr. Harvey: Yes Sir.

Mr. Rhodes: Okay, very good. Well Mr. Boswell, it's in... I don't know if there is any other commentary, but Mr. Boswell it's in your district.

Mr. Boswell: I will make that motion as long as you don't make me repeat what you just said.

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Mr. Rhodes: Okay. That would be a motion, if I could get your confirmation, for CUP1300293, Conditional Use Permit, CVS Pharmacy, Onville Road to recommend approval of that CUP subject to modification of CUP item number 6 to be language to be consistent with the Walgreens on 17, CUP on same. Is there a second?

Mr. Hiron: Second.

Mr. Rhodes: Second by Mr. Hiron. Any other comment Mr. Boswell?

Mr. Boswell: No sir.

Mr. Rhodes: Further comments Mr. Hiron?

Mr. Hiron: No.

Mr. Rhodes: Any other member? Okay, wonderful. All those in favor of the motion CUP1300293, signify by saying aye.

Mr. Apicella: Aye.

Mr. Hiron: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. Passes 5 to 0. Thank you all very much. Okay we are now on to the last item of the public hearing, item number 3, amendment to the Subdivision Ordinance, proposed Ordinance O13-37. Mr. Harvey.

3. Amendment to Subdivision Ordinance - Proposed Ordinance O13-37 would amend Stafford County Code, Section 22-118, "Water and Sewer," to exempt boundary line adjustment applications from providing a reserve drainfield area that is equal to 100 percent of the primary drainfield size. The proposed Ordinance would also prohibit boundary line adjustment applications from reducing or giving away the absorption capacity of a primary or reserve drainfield, requiring all lots to have a primary and reserve drainfield of equal absorption capacity. **(Time Limit: None)**

Mr. Harvey: Thank you Mr. Chairman. Mrs. Hornung will give this presentation.

Mr. Rhodes: Wonderful, thank you.

Mrs. Hornung: Hello again, Mr. Chairman, members of the Commission. The ordinance you have before you is an amendment to Section 22-118, "Water and Sewer" of the Subdivision Ordinance. And the Board of Supervisors referred the Resolution 13-185 to you to consider this amendment with Ordinance O13-37 which will allow boundary line adjustments not to have the drainfield regulations imposed upon them. Because of the Ordinance that was approved in 2008 for O08-05 it required all lots to have primary and reserve drainfields of equal size and absorption capacity. It also specified that

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the minimum size for drainfields needed to be 4,000 square feet for conventional and 25,000 square feet for alternative and of course Chesapeake Bay also requires primary and reserve drainfields on all properties. Because of minimum requirements of the 08-05 Ordinance require these sizes. There were imposed some stringent regulations on boundary line adjustments for properties that were already in existence and had existing drainfields and septic systems on site. So while this will be eliminating the requirement for the boundary line adjustments to have a particular size drain fields, it does not minimize their requirement to have primary and reserve drain fields as well as maintaining their absorption capacity. So basically the Subdivision Ordinance O13-37 will exempt boundary line adjustment applications from these drain field land area requirements, but they still are required to maintain a primary and reserve of equal capacity so that the drainfields and septic's can accommodate the number of bedrooms that are in the home currently. Staff recommends approval for the flexibility for boundary line adjustments.

Mr. Rhodes: Okay, questions for staff? Okay. Very good. Thank you very much. There is not necessarily an applicant for this one per se so we will go straight to public comment. Is there any member of the public that would like to speak on item number 3, the amendment to the Subdivision Ordinance, proposed Ordinance O13-37? You may come forward and do so at this time. Okay, no one. So we will close the public comment portion of the public hearing and we'll bring it back to the Planning Commission. Thoughts? Desires? Preferences? Lies? Alibis?

Mr. Hirons: Mr. Chairman, I would move that the Planning Commission recommend approval of O13-37.

Mr. Rhodes: Got it. Motion to recommend approval of proposed Ordinance O13-37. Is there a second?

Mr. English: Second.

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

Mr. Hirons: No.

Mr. Rhodes: Any further comment Mr. English? Any other member? This just kind of makes sense. It makes it better for folks. Okay, all those in favor of the motion to recommend approval of proposed Ordinance O13-37 signify by saying aye.

Mr. Apicella: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. It passes 5-0. I would like to acknowledge we have a couple of young gentleman here working on some Boy Scout badges. We welcome you and thank you for putting up for this experience in order to get that badge. What a hard chore. Very good.

UNFINISHED BUSINESS

4. 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) (History: Deferred on August 28, 2013 to September 11, 2013)**

5. 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) (History: Deferred on August 28, 2013 to September 11, 2013)**

Mr. Rhodes: So with that we're going to move on to unfinished business. The first items of unfinished business are RC1300001, Reclassification 610 Park Ridge. I assume we'll do 4 and 5 together, Mr. Harvey?

Mr. Harvey: Yes, Mr. Chairman. Please recognize Mike Zuraf for the update.

Mr. Rhodes: Thank you very much.

Mr. Zuraf: Good evening, Mr. Chairman, members of the Planning Commission. These two applications are combined for the 610 Park Ridge project. The Reclassification and Conditional Use Permit was last considered at your last meeting. A public hearing was held on August 28th, deferred to this meeting. There were several issues discussed at the time. There was a request to see a summary of the public meeting that was conducted with HOA representatives earlier in the year. We included that summary. The summary that was provided by the applicant's representative, Mr. Payne and myself. So you have two summary notes there for that. The second item, there is a request for status update on the Garrisonville Road widening project. Some information we have to share is the... there is a few different projects planned; the Garrisonville/Onville Road intersection improvements, that is currently in the right-of-way stage and is, I guess, taking longer than expected and so we don't have an end date to that at this point, but after the intersection improvement, then there is a planned widening of Garrisonville Road from Onville out to Eustace Road and that would be a county administered project and that is scheduled to start in 2015 and be completed in 2017. There are at this point no identified projects to widen Garrisonville Road past Eustace Road, out towards this area, past this site to Shelton Shop. Those are the updates we have on that. At the meeting a lot of the discussion...

Mr. Rhodes: I'm sorry, just to clarify, is... I know there's not a set schedule of a project, is that not part of the road widening plans? They just don't have dates or right-of-way acquired?

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Mr. Zuraf: Yes, the widening of Garrisonville Road is still in the county's...

Mr. Rhodes: Eustace to Shelton Shop. Okay.

Mr. Zuraf: ... long range plan to be done. Just not specific projects earmarked at this point.

Mr. Rhodes: Right, so it's a post 17 type of environment?

Mr. Zuraf: Right. There also was a lot of the discussion at the meeting centered around transportation impacts and the Chairman was going to have discussions with the applicant on mitigation measures there. You did receive in your package kind of a summary of points provided by the applicant regarding transportation issues and the applicant's traffic engineer is here and I guess the applicant may better speak to these issues. And then, also it was requested that the uses associated with the three drive-through uses... that the three drive-through uses be specified. Staff did, if you go to the screen, we do have a recommended condition for consideration that would limit the three drive-through facilities to the specific uses envisioned in the general development plan and then the request for the convenience store, pharmacy and bank and the applicant back at the last meeting didn't have a problem with that being a condition.

Mr. Rhodes: And each type of use that you would use a drive-through for has a differing effect on the traffic intensity, correct?

Mr. Zuraf: Yes.

Mr. Rhodes: A drive-through associated with a fast food is very different than the drive-through...

Mr. Zuraf: Any drive-through is usually going to increase the traffic associated with that use. And there was some follow up discussion and suggestions by the applicant about potentially removing the drive-through from the convenience store/gas station. So I guess some additional discussion may be taking place on that.

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Yes please, Mr. Apicella.

Mr. Apicella: So for the ones that will still exist, potentially the drive-through's, would it be clear that it's in the locations as noted on the GDP?

Mr. Zuraf: There are some...

Mr. Rhodes: There's initial ones on there, yes.

Mr. Zuraf: The gas station/convenience store is recommended to be in this specific location.

Mr. Rhodes: Furthest corner.

Mr. Apicella: As is the bank.

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Mr. Zuraf: And the...

Mr. Apicella: I see three defined uses, all of which were for the drive-through at the front of the property or specified in a specific location.

Mr. Zuraf: Yes, so they would have to be in those specific locations.

Mr. Apicella: I understand, but would you add to the end of that in the locations as noted on the GDP or is that understood?

Mr. Zuraf: I think it's understood, because the condition 1 refers to... well, actually to further clarify that would be something that you may want to add on there as noted, as in the locations depicted on the GDP.

Mr. Apicella: Thank you.

Mr. Rhodes: Okay.

Mr. Zuraf: I think that pretty much summarizes some of the main points discussed and the applicant is here and may be able to add some...

Mr. Rhodes: Please, Mr. English.

Mr. English: The house that was sitting in there, did they find out... was that historical? I think Mr. Gibbons had brought that up as an issue.

Mr. Zuraf: Yes, I put a request in to VDOT to get more information as to the history and haven't gotten any information yet as to the background on that.

Mr. Rhodes: You haven't heard back from them?

Mr. Zuraf: No.

Mr. Rhodes: That's the house on the hill right of 610?

Mr. Zuraf: Yes.

Mr. Rhodes: Okay, very good. Other questions for staff?

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Yes please, Mr. Apicella.

Mr. Apicella: I would like to reiterate one of the concerns that I raised at the last meeting. Again, in looking at the GDP I see three specific uses identified closer towards the front of the parcel and also towards Parkway three pads that are undefined and then the absence of any additional restrictions, my understanding would be...

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Mr. Rhodes: Could have been anything.

Mr. Apicella: ...that those three pads could wind up being anything under the B-2 category that's not prohibited under the proffer.

Mr. Rhodes: Right and so what we have asked the applicant last time, I think, was to look at different approaches that would better limited that, so there'd be greater predictability in the amount of traffic impact associated. So at least we'd have better cognizance of that. Look at did you really need the intensity of all the drive-through dynamics and then there were some comments about and heard in the comments tonight as well about should this be developed, the transitional landscape design, buffering and those dynamics as well. But I would like to just, before you finish, Mike, one last thing, I think a couple of the earlier public comment speakers characterize fairly well, since you had the notes from the meeting and I think it's representing yours, but fundamentally there was not while their meeting with all the different representatives of the HOAs there was not necessarily a whole sale endorsement nor a whole sell objection. There were just issues raised and discussed and commented and good things put on the table, primarily dealing with traffic, transition, the design guidelines that would complement the community, landscaping, traffic and traffic and traffic, right? Okay. Any other questions for staff before we have the applicant come forward? Okay, applicant please.

Mr. Payne: Mr. Chairman, and members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant, Thomas J. Watt Companies. I also have here Bowman Consulting and our transportation engineer and our other engineer, our main engineer if you will, Mr. Mark King and John Riley also with Bowman. I think it'd be important, since there are some citizens here from the community, to kind of go through a few things and reiterate a few comments and then...I don't know if you've had the opportunity to see what we have proposed in regards to issues that were brought up by the Planning...

Mr. Rhodes: We've seen some of it, it'd be nice if you talk about those, if you could describe it some, I'd think it'd be helpful.

Mr. Payne: About the proposed amendments?

Mr. Rhodes: Yes, the things you had to consider. Do you have one of these that can face that direction since there are a number of folks who stayed, since we don't have this for an overhead. Yes please, Mr. Harvey.

Mr. Harvey: We do have the GDP available to be put on...

Mr. Rhodes: That'll be great too, especially for all four people that are watching on the...

Mr. Harvey: Can we have the computer please?

Mr. Rhodes: Six, okay very good. That's right. Mr. Gibbons from England and Mr. Schwartz from North Carolina.

Mr. Payne: What I would like to do, if it is okay with you, Mr. Chairman, is sort of reiterate some of the things... some of the issues that have come up. Talk a little bit about more sort of the issues surrounding this proposal and then I'll have Mr. Riley come up and again show the improvements that

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were proposing to make and in addition, staff perhaps didn't have the opportunity to talk about some of the additional proposals that we're making to address many of the concerns.

Mr. Rhodes: Feel free to come forward if you can see it better that way too.

Mr. Payne: First I'd like to thank the members of Park Ridge Subdivision and neighborhood to come here tonight and I've seen several emails and questions and concerns. I think it's fair to say, sometimes with social media, things do kind of spread very quickly, I did not say that the HOA has endorsed our project. I never said that, but it seems that went a little bit viral. I've never gone viral before, so I feel kind of interesting.

Mr. Rhodes: You're a rock star.

Mr. Payne: Although I'm not interesting, but, and I think it's important for the residents of Park Ridge to understand that this property is not part of that development. It's obviously separate from that development, but what happens many times in these sort of pocket developments that haven't had a lot of re-development or development near them is an expectation that it'll stay that way forever.

Mr. Rhodes: Mr. Payne? I'll just share one little observation. I think it'll be important to be careful on these for some of the reasons that were stated. But if you looked on the GDP for example, and I hadn't noticed it before till just now, but if you look where their fountain is at their exit on the east side of their exit, they have a whole row of trees that are behind that fountain, which they are on their property and you wouldn't be able to touch and you wouldn't mess with, but they don't show on the GDP, so it looks like it's all been clear cut out and you've taken those away from them or something, so we just want to make sure. Be careful on those.

Mr. Payne: Well, in addition to that we're obviously adding some more buffering and landscaping as part of our proposal. The point is that we, for purposes of this development, it is obviously in a commercial corridor. It is in a location that your comprehensive plan encourages this kind of investment. Over time, these things happen. It's an evolution of issues that happen. It's going to happen on 610. It's going to happen on 630. It's happening on 630, it happens on 17. It's going to happen. The county encourages it. I know our Commissioner of Revenue, our Economic Development office likes to see these kinds of investments, but certainly there is a balance and certainly there is a level plain fields to ensure that we do this without detrimentally harming our community but at the same time generating the kind of opportunity, certainly that kind of tax revenue opportunities. It'll allow us to live the kind of quality life that we desire and having better schools and better roads and better public safety without having to increase taxes and putting that burden on our community, on our residents who live in our community. So these kinds of projects do have a place. You have planned them and they do have a purpose and they are very positive for the county. So I just want to make that clear that we're not the bad guy here. We're not trying to be the bad guy here. We're trying to do something very productive. The next pieced of this is, we have obviously listened to the community. We've listened to your concerns. We went back to the drawing board and we've looked at some things and one of the things that we looked at is that we were willing to remove the drive-through facility on the convenience store as part of our proposal. The other part of our proposal was, that Mr. Apicella raised, was to cap our uses based on our traffic study on the site. Now we've got some other components with that, some other details with that, which do provide us with a level plain field for us. It doesn't, if you will, handcuff us. It does allow some reasonable flexibility. It doesn't add extra adverse impact and it provides all kinds of checks and balances.

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Mr. Rhodes: And, Mr. Apicella, I think if... I just want to make sure we characterize this properly... but I think your point last time was, because it's not defined exactly what the use is on some of those pads and therefore the traffic factor that could be applied to some uses is much lower than the traffic factor that could be applied to others. What's to say that what they're coming forward with on the traffic impact analysis is actually what it's going to be. So you would need some type of a... if they were going to be supporters and it's going to be positively endorsed, one aspect would be something that ensures, gives a confidence level, that is the traffic impact that's going to be there. They're not going to put more intense uses and suddenly increase the flow of vehicles through there.

Mr. Payne: And to address perhaps Mr. Gibbons' comments about the concerns to the neighborhood and the buffering, etc. Those uses are more intense, obviously, along the front of 610, along that commercial corridor and obviously become less intense as they come back, including focus of trying to get professional office space. So, that's what we have calculated for that purpose and that's what we have, again, put forward as an additional proffer, would be to cap those vehicles per day based on our study. And just to also correct something that I'm sure was just sort of an assumption, but it wasn't necessarily accurate, is we're not maxing out the site. It's about 70% capacity in regards to our vehicles per day to the site; obviously much of that being driven by the convenience store and the fuel dispensing facility. But we have about 30% capacity, if you will, versus a complete build out of that site.

Mr. Rhodes: There would be floor ratio that would come from taller buildings if you were inclined, but you're not. When you say professional office space, you're not just saying office space, you're talking about office spaces for doctors, for professionals.

Mr. Payne: Exactly. And we are in communications with folks, but of course we can't disclose what those specific communications are, but that's our goal, so that we are actually attracting the commercial uses that would want to be on that immediate corridor and of course as we transition back to the neighborhood it'll be less intense. It's also important to know, the traffic study shows that we're creating about 10,000 vehicles per day, but about 55% of those are pass-bys. So we roughly have a net of about 4,500 new trips to the site. And this is how they break down, I think this is very interesting, 50% to and from the west on 610 is about 5% of the 2021 traffic on 610. So we are not the significant generator on 610. I'm not saying we're not adding to it, but it's about 5%, which is, if you would listen to some of the criticism that we're hearing, you would think that we're actually driving the traffic on 610 and we're not. About 30% of it to and from the east on 610 about 3.3% if you look at the 2021 future build out and then 20% to the south on Parkway Drive. That's about 8.3% of the traffic that would be there. So I just want you to take that in consideration. It's about 1,800 rooftops in Park Ridge. So the net impact on 610 is about a 5% increase in regards to the issues on 610.

Mr. Rhodes: If I caught that right, that would mean that the TIA is indicating about 400 trips a day coming from out of Park Ridge, or Parkway to this site.

Mr. Payne: Sounds about right.

Mr. Rhodes: Well, I can't decide if I heard 400 or 800. Trying to do the math in my head, but I'm a Kentucky educated person, so I had some complications there and my shoes are on.

Mr. Payne: And the other thing is, this project is creating quite a bit of significant revenue and that should not be lost in this equation. And we also are providing some significant improvements that

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address our impact in a particular area, including offsite improvements on Hampton Drive, I'm sorry Parkway, I'm sorry, Park Ridge and Hampton which is about a half mile of.

Mr. Rhodes: What you had earlier proposed was that intersection of Parkway and Hampton, right, for the 3-way-stop?

Mr. Payne: We can go through the improvements if you like.

Mr. Rhodes: I thought that was the main one and then the crosswalk over there on Parkway.

Mr. Payne: Yes, the crosswalk, exactly. And what we're also proposing, the site is within the 610 transportation service district, but because we were at the time when the service district was created not commercial. We're actually not subject to the fee. We're going to proffer that the property would be subject to the fee and that would require, we spoke to County Attorney's Office today, that would require the Board of Supervisors to amend that Ordinance to allow us to be part of that service territory. So that too, in and of itself, is where we're creating sort of a mini-tax district on us to help pay for immediate transportation issues. So that is another item that we would be willing to add. And again, there's concerns about buffering, landscaping. We're willing to boost the landscaping, if you will, along Park Ridge and also to the south of the site.

Mr. Rhodes: Could you, if you or the applicant could consider for bringing this back at a later date, if that's where we end up, possibly some schematic or something to give us a sense of what that landscaping might be like?

Mr. Payne: Yes sir.

Mr. Rhodes: Okay, thank you.

Mr. Payne: With all of that and I think we've made great strides in addressing many concerns of the community, with all that, one, you need to digest what we have presented here tonight, adding on to the already, let's not forget the other proffers that we have, obviously with the improvements to the site, transportation improvements to the site, one, digest that, staff needs to digest that we want to take a longer look, if you will, at some of the concerns, including VDOT's issues. We're raising the second left turn issue. I will tell you from an economic perspective for the project and again we're not contributing 100%, or 50%, or 75, or 25% of the traffic there, but we are contributing something. We will take a look at what we could do in that capacity as well. So I think it would be prudent on our part to take some additional time to continue to evaluate this and to defer this matter with obviously your concurrence, Mr. Chairman and the Planning Commission, to a later date so that we can do a little more due diligence and come back here, hopefully with answers to many of your questions, some clearer schematics and other information that you may require.

Mr. Rhodes: It's not your property, but I would just like to... if you know, Mr. Zuraf... there is a bit of property down to the south of your site, before what used to be the health club and now is being changed into the... can't remember the name of the school, well major or minor school... what's it called? Merit School. But there's that property in between that's Rock Hill Volunteer Fire Department. What is that acreage? How big is that site? Is that like 3 acres?

Mr. Zuraf: Maybe 3 acres.

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Mr. Rhodes: That's the strip where the culvert is. That's where the Resource Protection Area goes through and where the trees are, right?

Mr. Zuraf: Correct.

Mr. Rhodes: Okay, I just want to make sure I have it.

Mr. English: And that's owned by the Rock Hill Fire Department? They own that, right?

Mr. Rhodes: Yes. So there is another piece of land in there before this and the Merit School.

Mr. Payne: Yes and that's important, because the RPA is on another property. It's not on our side. I heard somebody earlier tonight make a comment that we may be impacting...

Mr. Rhodes: Okay, other questions for the applicant?

Mr. Payne: And Mr. Chairman, I think it's also important to know that there were some significant, commercial projects approved a few years ago, the sports complex just to our east. They also have proffers in regards to transportation improvements. So the county does have in their Comp Plan plans to widen that part of 610, there's just not financing for it at this point in time, but it's obviously on the minds of the Board of Supervisors and the County that that obviously is going to occur at some time in the future.

Mr. Rhodes: Okay.

(Inaudible from audience)

Mr. Rhodes: Can you do that same speech about 45 degrees that way? Thanks. Because there is probably more here in the audience than there are on TV.

Mr. King: There is a heavy black line here, the resource protection area (inaudible) our property line is here, existing tree line so everything from here down is going to remain trees. This is the property (inaudible).

Mr. Rhodes: Okay. Any other questions for the applicant at this point? Mr. Apicella.

Mr. Apicella: I'm sorry to keep beating this horse. I haven't seen the language yet about how it might impact these specific uses, but I'm hoping you will take another look at restricting specific uses. I'll give an example. Marinas. I don't think there's going to be a marina there. That wasn't restricted out. I'm hoping you're not going to potentially put a hotel or motel there. So there's some things that are listed under B-2 that I would ask you to take a look at and see by use that you would be willing to take out. I'm looking at this in terms of while it is a commercial area what's compatible with the surrounding parcels and neighborhood.

Mr. Payne: We do have a list on our proffers under section 5...

Mr. Apicella: I've stricken those out, but I see a number of those that I don't, at this point, think are consistent with the neighborhood and the surrounding area. And again, I use marina as an example,

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because that's not even feasible, but none the less it's still a use that's permitted, because it is not stricken out and again...

Mr. Payne: Are you recommending that we add marinas...

Mr. Apicella: ...as a use that would not be permitted.

Mr. Payne: Okay, I'm sorry.

Mr. Apicella: So I'm looking at the specific lists of uses that are allowable under B-2, both by-right and conditional use, and I'm asking you to take a look at that list and see what else you might be willing to strip out. I understand you want and need some flexibility and that makes sense, but there are some things that I... again, I look at this list and it concerns me. I'm not quite sure it's consistent with the area.

Mr. Payne: I promise you, we won't put a marina there.

Mr. Apicella: Good.

Mr. Rhodes: There were a number of comments that are... question, what would be greatest use and benefit and I did hear a couple of suggestions and ideas and so as you do tend to add to what you would strike from a potential use in that type of a zoning that helps to get a clearer picture for residents as to what might be there. And so I think the greater degree you can eliminate any confusion or concerns about uncertainty. That's very helpful as well.

Mr. Payne: Yes, Mr. Chairman, and I will take another look at it, of course. We'll go through these exercises and talk to staff and try to figure out the best way to approach this. Again, there's a couple of factors here that should give you some comfort level. One, we're restricting the number of traffic counts to the site until the major improvements are provided and then secondly, you know this is a free market system. We want to make sure we have the highest invest uses that will get attracted and make the investment in that part of the corridor and we want to keep our eye on that as well, because that obviously incentivizes the investments from the developer to be there.

Mr. Rhodes: So to work to kind of refine how we might propose some modified proffers and considerations, do you think 9 October is enough time to consider or what were you thinking? You said, I thought we'd step back, we'd look at ours, you'd work with staff, you'd consider some other approaches and some better schematics. Or what are you looking at? What's the time?

Mr. Payne: I was looking at at least 30 days initially. Give us some additional time.

Mr. Rhodes: Would you like us to go to the 23rd of October or 9?

Mr. Payne: 23rd.

Mr. Rhodes: Okay, how does our agenda look, Mr. Harvey?

Mr. Harvey: Mr. Chairman, I don't have a clear picture on public hearings yet, so we have flexibility.

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Mr. Rhodes: Okay. Unless there is any other comment, I'd like to make a motion to defer this to the 23rd October Planning Commission meeting.

Mr. Hirons: And that's both items? 4 and 5?

Mr. Rhodes: Four and 5, yes sir. Can we do both together, Ms.... thank you.

Mr. Hirons: Motion to defer items 4 and 5 to October 23rd. Is there a second?

Mr. Apicella: Second.

Mr. Hirons: Second by Mr. Apicella. Mr. Chairman, any further discussion?

Mr. Rhodes: I'd like to thank the applicant and I would especially like to thank the members of the community. I think I've got a response to everyone of your emails, but if I missed one or two I sincerely apologize, I didn't mean to, but we did get a lot of emails and when we do get those, just so you know, we do forward these on to the applicant as well. We want them to have full awareness of the concerns and the thoughts and items you have, but I do appreciate your time and effort. I think this is kind of a record turnout for a non-public hearing item from an event and item and it was good and helpful input to have. I appreciate the willingness of the applicant to continue to work this and see how we might find the best approaches or things going forward. There is still a lot of open items, so it'll be helpful if you can digest and consider those comments and we can see if there is not a better, more fulsome approach that mitigates certainly traffic and deals with the transitional issues as well and the types of uses. I appreciate that.

Mr. Payne: Mr. Chairman, if I may add that the community can have, obviously, open access to us. I'm happy to give them my card, if they want to contact us...

Mr. Rhodes: I think that the dialog is helpful. Everybody doesn't have to agree, but certainly, that's why I know when we asked you on the front end, before you even brought the application forward, to please invite and meet with the HOAs just to start that dialog and so the willingness to keep that open would be very helpful, not that everybody will agree, but certainly it's good to know what's going on so thank you for that. That's all I have.

Mr. Hirons: Mr. Apicella, any further... any other discussion from any other members? Those in favor of the motion to defer these two items until October 23rd please signify by saying aye.

Mr. Apicella: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Aye.

Mr. Hirons: Aye. Any opposed? The motion passes 5-0.

Mr. Rhodes: Thank you very much.

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6. 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 on May 22, 2013 to June 26, 2013) (Deferred on June 12, 2013 to August 28, 2013) (Deferred on August 28, 2013 to September 11, 2013)**

Mr. Rhodes: Move on to CUP1200299; Conditional Use Permit, Crucible Properties. Mr. Harvey?

Mr. Harvey: Thank you, Mr. Chairman, Mr. Zuraf will give an update on this case.

Mr. Zuraf: Okay, this item, Crucible Properties is a request for a conditional use permit and this was initially...there was a public hearing on this item back on May 22nd and the case was deferred a few times and last discussed at your last meeting on August 28th.

Mr. Hirons: Mike, if you could hold for one second. If we could ask the members from the audience... public if you could take your conversation to the back of the room or outside? Thank you. Okay Mike.

Mr. Zuraf: At that meeting staff summarized the noise measurements that were collected at the site during the summer and the applicant did provide a more general discussion of their operations that attempted to address some of the prior concerns with vehicle training track, the hours of operation regarding weapon firing and methods to enhance noise attenuation. So at the time, having just heard this information, the Planning Commission deferred the case for the following issues to be more specifically addressed, including the limitation on the location of scenario, specific sound deadening measures and timing of installation of permanent fencing. Since the last meeting staff has been in contact with the applicant and the applicant had suggested some additional conditions to address these issues. Attachment 1 in you package includes proposed additional conditions. The conditions were reviewed by staff and staff suggested modifications which the applicant made. some...just kind of to go through some of those conditions. The applicant would agree to conduct life fire weapons and driver training only between the hours of 8 am through 10 pm. The applicant would be appointing a community liaison person as a point of contact for the community. Three –The applicant will locate all training “attack” zones to the areas highlighted and shown on the attached exhibit. And if you go to the screen, it’s on the screen, is the amended general development plan. The shaded in area in the south, that’s the south-east corner of the site, that is the area that is identified as the...kind of called their “attack zone” or training area and that it would be limited to those areas that are shaded. Also the Applicant agreed to construct and maintain an eight-foot tall security fence and the new condition sets kind of a phasing when that fence would be installed. Kind of subject to the development that occurs in the Westlake residential project adjacent, that the fence would be installed when the homes are starting to be constructed within 1,500 feet of the applicant’s property line. So as the development approaches, this site, the applicant will be required to get their 8 foot tall fence installed. Then also the next condition, condition 5 - the Applicant would install a shooting baffle, partial enclosure, shed or other similar physical structure of attenuating sound propagating on range # 4 and Range # 5. The locations of those sound baffling structures have been added to the GDP in range #4 in this location. The firing direction is there, and then on range number 5 in this location, the firing direction heading that way. There’s then an alternative that should be...let’s see...the applicant closes range at the furthest shooting point in the location I’ve circled then the limitation...there would be a new limitation as to

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where they may shoot from and in range #4 would be 100 yards out from the firing targets and then #5 would be 250 yards. That would be a new limit that would be set, if they close those outer locations. There is a limitation to explosives to a half pound limit per explosive device and for any of the IED simulated explosions simulations they would bury the detonations below ground to direct sound up and away from residential areas. Those are the conditions that are proposed and we've created a draft resolution incorporating those conditions to this. After sending this out the applicant did request a further modification on the location of the attack zones and when that would occur. They're requesting in the second point some additional language that the limitation of the attack zones in the area shaded would be upon the completion of the travel way shown on the GDP. So if the roads are built around the site then the attack zones would be limited to that location. Staff does note that that additional language of tying that travel way construction to the attack zone limitation area would and may indefinitely defer the limitation of where those attack zones would be on the site. It could leave it open to happening anywhere on the site, if those roads aren't built. So that is kind of a point where the staff and applicant don't agree, on that one condition, but everything else, we agree with the additional changes as they proposed and they agreed to our modifications. And at that point we'll take any questions.

Mr. English: Mike, did they give a reason why they wouldn't go with the recommendation as far as keeping it in one area?

Mr. Zuraf: Not in details. I'd refer to the applicant to maybe explain it further. And one other suggestion staff did make was a recommendation, sorry I didn't bring this up before, was a suggestion to move or realign the proposed driving course that is proposed near the Westlake residential. Just for clarification, again, the Westlake residential areas are basically everywhere in this location and so staff suggested that the applicant maybe relocate this road course to a more inward location on the site. There is an existing travel way that is located right here, so staff suggested maybe continuing it for the purpose of creating a larger undisturbed buffer away from Westlake, but that was suggested and the applicant does not want to make this change at this time.

Mr. English: He does not, you said?

Mr. Zuraf: No.

Mr. Rhodes: Okay. Other questions for staff?

Mr. English: What about the lighting issue? Was that brought up, Mike? Is there going to be any lighting issues in that area?

Mr. Zuraf: There was a condition we recommended. Just basically condition 20, well, yes, outdoor lighting shall be oriented downward and away from the perimeter of the property. It's likely going to be anywhere, I'm sure, where you have some classroom buildings, training buildings and parking areas around the buildings.

Mr. Rhodes: Mr. Hirons.

Mr. Hirons: Mike, is there... I apologize, it might be here somewhere... any limitations on explosive devices, timing during the day? I know there is the proposed condition regarding live fire and driver training between 8 a.m. and 10 p.m. That does not... that line doesn't include explosive devices. I

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assume they probably won't be just out there blowing stuff up in the middle of the night, if they're not doing training.

Mr. Zuraf: Yes, I would want to maybe double check with the applicant if the intent was to include the explosive devices as part of that.

Mr. Hirons: That would be wise to include that, or I think there might be a preference to even condense the explosive time limit to even less than that.

Mr. Rhodes: Mr. Apicella.

Mr. Apicella: I'm sure it's in the package. It's gotten kind of big for the past several month, but from where the applicant still proposes to keep road, closest to Westlake's property, from that road, how far away would the nearest houses be?

Mr. Zuraf: The plans for Westlake show homes basically right up along this... the homes back up along this entire area. There is a required buffer in the west side project of, I believe, maybe 25 to 50 feet. So there'd be a buffer; 50 feet? So yes, a 50 foot buffer on the residential side and a 50 foot buffer on the applicant's side. So 100 feet.

Mr. Apicella: So the edge of the property... well there's 50 feet from the edge of the property, but from the road itself, I can't really tell, because I don't have a...

Mr. Zuraf: That's 50 feet. There is a 50 foot transitional buffer.

Mr. Apicella: So there would be 100 feet between that road and a house, basically?

Mr. Zuraf: Yes.

Mr. Rhodes: Property line or a house?

Mr. Zuraf: Well property line.

Mr. Apicella: We were provided some information earlier today during the public comment period from the Westlake owners. Do we have a sense of whether the applicant has had a chance to review those proposed modifications or issues and whether they're willing to accept any of those? I assume that's in addition to the ones that staff had recommended since they had the conversation yesterday?

Mr. Zuraf: I've not had any discussions with the applicant about their conversation with Westlake.

Mr. Apicella: Okay, thank you.

Mr. Rhodes: Any other questions for staff before we have the applicant come forward? The applicant please.

Mr. Payne: Mr. Chairman, other members of the Planning Commission, Charlie Payne with the law firm Hirschler Fleischer representing the applicant. As many of you know, this has sort of been a long journey with this application. Part of that has been our request to extend the time so that we can find

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some reasonable middle ground to address some of the mitigation issues that came up in the original public hearing and of course to have discussions with our joining neighbor at Westlake which we most recently have been very productive. We got the same letter you got today. However that letter content does include a lot of what we discussed yesterday. It doesn't necessarily mean that there was a meeting of the minds on everything, but we certainly think we made a lot of progress. With that though, I think that the frame work of the conditions that are before you tonight work well within the confines of, I believe, the desire of this Planning Commission and I will go through a couple of them that came up as questions. In regards to our request to the attack zone would be triggered when we build the road. The problem is, if you approve this conditional use permit and it says we're going to move the attack zone to the area in the southern portion of our site we don't have a road that we're not right now financially ready to build. We stopped training. We can't train anymore. So the trigger is going to be obviously for the road to be in place before we move our attack zone which is basically going to be where the training opportunities or training activities will occur in regards to the purpose of personnel being on the site.

Mr. Rhodes: From the last presentation, Mr. Payne, I believe you or your client identified that there almost was another attack area. I mean there is a defined area now, so we can just state that that is and then it will be this.

Mr. Payne: This is the current area, so it's up close to the entrance of the site.

Mr. Rhodes: It's not necessarily anywhere though. I mean, you have a pretty constrained area where you're doing the training now, so that can be defined as well.

Mr. Payne: In the travel ways, they're not tracks, because of... these were not very wide roads, but they'll allow us to get to our different facilities. We're not racing on these roads. Let's also not forget, you know we have been through a couple of noise studies where it's been determined, certainly in our opinion, we haven't violated the noise ordinance. Westlake is not there yet. I think by their own admission the earliest they'll be constructing homes is 2 years and that's going to be in the beginning phases of the development. Doesn't mean we don't recognize the fact that they're not coming closer to us and that raises concerns for us and concerns for them and that's why we're having a dialog. In our minds, we want this Commission and the public to understand that we're well aware of the issues, but we still have a business to run. We've been running that business for 14 years and we have contracts that we're obligated under. So we just simply can't say we're going to make all these changes and it's going to be over with, because we can't do that yet. It's a transition in process and I think these conditions do a great job at transitioning us to that point. In regards to, I just want to clarify real quick, on the 8 foot fence there's 2 triggers. There's one, either when we build the road, because there was a concern by Mr. English about when that road would be built and when the fence would go up, and then secondly, as our adjacent property owner constructs houses closest to us, you may have to call on their study period, I mean their noise study. They were studying 1,500 feet away. So that to us was where they had a sensitive point and that's why we picked that number. We understand that that was a number based on our sort of naked firing process today, versus the additional mitigation actions we're willing to take, with some sort of baffle or shed noise barrier to address the range issues, the firing range issues. So that's the logic behind that. And again, in regards to the shed or other similar physical structure, for the purpose of extenuating sound then it would be triggered again. It doesn't mean that we wouldn't do it in the immediate term. It just means there is a point where you have to absolutely do it. That's why we put the 1,500 feet from our property line, because again, looking at the Westlake noise study that would seem to be the sensitive point. But again, it doesn't mean that

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between now and that time that we're not going to be undertaking actions to mitigate and address noise issues. We do have other neighbors. As you may recall, there were other neighbors who came to this public hearing back in May who were concerned. We understand we have to address those issues as well. We did limit the amount of our explosives. You know we have a AFT permit that allows us up to 25 pounds of explosives at one time. We've limited that to one half of a pound and we've also agreed to bury IEDs to ensure if you will or try to ensure that the noise goes up not out, which will also, I believe, reduce the noise.

Mr. English: How deep will you be burying those things?

Mr. Payne: I think at a minimum of 4 inches, top explosives 4 inches.

Mr. English: And what kind of explosives are they?

Mr. Payne: It's IED, you want to explain? The guys who blow things up would be the guys who can answer the question.

Mr. Garman: Currently in our operations the most common use of the IED simulation that we use is black powder put into a motor tube. That motor tube is... we have several from 6 to 10 inches tall... so we bury the IED such that the top of that motor tube is 4 inches below the surrounding ground surface. That allows it to direct the noise straight up.

Mr. Payne: And in regards to staff's recommendation to move the road operationally for our future plans it just puts us in a bind, from the topo issues and the buildings that would have to be moved around... and again, that's not a race track, it's simply a travelway to our areas where we do our trainings.

Mr. English: So this will not be a race track?

Mr. Payne: It will not be a race track. That got approved in Spotsylvania.

Mr. Apicella: Well, if that's the case, can we limit the speed?

Mr. Payne: How are you going to monitor that, I guess, would be the question I would have, but the conditions of the site and the width of the road basically if you're speeding on that travel, well, you're going into the trees. It's not what our purpose is. Our purpose is to move the training activities to the south, as you can see on our site. I'm not sure how you would write that condition, or how you would monitor it, but basically, as you can see, our training activities are going to be in that southern corridor.

Mr. English: Another question to you on this track. When you do this, are they going to be running sirens and blue lights and all that stuff? Nothing like that?

Mr. Payne: Well, we still have a noise ordinance we have to comply with.

Mr. English: I understand that, but I just want to make clear that that's not going to be...

Mr. Payne: That's not happening today.

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Mr. English: ...3, 4 years down the road that you change that.

Mr. Payne: It's not part of our training process.

Mr. Boswell: My concern has been the same from the beginning. We're shooting guns, we're blowing up IEDs and now we're putting in a... well we've heard it called a race track... putting in a track, but we're going to delay putting up the fence until Westlake starts to build or we start to move roads around. Personally I feel like this facility should be fenced already.

Mr. Payne: Well a good part of it is fenced.

Mr. Boswell: I feel like all of it should be. I mean, to prevent people walking on when one of these actions are going on.

Mr. Payne: Let's not forget that we've been there for 14 years and have a pretty good track record in regards to trespassing, noise complaints and this neighborhood is not here yet, not even remotely close to being here yet. We do have a business to run. That's an enormous expense to put an 8 foot fence around 88 acres. We are obviously aware of those issues, conscious of the fact that we could have potential trespassers in the future, but we seem to be doing a pretty good job in keeping the current site fairly safe and our neighborhood safe.

Mr. Hirons: Mr. Payne? And this might end up being a question for the owner. Do you currently, or do you have any plans to use flairs during your night training.

Mr. Payne: We're prohibited from actually...

Mr. Hirons: Are you? Okay, thank you.

Mr. Payne: ...in our conditions.

Mr. Apicella: I thought I heard Mr. Hirons ask about limiting the hours of the explosions. I didn't hear that come up.

Mr. Payne: Well, they can certainly be limited based on what we have limited for our driver training and our firing weapons. That's our typical operational time.

Mr. Rhodes: So there would be a modification to what is right now in the staff's report, item number 3, to state applicant agrees to conduct live fire weapons, driver training and IED explosion only between the hours of 8 and 10.

Mr. Payne: Correct.

Mr. Rhodes: Okay.

Mr. English: Is it possible that you guys can look at doing a fall time limit, because it gets dark early coming up here. Is it possible that you could change your fall hours and then do summer hours? Maybe start September or October 1st running from 8 to 8 and then maybe pick it back up in the spring, maybe from 8 to 10. Because this is a big concern as far as this time of the year and kids getting down

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and going to sleep and that was one of the issues that were brought up. I think if we can work something out that way.

Mr. Payne: Again, I know we're speculating a lot into the future. What's going to happen in the future. I mean our past history has been pretty good about noise complaints.

Mr. English: But this subdivision is going in here in 2 years and it's going to come back on us.

Mr. Boswell: People are complaining now and you're not that close.

Mr. Payne: Well, we had 3 complaints. 2 of which were not directed to us in the past 5 and a half years. But I will say that, yes, we understand that sensitivity. We're also obligated under federal contracts to provide certain amount of night training. Certainly that can fluctuate, based on the time of the year and we're certainly conscious and aware of the sensitivities in the community. We're also looking at obviously moving those types of activities away from residential developments. We're also looking at ways to mitigate it more, knowing what's coming towards us in the future, but you would tie us, from a business perspective, in regards to that type of requirement. It doesn't mean that we wouldn't be very conscious from a procedural process to focus on that, but it could very well impact some federal contracts that we have without having to get into a bunch of details about it. We're moving forward, we want to move forward with this process so we can have the ability to make these improvements into the future. And I think we should be fair here. Westlake has raised some serious concerns on their believe that this would impact their development, whether agree or disagree with that, I think they've raise concerns that as they build closer to us there may be some issues in regards to the neighborhood. We're aware of that. We're looking into the future to prepare for that. However, today we're operating pretty efficiently and have been for about 14 years. It's going to take us some time to transition to that point, but we can't do it today without the conditional use permit, because as you know we're an authorized, non-conforming use. The alternative is, we just continue to do what we're doing and I'm not saying take it or leave it, but I think we've come a very long way in building these perimeters and we are continuing the dialog with our neighbors to ensure their comfort level. We hope, at some point, we're not going to agree on everything, but I think we're going to be able to agree on some points that will help reduce those noise concerns.

Mr. Rhodes: Mr. English.

Mr. English: What about moving the driving range down to one area like staff has recommended? How come you guys can't do that?

Mr. Payne: I'll let Mr. Garman give you some more details, but it impacts our operational process.

Mr. English: And then moving the road down further from the, also that was another question to him, from the property line Westlake.

Mr. Payne: I don't think you've heard in any of the noise studies, or read in any noise study that we've done that driving on the site was an impact. Again, these are travel ways to our training facilities, but I'll let Mr. Garman address why that doesn't work for us.

Mr. Garman: If you'll notice on the diagram that was drawn by Mr. Zuraf, the red line that you see there below our proposed road way backs us up very close to that furthest firing point of range 5.

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Because it has been properly surveyed, if you put that as a limit to the property line and then the water way that it crosses and the terrain don't allow us to get that close. Then now I've cut off my ability to access the property from that, in this case, the top of the map. The north arrow is there, so from the north-west corner I'm unable to access the back of the property. That's the first issue we have with moving the line and we've already given the 50 foot buffer to the county and then we put the road where we have it. Nothing says it won't move down, but at least gives us the most flexibility for proper engineering. Secondly the proposal that it, oh, actually they moved the proposal, in their comments to us they put it between our buildings. The intent is here to get around all of the buildings. So if they move it down to the south west, it'll constrict our ability to put... it could completely cut that road off all together and then we'll have one way in and one way out of our attack zones.

Mr. English: What about the training area and the orange area that he has pointed out? Is that a problem?

Mr. Garman: What about the orange area? I'm not sure.

Mr. English: Whether things are covered that's where you going to be doing most of your training?

Mr. Garman: Actually we did that. That's our condition. That'll be our attack zone that we focus all of or activity and are noise...

Mr. Rhodes: That's where your IEDs might occur.

Mr. Garman: Will occur. That's correct. And if you'll notice in the last meeting the intent here is to separate our public and private traffic and so if you allow me to have a perimeter road, I can allow my students primary and secondary routes in and out of this zone. If that road comes further to the southwest, as drawn, and I'm not able to build it from an engineering and terrain perspective, then I've got one way in and one way out here in this case in the south, yes, southwest corner of the property.

Mr. Rhodes: Mr. Apicella.

Mr. Apicella: I appreciate your explanation. I think you've gone a long way to mitigating many of the concerns that were raised, but the one sticking point, and I think Mr. English hit right on this, is the, again, hours of loud noise. You're willing to accept in the summer time 2 hours of darkness on average, because it gets dark about 8 o'clock, sometimes later, but you want 4 hours in the winter time. And I got to tell you, I moved, I live in a place where people shoot guns. It's loud, it's not only annoying. It can be kind of scary. And at night, when you hear explosions, I think that could be very disconcerting. I hear you that it's ways out till people start moving closer to your property in significant numbers, because right now, I don't think there is a lot of neighbors close to your property, but when Westlake does get developed, and it will be at some point in time, hearing explosions at 10 o'clock at night will be very disconcerting. No matter how much you try to mitigate it by burying the IEDs in the ground or, you know, live fire machine guns at 10 o'clock at night, it would worry me, if I lived in that neighborhood. So again, that's my one sticking point. I really would ask you to reconsider that. I think it's a reasonable approach that Mr. English has offered up. It could be the difference for me deciding which way to go here. So I realize you have a business model. You got to do, what you got to do. You have contracts that you have to exercise and continue on with and if you don't fulfill those you're going to lose business. I also look at these things, and sometimes my colleagues probably get tired of hearing me say this, but you're the owner today. Who knows what

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happens 10 years from now. Maybe somebody else takes over. They may not be as good stewards or citizens as you are, they may not have the same philosophy. So again, I got to look towards the future 10, 20 plus years down the road. So I guess I would ask for some additional though accommodation here about the difference of hours of operation... not hours of operation, but hours of noise wintertime versus summertime.

Mr. Garman: Understood.

Mr. Rhodes: Even if it's just in the shortest days, the 1 November through end of February timeframe, possibly. It gets into the bulk of the school year. It does leave 6 weeks on the front end and 8 weeks in the back end where all the kids are still going to school, but...

Mr. Garman: I appreciate your comments and they make perfect sense. Currently the requirements that we have given, that we have with the Government contracts and the ones that come on before the solicitations that we're looking at in the future, often they ask for the limitations on our range and they'll apply a math equation to it. So a lot of times, if they know that we're only allowed to operate or make noise 2 hours after darkness and they want 4 hours of training or 8 hours of training, they put the math to it and what that could require us to do is make more frequent noise at night as opposed to being able to consolidate it. As I spoke last time, we currently service our contracts with a requirement for hours of night fire and they've never come under question from the contractor with a stopwatch had we been doing it and so we're currently consolidating our live fire training so we don't have to stay at night as well. So while I appreciate it, it will help give, for a future land owner, it will help give the neighbors a little bit of consideration. For my purposes we're now looking at, do we continue to operate with no restrictions and let the next owner operate with no restrictions, or do I put these further restrictions that the CUP affords us. And so I understand the concerns that exist. I appreciate the acknowledgment that we're being good stewards to this point, but the future owners may not be. But at this point reducing our live fire to two hours and taking that forward into future solicitations may limit our ability to get more business more so than the expansion we'll gain our ability to gain business in the future.

Mr. English: Do you fire on Sundays?

Mr. Garman: Yes sir.

Mr. English: Same hours?

Mr. Garman: Yes sir.

Mr. Rhodes: Okay, other questions for the applicant? Any final things, Mr. Payne?

Mr. Payne: I would just say, we appreciate the patience and the comments from this Planning Commission. I think that we have listened to your concerns. We've balanced those with obviously what we do every day and what we've been doing for 14 years very successfully. Let's not forget that this is a positive economic development business. We employ many people in the county and in the community. We've had a very successful track record in my opinion in regards to what we do out there as to compared to complaints... I will tell you, the first time I heard that there were complaints, when there was a notice in the paper that we were having a public hearing. We contacted the Sheriff's office to confirm whether or not there have been several complaints or not and there were 3, none of

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which were prosecuted and 2 of which, from my understanding, were unconfirmed whether it was us or not, making that noise, which is not unusual, because in the rural areas, there is lots of gunfire going on. They are responsible stewards of the site. They do care about their neighbors. Mr. English was at a public meeting that we went to, a neighborhood meeting. We heard it from them, what their concerns were and I will tell you, they said traffic was one of their main concerns and the other one was not to fire after 10 o'clock and they're used to us, because they live in that neighborhood. But I, Mr. Apicella, I know you have recently moved into a rural community and I noticed it's a concern to you, some of the things that you're hearing, but these guys have been here for a while. Westlake, it's future development, I'm never against a guy who is trying to make a buck, or trying to develop a site. But we've been there. We've been operating. We've been good corporate citizens of this county. We've been good employers and without this conditional use permit and the ability for the Planning Commission and the Board of Supervisors to set certain conditions, we'll continue to do what we're doing and we're obviously subject to the noise ordinance, but that's sort of the alternative if you say no, is we're kind of back to square one and doing what we're doing without the ability to make these improvements, so I say that with somewhat humility, because I don't want it to sound as if it is "take it, or leave it". But I do have a client who does have a business to run. They're dealing with sequestration issues right now and I believe my client has been a positive citizen and business in this community. So I leave that with you, obviously this respected Commissions and I'm happy to answer any other questions you may have.

Mr. Rhodes: Okay. Any other comments or questions? Okay, so bring it back in. Yes, Mr. Zuraf.

Mr. Zuraf: I do want to clarify one answer I had given to Mr. Apicella's question about the buffer of... distance from the road to the nearest houses on Westlake. The buffer in Westlake that may be on the lot, I believe it might be. I think I said it wasn't, but it very well may be. So I can't confirm that it is just an open space...

Mr. Rhodes: So it might only be 50 feet actually to the home...

Mr. Zuraf: It could be.

Mr. Rhodes: ...versus 50 feet to the property line.

Mr. Zuraf: Because it's an older site and those older projects did have buffers that were on lots.

Mr. Rhodes: Okay. And we are at our time limit right at the moment, I believe. Okay.

Mr. English: Well, I'm going to have to make a motion to deny this, because of the fact of the matter it's the noise issue's my problem and I've talked to people about it and my concern is, if you can't work with...you know...work some hours out, my motion is to deny this application.

Mr. Rhodes: So there's a motion to recommend denial of the CUP. Is there a second?

Mr. Apicella: Second.

Mr. Rhodes: Second by Mr. Apicella. Further comment, Mr. Hirons? I mean Mr. English. Mr. Apicella?

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Mr. Apicella: Mr. Chairman, I want to support this.

Mr. English: Me too.

Mr. Apicella: Again, I think they've gone a long way to mitigating the concerns, although, again, I'm still concerned based on Mr. Zuraf's comment about the closeness of the track. But again, I guess I made my point about the noise being late at night. I think it is unreasonable for people to be hearing gun shots at 9:30, 10 o'clock at night. It may not be happening now, again I think they are great stewards, but that may not always be the case. I wish they were more acceptable to the, I think, reasonable change that Mr. English had recommended and unfortunately since they were not, I'm going to have agree with his motion to deny.

Mr. Rhodes: Okay, further comments? Mr. Boswell? Mr. Hirons?

Mr. Hirons: I just want to say, I think I kind of agree with the motion making. You guys are a financial benefit to the county and I appreciate that and I think as you move along to the Board of Supervisors, if you can work out some of these issues you might ultimately be able to get this approval, but being that the representative, the Commissioner from that district has made the motion, I will support his motion.

Mr. Rhodes: I understand the points of the fellow Commissioners and I am about 80% with them but what I also... because while, I know you did not say take it or leave it and I didn't take it that way. But while you can continue to operate as it is and this does put some limits, this now codifies limits and that aspect of it I agree with my fellow Commissioners. Because this now codifies and locks in, yep it's fine and dandy till that time which is not what anybody (inaudible). However, what I do like about this is, it is adding in other mitigation factors. It's adding in the baffles of the firing points, it's adding in some other complimentary features which we don't get without it. And I would love to see them come to 9 o'clock from October through March. I would love to see them get to 8 o'clock from October through March. I'd like to see them come to 9 o'clock from November 1st through the 28th of February. No, not yet. Just something to lock it in a little bit. I just think of kids going to sleep, I'm sorry, for school. And that just bugs me. So in that season, that winter season when you've got more nighttime fire time opportunity for the calculation, when the bids are doing them, I'd like to see something happen there. Unfortunately what we also lose out of this is we lose the opportunity to further constrain the attack zones, we lose the opportunity to get the baffling on the fire points, so I think it could have a good effect. I think it can have a significant effect if you build those well. And I am like a 51/49 vote, but I am probably actually going to vote against the motion in that regard. So, here we go, I'll call for the vote. All those in favor of the motion to recommend denial of Conditional Use Permit, Crucible Properties II, LLC signify by saying aye.

Mr. Apicella: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

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Mr. Rhodes: All those... whatever the other option is, nay, that's me. The motion to recommend denial goes forward to the Board 4 to 1. Thank you very much, thank you. Thank you for the efforts, those were good inputs and stuff there. Okay, so we are now on to item number 7, RC1200009, Reclassification, Abberly at South Campus. Mr. Harvey.

7. 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) (Deferred on August 28, 2013 to September 11, 2013)**

Mr. Harvey: Yes Mr. Chairman. Mr. Zuraf will also give an update on this case.

Mr. Zuraf: This item, item 7, is a reclassification for Abberly at South Campus.

Mr. Rhodes: You know Shelton Woods is like, God, why couldn't I've gotten a shorter agenda. I'm sorry.

Mr. Zuraf: It's a request for a reclassification from B-2 and B-3 zoning districts to the UD, Urban Development zoning district, Sub-district UD-4. The public hearing was conducted back on June 26th. The case was deferred several times to this meeting. There was a request for additional information, modifications to the proffers and we provided you a memo noting that the additional documentation and studies were to be provided. You did, following the receipt of the memo this week, receive a few additional documents. A fiscal impact analysis, response to VDOT comments regarding concerns with the Route 1/Hospital Center Boulevard new ramp to I-95 intersection. And a perspective appraisal of the property that is proposed to be dedicated for Germanna Community College, an amended proffer statement and then also a new Phase II Cultural Resource Evaluation on one of the resources on the site. This information has all been submitted and I may defer to the applicant to maybe provide you with some more clarification on all this information and at this point leave it open for any other questions.

Mr. Rhodes: Any questions for Mr. Zuraf? Mr. Apicella.

Mr. Apicella: Mr. Chairman, I noticed in the proffer statement, give me just a second to find it here.

Mr. Rhodes: You are printing it out.

Mr. Apicella: I am cheating. One of the proffers is \$400,000 for fields at 2 schools. It is listed under the parks and rec category. I wonder if that, and it may be semantics. I wonder if that's the right category, why could that not go under the public education category, since ultimately that is to the benefit of the school system.

Mr. Zuraf: I am just finding that proffer.

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Mr. Harvey: Mr. Chairman, I would recommend that be an item to be directed to the applicant.

Mr. Rhodes: Okay.

Mr. Harvey: Mr. Chairman, also to bring to the Commission's attention. A number of these items came to you after the mail out, therefore by the by-laws the Commission would have to vote to accept the materials.

Mr. Rhodes: New information, okay. Thank you very much. We can continue to have the dialogue but if we decide to make a recommendation we have to first vote to accept it or do we have to vote to accept it before we have the dialogue?

Ms. McClendon: It's only if you decide to make a decision on it.

Mr. Rhodes: Thank you. Okay, other questions for staff? Mr. Apicella.

Mr. Apicella: I also have a question about... two other questions for the moment. I am trying to understand the credits and how they would work, how they would deduct from the overall proffer amount. Jeff, you and I had a sidebar conversation about it too. I don't know if you want to talk about it.

Mr. Zuraf: I have not had time to review these changes, and may defer to the applicant. Otherwise I can provide you more information at a later time.

Mr. Harvey: Yes, Mr. Chairman and Mr. Apicella, in just a brief review of it staff had some questions from the mechanical side, how you negotiate between the staff and the applicant as far as determining the amount of credit and when it is applied. I think that is something we could probably get clarified in the proffer.

Mr. Rhodes: Okay.

Mr. Apicella: Lastly, I have a concern. I think I raised this to Mike and the applicant in an email, about the community college proffer. While I think there are many parties if not all parties, would love to see that come to fruition, it's beyond the county's control to make that happen. Yet that is a proffer ultimately to the county. So I am not quite sure what really happens if it doesn't come to fruition if there is not sufficient funding provided, and I am not even sure who the funding source is, I presume it is the state. What happens with the 25 acre parcel? It seems to me, that the way I read it, H. H. Hunt would have veto power over any and all potential alternative uses if that doesn't happen. Is that normally part of the course? Do we let the applicant forever decide what is going to happen with that 25 acre parcel?

Mr. Rhodes: Question?

Mr. Zuraf: It appears that it may have language that basically gives it almost like a, maybe a sunset clause type of... if it doesn't go over to Germanna then the applicant may assign other uses. But, yes it is unclear.

Mr. Rhodes: Okay. That's not good. Any other questions?

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Mr. Apicella: I guess the last thing I would ask is there some transportation issues raised, some transportation solutions provided or spoken to by the applicant? Does the staff have any thoughts or comments about the back and forth between VDOT and the applicant and any other changes the applicant may have proposed in response to those transportation issues.

Mr. Zuraf: I don't have any response to that at this time.

Mr. Rhodes: Any other member with questions? Okay. Can the applicant come forward at this time?

Mr. Patrick: Thank you, Mr. Chairman and members of the Commission. I'm Sherman Patrick. I work for the law firm Compton & Duling located in Prince William, Virginia, just a little north of here. I want to step back for a moment and talk about what the land use request here is. What the actual application is, but first I just want to say, so that we're clear here, the donation of the property for Germanna Community College would become ownership of the County. It would be deeded to them. It would be deeded to them at the time... or prior to... or during the time of site plan... development of site, before the first occupancy permit is issued, is the word we worded that. So it's the county's land. The proffer says that it would be used for the Community College or a similar type of institution and it also says that in the event that the county does not want to pursue that use of the property that there needs to be some dialog between them and H.H. Hunt so it doesn't become soccer fields or bus garage or something like that. We think that the Germanna Community College parcel is extremely important, not only to this site, but also to the urban development plan that the county has developed. Where there's a great opportunity here to have some synergy between what the county has planned for this overall area and what Abberly is doing now and what they've proposed in their proffered conditions. But let me do that part first. Let me step back and say Abberly is 22 acres within 100 acres that belong to Old Potomac Church, LLC. And because it is 20 acres, or 22 acres of that larger 100 acre parcel there are opportunities here for the applicant to be offering you things and they are doing just that. They are offering you things that help facilitate a well-planned, coordinated urban development type of environment, exactly as the county has proposed it in your planning efforts and that are proposed in the redevelopment area. We're following your lead. These roads that we're showing on these plans are based very closely to the roads that were shown by the county and their road plan. All that we have done is, we have engineered them and made them work. The plans that were in the comprehensive plan didn't quite work topographically. They went up hills and down hills and did things that were illogical and did damage to the environment. So we have redone that and made it engineeringly feasible and environmentally sensitive. But that only happened because the 20 acres is a part of a larger 100 acres. And that 100 acres is a part of, as I have already eluded to, of the redevelopment area for the courthouse and the urban development area for the courthouse. This particular part of it is called by the county or about 150 acres of it south of the hospital. It's called South Courthouse Commons. When Old Potomac Church, LLC first rezoned a portion of the property and started consolidating these parcels, but they called it South Campus. Well, whatever you call it, the consolidation of these parcels are giving you, and I want to make sure everyone understands this, is giving the county a wonderful opportunity to have infrastructure, have roads in an area that does not have infrastructure and does not have roads. All that it has now is a paper plan and that paper plan is never ever going to come to fruition until you have someone like Old Potomac Church consolidating it and making these things come together. And someone like H.H. Hunt who is putting up the capital, putting up the money that's necessary to bring in yet another jewel in the crown of the urban development area to create another institution that will create a draw, that will create employment in the county. So I want to point out also that Old Potomac Church LLC's properties are all zoned B-2 and B-3 with the exception of 1 or 2 acres. So that's about 98 acres that are already zoned for

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commercial with no 50 acres of no proffered conditions another 54 acres which was rezoned about 5 years does have proffered conditions and in that rezoning we went through great pains to come up with a phasing plan to do road improvements in this entire area. We also held out the prospect of a community development authority or something else that would allow the county to embrace the ideas on 100 acres and apply them to the additional 50 and start to create a mechanism for funding infrastructure, but that hasn't happened. Maybe it'll happen in the future. Maybe it happens as a result of Germanna locating on a portion of the property that is being offered to you now, but at this point, what H.H. Hunt is proposing is over 7 million dollars in investment in utilities and infrastructure for an area that is completely underserved at the moment. The studies that the Planning Commission requested so you could vet some of the information and get comfortable that you were being told the right information, including cultural resource studies. We've done two phase 2 studies on the side. The most recent one that you received shows that there wasn't any civil war activity at the site, that we thought maybe there was at the last meeting. So that's been cleared up. We have done a physical impact analysis that shows that the H.H. Hunt property investment for the improvement to their own property will be approximately 47 million dollars. That was a figure that we didn't have for you last time. We had an approximation. Frankly we low balled it at the last meeting, but 47 million is the number that you'll see in that physical impact analysis when you review it and we also had appraisals done on about a dozen properties. Not all of these belong to Old Potomac Church LLC, some of them belong to others, but all of them, almost all of them were zoned B-2 or B-3 already and we showed through that appraisal that when we bring the infrastructure to this area the net result is that those dozen properties collectively will have an increase in value of 7 million dollars. And so you have 47 million that's going into Abberly and you have an increase in value in those properties that will now be accessed by South Campus Blvd and will also have public water and sewer and electrical service. So the increase for that is 7 million. So there's a very significant improvement in the economic value of this area. And then we have the property that is to be dedicated to Germanna Community College. This was an opportunity that caught us a little bit off guard. 2 years ago H.H. Hunt looked at the property, started looking at putting a proposal together and then during the course of that analysis and review we became aware that Germanna Community College was interested in siting in this vicinity. They worked with H.H. Hunt and with Old Potomac Church and they did a feasibility study and I've provided you a copy of that feasibility study to that back in June. I think you've all seen it. It was a very detailed feasibility study. I was impressed that the Community College invested that much into doing that for this specific property. And their conclusion is that they want this property and that it's ideally located and it meets their service desires and expectations for Stafford County. They do not presently have a permanent home in Stafford. And what they would like to develop here is a permanent campus. And what that campus will do is to become a nucleus for job growth and for attracting people to the area. And so we think that is a huge plus and it comes at a significant cost. The contract to purchase that property, I've told you before, is over 1 million dollars. The appraisal demonstrates that the property is worth over 1 million dollars, once the infrastructure is added. A comment or question was asked about the road infrastructure and in your monetary contributions you specifically set out things for roads and parks and schools and things of that nature. The cost that is very overwhelming in this area is utilities. Water and sewer in particular. Now Old Potomac Church is already contributing to helping providing better service to this area and even to the Stafford Hospital area by currently actively negotiating with Stafford County to provide a 2 acre water tank site that would be a little bit north of South Campus Boulevard. And that 2 acre water tank site is going to bring public water across South Campus Boulevard and onto this area that currently is un-served. So even though that's not part of these proffered conditions and hasn't been a part of the rezoning, the developer is the same and the landholder is the same. They're absolutely committed to this area and making this making this area come to fruition. The proposed multifamily development, specifically

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speaking to Abberly at Stafford Courthouse, is consistent with the Comprehensive Plan. I mentioned before that the road layout that was show in the Comprehensive Plan had some engineering issues with it as those engineering issues were resolved and corrected to fit alignments then the land uses needed to move too, because you wouldn't put half of your high density, multi-family area on one side of the road and the other half of it on the other side of the road. Just doesn't make any sense. So in terms of the number of units and the amount of area, this area is... this proposed zoning is consistent with that plan and the only thing is that half of the units were on the other side of South Campus Boulevard, we just pulled them back. So we made that adjustment. And I think that's completely reasonable and within the scope of what you would expect the Comprehensive Plan to do. At the last hearing the biggest concerns that the Planning Commission had, as I recall them, all sort of revolved the education impact of the proposal. And one of the things that, or the main thing that everyone's focus was, what we had proposed was to give a Community College Campus and provide infrastructure and roads to it in lieu of giving a monetary contribution to County Schools. And we know that's different. We also know that's unique. That's not going to happen again, probably ever. And I don't think that Germanna Community College is going to have another campus somewhere else in the county and that unique set of circumstances in fact is what allows us to be posed with this controversy of can you substitute one sort of education, the County Schools level of education with a contribution that will give you an institution of a little bit higher learning that gives you job training opportunities. I will point out also that we... Dr. Sam, the president of the Community College, has submitted to you a letter explaining how they currently share educational responsibilities at a high school level and that many students take advanced placement courses at the community colleges and they also... there is some discussion about sharing other types of programs: auto repair and vocational programs that will give students a employable skill when they leave high school. Right now you graduate from high school, but you're not yet employable. You really need that little additional education and so we think that's a true benefit for the residents and the young people of Stafford County. In addition to that there's a continuing education opportunity here and you heard from several educators at your last meeting with us on June 26th about how they thought that that should be supported and they would be appreciative of being able to take continuing education classes in Stafford County, instead of taking them somewhere else, half an hour drive from home and being there in class till 10 o'clock or later at night and having to then commute home. So we think that benefit is there as well. With respect to county school age children we had some dialog also about what is the right student generation number. The analysis that had been done by the county based on averages and historic impacts that they had seen, came up with a figure of something around 0.3, a little more, students per apartment unit and that may well be true and the point that we were making, even though that may be true historically, we don't think it's going to be true in this case. And one of the reasons were that half of the units that were being proposed at Abberly at South Campus were going to be 1 bedroom units. And you don't student generation from 1 bedroom units. You have them from 2 bedroom unit or 3 bedroom units. So one of the things you asked us to do is to proffer that there would be a specific number of 1 bedroom units. And that's what we've done in the proffered conditions that were sent back to you. Also in our discussions with staff, they came to some agreement with us, that the 92 students that were suggested in the staff report, was too high. They believe that 68 is better. We think that 52 is the right number, but 68 is closer, so we're working with that. When we had the physical impact analysis done by Mr. Fuller, he called me three times and said: are you sure it's 68? And then when you look at the physical impact analysis you'll see that he points out in his analysis that one of the primary impacts cost wise of residential units is the number of students that are generated on average. He's seeing 5% of the population and any location being students and the county figure of 68 is 15%. So he's just letting you know that he has a little bit of skepticism and we do too. That would bear out what H.H. Hunt's experience has been in other locals where they've built quality units of this type. The units that are

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being proposed at Abberly are class A types of apartments and you've asked us to explain that some. And it has to do with the fact that some of the units will have elevators. It has a lot to do with the types of amenities that they provide. So in this latest round of proffered conditions you will see that we've given a very specific list of recreational amenities that will be provided on site and they're pretty significant. There'll be a 5,000 square foot club house, a 35,000 square foot outdoor pool, a dog park. These will be for the residents. Within the clubhouse there will be the fitness room, a media room, coffee bar, business center, game room, conference room, and lounge area. Now I don't want to bore you, but the fact is that these kinds of things let you know the quality of apartments that we're talking about being constructed here. Also H.H. Hunt owns and manages their properties. When they build a community like this, they own that multi-family community and they manage it. And they have a number of them all around the mid-Atlantic region. There were also some questions about the historical commission. We met with the historical commission on site. We prepared the additional Phase 2, I think I've already mentioned, we gave you a copy of that. There was a request for a traffic signal fair-share contribution. We went back and checked. We saw that that traffic signal is going to be triggered when the first phase of parcel 71A develops. That's another rezoning case and they proffer to pay for that signal, but in the event that property doesn't develop and in the event the traffic signal warrant is met during the time that Abberly is being constructed, then we've said that we'll proffer that they'll pay their fair-share contribution. So there is a monetary contribution there that you have requested that we've added. We added the turn lanes on route 1, that we had unfortunately admitted. Those were recommended in the TIA. A question was asked about VDOT and their questions. We had a very lengthy meeting with VDOT and we went back and did additional analysis. They asked us to take some additional things into consideration. One of the things they asked us to take into consideration was the delay that has taken place as we've gone through the rezoning process. So we had to extend the completion date for the traffic study about 6 month in order to show the right completion date, but that's a function of this process having taken a while. Another item that they've asked us to do, was to find out for them whether or not the traffic from the South Campus parcels, the 100 acres that I mentioned that Abberly is a part of, was included in the TIA that they did. It's called something else, is it MIS or MIA or something, that they did for the interchange with Courthouse Road and the Relocation of Courthouse Road. And we confirmed that they did in fact use the traffic based on the existing zoning of the Abberly Property and why that's significant is that, first it was already in their TIA, whatever they call it, it was already in their TIA, so we just showed them that it was there. The second thing is, is that by changing the use of this 20 acres from B-3 without proffers, the traffic generation coming from the development of this property will be about 80% less. Residential generates less traffic than office buildings do. So there is a net reduction in the amount of traffic that might come from this property. We've not taken any sort of credit for that, but it's a fact and so the transportation impacts are being lessened by this proposal, not increased. There was a request that we look at a shuttle for the VRE and residents who may be interested in getting a ride to the VRE station or Brooke Point. We were told that there was a proffer that we should take a look at. We took a look at that proffer. We thought that it was a little bit too restrictive frankly. It proffered to you a shuttle if something like 12 or 20 people wanted to use it. We thought, well, there probably isn't going to be 12. There may not even be 8. So we lowered the number to 8, but we also thought, well, what do you do if there's 2 or 3. It's a still a legitimate interest. So we've added something to the proffer conditions called transportation demand management. And this is just the tip of the ice berg for TDMs, if you talk to any transportation planners, but it's a start and it's a start for this whole South Campus area, this whole Courthouse Area. Getting people thinking about transportation demand management. And what that says is that there'll be a ride sharing program that'll be managed by H.H. Hunt that will connect their residents who may want to share a ride not just to the VRE, but also to any destination, any employment destination that they may need to get to and would benefit from having that sort of

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system available to them and convenient because it's going to be in the club house where they can get to it very easily.

Mr. Apicella: Mr. Patrick, can you describe that a little bit more? Is it a bulletin board type of thing or is it functionally managed and the ride sharing is up to someone drives, someone rides, or is there an actual vehicle provided of some sort, whether it be a van or a shuttle bus?

Mr. Patrick: In the case where there were 8 people who indicated that they would ride a van to the VRE station, there would be a van available for that purpose. In other instances there would be someone who would keep a confidential list of names and destinations and phone numbers and contact information. The trouble with the bulletin board is security. And so people who might otherwise share a ride are frequently less willing to do so, because they don't want to post their name or phone number somewhere where it could go to someone that they don't want to have it. So when I say it'll be managed, I'm saying that H.H. Hunt would take the names, would compare them and make sure that the destinations match and then provide a conduit for communication between those two individuals that people are comfortable with.

Mr. Apicella: Also, did you communicate with the FRED bus system at all, if they would be interested in having a stop at that location?

Mr. Patrick: We have... we did not communicate with them directly. We know from experience that usually bus systems do not ask for a bus... or don't think too much about providing bus service to an area, especially like this. You can't get a bus to this property at this point in time. Not until we build the roads will you be able too. But we did also include a proffer condition saying that there would be a bus shelter if FRED was willing to add a route to this property. So there is a specific bus shelter commitment from H. H. Hunt that goes along with the TDM. And so that also, I am glad you brought that up, that also in included in the proffer conditions.

Mr. Hirons: Great, thanks.

Mr. Patrick: Thank you. I have already mentioned the fiscal impact analysis and the appraisal report. Those are major pieces of information that I think you all needed to see so that you understood that the numbers that we were giving to you were correct. You will also see in the appraisal document a cost estimate for providing all of the utilities to the site as well as the roads. And so we are requesting this evening that you take action on this case and recommend approval to the Board of Supervisors. And I am happy to answer any questions that you have.

Mr. Rhodes: Further questions for the applicant? Mr. English.

Mr. English: Yes, the 25 acres that you are going be proffering to Germanna, how much does that...

Mr. Patrick: It appraised at over a million dollars.

Mr. English: Over a million dollars.

Mr. Patrick: Yes sir.

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Mr. English: If that happened, what would be the time limit of them starting to build if this was the case.

Mr. Patrick: Well Germanna Community College does have some funding process that they need to go through, as Mr. Apicella asked. There is not a straight forward process for them. They need to secure a site, so this would be the first step in that process. Would be securing the site and then they need to begin a funding program and once they have a property they can work with the folks in Richmond that administer that program to start building the funding program and doing the engineering and working through the process that they need to get the money to build the campus.

Mr. Rhodes: Okay, any other questions for the applicant? Anyone else? Mr. Apicella.

Mr. Apicella: Again, you know I am not an attorney, but I sit by one here. I still have concerns about the language under the education, I think it is 8f. It still seems to me that again, I think it is a great proffer, my concern is Stafford does not control the outcome here and quite frankly Germanna may not control the outcome here. Ultimately I think the State has to pony up the money to make this happen. These are lean time, I am not quite sure this will come to fruition. So as I read this proffer and I hear what you are saying, that the applicant will donate the 25 acres under the conditions that you said. But at the end of the paragraph it essentially says that the applicant can veto any other potential use. And again I am not quite sure that is standard business practice for Stafford County. I think if at the end of the day if you are... if it does not come to pass that there is a community college despite every effort made to accomplish that, that the County should be able to find some other appropriate use for the 25 acres without necessarily having to go to the applicant and getting their agreement. That is my personal view, again I would appreciate hearing from the staff and the attorney, their thoughts about that specific language.

Mr. Patrick: Mr. Chairman?

Mr. Rhodes: Please.

Mr. Patrick: That started off as a question. Can I?

Mr. Rhodes: Please.

Mr. Patrick: Can I respond to it? I think that if there is some additional language or someway that you think that this could be more acceptable to the County, that H. H. Hunt would certainly be willing to consider that. What we are dealing with though, I will let you know there are two sides to the coin. Germanna Community College is very worried that the County is not going to give them the land. They need to have the land, so we have to strike the right balance to make sure that Germanna Community College can show their administrators in Richmond that they have a site. And until they have it in hand, then they need to have a very strongly worded proffer that they can point to and say, this guarantees that we are going to get it. So, it is two sides of the coin, we are sort of on the edge of the coin. If there is a way that someone can help us figure out how to make the County and to make Germanna Community College happy, that is where we want to be. So that would be the answer to that question.

Mr. Rhodes: Ms. McClendon, any thought as to how we might modify it to insure that at the end of the day it is the County's property with definitive right, but that first dibs go to Germanna until all

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good faith measures have been conclude and they are not able to accomplish the building of a community college and it would defer to the County?

Ms. McClendon: I believe the words that you used actually could be formed into a proffer to state that. I don't see it as not being possible

Mr. Rhodes: Okay, maybe we can think about that for a minute. There was also the one of the 400...

Mr. Apicella: Yes, I have still got some more thoughts here.

Mr. Rhodes: Oh, I am sorry.

Mr. Apicella: Again, I appreciate... I think you have got some great proffers to mitigate the impacts of this apartment complex. And one of the issues was and is impacts on the schools, notwithstanding the fiscal analysis that Dr. Fuller did and I respect and appreciate his value to the process. Although as I mentioned, I think in an email, I think his analysis really deals with annual operating cost not the capital cost that would come as a result of adding additional students to the county. That being said you have a, what I think is a great proffer, that would help mitigate the impacts on the school system and the \$400,000 you have identified under Parks and Recreation to be used for artificial turf and or field lighting for Brooke Point High School and/or Stafford Middle School. On one hand it seems to make sense to keep it under Parks and Rec, on the other hand it seems to me that the primary beneficiary would be the school system. And I would ask you to consider moving that proffer to the education section rather than keeping it in the Parks and Rec. Again, it may semantics to some, but I think it would important to the school system to know that it is not controlled by Parks and Rec and it is money they could use to accomplish this purpose. So would you be amenable to that change?

Mr. Patrick: Yes Mr. Chairman. I don't think that we care what type of heading it has. We saw an opportunity to do something for the schools, something even more for the schools on the education side and also address recreational demand and needs. So if the heading needs... if it needs to be under some other heading, I don't think that that's an issue. I would defer more to staff in terms of... and the County Attorney also in addition to that suggestion just to make sure that from their proffer administration perspective, they agree and it does not cause some sort of glitch for them.

Mr. Apicella: Thank you. The other question I had again goes to the issue of credits, and how your offsetting costs would impact the credits that you are asking for. So, for example, on the \$400,000 for schools, is that at risk because you spend money on other things that you need to do to get the property in the right order to proceed forward. So I am not quite sure how the credits will be implemented and I think the staff has some of the same concerns. Maybe they might be able to articulate it better than I can. So if you could maybe walk us through how that process would work.

Mr. Patrick: The monetary contributions that the County normally receives are represented in this proffer condition. We believe in a fair way. But in some instances we are proposing... in many instances we are proposing in kind payments. In kind performance, so the building of the roads would be one of them, that would be a transportation proffer. There are also recreational things, we have those included. Education wise the school itself has a lot of infrastructure, a lot of utility needs, so a lot of cost is coming from that side and we wanted to be sure that you all recognized it, that is how we were making up some of what you might consider a difference between a monetary contribution and the cost of the Germanna College site. What we would normally do is at the time of site plan, when

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the proffer are all being worked through, is there would be estimates of what different road construction cost were going to be and then that would be worked out with staff on how the contributions would proceed based on those estimates. So it would not be monetary contributions going to the County and then the County paying them back. We would normally expect that we would sit down with staff, we would take the number of the monetary contributions, we would take the actual estimates for constructing the road improvements and utilities and then arrive at probably a different number that would be the monetary contribution that would result for that per unit contribution.

Mr. Apicella: Well again if I can sort of simply what I think you are saying, for someone like me who has arithmetic problems. If you said something was going to cost \$10 and it costs you \$12, the extra \$2 would be an offset to monetary contributions that you were going to use for some other or some of the other proffers that you mentioned here in the proffer statement.

Mr. Patrick: I think your concern is that we are going to run out of money on the monetary contributions.

Mr. Apicella: Right.

Mr. Patrick: There are substantial monetary contributions. You saw the cost estimate for infrastructure, or I mentioned it, I don't know if you have seen it yet. It is in the appraisal, its 7 million dollars. That is probably half or less of what the monetary contributions all add up to. So I don't think we are going to have that problem. And we can do some more if you want to see that. We can use some more language, I realize that as you were asking that question that we didn't have anything in here and it may not be a process that Stafford routinely does, where you sit down during the site plan and figure out how the money gets allocated. But it is in some other jurisdictions, I assumed it was here and we probably need to have more dialogue with staff on how we do that. But there is ample monetary contribution here to cover everything and that these contributions that you see for schools will... not schools but for the recreational improvements will be provided. I think that is what your worry was, is that somehow the \$400,000 contribution for soccer fields was not going to be there.

Mr. Apicella: That is my concern. Again...

Mr. Patrick: That is not going to happen.

Mr. Apicella: You draw against the overall amount of money that you are putting into this project and maybe the staff can articulate this, how do we decide... how do we reprioritize if the money isn't there to accomplish all the things that are identified herein? So again, to me, as I mentioned helping the schools out because it do think there is going to be an impact, should be a higher priority than say, I don't mean this to be pejorative because some people think libraries are very important, but maybe that is a lower priority in the grand scheme of things compared to the school system. You have also mentioned some things that I think are in this proffer statement are to the advantage singularly to the development itself. Like the pool, it's not a community pool, it is not a Stafford County pool, it's a pool for the complex.

Mr. Patrick: But it does reduce the and even eliminate the impact on County facilities.

Mr. Apicella: To some extent, but people can go to the Y and go to the pool and pay for that. Again my concern is should you exceed the amount of money that you think you are going spend for the

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necessary... the required infrastructure improvements, how does that impact the other proffers that we would like to see to mitigate the impacts of the growth associated with the apartment complex.

Mr. Patrick: That is a hypothetical and as a hypothetical it is a valid question. In the facts of this case there is ample funding here to cover these costs and they are not going to run out of money. But we can sit down with staff and agree upon a process, or the County Attorney and agree with a way to allocate or refine the proffer to make it more precise.

Mr. Harvey: Yes Mr. Chairman and Mr. Apicella. That was staff's concern is that we have only experienced one other case where there were credits that were determined after the zoning took place. So we don't really have a good mechanism in place on how to determine how... look at how the costs are agreed to and how it is deducted off of certain proffers.

Mr. Apicella: So how would you suggest to try to mitigate that problem?

Mr. Harvey: Well we could work with the applicant to refine that. From a staff perspective we don't think that is something that, if the Commission wanted to move forward, we would say delay the consideration. We could work with the applicant on that. Because the basic idea is there, it's just the mechanical part on how that is done.

Mr. Patrick: Mr. Chairman just to emphasize what I had said before. My client just told me to tell you that the money for the soccer improvements and the recreational improvements is a check. You just get a check, there are no credits. That is not affected by the credit language that we included here. You would get that at the time of site plan. So maybe there are some administrative details we need to work out, but that is our intent. We will make that happen.

Mr. Apicella: I am just going to look over at our attorney and ask if that's some additional language that you think would be helpful in the proffer statement.

Ms. McClendon: Mr. Apicella, yes I believe that there needs to be some clarification to the language in the credits. I believe it is not clear and it is up for interpretation as to how it is applied.

Mr. Rhodes: Okay. If I could just circle back for just a moment on a couple of the open items. So on the \$400,000, an approach, I thought, might be that there, at the end of that there might be a semicolon or other requirements if they are deemed a higher priority for the schools, or for the whatever you want to insert there, by the Board of Supervisors and that leaves it not just targeted to just that one item that you are highlighting. And then on the area there for the education building, for the property on page 15 of 19 on the on attachment 4 near the end of the next to last sentence, I'd suggest that maybe the language states that such dedication shall contain a restricted covenant that will run with the title to set property providing the set property may only be used for Stafford Campus of Germanna Community College, unless if after distinct good faith effort the Community College exhausts efforts to obtain funding for establishment and construction, then the land reverts to the County for other uses. The County will coordinate in good faith with H.H. Hunt or its successors and assigns on those uses, but ultimately retains final determination authority. Something along that line. And I think that gets to where you were at, clarifies that it is... understanding the approach, the intent and the effort. But if it doesn't get there it becomes the County's to decide what to do.

Mr. Hirons: Mr. Chairman?

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Mr. Rhodes: Yes, please Mr. Hiron.

Mr. Hiron: 10 o'clock.

Mr. Rhodes: Oh yes, thank you. We need to stop for just a moment. We are at 10 o'clock. By our by-laws we end meetings at 10 o'clock, unless a vote of the Commission should ask that we extend. So I'd entertain a motion to extend beyond 10 o'clock.

Mr. Hiron: Unfortunately so moved.

Mr. Rhodes: Thank you. Second? Unfortunately 2 seconds. Okay, very good. Any other commentary? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Hiron: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Aye. Any opposed? None, okay we can keep going. So anyway, I think something like that might be something we could act on, if we should desire to and I've got it written down so we could have confirmation that that's acceptable.

Mr. English: Did you put a time limit or is it 2 years that they got. Is that possible?

Mr. Rhodes: I don't know that, but that was something that was in my mind too, but I don't know what's appropriate. I have no idea how the process works.

Mr. Apicella: I think 2 years is ambitious. Potentially maybe 5 years. Some number more than 2, but some number less than 10, I think is reasonable. The budget process takes a lot to work through.

Mr. English: Yes, we can go with 5 years then. I'm okay with that.

Mr. Apicella: Does that sound reasonable?

Mr. Patrick: We would like to check that with the Community College if that's alright with you? We think that should be coordinated with them.

Mr. Apicella: I'm a little concerned, because I thought we were at a point where we had to make a decision tonight.

Mr. Rhodes: We are currently trying to work on some alternatives.

Mr. Apicella: So I hear your thought and need to confirm with the Community College, but that...

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Mr. Rhodes: It says 24th, right? So it's the day before our next meeting. I mean, if we were to do that, if we thought that were reasonable then you could just insert that, unless if after distinct good faith effort the Community College exhausts efforts to obtain funding for establishment or construction, or five years passes, whichever is first, then the land reverts to the County for other uses. The County will coordinate in good faith with H.H. Hunt or its successors and assigns on those uses, but ultimately retains final determination authority. That is an approach should we choose to desire to proceed with that modification.

Mr. Zuraf: Mr. Chairman, at the last meeting the applicant did submit the letter to allow the extension of the 90 day time limit one day to the 25th, which is your next meeting.

Mr. Rhodes: Okay. I'm sorry, I forgot that. Thank you. Okay that's good to know.

Mr. Patrick: Mr. Chairman, the language that you just used concerning 5 years. I'm not sure if you intended that the campus would be complete or that they would have secured...

Mr. Rhodes: Obtain funding for establishment or construction.

Mr. Patrick: Okay.

Mr. Rhodes: It was just obtaining the funding and then you get into planning. So we've got those couple of approaches. Those are the 2 that seem to... I thought I heard you'd be fine with. There was one other item though; we were just talking about wanting to clarify that, on dealing with the credits. So I don't know if that's just too much to try to accomplish and we need to defer or what?

Mr. Patrick: Mr. Chairman, I think that the applicant has made it clear that it's their intention that the recreational credits would all be a different line item, if you will, from the items that are being credited. We would be very pleased if we would be allowed to work with the County Attorney's office to make that more clear in the proffers between now and the Board Hearing.

Mr. Rhodes: So what would the packet be going forward? It's what we pass or it goes back to the original? I remember we had this funny thing, so...

Mr. Harvey: Mr. Chairman, I guess the Commission would have to consider accepting information that's been provided to you for the basis of your decision, based on bylaws.

Mr. Rhodes: Right.

Mr. Harvey: Any revised proffers or agreed to proffers, I'm assuming, would be part of the motion the Commission makes.

Mr. Rhodes: But there was a suggestion there, that there would be subsequent, even after our efforts if we went forward to the Board, other work to clarify the credits, would that just be incorporated into a staff report as a consideration?

Mr. Apicella: Can I recommend, if the intent of the applicant is to exclude the recreational proffers from the credits, can't we just say that in the credits section?

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Mr. Patrick: Yes, I think it could be as simple as that.

Mr. Rhodes: I'm just trying to read through here and see where that is. Such as the sentence of the main paragraph, is that a...

Mr. Patrick: Mr. Chairman, I think, and I'm sorry you didn't acknowledge me before I started talking, but if you look at section 8-G and you read the things that are being credited, it includes very specifically infrastructure type items. These are roads. These are pipes and utilities and some studies associated with having done environmental studies for the Germanna Community College already and so I think we've been very specific in the things that we've credited out here. If someone has suggestions to make it...

Mr. Rhodes: Is that entire paragraph one sentence. I'm trying to find where the hell it ends. It is one, isn't it?

Mr. Apicella: Where are we at?

Mr. Rhodes: G, Page 15 of 19, attachment 4, paragraph G, first, very large sentence. I mean is there just a sentence inserted there at the end, Steve, that says what you just stated?

Mr. Apicella: To me it would be that simple, to say that this does not apply, this section or whatever.

Mr. Rhodes: What does it not apply to?

Mr. Apicella: Recreational.

Mr. Patrick: Contribution is conditioned in 8F, or whatever that number is. I think that's an elegant and very simple answer and I apologize for my list that looks like a sentence that's apparently whole paragraph.

Mr. Rhodes: I think it is, but it's okay. So where are those recreational ones? Those are in 8?

Mr. Patrick: 8-B.

Mr. Rhodes: 8-B, right?

Mr. Patrick: Right.

Mr. Rhodes: Okay. So what I think, if I'm captioning this correctly, what I think we've identified, what was the \$400,000 that you wanted the clarification on, Steve?

Mr. Apicella: It was the one associated with the two schools.

Mr. Rhodes: The two schools, right. So that is the 8-B-3, second bullet. And we would be adding at the end of that: semicolon, or other requirements if they are deemed a higher priority for the schools by the Board of Supervisors. And then after paragraph 8-F, it be inserting at the end after "for Stafford Campus of Germanna Community College": unless if after distinct good faith effort the Community College exhausts efforts to obtain funding for establishment or construction, or five years passes,

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whichever is first, then the land reverts to the County for other uses. The County will coordinate in good faith with H.H. Hunt or its successors and assigns on those uses, but ultimately retains final determination authority. And that would end that sentence. And then at G we would add a sentence that would say: credits do not apply against recreational contributions identified in paragraph 8-B. I think those are the three modifications to the proffers to address the issues. Other thoughts?

Mr. Apicella: Can we just, since the title of B is Parks and Recreation, just say Parks and Recreation amenities, just so there's no...

Mr. Rhodes: Okay, credits do not apply against Parks and Recreation amenity contributions identified in paragraph 8-B. If that seems reasonable, that's a reasonable approach, we can close this, then what we need to is, we need to first take a motion to accept and pass by 2/3 the new information as received tonight and then after that we would have to have a motion to act on the application of reclassification.

Mr. Apicella: Mr. Chairman, I'm not going to try to restate what you just said, but I'll say so moved.

Mr. Rhodes: So there is first a motion to accept the new information that we have received tonight.

Ms. McClendon: Mr. Chairman, I would first suggest making sure the applicant and his representative are okay with the changes made to the proffers since these are their voluntary conditions.

Mr. Rhodes: And we've stated it and she does record it and take theses verbatim now, so I can re-read it if you prefer.

Mr. Patrick: No, I feel very comfortable.

Mr. Rhodes: Is that acceptable, Ms. McClendon?

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

Mr. Rhodes: Okay, thank you very much. And then we need a motion to accept the new information that has been received prior to the posting of the public hearing.

Mr. Apicella: Yes, I made that motion.

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

Mr. Apicella: No.

Mr. Rhodes: Mr. English, new information? Any other member? All those in favor to accept the new information and act upon it signify by saying aye.

Mr. Apicella: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

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Mr. Boswell: Aye.

Mr. Rhodes: Aye. Any opposed? None. Okay, now we're entertaining the motion associated with item number 7, with the modifications that have been discussed, the 3.

Mr. Apicella: Mr. Chairman, I move for approval of RC1200009, Reclassification Abberly at South Campus with the modified proffers as accepted.

Mr. Rhodes: Okay, motion to recommend approval of Reclassification with the modified proffers in the 3 areas as stated. Is there a second?

Mr. Boswell: Second.

Mr. Rhodes: Second, Mr. Boswell. Any further comment Mr. Apicella?

Mr. Apicella: Mr. Chairman, I think this is a good project. I think we need multi-family units in this part of the county. It's consistent with the urban development proposal. It'll be an anchor for additional urban development type growth in that area. I think the applicant has worked in good faith and made a lot of changes and helped us better understand their project. I think it's the first one out of the chute. I really do like the Community College. I hope it comes to fruition. I think we've put in a modification that helps assure us that we still get some benefit out of it if it doesn't happen. Again, it's a good project and I recommend my colleagues approve it.

Mr. Rhodes: Any other comments, Mr. Boswell? Any other member? I certainly thank the applicant for the ability to work together on this and kind of work through some new thing. That was great. All those in favor of the motion to recommend approval of item number 7, RC1200009, Reclassification of Abberly at South Campus with the 3 modifications as were stated and agreed to signify by saying aye.

Mr. Apicella: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed, passes 5-0. Thank you very much.

Mr. Patrick: Thank you very much.

Mr. Rhodes: I appreciate the efforts. Okay, item number 8. Mr. Harvey, proffer guidelines.

8. Proffer Guidelines - Discuss proposed amendments to the County's proffer guidelines for zoning reclassifications. **(History: Deferred on May 8, 2013 to June 26, 2013) (Deferred on June 26, 2013 to July 10, 2013) (Deferred on July 10, 2013 to August 28, 2013) (Deferred on August 28, 2013 to September 11, 2013)**

Mr. Harvey: Mr. Chairman, I know we have some people in the audience waiting on new business.

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Mr. Rhodes: Yes, they like waiting. You want to suggest a modification?

Mr. Harvey: Yes sir.

Mr. Rhodes: Okay. Is everybody acceptable with a modification to the agenda to move on to item number 12, right?

Mr. Harvey: Yes sir.

Mr. Apicella: So moved. TAPE 3:43:01 (Not sure how made motion and second)

Mr. Rhodes: Motion, second?

Mr. English: Second.

Mr. Rhodes: Second. Any other comment? No comments. Okay, all those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Aye. Okay, yeah. Why didn't we do this before, right? Okay, item number 12, new business.

12. *SUB1300202; Shelton Woods Preliminary Subdivision Plan - A preliminary subdivision plan to create 95 single-family lots on Assessor's Parcels 28-2A, 28-126, and 28-127, zoned R-1, Suburban Residential, consisting of 68.54 acres located on the northeast corner of Courthouse Road and Shelton Shop Road, within the Rock Hill Election District. (Time Limit: November 10, 2013)*

Mr. Harvey: Thank you Mr. Chairman. Natalie Doolittle will be giving the presentation for item number 12.

Mr. Rhodes: Thank you.

Mrs. Doolittle: Computer please. Mr. Chairman and members of the Planning Commission, item number 12 is a preliminary plan for SUB1300202, Shelton Woods. The proposed subdivision is located on Assessor's Parcels 28-2A, 28-126, and 28-127, located on the northeast corner of Courthouse Road and Shelton Shop Road. The total acreage is 68.54 acres, zoned R-1, Suburban Residential. The site is located within the Rock Hill Election District and the plan proposes 65 single family lots. Here is a location map, here is Shelton Shop and Courthouse Road, and the 3 parcels included within the proposed subdivision are highlighted in red. It is located across Courthouse Road from Augustine. Here is an aerial view of the site, you can see there is a cleared area for the existing

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90-foot Dominion Virginia Power easement to the rear of the property, and it will be within open space. The three parcels were rezoned in March of this year from A-1, Agricultural to R-1, Suburban Residential, and are subject to proffers. The main access will be from Courthouse Road via Elm Street and the proffers provide for the ability to construct a second entrance as improvements are made to Courthouse Road. The applicant is providing 1 inter-parcel connection at the northern property line as previously proffered. An administrative exception was granted for the required second access connection due to surrounding environmental areas and topography. The applicant is also providing a proffered 30-foot access easement to adjacent Parcel 28-130, where there is an existing driveway. Resource Protection Area is located outside of the proposed lots within open space. A previously proffered walking trail is also proposed within the open space and will be 5 feet in width and asphalt. All lots will be served by public water and sewer and stormwater management will be achieved using two stormwater management ponds, located within open space. Staff recommends approval of the Shelton Woods preliminary subdivision plan. I would be happy to answer any question.

Mr. Rhodes: Any questions for staff? Mr. Hirons, please.

Mr. Hirons: We have got to put her on the spot, she has been here forever. The subdivision plan is pretty much exactly in line as the reclassification.

Mrs. Doolittle: Yes, the road network is...

Mr. Hirons: No significant changes?

Mrs. Doolittle: No significant changes.

Mr. Hirons: What were the changes between... there were some changes, I think, between what we passed and what the Board of Supervisors ultimately passed.

Mrs. Doolittle: I was not involved with it, so I am not a 100% sure.

Mr. Hirons: Stumped you, good.

Mrs. Doolittle: Yeah, you did.

Mr. Rhodes: This is building out across the easement, right? It's building that out there?

Mrs. Doolittle: Yes. You're talking about the inter-parcel connection?

Mr. Rhodes: Yes.

Mrs. Doolittle: Yes.

Mr. Rhodes: Okay. Any other questions of staff? Applicant, anything you want to share? You just want to go home.

Mr. Perkins: I have nothing to add.

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Mr. Rhodes: Okay, that's fine. Any questions of the applicant? Maybe that's what I should ask. Okay, very good. I will bring this back in. This one is yours too, right? Oh Rock Hill. Oh, yeah, I'm sorry, actually I did communicate electronically with Mr. Gibbons just to see if there were any reason for any concerns and he had none. And so he was excited about the opportunity, if the will of the Commission was such that we were ready to move this forward and approve, he was comfortable with that as well. So, we need to entertain a motion associated with this one.

Mr. Boswell: So moved.

Mr. Rhodes: Okay, I think that is a motion for approval of the Shelton Woods Preliminary Subdivision Plan by Mr. Boswell. Is there a second?

Mr. Hirons: Second.

Mr. Rhodes: Second by Mr. Hirons. Any other comments Mr. Boswell?

Mr. Boswell: No.

Mr. Rhodes: Mr. Hirons?

Mr. Hirons: No, I think both Mr. Gibbons and Dr. Schwartz really gave the applicant quite a bit of grief during the reclassification. Too bad they're not here to...

Mr. Rhodes: I notice we're talking about the two that aren't here, I see what you're doing.

Mr. Hirons: So no, no further.

Mr. Rhodes: Okay. Any other member? All those in favor of the motion to approve preliminary subdivision plan signify by saying aye.

Mr. Apicella: Aye.

Mr. Hirons: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Aye. Any opposed?

Mr. English: Nay.

Mr. Rhodes: It passes 4-1. Okay, got you, I'm with you, 4-1. Very good, so we're all set on it. Thank you very much. Thanks for your patience, I appreciate it. Mr. Harvey, do you want to go ahead a move on to consider participation in a joint public hearing and close out the new business?

Mr. Harvey: Yes sir, that'd be terrific.

Mr. Rhodes: Okay.

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13. *Consider Participation in a Joint Public Hearing*

Mr. Harvey: The Board of Supervisors has passed a Resolution requesting the Planning Commission's participation in a joint public hearing on October 1st. They deal with 3... actually it's 3 public hearings; a public hearing for a reclassification, a public hearing for a conditional use permit, both involve multi-family dwellings in the Celebrate Virginia neighborhood, also a zoning text amendment that would allow multi-family dwellings within that zoning category.

Mr. Rhodes: So if I could butcher the... capturing what this is. This is the application that was in Celebrate North that had 2 disparate parcels associated with it; lot H and lot I, I think, or something like that. One was secured student housing, if you will. And the other one were apartments that could supplement it that was in a whole separate area, further south, further closer to residential. This is that application, right?

Mr. Harvey: It's a modification of that application.

Mr. Rhodes: Taking out that second parcel and just sticking with the one that was further up, away from the housing.

Mr. Harvey: Also a smaller land area than the original application.

Mr. Rhodes: Okay. I just wanted to make sure I...

Mr. Apicella: As you are clarifying it, as I recall we ultimately approved that second piece that they now want us to move forward on, that is separate from the...

Mr. Rhodes: Well, I think we were good with that and we told....

Mr. Apicella: That's what I am saying.

Mr. Rhodes: Yes, if they had not had this other part we would be fine with it, but because of the other part, I thought we recommended disapproval.

Mr. Apicella: I thought we recommended approval of just the second piece of it.

Mr. Rhodes: No, because it was one application.

Mr. Apicella: Okay.

Mr. Rhodes: Because of that we couldn't, we said if you had had that other part alone we would've been okay.

Mr. Apicella: Got ya.

Mr. Rhodes: That is kind of how I remember it. Okay, so they're wanting to take that forward in a joint public hearing.

Mr. Harvey: Yes, correct. That would be on Tuesday, October 1st.

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Mr. Rhodes: So, if and as we do that, then our options after that public hearing would be, if we were so moved and so comfortable and so positive, we could as a body, as the Planning Commission take a vote on it and move it forward or we can take an action at that point in time to refer to our next session to talk, if there are other issues we need to work out, correct?

Mr. Harvey: Yes sir.

Mr. Rhodes: Okay. And then the Board will have to take a separate action regardless, as a body, to move forward, but this satisfies the public hearing requirements in one fell swoop.

Mr. Harvey: Correct.

Mr. Rhodes: Okay, got it. So do we have to take a motion to accept the invitation to participate in the joint public hearing? Is that what we are doing here?

Mr. Harvey: Yes sir.

Mr. Rhodes: Okay, okay. Thought, comments?

Mr. English: I make a motion to participate...

Mr. Rhodes: Motion to participate in the joint public hearing or accept the invitation or go to the party. Is there a second to go to the party?

Mr. Apicella: Second.

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

Mr. English: No sir.

Mr. Rhodes: Further comments Mr. Apicella? Further comments anyone else, who is really excited to be here at 10:22?

Mr. Hirons: They better give us comfortable chairs this time.

Mr. Rhodes: Okay, comfortable chairs. No, we are going to have to sit in the little chair right next to our Supervisor.

Mr. Hirons: That's what we did last time; they were not comfortable for an hour and a half.

Mr. Rhodes: All those in favor of the motion to accept the invitation to the party for the joint public hearing signify by saying aye.

Mr. Apicella: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

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Mr. Boswell: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed, we are going to a party. Okay. So now we are... where are we Mr. Harvey?

Mr. Harvey: Mr. Chairman, if the Commission so desires we can go back to the item dealing with proffer guidelines. However, I will note that your meeting agenda for your next meeting is rather light since you disposed of a lot of...

Mr. Rhodes: I really think we need more for our next meeting. So it seems to me, this would be a good one to defer to our next meeting unless that really throws us off Mr. Harvey. Does that throw us off?

Mr. Harvey: No sir.

Mr. Rhodes: We don't... we are open ended on that item aren't we?

Mr. Harvey: Yes sir.

Mr. Rhodes: We've got time if we want to defer that to the next meeting folks.

Mr. Boswell: That's fine.

Mr. Hirons: Move to defer.

Mr. Rhodes: Okay, I think we have consensus. We have got a unanimous...

Mr. Hirons: That's good enough.

Mr. Rhodes: Alright. So Mr. Harvey, Planning Directors Report.

9. 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) (Deferred on August 28, 2013 to September 25, 2013)**
10. Comprehensive Plan Amendment; Urban Development Areas - Amend the Comprehensive Plan recommendations for Urban Development Areas and targeted growth areas in the County. **(History: Deferred on February 27, 2013 until further information from staff)**

Item 10 was discussed after the County Attorney's report.

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

NEW BUSINESS

12. SUB1300202; Shelton Woods Preliminary Subdivision Plan - A preliminary subdivision plan to create 95 single-family lots on Assessor's Parcels 28-2A, 28-126, and 28-127, zoned R-1, Suburban Residential, consisting of 68.54 acres located on the northeast corner of Courthouse Road and Shelton Shop Road, within the Rock Hill Election District. (**Time Limit: November 10, 2013**)

Item 12 was discussed before item 8.

13. Consider Participation in a Joint Public Hearing

Item 13 was discussed before item 8.

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Mr. Chairman, I have no report tonight.

Mr. Rhodes: You're a good man. County Attorney's Report.

COUNTY ATTORNEY'S REPORT

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

Mr. Rhodes: You're an even better woman, great. Committee Reports... is there anything from a committee report perspective? Mike's running... what did we miss dude?

COMMITTEE REPORTS

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

Mr. Zuraf: I have something for item 10, Comp Plan Amendment.

Mr. Harvey: Oh I'm sorry, I totally forgot.

Mr. Zuraf: I know it's been deferred many, many times but we actually have something.

Mr. Rhodes: Oh, we have something for it, okay. Oh this is what you handed...

Mr. Zuraf: And you received that just tonight.

Mr. Rhodes: Yes, why don't you just...

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Mr. Zuraf: I can give you a brief...

Mr. Rhodes: Briefly talk us through it, okay.

Mr. Zuraf: We do have some maps we can put up on the screen.

Mr. Rhodes: Three steps from a clean getaway man.

Mr. Zuraf: So, what I have put together is kind of a basic framework of some draft amendments to the Land Use Plan in response to the Commission's June 1st retreat. What we did... if you go to the computer please, thanks... we were requested to designate a targeted growth area in the center part of the County. Approximately the area from Courthouse Road Interchange down to the Centerport Interchange and within that area some of the basic principles were to designate business/commercial areas, transitional areas and suburban areas. And we have a certain form of that with some modifications for your consideration. The targeted growth area is on this map, which you have. It is overlaying the current Comprehensive Plan Map, just so you can kind of see the limits. It generally covers and includes the Embrey Mill project and some of the undeveloped properties along Courthouse Road, the land around the Courthouse area out to Brook Point High School and then down to include the land around Centerport Interchange down to, I believe it's Claiborne Run and then some of the other properties within the urban service area there. So, I'm not going to go into a whole lot of details with that. We can definitely in future meetings continue discussion on this and have more detailed discussion. The next map gets into providing specific new land use recommendations and what we did, we have new land use designations. I will point out, the one thing we do have is a new land use designation called the Courthouse Area. It does follow through with the recommendation consistent with the Courthouse Small Area Plan. That is the pink shaded area. The red brick color is the courthouse area and that's our recommendation just to kind of continue the Smaller Area Plan recommendations that have always been recommended and then we have Neighborhood Center land use. Now that is land use that would maybe consistent with the transitional land use that was suggested. This is an area where it would be recommended to include higher density residential apartments and townhouses potentially, but also require in these areas a mix of commercial development, retail, service development to support the higher density residential in that area. And so, just to kind of point out, and you see along Courthouse Road as you head out west, you have different areas identified as possible neighborhood centers where you can have some higher density residential and commercial. Then there is one area down, a neighborhood center down along Route 1, just to the north of the Eskimo Hill Road Intersection with Route 1, but not to the south and then a neighborhood center around the Courthouse Interchange, basically to the west of the Courthouse Interchange, down to Enon Road. So there is the neighborhood center use and then some of the other areas beyond the neighborhood center is a suburban land use, consistent with the suburban land use that we've always kind of recommended in the Comp Plan. Currently we have single family detached homes up to 3 units per acre. So some of those transitional areas then would... beyond the transitional areas would be your conventional suburban land uses. The, kind of, also to point out, in the northern part of the county, that urban service area does extend out and is extended in two spots out to the east, along Courthouse Road to include Stafford Middle School and Brooke Pointe High School, but then it does include some of the land in and around those properties, but the two school sites basically take up the majority of that expansion. So I just recognize those facilities as being inside the Urban Service Area. They're already served by public utilities and then out to the west, on Courthouse Road, along Ramoth Church Road, which it runs to the south between Augustine North and Augustine Central/Colonial

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Forge we recommend an expansion of the urban service area between those two pockets of higher density development. So we can talk more about that in a future meeting.

Mr. Rhodes: And it stops before the 610 stuff, because that is already developed and these are the targeted areas.

Mr. Zuraf: Correct. It doesn't go up above Embrey Mill.

Mr. Rhodes: Gotcha.

Mr. Zuraf: And in this you see the Urban Development Areas within this area go away. The business and industry land use then has been expanded to include more of the land around the Stafford airport, goes all the way up to Accokeek Creek. Does include land still along Interstate 95 to the eastside of 95 to the eastside of 95 along route 1. The Eskimo Hill UDA that is transitioned over to business and industry land use and then a lot of the land that once was the Centreport UDA that has changed over to business and industry down to Potomac Creek. Once you get south of Potomac Creek, that's where that neighborhood center begins.

Mr. Rhodes: And then you have the little split piece even further south.

Mr. Zuraf: Yes, down below Enon. That's land along Wyatt Lane. That's where this county bus garage is and other industrial uses. And some of the things not on the map, the Brooke stations UDA would be converted to the agricultural rural land use. I have these points in the memo you received. Leeland Station would be converted to suburban land use. I've kind of gone over the Southern Gateway UDA, how that's converted to different uses. In the plan you'll see the black and white dash line. We include some additional transportation networks through these areas to kind of highlight how we might serve these areas with new transportation networks. Also I mentioned the urban service area expansion in two locations. Also then, in the whole effort of doing away with the urban development areas, outside of that targeted growth area, we had to deal with the Southern Gateway UDA and so we're moving that UDA, we converted that to business and industry land uses and along Interstate 95 we've been working with the economic development staff. We did retain two pods of neighborhood centers. One on the west side of 95 and one on the east side of 95, along 17. Then we added in the orange line as the Highway Corridor recommended land use for all the properties that front directly on route 17. All the development proposals we received over the last few years are kind of still trended towards highway oriented commercial along that corridor.

Mr. Rhodes: So what do we owe back...

Mr. Zuraf: Well, this is kind of a first look and I think this is going to require us to go through and do some changes to the text of the chapter 3 land use section of the comp plan document.

Mr. Rhodes: So we owe them kind of a ... this is to build on the short paper we provided them and we owe them kind of a more detailed plan and what changes would be necessary, right?

Mr. Harvey: Yes, so you're actually a Comprehensive Plan Amendment. So as Mike said, there'll be a number of changes we'll have to make to the text of the plan to reflect whatever changes to the map we do, also have to coordinate with VDOT to make sure that they're okay with what's being proposed. The state law requires us to coordinate with them on the process. We also will likely have to work on

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remodeling it based on the road segments that we've identified and the land uses and possibly add more road segments or take some off, based on the study. So we'll outline some more detail to the Commission at your next meeting as to process and timeline.

Mr. Rhodes: Any reactions anybody has? I mean, I think it's a good characterization of the, kind of, the intent of what we're trying to do in the narrative earlier. So, I don't know, I think it's great work.

Mr. Zuraf: Thank you. I just wanted to give you this initial look before we get too much into all the details of the text amendments in case we're heading in the wrong direction.

Mr. Rhodes: Super.

Mr. Zuraf: Thank you.

Mr. Rhodes: Thank you very much.

CHAIRMAN'S REPORT

Mr. Rhodes: Back to the list. There's really nothing on it. Chairman's Report. It's 9/11. I had many opportunities today to think back on all the privileges we have, but also all the sacrifices that have been made and we have a one of a kind country here. And it is a privilege to be born as a citizen here. Other business, TRC, what's up on the 25th? Is that all you've been waiting for? Why don't we ever get this? I don't know why we do this every week.

OTHER BUSINESS

14. TRC Information – Meeting September 25, 2013

Mrs. Hornung: It's okay. No problem. Good evening again, Mr. Chairman, members of the Commission. We have two items for Mr. Rhodes, Garrisonville District. One is Westgate at Stafford Courthouse which is a 48 residential lot subdivision and that's going to be located on the east of Austin Ridge, north of Courthouse Road. It's going to be across from Shields Road and it backs up to 95. This is on the 25th and the then the other one is Embrey Mill, Stafford County Parks and Rec, the Athletic Fields Phase 2. And this will be a 75,000 square foot building that's going to include a build-out of 11 rectangular athletic fields, indoor pool and recreational facility. And that's in Embrey Mill.

Mr. Rhodes: And typically we try to start those about 9 o'clock... 9 and 10?

Mrs. Hornung: Yes sir. That is correct.

Mr. Rhodes: I'm certain I'll be... I'll have to dial in, call in and then I know we've got right now 9 to 9:30 and I've got 10:30 to 11:00. So I'll probably play on the first half of the first one and jump in as soon as I can get to it on the second one. Okay. And I'll get that stuff from you. Thank you very much.

Mrs. Hornung: You're welcome. Thank you.

APPROVAL OF MINUTES

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Mr. Rhodes: I'll entertain a motion for the approval of the August 14th minutes.

Mr. English: So moved.

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

Mr. Hirons: Second.

Mr. Rhodes: Second by Mr. Hirons. Further comments? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Aye. Any opposed? Very good. Mr. Harvey, anything we missed?

Mr. Harvey: No, Sir.

Mr. Rhodes: Ms. McClendon? No? Very good. Thank you all very much.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 10:37 p.m.