

**STAFFORD COUNTY PLANNING COMMISSION MINUTES**  
**March 12, 2014**

The meeting of the Stafford County Planning Commission of Wednesday, March 12, 2014, 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, Apicella, Coen, Bailey, English, Boswell, and Gibbons

MEMBERS ABSENT: None

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

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Are there any declarations or disqualifications this evening?

Mr. Gibbons: Yes sir.

Mr. Rhodes: Yes, Mr. Gibbons.

Mr. Gibbons: On item 1 and 2, I did meet with both the applicant and the owner of the property on numerous occasions and with the Board member from Rock Hill.

Mr. Rhodes: Very good. Good always for clarity, certainly not an item of disqualification, but always clarity when there have been other discussions ongoing. So thank you very much for that, Mr. Gibbons. Any other items?

Mr. Apicella: Mr. Chairman, I also met with the applicant's agent on item number 6 to talk about some issues and concerns that we had.

Mr. Rhodes: Very good. Yes, in fact that was a part of a public discourse and identification at the meeting when we had our last session that you'd meet with them; I think it was last Saturday as a matter of fact. Thank you very much for that. Good always to have that clarity. Anyone else? Please, Mr. English.

Mr. English: I also met with number 6 with Steve also (*inaudible*).

Mr. Rhodes: You joined with them?

Mr. English: Yes sir.

Mr. Rhodes: Okay, very good. Thank you very much. Okay, with that I will move onto the public presentations. If anyone would like to speak on any item that is not scheduled for public hearing, so any item other than the topics of items 1, 2, and 3 on the agenda, may come forward and do so at this time. When you do I'd ask that you come forward and state your name and your address. Then a green light will come on indicating that you have 3 minutes to speak. After a little bit, a yellow light will come on indicating 1 minute and then a red light will come on. We'd ask that you would try to wrap up your comments at that point in time. So please come forward. Thank you.

PUBLIC PRESENTATIONS

*Planning Commission Minutes  
March 12, 2014*

Ms. Colson: Good evening ladies and gentlemen, my name is Hazel Colson. I'm here to raise some concerns in reference to the development that's going to take place at the corner of Furnace Road and Route 610. The couple of concerns I do have...

Mr. Rhodes: Ma'am, if I could, I apologize, I don't mean to interrupt you, but we will have a public hearing on that and there will be opportunities for discussions on those items. Are you talking about the North Stafford Office Complex proposal for Sheetz?

Ms. Colson: Yes.

Mr. Rhodes: We'll have two opportunities for public comment at that time.

Ms. Colson: I apologize.

Mr. Rhodes: No, no, ma'am, not at all, ma'am, not at all. We've got processes and rules that have gone back forever, but thank you very much, ma'am. Sir?

Mr. Waldowski: Paul Waldowski. Yesterday I gave a speech about elementary school redistricting and I ran out of three minutes so I'll finish the speech here. But before that I want to make sure that when you're recording the minutes that some of the things don't come clear across of what I say. So we are in the 350 year anniversary and I believe last time I spoke here I mentioned to the public about the Rocky Pork Reservoir. I didn't say Rocky Pen, I said Rocky Pork Reservoir. It took 22 years to be developed and now there's many of us citizens who are looking for a return on investment because we don't get water and sewer bills because we live in districts where even our Supervisor was elected by only 38% of the vote. That means 62% of the voters didn't want that Supervisor to be in there. As a matter of fact, in honor of the 350 year anniversary, I think we should put in the time capsule that we have two Supervisors who did not have over 50% of the vote in their district. I wonder what Thomas Jefferson would say. Getting back to the last two paragraphs of my elementary school redistricting, there are hundreds of undeveloped lots that may never be built out in the part of the County which is the Widewater school district. And the 2010 Census showed that this County population has grown at a higher rate than the school population which, when you look at it analytically, even if they would have used the ORED consultant. That means that we have a population of older folks who don't have children in school, or we have a group of younger folks who aren't having children yet. Now to single out any group, whether it be rising fifth graders, transfers, military, pre-kindergarten, even the neighborhood, those who do not live in a district, daycare, attendance zone housing, economics, or as the facilitator pointed out at the town hall meeting, it's just simply not fair and objective and impartial. Lady Justice has that blindfold on for a reason, to symbolize fairness. But this committee, that selected that 50 children were going to be moved, is just following true grit, if John Wayne's in it or the Pirates of Penzan and Beau Bridges with the patch being over one eye. We're not overcrowded; we're just not using our resources to its finest abilities.

Mr. Rhodes: Anyone else would like to speak on any item other than the three that are on for public hearing?

Ms. Hazard: Well, my name is Holly Hazard. It's an honor to be in front of all of you all again. I'm here just tonight to talk about the proffer guidelines. I'm not going to say too much. Most of you know, I spend a lot of time working in that area. The concern that I have is about the school children and the number that's being used. I just wanted to clarify for anybody who wasn't part of the process. Those numbers were provided through the school but they were generated by the Commissioner of Revenue.

*Planning Commission Minutes  
March 12, 2014*

The Commissioner of Revenue took those figures and put them in new development. What the Commissioner of Revenue determined was new development, when people decide to buy new homes in Stafford County, they tend to have kids. That just was born out by, I believe, it was 3 to 4 developments. I know Austin Ridge was one of them; one was Hampton Oaks, Stafford Lakes and I apologize I can't think of the others, but I'm just saying; these figures were rooted in real data. Which when we're trying to determine how much money we should be determining, should be coming in from new development. We should be using real figures. We went; we got them; we studied them. That doesn't mean that sometimes those number are going to be different, but my comment to the County is, we should go with the data that is our own data to use to generate these kids. If a developer or someone comes in and says "my development is going to bring in less kids, because it's 55+; it's all 1 bedroom apartment"; that's fine. That can be determined during the proffer process or the negotiation process, but my concern is, let's not artificially pick a different number of an average when we have done the research. We found out what new development brings in and I would just urge you all to stay with that number, because it was researched and the Commissioner of Revenue did that for a reason and this would conclude my comments and have a great evening.

Mr. Rhodes: Thank you very much. Welcome back. Sir?

Mr. Reese: Good evening. My name is Bruce Reese. I am here representing the Fredericksburg Area Builders Association. Thank you very much for taking time to listen to our concerns and for taking additional time to meet with us. We appreciated that immensely and I hope it was a dialog that was beneficial to both parties. Very quickly, we have forwarded you letter that outlined several of our concerns. Ms. Hazard has mentioned one of them – schools. We would advocate that the County average be used for determining what the proffer guidelines should be established based on. At what point does a new home no longer be a new home. Is it 2 years in; 5 years in; 10 years in? The idea is that mortgages for these new houses last for 30 years and so it's not an arbitrary number, it is the County average. We would also look that you make sure that the costs are fair for the construction for the schools. We would like to see allowances for reductions in taxes paid for capital projects. We'd like to see consideration for commercial share of the capital projects that are constructed. We would like to see allowances for dedication or construction of specific items that are necessary and needed by the County and we'd like to see flexibility in how those cash proffers are utilized. Again, thank you very much for all of your time. We've appreciated it very much and we'd be happy to answer any questions if you have any.

Mr. Rhodes: Thank you, sir; appreciate it. Anyone else would like to speak on any item during the public presentations other than those who are scheduled for public hearing? Okay, I will close the public presentation portion and we'll move on to public hearings. And just to clarify and remind what will happen on the public hearings is staff will make a presentation on the topic on the agenda item, then the applicants will be allowed to come forward and speak and present other aspects of the application, and then it will be open for public comment. With that we'll go on to item number 1. I assume we'll do 1 and 2 together, Mr. Harvey?

Mr. Harvey: Yes please.

Mr. Rhodes: Okay, very good. Please.

PUBLIC HEARINGS

1. RC1300427; Reclassification – North Stafford Office Complex Proffer Amendment - A proposed amendment to proffered conditions on Assessor's Parcels 19-31A, 19-31B, 19-31C,

*Planning Commission Minutes*  
*March 12, 2014*

19-32, and 19-32A, consisting of 21.42 acres, zoned B-2, Urban Commercial Zoning District, to accommodate vehicle fuel sales and convenience store use on the property. The property is located on the south side of Garrisonville Road and east side of Furnace Road, within the Rock Hill Election District. **(Time Limit: June 10, 2014)**

2. CUP1300428; Conditional Use Permit – North Stafford Office Complex Sheetz - A request for a Conditional Use Permit (CUP) to allow motor vehicle fuel sales in a B-2, Urban Commercial Zoning and Highway Corridor Overlay Zoning District, and a convenience store in a Highway Corridor Overlay Zoning District. The site is on Assessor's Parcels 19-31A (portion) and 19-32A and is the subject of a concurrent reclassification request for an amendment to proffered conditions. The property consists of 2.3 acres, located on the south side of Garrisonville Road and east side of Furnace Road, within the Rock Hill Election District. **(Time Limit: June 10, 2014)**

Mr. Zuraf: Good evening, Mr. Chairman, members of the Planning Commission, Mike Zuraf with the Planning and Zoning Department. Yes, I'd like to go ahead and present items 1 and 2 together. If I could have the computer please? These two applications are for projects associated at the North Stafford Office Complex and specifically for a proposed Sheetz gas station within this complex. Item 1 is a Reclassification and item 2 is a Conditional Use Permit. The specific request for item 1 would be to amend proffered conditions on the site. The site covers several properties, over 21.42 acres. The property is zoned B-2. The applicant is proposing, as I mentioned, a Sheetz gas station and the Sheetz development would not comply with the existing proffers that are in place on the project. The original development scheme and associated proffers were reflective of a different layout on the site. The applicant is proposing to amend the proffers and other development requirements to support their project. The history on the zoning; the property was rezoned back in 2004 from A-1 agricultural to B-2 urban commercial. No development has occurred on the property since that rezoning. The location of the site; it is on the south-east corner of Garrisonville Road and Furnace Road. Garrisonville is in this location, Furnace Road is in this location and as far as the zoning goes, this property, the pink shading designates B-2, urban commercial zoning. You have that, on the opposite side and adjacent to the property and then also to the south of the property is R-1 suburban residential zoned property that's land that primarily makes up Vista Woods neighborhood and then also there's A-1 zoned property along Garrisonville Road and other also along Furnace Road. We've got the existing conditions of the site through this aerial photograph; site's undeveloped, the terrain is rolling, primarily open fields, a few stands of trees. There is a farm pond located on the property that drains to the west underneath Furnace Road. On the southern property boundary is a perennial stream and resource protection area and flood plain in this location. Also, some of the surrounding uses to the north; you have the North Stafford Center for Business and Technology, you have retail buildings along Garrisonville Road and behind that property along Tech Parkway are several office buildings. There are other large lot, rural residential uses along Garrisonville Road; some flex office uses to the east on Garrisonville Road and then as mentioned the Vista Woods residential subdivision to the south and east of the property. Getting to the specific amendments to the proffers that are being proposed; the applicant's seeking to amend proffer 3, which deals with access and travel ways. They're proposing to amend this proffer to allow for one additional access point on both, Garrisonville Road and Furnace Road. They're proposing specific road improvements. There is a new exhibit they've submitted which I'll go over that details some of those road improvements. Those include installation of acceleration / deceleration lanes at their entrances along Garrisonville Road and Furnace Road; also a left turn lane onto Furnace Road into this project and then also the exhibit identifies a new internal travel way layout that's anticipated. This is the original general development plan that was part of the approval in 2004. Just for orientation again, here is Furnace Road and Garrisonville Road. The original proffers limited the site access to one entrance off of Furnace Road and one access off of Garrisonville Road. The use is; there are 6 office buildings

*Planning Commission Minutes  
March 12, 2014*

shown on the property in these locations and then parking surrounding the site and then an open space park in the middle of the site in this location. The specific layout and uses were never proffered in that original approval, but applying the new uses to the site required a modification of this general development plan. So the new exhibit, now the image is shifted. You have Furnace Road across to the top and then Garrisonville Road is in this location. So this new exhibit, the applicant is proposing to add a second access a point; one would be in this location off of Furnace Road and a second access point off of Garrisonville Road in that location. These would connect specifically to the new internal travel way; travel ways that are depicted on this exhibit which then would feed into the proposed Sheetz store that would be right located at the corner. The location of the open space park is maintained generally in the same location. The orientation of it is a little different, but it's the same spot and the size is the same as well. You can see the travel ways through the site and then also some of the details on the additional lanes that would be part of the development of this project to help traffic flow around the site.

Mr. Rhodes: Now, Mr. Zuraf, on Furnace Road, that's not a raised median in the middle, correct? It's a striped...

Mr. Zuraf: That would be a striped median, yes and along Garrisonville Road you have an existing raised median. There are no plans to change that. The new entrance off of Garrisonville Road and this location that would be a right in, right out. The one that was always approved in this location, there's a median break in this plan that there would likely be a traffic signal needed there – possibly. Considering the issues with amendments to proffer 3, which affects transportation, the applicant did conduct a traffic impact analysis to determine the impacts on the on the new entrances and then the Garrisonville Road - Furnace Road intersection. The new entrances would operate at acceptable levels of A and B. As you know the levels of service of anything C or ... A, B or C is acceptable, so this does work. Now the 610 – Furnace Road intersection study found that the level of service D in the p.m. peak hour, the a.m. peak hour was acceptable. The level of service D would be ... that would be the case whether this development was in place.

Mr. Rhodes: It is what it is.

Mr. Zuraf: That would be a future condition without the project and with the project as well. And through the study, the study did find that the delay would be lessened with the improvements that they're adding in. The transportation plan talks about levels of service and recommends level of service C or better be maintained, but if that cannot be maintained, that delay which is measured in a number of seconds, that that not be worse than that. The proposal meets those standards. The transportation plan also identifies Garrisonville Road as a four lane, divided facility across this area. That's already the existing condition, so no additional widening would be needed along Garrisonville Road in this location. Then the lane improvements also, that are shown on the exhibit, that was reviewed and approved by VDOT during the traffic impact analysis process, during the review. So the next change would be to proffer 6, dealing with building design. The applicant is proposing to replace the original illustration that was proffered. Their proposal would be to basically delete this building elevation which depicts an office building and replace it with material standards for the buildings that would be in place on this site. Staff does note that the existing proffered illustration may not be consistent with the current architectural standards in our neighborhood design standards plan and element of the Comp Plan. That design guideline discourages lengthy, continuous facades with the same material over 100 feet in length. Also they recommend more incorporation of vertical elements and recesses and projections and so some of this building may not conform with that latest design guideline that we have for the county. The new proffered materials for any building on the site include split block stone, masonry, and hardy plank materials, and limited use of what's known as EIFS material. And these materials meet the recommendations of the neighborhood design standards plan as it relates to building materials. Other

*Planning Commission Minutes*  
*March 12, 2014*

amendments include amendments to proffer 7, regarding fire sprinklers. They would modify this proffer to require fire sprinklers in all office buildings, in the only office building, so for example the Sheetz building would not specifically be required under the proffers to have fire sprinkler. Although some uses still may have to provide fire sprinklers, because they still would need to meet building code requirements which have standards for different uses in different sizes of buildings, so it's just not a ... they're proposing to remove a requirement for anything, regardless of the size or use and it would apply only to office buildings.

Mr. English: I'm sorry, Mike, so you're saying they want to take the fire sprinklers out of that?

Mr. Zuraf: For anything other than office buildings as a specific requirement. So as it is now, so the Sheetz comes in, they would have to install fire sprinklers and any use on the site would have to. They are proposing to have that only apply to office buildings as a requirement, but building code may require it anyways in other uses that come along. The fire marshal's office has reviewed this change and they, well, often kind of recommend that in certain locations, depending on the situation. They did not have a problem with this change in this location. There is an old proffer 8, which propose deletion of requirement to install specific buffers that were shown on the original GDP. The original GDP identified for instance a 50 foot buffer adjacent to the residential uses along High Street. Staff would note that the current buffer standards that would apply require a 50 foot buffer in this situation, but the current standards do allow a reduction of that buffer down to 25 feet if the applicant...the applicant would have to install a board on board fence in place within the buffer in order to get that reduction. Proffer 9 would deal with the open space park and just allow for that modification of the location and does add a minimum size requirement which is not in the current proffers. Proffer 12, dealing with delivery hours, is proposal to modify this requirement to require delivery restriction to office and non-retail uses. So it would open up the ability for other uses on the property, retail and uses such as the Sheetz use, to have deliveries at any hours of the day and night. So this would potentially increase potential noise impacts on existing residences that might be adjacent to the project. Then also there is a new proffer 15, which is a minor addition to require the enhanced buffers that are proposed on the Sheetz site to maintain a sight distance at their entrances for safe ingress and egress from the project and the applicant did submit a new, revised set of proffers which we sent to you earlier in the week. They added a new proffer 16 in response to some staff comments that would require the applicant to install a crosswalk across 610, Garrisonville Road within 90 days of occupancy of the second building on the site. So it wouldn't be required with the Sheetz use, but the next building that comes in, after that's done, the crosswalk would need to be installed across to...which would connect up with the uses at the North Stafford Business Park to the north. The Comp Plan identifies the site as a commercial node within the suburban land use designation. This encourages commercial activities where there is adequate transportation facilities. Suburban areas are designated to be of primarily residential nature but complimented by neighborhood and community oriented business activity centers. It does specify that higher intensity commercial uses are recommended to obtain a conditional use permit which is happening in this case. Staff does believe the proposed amendments to the proffers are consistent with the Comp Plan recommendation, including a lot of the specific design requirement that are included within this section of the Comp Plan. The proffers would serve to limit access points and establish a coordinated transportation network through the development. The higher intensity Sheetz use is required to get a conditional use permit as well as recommended in the plan. So for summary of the reclassification item 1 staff finds that for positives it's in conformance with the Comp Plan, consistent with the established and proposed development in the area, proffered road improvements and access restrictions to mitigate impacts and the building materials will be consistent with our neighborhood design standards plan recommendations. Staff does not find any apparent negative impacts with the rezoning and would recommend approval of the proposal with the amended proffers and go I'll go on to item 2, which is the conditional use permit. This would be a request for specifically for motor vehicle

*Planning Commission Minutes*  
*March 12, 2014*

fuel sales in the B-2 zoning district and Highway Corridor Overlay zoning district and convenience store within the Highway Corridor Overlay zoning district. Again, this is for the Sheetz gas station and convenience store. It's on a portion of the overall site that covers 2.3 acres. The applicant for this case is Sheetz with Leming & Healy serving as the agent for this part of the request. This location map highlights the portion of the overall site that would apply in this conditional use permit for the Sheetz. The applicant submitted this illustrative General Development Plan which lets you see the layout of the proposal. The building is centralized in the property in this area. The canopy and fueling stations are proposed in this location here. The site has direct access as mentioned off of Furnace Road in this location and Garrisonville Road in this location via the internal travel ways. So there is not direct access immediate right into the Sheetz store. The internal travel ways will be incorporated into this design. The road improvements proposed are consistent with the proffer amendment exhibit that's been provided. Sidewalks will be included along the frontage of both roads. You can see an enhanced street buffer has been illustrated on the General Development Plan to minimize visual impacts. And just to note, staff did suggest the applicant consider flipping the design, flipping the layout, put the building towards Garrisonville Road and the canopies to the rear, but the applicant felt that that may not be appropriate in this location, given the fact that there are still some residential uses along Furnace Road and staff did concur with keeping the uses, the canopy in the alignment that it's currently proposed as. There are several conditions proposed. The use is permitted in the location shown on the General Development Plan. Access to the site would be limited to the entrances shown along Garrisonville and Furnace. The building, canopy and signage will be in conformance with the elevations, which I'll go over. It would include standards for loading space and truck delivery space locations and design to minimize those impacts; includes standards for screening of dumpster pads, trash compactors and roof top equipment. Then there's some of our standard signage restrictions that we recommend with this type of conditional use permit and a requirement for the enhanced street buffers that are shown on the landscape plan. This is the design submitted for the building itself and this would be part of the conditioned requirement. Staff does note that these images of this building meet the intent of the neighborhood design standards in the use of the building materials and stone, the window awnings, enhanced entrance features in the wall plane, recesses and projections are some of the features that are recommended that they meet. And this design basically mirrors the newly constructed Sheetz store that has been built on Lafayette Boulevard in the city of Fredericksburg. The applicant included some images of that store. The image to the left is the canopy that was originally proposed and then the monument signage to the right. Staff also notes regarding the monument signage that that too meets the neighborhood design standard requirements and feels that that's appropriate. Staff did have some commentary on the canopy noting that it ... we felt that it was not consistent with the neighborhood design standards plan; specifically regarding the color. The neighborhood design standards plan recommends that the use of brighter colors be limited and staff made several suggestions as to what the applicant could do to adjust the design and in response to some of those suggestions the applicant has come back with a modified canopy. To point out the features of the changes; they've provided some images. The canopy itself has, instead of a rounded edge, it has this kind of cornice feature; the red color is remaining. There is this cornice feature that's added and also, as far as the illumination of the canopy facing the applicant is only going to illuminate the portion of the canopy where the business logo is located, so the entire canopy will not be lit up.

Mr. Rhodes: Are we looking at the red columns or the black columns?

Mr. Zuraf: Actually with this disregard the columns. This is just to point out the cornice. This is only to point out the lighting scheme and then the last feature as far as the brick, the applicant's proposing to wrap the canopy in this material that has a brick appearance and then there's stone at the base. And then they did submit, just before the meeting, the revised the elevation of the canopy to incorporate these features. And they also suggested a modified condition reflecting these changes.

*Planning Commission Minutes*  
*March 12, 2014*

Mr. Rhodes: The monument sign showed a price of \$1.28. Can you commit to that?

Mr. Zuraf: That would be nice. The positives: It's in conformance with the land use recommendations in the Comp Plan; it's consistent with the established and proposed development patterns; conditions intend to mitigate negative impact; and building and signage is consistent with the neighborhood design standards plan. And I had previously in the report that the canopy was not consistent, but the applicant has attempted to address this issue. Should the concurrent proffer amendment be approved, Staff would recommend approval of the use permit with the proposed conditions as modified and the applicant has addressed the comments we've provided about the fuel canopy design and then suggested crosswalk improvements that we had in our report. Any questions?

Mr. Rhodes: Thank you. Questions for staff? Yes please, Mr. Coen.

Mr. Coen: And I'm not sure whether it would be best for staff or the applicant, but I'll post several and you can answer what you want. I'm just checking; on the map that we all received a couple of meetings ago it talked about that part of 610 being upgraded and I just wanted to try to get a clarification if the upgrading, how is that differing from the widening, that people sort of can grasp the difference.

Mr. Zuraf: Well basically the map identified an improvement that has already been done, so the map identified a widening to what has already occurred to require a four lane divided facility and that has already happened. So that improvement is already in place.

Mr. Coen: Okay, and so the widening to that far down 610 isn't even conceived in the near future?

Mr. Rhodes: Only the Shelton Shop.

Mr. Coen: Only the Shelton Shop. Okay.

Mr. Zuraf: Regarding additional widening, yes.

Mr. Coen: Did they give any idea the timing of the building for the other, the offices and partly that's because of the crosswalk aspect. I can envision people on the other side of 610 seeing a Sheetz, wanting to go over there. I don't know what big drinks they serve, I've never been to a Sheetz...but wanting to go over there and there is no crosswalk until they finally build an office building, but that's not going to be...so do we have a time frame of when the additional buildings are coming, or...

Mr. Zuraf: Yeah, I'm not aware of what the time frame might be. That might be a good question for the applicant.

Mr. Coen: If you could go back to the map of the...

Mr. Rhodes: Computer please.

Mr. Coen: There's two maps I sort of want to look at; one is the overview of the sheets itself, the new view point.

Mr. Zuraf: The elevation? Building?

Mr. Coen: Yes. And this is just...I like to be consistent...because I brought this up with a previous application further down 610 and I sort of feel like I should be consistent; do I understand it correctly

*Planning Commission Minutes*  
*March 12, 2014*

that if they're receiving deliveries in 18-wheelers that are coming down 95; they'll go down 610, have to go to the light, turn at Furnace, go all the way down Furnace, cut across and go all the way in to make their deliveries. Which, again this is to be consistent, I brought that up, not just with gas, but if they're bringing supplies and food at what not, and just to be consistent, I raised the same issue with another one, so that's just an interesting concern. And then if you go to the map of the bigger property, of the whole space, down at the bottom of the property, if you go down Furnace Road to where it's the most narrow. Is there anything that's going to be put between the property and the neighbors; fencing or something, so that the neighbors know they're abutted. The same over on High Street. Did they offer or say anything about doing something to assist those people.

Mr. Zuraf: At the bottom here there is a 100 foot resource protection area that is required to be preserved, so there would be nothing, at least in the 100 feet from, looks like, the stream generally follows the property line, so you have at least 100 foot setback in that location. The area then adjacent to High Street, there would be a requirement for a 50 foot buffer from the residential properties in this location, or as mentioned, if they reduce it down to 25 feet, the applicant would have to install a fence in addition to the buffer.

Mr. Coen: So okay, if it goes down to 25 feet, there has to be a fence, otherwise there's nothing. And then I don't know, I know we traded emails, but I'll just through it out there, with the existing pond and stream, on the latest version it says several things or future pad site and I'm just curious, is it their intent to stick a building on top of there, where it's a normal stream area and a pond or would it be best to have that be a place for office people to go during lunch. Did they raise that or did you bring that up?

Mr. Zuraf: It was addressed. They did identify potential stormwater management area elsewhere and what when we get through these concept plans. At this point we don't care to really see exact specifics on stormwater management because the rules are changing and we don't want to lock down a specific method of stormwater management, so we asked them to leave it open. They did originally identify the potential that that area where the pond is could be potentially a building site. There is, since it's an older farm pond, there's difficulty sometime in converting those ponds to meet current standards for stormwater management and so their removal is not something that can't be done. There's not resource protection area around them. That's something that has been permitted in the past from I guess a safety standpoint, because using an old pond for stormwater management there is more imperviousness that's going to be flowing to that pond and that could have a negative effect.

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

Mr. Apicella: Mr. Chairman, looks like there is a very extensive list of conditions; my question is, have we assured ourselves for the sake of consistency, we've had a couple of gas stations / convenience store CUPs coming to us in the last couple of years that we've taken into consideration all the potential conditions that had been approved on these previous proposals.

Mr. Zuraf: Yes, we follow along with samples of what's been approved of late and that's been considered.

Mr. Apicella: Okay, thank you.

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

Ms. Karnes: Good evening, my name is Debrarae Karnes. I'm an attorney and land use planner with Leming & Healy. I official am here to represent Sheetz, but for your convenience, it makes most sense

*Planning Commission Minutes  
March 12, 2014*

to do a combined presentation and the overall owner entire parcel, Silver, has also authorized me tonight to present their portion of this. With me I have Jervis Hairston with the Silver Companies, Alan Stevens with Sheetz and Jonathan Fairbanks, the engineer for the site and as needed and as your question flow I might bring any one of them down. I'd like to thank staff for their excellent help in processing these two cases. As you heard Mr. Zuraf say, we're looking at a zoning proffer amendment for the 21 acre parcel owned by Silver and a concurrent CUP for a gas station and convenience food store. The proffer amendment really to correct some minor portions of the existing proffers. The biggest issue was the fact that the approved plan did not permit a right in right out entrance on Garrisonville Road which Sheetz needed and because the plan changed in that way additional transportation studies were conducted, submitted to VDOT and further transportation improvements were to be committed to. And as you heard Mike Zuraf say, VDOT has concurred and staff also supports the transportation change. Transportation, at the very end of the day, will be improved and certainly not degraded from present conditions. I heard some questions raised about timing. If approved, Sheetz, the convenience store will go in first and Silver has advised me that they are currently negotiating a second use on the property which would be an approximate 40,000 square foot neighborhood grocery. Overall you're going to see the plan change slightly from totally office to a combination of office and retail. The other question I heard was concerning the proffer change on deliveries. This was a proffer change that Sheetz had requested. Sheetz does its deliveries overall in non-peak hours. The only deliveries that are needed at night are the fuel tankers that will come in, as Mr. Zuraf demonstrated, but will fuel at the fuel pumps that are directly adjacent to Garrisonville Road. I think most of the issues, if not all the issues on the proffers were addressed. Someone asked the question about fire protection. Every building on the site will continue to be required to meet fire code requirements under the building code. The Sheetz stores are not commonly designed to have fire protection systems and I note the fire marshal concurred with that and that says it all for me. Now, Mr. Chairman, tell me whether I should stop for questions on the proffer amendment or whether I should continue on to the CUP.

Mr. Rhodes: No, please go forward.

Ms. Karnes: With your indulgence I'd like to take maybe 60 seconds and describe the Sheetz Company to you. We see them often in other Counties. We haven't had much of a presence yet in Stafford. Sheetz is pretty unique in that it's a company owned business operated today by the third generation of the Sheetz family. Every single location is selected personally by a member of the Sheetz family. They anticipate hiring 25 to 35 people, including probably approximately 5 managers and they're on of the fastest growing convenience restaurant chains with more than 5 billion dollars in annual revenue. It's known as one of the best places to work in Ohio, North Carolina and Virginia and has been on the list in Pennsylvania for 10 consecutive years. So thank you for helping me to brag about my client just for a minute. Okay – they are open 24 hours a day, 7 days a week and they truly are convenience locations. This site has worked conscientiously to be compatible with the community and as you saw, when we received staff comments, that indicated a concern about compatibility, the Sheetz organization stepped up to the plate. Now, Mike, what do I touch to turn the computer on?

Mr. Rhodes: Computer please.

Ms. Karnes: First of all, this new, innovative design for the building is attractive and more over...I think...enhances community interest and use by the outside patio. The theme, the overall theme design and color used in the building will be replicated in the pump and the canopies. Now how do I...

Mr. English: Debra, is this the same design as on Lafayette Boulevard?

Ms. Karnes: It is. The building is practically identical.

*Planning Commission Minutes  
March 12, 2014*

Mr. English: Oh okay.

Ms. Karnes: I want to point out; you guys may have seen some of the newer designs that feature a drive through for food service. This does not contain a drive through. It does contain a canopy that is red and traditionally most of the canopies are back-lit, meaning that instead of the picture you see in front of you, you would see the entire canopy emitting a soft glow. The Sheetz Company has agreed not to back-light in response to the community desires in this case. So the only thing that will be back-lit is the Sheetz sign, which is located on three sides of the canopy. Also in response to community preference they have bricked the columns and we have suggested a condition that says that this brick will be consistent with the brick used on the building. And this is another illustration of this and if you had the entire page in front of you which would be conditioned it clearly says that only the Sheetz logo on the canopy will be back-lit. In addition this canopy, it's a different material than normally used. Normally they use vinyl. This one is going to be aluminum which...this is somewhat subjective, but it has a softer feel. Not that you're going to be touching it, but a softer feel when you look at it, that I think is more compatible with the community. There were several questions brought up by the community about landscaping. Bottom line – Sheetz worked very hard to try to provide landscaping that matched other service stations or other convenience stores along the Garrisonville Road while still maintaining the protection for citizens, say, living along High Street. And I think you heard Mike talk about the fact there will be, if the buffer is 25 feet, there will also be a fence protecting the privacy of the community. You heard staff say, for both the CUP and the proffer amendment, that staff has found no negatives and they recommend approval. We also ask for your approval and we'd be happy to answer any question, but just as a procedural thing, I think I have to make a point to ask you to accept the modified, the revised proffer; and that modification only involved the crosswalk and was inserted at the last minute at staff request.

Mr. Rhodes: If we decide to proceed on this we'll have to accept any new information. We'll confirm that with Ms. McClendon. Other questions for the applicant? Mr. Coen.

Mr. Coen: Yes, a couple of things and you answered some nicely, thank you, but you've raised one that is...the grocery store. When I looked at the maps and then I saw, okay, we're putting a Sheetz in this part but keeping offices in this part, okay, I understand it now. There is a possibility of a grocery store. How soon is that going to be brought forward?

Ms. Karnes: Keep in mind...

Mr. Coen: I mean just even conceptual of where, what's and whose. Because, again, just to go back to the traffic aspect, that means a whole difference. I mean, before we were talking 18-wheelers for Sheetz and for gasoline and now we're talking 18-wheelers for a grocery store. That's a lot heavier traffic on Furnace Road than initially we saw.

Ms. Karnes: And so am I hearing you correctly that you're concerned about the traffic?

Mr. Coen: And the whole grocery store aspect now.

Ms. Karnes: Okay. Alright. First of all, what Silver has told me is that that's the use they're currently negotiating. It hasn't been formalized, but let's assume it will be formalized just for discussion here. Their next step would be to do a site plan which would require review of additional traffic impacts. Okay? The remainder of the site that Silver is developing has been approved for uses by-right. So they won't come through with another legislative review, but they're going to have to satisfy VDOT on the traffic issue. And that's going to have to be addressed at that point.

*Planning Commission Minutes  
March 12, 2014*

Mr. Rhodes: Other questions for the applicant? Yes, please Mrs. Bailey.

Mrs. Bailey: On the delivery hours, why the change to allow all night long and is there any way that that could be modified?

Ms. Karnes: I started to say the primary driver, but I don't want to use that term when we're talking about traffic. The primary reason that Sheetz needed that change is for the tanker trucks which arrive during off-hours deliberately so that they don't interfere with peak-traffic hours. That's why.

Mrs. Bailey: Is it necessary to allow it all night long. I mean is there any way to modify and limit the hours during the night?

Ms. Karnes: We've looked at that in the past and it's really important to the Sheetz operations to go all night.

Mrs. Bailey: I understand, but I'm just thinking about the residential neighborhood that backs up to it and the concerns that'll come from that.

Ms. Karnes: I will say this, that in other cases I've handled with Sheetz, the neighborhoods have inquired concerning noise, not so much from the trucks arriving on the site, but they've queried the possible noise that occurs during the 20 or so when the truck are actually on site. In this case, the trucks will be adjacent to the fuel pumps right smack, next to Garrisonville Road and the furthest possible point from residential uses.

Mrs. Bailey: Okay. The other question that I have was for the monument sign. There's not a lot of detail on that and I did see the rendering. There's a brick base, but the sign itself will be illuminated and it will have the Sheetz logo at the top?

Ms. Karnes: Yes, ma'am.

Mrs. Bailey: The other part of the illumination, is that going to be digital? Will it be neutral colors or will it be any color they desire? Will it blink? Will it flash? Will it create a...

Ms. Karnes: First of all, it won't flash, but I have to ask my client for clarification on that.

Mr. Stevens: The sign itself...

Mr. Rhodes: Could you, I'm sorry...

Mr. Stevens: My name is Alan Stevens. I work for Sheetz.

Mr. Rhodes: Thank you very much.

Mr. Stevens: The prices, the fuel prices will not be LED. There won't be...you'll probably see some...convenience stores have like a LED. Ours is...I wish I could describe it correctly, but it's controlled from the store and it's a back-lit price, but it's not the red or the green LED you may see that some other users have put in place in the County. So the logo will be lit and the gas pricing is back-lit, but it's not an LED. We've tried that once and I guess our company decided it wasn't what they were looking to do. So it's like a back-lit number.

*Planning Commission Minutes*  
*March 12, 2014*

Mrs. Bailey: Okay, thank you.

Mr. English: Where is that sign going to be?

Mr. Stevens: It's at the corner of the intersection.

Mr. English: The corner of Eustace and Garrisonville?

Mr. Stevens: Furnace and Garrisonville. Yes, it's on the corner outside of the setback area and also the utility easements.

Ms. Karnes: Thank you. Can I answer any other questions?

Mr. Rhodes: Other questions for the applicant? Okay. Thank you very much. With that we'll open up to public comment for this item. This is the opportunity...thank you for your patience...for members of the public to come forward and speak on this item. When you do I ask that you state your name and address. A green light will come on indicating 3 minutes, yellow light when there's 1 minute, red light when time will be ending. Just so you're aware, what will happen is, it is a one way dialog. It is information, issues and concerns that you may have. It is not a question and answer opportunity. Certainly there will be rebuttal by staff and by applicants, so we would ask that the applicant, we would ask that staff, if at all possible, can address open issues you may have, will attempt to do so, but I just didn't want you to...just know that there will not necessarily be a question / answer portion, but please ma'am.

Ms. Colson: Good evening again. My name is Hazel Colson. My property abuts to the proposed develop property and my concern, I have several concerns. One is with moving so much undeveloped land, are we going to have a problem with the wild life being disturbed now, looking for some place else to live. I've never had any issues at all with reptiles or rodents or anything like that and I'm not looking to have it, so I'm concerned about that. I'm also concerned about the property value. I'm concerned about the border with, or some sort of barrier between my property and the development, especially with retail space there. Is it going to increase foot traffic and without some type of permanent barrier, other than landscaping, is that going to increase foot traffic through the street, particularly through my yard and especially if there's some sort of undesired activity that's occurring on the property. So I'm concerned about that. What am I going to see when I step out on my back deck. What, the pad site that's directly beside my house, is that going to be where the grocery is going to be, because if so, they usually make deliveries to the rear of the store, so now am I going to have to hear that? Also, I never heard, I don't know if was mentioned, when this project will begin. Thank you so much for your time.

Mr. Rhodes: Thank you very much ma'am.

Mr. Connelly: My name is Darryl Connelly. A lot of the residents on High Street have enjoyed living on a cul-de-sac and we do not want any connection made to the cul-de-sac. I would prefer that a fence line were put up, because we have noticed that undesirable people go through there and recreate. We've made a couple of calls to the local law enforcement. They had to come down and pick up these fellows. I do have with me a letter signed by several of the residents requesting that a caveat be added that at no time shall a connection be made to the cul-de-sac at the beginning of the 200 block of High Street. I do have it in original and 10 copies that I can give you.

Mr. Rhodes: Okay. Thank you Sir.

*Planning Commission Minutes  
March 12, 2014*

Mr. Connelly: Thank you.

Mr. Rhodes: Sir, thank you very much. Does anyone else like to come forward and speak on this item? Okay. I will close the public comment portion. Oh, oh please. Sir?

(Inaudible)

Mr. Rhodes: Yes certainly. Absolutely.

Mr. Gibbons: I'm concerned about the buffer on High Street. I mean we know it's not going to be connected because that was proffered out. So that's in the land records, but why did you want to reduce it from 50 feet to 25 feet?

Ms. Karnes: I think there was a ... okay, the regulations changed but the emphasis remain on the fact that it would be either 50 feet or 25 feet, but only with a fence and so if it was reduced to 25 feet, in exchange they would be getting the 25 feet plus a fence.

Mr. Gibbons: What about the double roll of firs along with it?

Ms. Karnes: In addition?

Mr. Gibbons: I mean, I know all the residents there and the concern we had, that's why we took the access out of High Street on the original zoning, but why can't we put the fence in and the double trees, so know when they leave tonight that they got that.

Ms. Karnes: We...

Mr. Coen: Mr. Gibbons, are you meaning, regardless of whether it's 25 or 50, it'd just be that they just put the fence in and the firs?

Mr. Gibbons: Yeah and then they can go back to 25, but at least...

Mr. Coen: No matter if it's 25 or 50, it will have a fence and it will be...they're open to proffer the fence regardless of the setback and then the firs.

Ms. Karnes: Okay. The answer is absolutely yes. We will proffer a fence, regardless of whether it's 25 or 50 and a double row of fir trees.

Mr. Gibbons: Thank you. Thank you, Mr. Chairman.

Mr. Rhodes: Thank you very much. There was also, there was the question there, what is, assuming if this goes forward as a positive recommendation and then is approved by the Board, what is the timing expected on the Sheetz construction?

Ms. Karnes: My client advises me that they have not yet approved a time schedule for that.

Mr. Rhodes: Okay. Alright. So you don't know exactly. Yes please, Mr. Coen.

*Planning Commission Minutes  
March 12, 2014*

Mr. Coen: And then back to the crosswalk and the timing of the crosswalk. Is there any concept? I mean I'm guesstimating that the second building will be the grocery store, but before that comes, is there any concern about, or consideration of doing the crosswalk earlier?

Ms. Karnes: The concern was basically the cost. Okay, so I'm getting a nod from my client that, I want to make sure I have this right, that they're willing to...

Mr. Rhodes: He's a nodding client. Sir, if you'd just identify.

Mr. Hairston: Jervis Hairston, actually with the Silver Companies and the owner of the property is Furn 610 LLC, but it does include Silver Company officials and yes we are currently negotiating with that neighborhood grocery store, but we're not there yet, so I can't really commit to a time line, but what we wanted to try to do to offset some of the cost associated with the pedestrian crossing on Garrisonville to Furnace is to attach it to the second building constructed there. First it's the Sheetz with the idea being that the Sheetz building would be first and the second building, I'm not exactly sure what that would be, but whatever it is, we would commit to putting it in. And no problem at all also with the fence barrier and the lines of the trees in the back as well.

Mr. Rhodes: So we're agreeing to the trees and fence and re-stating the commitment to the crosswalk with the second building?

Mr. Hairston: That's right and if for some reason along the way or as we proceed there is a need for that crosswalk earlier than that and there is a request made of us, that's not something that we will ignore. We will take it. We'll talk to you about it and try to do it earlier.

Mr. Gibbons: I'm glad you said that. Can we root that in there that if the request came from the governing body that they felt at this time that it was needed that you would honor that?

Mr. Hairston: I think that's fair and I think we would do that.

Mr. Gibbons: Is that fair enough, Mr. Chairman?

Mr. Rhodes: That's very fair. That's more than I thought there would be. Okay. Thank you.

Ms. Karnes: Mr. Chairman, I would be willing to work with Mr. Zuraf to make those changes right now.

Mr. Rhodes: In fact, what I was going to suggest is that we allow you all a minute or two, because we need to get those modified and get them initialed so that we would be able to accept the new information received tonight and then we can consider what we might do with this. So with that, would we want to go on to item number 3 and then we'll come back to this after we do 3.

Mr. Harvey: Mr. Chair, just a reminder, one other thing to address is the conditions dealing with the canopy and the CUP. That wording has not been...

Mr. Rhodes: Refined?

Mr. Harvey: ...presented to the Commission yet.

Mr. Rhodes: Okay. So we'll address all that new information as we get it. Is that what we're saying?

*Planning Commission Minutes*  
*March 12, 2014*

Mr. Gibbons: I'm confused on that. What are you saying now?

Mr. Harvey: The Commission has not received the draft condition regarding the pump canopy columns. That was discussed in the staff report but is not officially in writing in front of the Commission.

Mr. Rhodes: This is the columns...the brick façade column and stone.

Mr. Zuraf: Yes, the applicant sent us some suggested language just this afternoon, right before the meeting and it would be a modification to that condition regarding the elevation package and there's specific language that they propose.

Mr. Rhodes: So we can work to accept all that specific language at...as we're accepting the proffer clarifications and we could accept the CUP, Ms. McClendon.

Ms. McClendon: The conditions are imposed by the Commission so you wouldn't have to accept those.

Mr. Rhodes: Thank you. So we can add them?

Ms. McClendon: Also, Mr. Chairman, I would advise you to close the public hearing.

Mr. Rhodes: Okay, very good. Thank you very much. So, just want to make sure I got all the pieces right, so you all will work on perfecting the proffer language that we have discussed. We will close the public hearing in a moment. And we will defer on item 1 and 2 for a brief time and go on to item 3, have you refine the language for the proffer, and then we can come back and accept the new proffer information. We can come back, if it's the will of the Commission and then we could take up the issue of identifying the modification to the CUP and then work to dispose of those two items. Okay, very good. So I will now close the public comment portion of the public hearing and I will defer on items 1 and 2 briefly while we move on to item number 3. Very good.

3. Amendment to Zoning Ordinance - Proposed Ordinance O14-07 would amend Stafford County Code Section 28-58, "Historic Resource Overlay District (HR)," to increase membership on the Architectural Review Board (ARB) from five (5) to seven (7) members. The proposed Ordinance would also increase the quorum requirement for the ARB to conduct business from three (3) to four (4) members. **(Time Limit: May 5, 2014)**

Mr. Rhodes: Mr. Harvey.

Mr. Harvey: Mr. Chairman, for item 3 John Harbin will be making the presentation.

Mr. Harbin: Good evening Mr. Chairman and Planning Commissioners. My name is John Harbin and this is agenda item 3, which is the amendment to Zoning Ordinance Sec 28-58, the Historic Resource Overlay District. This amendment will increase the size of the Architectural Review Board from 5 members to 7 members and in doing so also increase the minimum number of members required to meet quorum from 3 members to 4 members. Now if you're not familiar with what the Architectural Review Board does; it oversees the County's Historic Resource Overlay Districts which namely are the Falmouth bottom area in about 23 single properties located throughout the County. The Architectural Review Board reviews any development activity in those districts and if found appropriate, administers a certificate of appropriateness for that development. Currently there are approximately 78 other jurisdictions in the state of Virginia that have a Architectural Review Board. They typically have between 5 to 7 members, so this is not an unusual change. Staff does note that the 2 new members

*Planning Commission Minutes  
March 12, 2014*

would be at large, they would not need any certain qualification beyond a demonstrated knowledge, interest or competence in historic preservation. So ultimately staff recommends approval of the proposed Ordinance O14-07. We'll be happy to answer any questions at this time.

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

Mr. Apicella: Just to be clear or to reiterate what was in the staff package, both the Board of Supervisors and the ARB would like to see this change.

Mr. Harbin: Yes, that is accurate.

Mr. Apicella: Thank you.

Mr. Rhodes: Very good. Any other questions for staff? Okay. We'll move to the public comment portion of the public hearing. If there is any member of the public that would like to speak on item number 3, you may come forward and do so at this time. Okay, we'll close the public comment portion of the public hearing.

Mr. Gibbons: Mr. Chairman, I would like to make a motion for proposed Ordinance O14-07.

Mr. Rhodes: A motion recommending approval of the proposed Ordinance. I there a second?

Mr. Apicella: Second.

Mr. Rhodes: Second by Mr. Apicella. Further comment Mr. Gibbons? Further comment Mr. Apicella? Any other member? All those in favor of the motion to recommend approval of the amendment to the zoning ordinance proposed Ordinance O14-07 signify by saying aye.

Mr. Rhodes: Aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Any opposed? None opposed. Passes 7-0. Okay we will move on to item number... I guess we'll move on to item number 4.

UNFINISHED BUSINESS

4. Adoption of New Proffer Guideline Policies - Proposed Resolution R14-13 would establish new Proffer Guidelines (Guidelines) for proffer statements submitted as part of a zoning

*Planning Commission Minutes*  
*March 12, 2014*

reclassification or proffer amendment application. **(History: Deferred on January 29, 2014 to February 26, 2014) (Deferred on February 26, 2014 to March 12, 2014)**

Mr. Harvey: Thank you, Mr. Chairman. Please recognize Erica Ehly. She will be leading the discussion for staff.

Mr. Rhodes: That's not a simple, easy one left there. Okay. Good.

Ms. Ehly: Good evening, Mr. Chair, members of the Planning Commission. If I could have the computer please.

Mr. Gibbons: This is going to take a long time. Why don't we go to new business and then come back?

Mr. Rhodes: We could, but who's here for the Fox Chase.

Mr. Harvey: Mr. Chairman, our staff person is upstairs. I can request that she come down if you'd like.

Mr. Rhodes: I mean this one and the Comp Plan UDA could be a bit of discussion.

Mr. Apicella: Mr. Chairman, I would recommend that we go to item number 7. I don't think we have to spend a lot of time on it.

Mr. Rhodes: Pick an item, any item.

Mr. Gibbons: Item 7 is a good one. That's a friendly discussion.

Mr. Rhodes: And you were so ready. Alright. Are we okay jumping around Ms. McClendon? Okay, very good. Then we will go on to item number 7.

*Discussed after item 6.*

5. 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)**

*Discussed after item 6.*

NEW BUSINESS

6. SUB1300051; Fox Chase Commons, Preliminary Subdivision Plan - A preliminary subdivision plan to create 102 townhouse residential units and 12 stormwater management facilities on Assessor's Parcels 45-217 and 45-217A, zoned R-3, Urban Residential High-Density, consisting of 9.08 acres located on the east side of Jefferson Davis Highway across from Drew Middle School, within the Falmouth Election District. **(Time Limit: March 12, 2014)**

*Discussed after item 7.*

7. Pre-application Community Meetings

*Planning Commission Minutes  
March 12, 2014*

Mr. Harvey: Mr. Chairman, Ms. Blackburn was initially going to discuss it, but she stepped out. I will say, staff, in response to the Commission's last meeting, we pulled a number of communities with regard to their rezoning application process and the process which they go through to have community meetings. A number of them say they're highly recommended but not required. There is one locality to the south of us that does require them. They are required in advance of the submission of the application. On Monday I was in a meeting with the Fredericksburg Area Builders Association and that was the top discussion that came up. Some of their members requested if the County does adopt a formalized policy that the policy should consider stating that the public meeting will occur after submission, but prior to public hearing with the Planning Commission.

Mr. Rhodes: And what's the logic on that?

Mr. Harvey: Their concerns are that, when the application is initially submitted, staff has not had an opportunity to talk to the applicant about the details of the application to bring it into compliance with the Ordinance or discuss community concerns about layout and configuration. So from their perspective, if they have the community meeting too early, there may be significant changes in the overall layout of the plan, especially if it's a big project between the time that the community meeting occurs and the Planning Commission hearing occurs.

Mr. Rhodes: Now accepting an application just starts a one year clock right?

Mr. Harvey: That is correct.

Mr. Rhodes: And that doesn't impact at all our shorter clock that comes with the start of the public hearing.

Mr. Harvey: Correct. The state code requires that the Board of Supervisors act on a reclassification application within a year of it being deemed complete. The Planning Commission has 90 days from the time it commences its public hearing to make a recommendation.

Mr. Gibbons: Yeah, but doesn't the application have to be complete before you advertise?

Mr. Harvey: That's correct.

Mr. Gibbons: So the clock starts at the time when it becomes complete.

Mr. Harvey: That is correct.

Mr. Gibbons: Okay, thank you.

Mr. Apicella: Mr. Chairman, I'm just kind of curious, having looked at the Spotsy approach. What would forbid or preclude staff from having continuing engagement with a applicant, either formally or informally, prior to the formal submission of the package? Could the staff not talk about it as a concept? Again, it seems to that that's the way they're doing it in Spotsy. That prior to formal submission of the application, there is engagement between the applicant and staff. And I didn't see anything that, again, precludes continuing discussions and engagement.

Mr. Harvey: Certainly, Mr. Apicella, there's nothing that precludes an applicant from doing that, talking to staff throughout pre-submission and throughout the review process prior to going to public hearing. I guess the question would be as to when would the Commission want these types of issues brought

*Planning Commission Minutes  
March 12, 2014*

forward for a community meeting and under what circumstances. A number of localities have sort of a two tier approach. One tier is, if you're automatically doing a project next to a neighborhood you need to have a community meeting. Another approach is, it depends on the nature of the project. If the Commissioner or Board member feels it's appropriate then you have a community meeting, in addition to being adjacent to an existing neighborhood.

Mr. Rhodes: Okay. Other reactions of the Planning Commissioners. It's good information.

Mr. Apicella: Mr. Chairman, I want to thank staff for doing, what I think is, a tremendous job pulling together a good amount of information on the jurisdictions that do this. I think it certainly helped further inform my thought process and kind of reinforce the notion that I think this a worthwhile endeavor for us to, whether pre-submission or post-submission, that some sort of community meeting or meetings happen to help to work through any of the issues and allow that the public and members of the county and Board and Planning Commission to work with the applicant prior to really our clock starting, our 90 day clock which is, again, as I've said several time, not a lot of time, especially for very large, complex kinds of projects. I mean, I have an idea in mind about where I would like to see this go, but I'd certainly like to hear from other Commission members before I throw in my additional two cents.

Mr. Rhodes: Okay, other thoughts? Please, Mr. English.

Mr. English: Has the Board of Supervisors looked at the concept of this that you know of Jeff?

Mr. Harvey: My recollection was, there was just some general discussion at one of the Committee meeting, but nothing was ever concrete put on paper to present to them for formalized discussion.

Mr. Rhodes: Okay. Other comments? Please, Mr. Coen.

Mr. Coen: In the various way too many years that I've been involved in everything, a lot of the times the most successful projects are the ones that have reached out early into this process to have neighborhood buy in to them, and so I think it's something well worth pursuing in doing because I think it's in the benefit of everybody in the county all the way across the board.

Mr. Rhodes: What was informative to me is the number that do have some form of that. Because intuitively it seems like that dialog would help going along. It resonates a little bit the...I didn't understand the logic, but it resonates a little bit the thought of doing after the application gets in, prior to public hearing. At that point you know you've got essentially all the information you would need to invest the time and energy in it most effectively. So it's an element of that that resonates and it still doesn't impact the clock the public hearing does, but allows people to be focused with all the information. So I find it very informative and I too like. Mr. Apicella was really appreciative of the great work staff did; very quickly to pull that forward. Other thoughts? I mean, if nothing else, it seems like something if we don't determine a way forward collectively or general consensus something we would want to address here in a month or two when we kind of go offsite for a portioned time, if nothing else, but...other thoughts?

Mr. Boswell: Haven't we been doing some of these? I know attended one on a property rezoning where we had a community meeting. And at the meeting it seemed like everything was...

Mr. Rhodes: I think they just reached out and did that, right?

Mr. Harvey: Yes, Mr. Chairman, there is not a formalized process.

*Planning Commission Minutes*  
*March 12, 2014*

Mr. Boswell: We have done some.

Mr. Rhodes: You saw the value of it in that and I know...which one was it? There was one over in Park Ridge, were we had pressed and pushed that they make sure they have that discussion, and you know, not everybody agrees, but at least it's clearer, much more well understood, less chance for misinformation or misinformed elements driving some of the dialog that goes on. Very good. Mr. Apicella.

Mr. Apicella: So, I just need to better understand the process, because I'm not recalling a time when we self-initiated...I guess this would require an ordinance change. I'm not quite sure how that process works.

Mr. Rhodes: Mr. Harvey.

Mr. Harvey: Mr. Chairman, with any Ordinance or Policy change that...well I should say with the Ordinance changes, our Code requires that the Board would refer the change to the Planning Commission so the way the communication flow is, the Commission comes up with a recommendation. We will report it to the Board and then the Board would, if they feel it's appropriate, send it back to the Commission and say: You're authorized to hold a public hearing. Please proceed.

Mr. Rhodes: So we develop a concept of a proposal. We decide to recommend it forward to the Board for their consideration to see if they want to refer it to us formally for proceeding with public hearing on the change or modification ordinance.

Mr. Apicella: So then we just kind of broadly talk about the concept. We wouldn't necessarily have a draft ordinance for them to take a look at?

Mr. Rhodes: I think we'd have a bit of a structure through staff, right Mr. Harvey?

Mr. Harvey: Yes, that's what my recommendation would be. There could be two approaches. One – you could have it as a policy of the county – or you could put it in the ordinance. Certainly an ordinance is less flexible than a policy, but it depends on what your pleasure is. If you want to have more flexibility or you want to that this occurs on a regular basis. So you could go either way.

Mr. English: Could you start out as a policy and if it looked like it would work into an ordinance, could you give it like a certain length of time to do that, or...In other words, if we submit it into policy and we went for a year, two years, and say hey it's working but it's not working, it maybe needs to be in an ordinance. Can we come back and readdress it at that point?

Mr. Harvey: Certainly. That can occur at any time. Staff will work towards putting together some language for the Commission. Once we get some good feedback as to which direction you want to go in.

Mr. Rhodes: What were the other ones of the jurisdiction? Were they policies or ordinances?

Mr. Harvey: I'll refer to Ms. Blackburn for the details.

Mr. Rhodes: Thank you. Hello. She's back. We jumped around.

*Planning Commission Minutes  
March 12, 2014*

Ms. Blackburn: Mr. Chairman, Planning Commissioners, I'm Susan Blackburn. The other counties had it all as policy. Spotsylvania's was the most rigorous on when it was going to be conducted, how it was going to be conducted and time table and everything else. The other localities took it on a case by case basis. If they felt it was a complex case they felt it behooved the applicant to have community meetings so that those discussions were done outside the board room and whether or not they came to consensus or not, that would always be how the applicants and the community would work on the case, but the ideas would then be brought forward and discussed, either with the Board members or the Planning Commissioners and they seem to have a lot of communication between all of the affected parties in their rezoning cases.

Mr. Gibbons: Mr. Chairman.

Mr. Rhodes: Yes please.

Mr. Gibbons: Most of them pre-filing or post-filing.

Ms. Blackburn: Pardon me?

Mr. Rhodes: Were they pre-filing the application or post-filing the application in their procedures?

Ms. Blackburn: Spotsylvania was the only one that was pre-filing, the rest of them were all post-filing. Now the other localities did have, depending on what the case was, meetings between the applicable Board members and their Planning Commissioners and with staff, but it was generally a very informal meeting. This is why I want to do. Do you think it's a good idea? Do we need to phase it? Do you think it's not a good time now? These kind of discussions. But they started off with dialog.

Mr. Gibbons: Mr. Chairman, a lot of these filings are very, very expensive. When you do your filing, your engineering, your get your staff time all tied up, it's sometimes very difficult to change a lot within 90 days. I mean, you have to get your hearing scheduled and then you have to get your input and if you want to make some changes or have input and sometimes it's very difficult to do it after the application been filed. So it's always been my feeling that if you're going to have a huge development like one of the ones we have tonight, it would be nice to have a pre-meeting to find out...and then the public can come on out and get an idea of what the impact is and then a lot of times the developer can address those concerns pretty quickly rather than going through public hearings and...that's just my feeling.

Mr. Rhodes: Is that a...so...my immediate reaction to your comments were kind of two different directions. One was a policy that might have a sliding scale if you will and a sizing scope and the larger the size, the larger the scope driving you towards a policy that recommends a meeting earlier, maybe even earlier than the application and possibly on the smaller end still requiring a public meeting, but it could come after the application was filed, if it was not deemed of so large or complicated of scope. Is that what you're suggesting or were you suggesting all of them be prior to the application as policy form?

Mr. Apicella: Mr. Chairman, if I could chime in.

Mr. Rhodes: Please.

Mr. Apicella: Having met with a developer's agent just this past weekend, I roger up with the comments made by Mr. Gibbons, that sometimes these things, even a small project and I don't know how you define a small project, but let's just say 100 units, because that's applicable in the case where we had a

*Planning Commission Minutes  
March 12, 2014*

conversation on Saturday, will require, I suspect, re-engineering of the whole parcel in order to accommodate the changes and I think it would be...I appreciate where FABAs are coming from, but I would ask to recommend stepping back and saying there are also benefits early on in the process to understand what significant issues there might be and so saving the developer money on the front end, where, as result of getting public comment, they might have a significant course correction. They might get past the point if they do it post application where they're in it; they've got skin in the game and they're not going to be willing to make a lot of changes, because they invested a lot of money up front in the engineering of the suggested project. I guess, my recommendation, I don't know if it needs to be in form of a motion, is to ask staff to develop a policy that either pre or post a development application...I'll use some specific words here...require community meeting before formal submission of the application...or we can do it post application or maybe have two different tracks and have discussion about it...for any rezoning to a residential use involving some set number of units. Any rezoning adjacent to a residential area, any rezoning or CUP that, as determined by staff, would have a significant impact on or be of interest to neighboring communities. And again, it's largely adopting what I think Spotsylvania County does. Again that was the catalyst for me recommending this in the first place. I see great value and benefit in having public discourse as early as possible and kind of overcoming the limitation of the very finite time that the County has to really look at these projects.

Mr. Rhodes: I have not heard and I sense that there is no objection to proceeding with the trying to develop something and see how it fits from a staff perspective and I have heard nothing that would drive towards pushing for Ordinance versus policy. It does seem like the desire of the Planning Commission is to have staff work from the policy perspective to draft something up that we could review at a future meeting along the lines of there was some criteria identified by Mr. Apicella; we could see how those fit in there and how those sound and as you see in this full context we could work to refine from there, but I think that would seem reasonable. Does anybody have any objection to having staff go forward in that context and we see what comes up? Please, Mr. Coen.

Mr. Coen: I don't have an objection. I like that. I just want to chime in on the business of scales, what size to do...I remember back on the Ag Commission we had many, many meetings about something and arguing and debating what size we should do what and quite honestly, the idea of just doing it in general will be streamlining the process. Make it easier for people to understand. It will be easier for those coming in with a project to know, this is what you do, rather than where do I do it and what. So my feeling is that we should just go forward with it, but just be a pre all projects and what Mr. Apicella said.

Mr. Rhodes: Other comments? Mr. Harvey, is that useful enough for staff to be able to go forward?

Mr. Harvey: Certainly.

Mr. Rhodes: Wonderful. Thank you again for that work and for how quickly you all gathered that information. That was very helpful, very insightful. So thank you very much for that. We'll now move back to items 1 and 2.

1. *RC1300427; Reclassification – North Stafford Office Complex Proffer Amendment and*
2. *CUP1300428; Conditional Use Permit – North Stafford Office Complex Sheetz - Continued*

Mr. Rhodes: First would be item number 1. Has staff been able to work up some modified proffered language that we might consider accepting?

Mr. Zuraf: Yes, Sir. So the modified proffer language. We have modification to proffer 15, which is the landscape proffer. So that would add on to the end of the proffer, so it would read: landscaping

*Planning Commission Minutes  
March 12, 2014*

shall be designed in place where it's not to block sidelines. Then a new sentence: Also, as part of the transitional buffer, the applicant shall construct a solid privacy fence and plan a double row of evergreen trees along the properties boundary with residential lots fronting High Street. That's the end of that. Then with the next proffer – proffer 16, regarding the crosswalk we would add on to the end of the proffer...Would you like me to re-read the entire...

Mr. Rhodes: Please, yes, to have it all in.

Mr. Zuraf: Okay. The Applicant shall construct a pedestrian crosswalk between the property and the north side of Garrisonville Road, subject to VDOT approval, within 90 days of the issuance of an occupancy permit for the second building approved and constructed on the Property. – in place of the period, put a comma – or at the request of the Board of Supervisors, if needed earlier than the second building, subject to VDOT and County approval.

Mr. Rhodes: Okay.

Mr. Gibbons: I'm going to make a motion to accept those amendments.

Mr. Rhodes: A motion to accept the new information received tonight.

Mr. Coen: Second.

Mr. Rhodes: Second by Mr. Coen. Further comment, Mr. Gibbons? Further comment, Mr. Coen? Any other member? And that meets our requirement, right, Ms. McClendon? Okay, very good. All those in favor of the motion to accept the new information received tonight for the proffers signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed?

Mr. Gibbons: Mr. Chairman, I move for RC1300427.

Mr. Rhodes: Okay, motion to recommend approval of item number 1. Is there a second?

Mr. English: Second.

Mr. Rhodes: Second by Mr. English. Further comment, Mr. Gibbons? Further comment, Mr. English? Any other member? Okay, there is a motion to recommend approval of RC1300427, a Reclassification which is the modified proffer amendments. All those in favor signify by saying aye.

*Planning Commission Minutes  
March 12, 2014*

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. Very good. We're now on to item number 2. I think we have an issue of making some modifications to the conditions we'll impose. Do we have specific language for that?

Mr. Zuraf: Yes. So the modification would be to condition number 3 within proposed Resolution R14-62.

Mr. Rhodes: I apologize, I'm too slow. I'll be right with you.

Mr. Zuraf: That's fine.

Mr. Rhodes: I'm trying to open my iPad. I'm very sorry.

Mr. Zuraf: So with condition 3 we're going to do a slight modification to this first sentence and then add a new sentence. So the first sentence will read: The building and signage – so strike out canopy – so it'll read: The building and signage shall be constructed in general conformance with the architectural rendering entitled "New Sheetz Store Stafford County, dated October 2<sup>nd</sup>, 2013" and then add a new sentence: The canopy and canopy columns shall be constructed in general conformance with the architectural rendering entitled "Sheetz at Furnace Road," dated May 12<sup>th</sup> 2014. And then last sentence: The color of the brick panels used on the columns shall be generally consistent with the brick used on the building.

Mr. Rhodes: That reference of the second sentence is what we saw tonight on the presentation. Okay. Very good.

Mr. Gibbons: Mr. Chairman, I move... is that all? I move for approval.

Mr. Rhodes: Okay and all over agree with the modification to the conditions as stated. Very good. So you want to make a motion to recommend approval of CUP1300428, Conditional Use Permit North Stafford Office Complex Sheetz. Is there a second? Second by Mr. English. Further comment, Mr. Gibbons? Further comment, Mr. English? Any other member? I would just like to say, I appreciate the work of the Supervisor and Planning Commissioner working with the applicant on this. I appreciate the flexibility of the applicant to be responsive to these basic, fundamental issues that are consistent with our neighborhood design standards so it's important that we take things forward. This is our one shot at getting these two to try and be consistent with how we see the future here, so thank you very much for that willingness to work on those. All those in favor of the motion to recommend approval CUP1300428, Conditional Use Permit North Stafford Office Complex Sheetz signify by saying aye.

*Planning Commission Minutes  
March 12, 2014*

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. Passes 7-0. Thank you very much.

Mr. Apicella: Mr. Chairman, may I request that we move item number 6.

Mr. Rhodes: Yes, I would suggest we hop up to item number 6. The rest is all in-house and that way we can get rid of the last item that's got outside folks. We'll just all suffer together collectively. So if we could move up to item number 6.

6. *SUB1300051; Fox Chase Commons, Preliminary Subdivision Plan*

Mr. Rhodes: Mr. Harvey?

Mr. Harvey: Thank you, Mr. Chairman. Natalie Doolittle will be making the presentation for this item.

Mrs. Doolittle: Good evening, Mr. Chairman and members of the Commission. I'm Natalie Doolittle. Item number 6 is SUB1300051, Fox Chase Commons, Preliminary Subdivision Plan. The proposed subdivision is located on Assessor's Parcels 45-217 and 45-217A, located on the east side of Jefferson-Davis-Highway, across from Drew Middle School. The site is 9.08 acres, zoned R-1, urban residential high density and is within the Falmouth Election District. The plan is proposing 102 townhouse lots. And here is the location map. The site is located north of Manning Drive and as I said, across from Drew Middle School. Here is an aerial view of existing conditions. The property is currently developed as 14 apartment buildings, with a total of 46 apartment units and all of the existing buildings will be razed for this and the internal street network will also be substantially changed. The site is zoned R-3, urban residential high density. On October 4<sup>th</sup>, 2011 the assessor's parcel 45-217A was rezoned from B-1, convenience commercial to R-3. Both parcels have proffers and both are being developed under the Cluster Regulations in effect at the time of the rezoning and proffer amendment, which was prior to the repeal of the Cluster Ordinance in 2012. The proposed Subdivision will have primary access from Jefferson Davis Highway and proposed Foxchase Boulevard and Field Master Way will be state maintained. And this is Foxchase Boulevard and this is Field Master Way. The remaining streets will be ingress/egress easements and privately maintained. There are two inter parcel connections proposed, which are here and here, and the plan proposes a proffered tot lot and jogging and walking paths. There are no wetlands or critical resource protection areas located on the site. All lots will be served by public water and sewer and stormwater management will be achieved by utilizing low impact development methods, such as bio-retention basins and swales and these will be placed within storm drainage easements and maintained by the Home Owners Association. Staff believes the plan meets all applicable Code requirements, however, after the staff report was prepared, there were concerns raised whether the specific number of 102 lots proposed is permissible and whether the preliminary plan is in compliance with the approve General Development Plan. The proffers didn't specifically limit the number of lots,

*Planning Commission Minutes*  
*March 12, 2014*

but the GDP is proffered to some extent with some flexibility in design. There were monetary proffers for a specific number of lots, specifically for 11 units, totaling roughly 382,000 for the lots originally shown on the GDP, located on parcel 217A. There were also monetary proffers for 88 of the townhouse units located on parcel 45-217 that will equal roughly a half a million dollars to be split between Parks & Rec and the Schools. Some of the Commissioners also voiced concerns about the open space area, adjacent to the tot lot and its proximity to Route 1; and the applicant's attorney has met with Commissioner Apicella and Mr. Harvey and the applicant and engineer are here to discuss potential modifications to the plan in response to concerns raised. And tonight they have provided a revised concept plan to pass out to you, which I have.

Mr. Harvey: Mr. Chairman, the applicant and his engineer are in the audience if the Commissioners have questions.

Mr. Rhodes: Thank you very much. When was the zoning modification?

Mr. Harvey: In 2011. Oh, I'm sorry, Mr. Gibbons, the bounds of the property were zoned in the early 1980s to allow the apartments that are on the property today. Prior to that it had some other use, I believe, and the buildings were converted to apartments at some point in time and the 1980s proffers had limitations on the number of bedrooms and other factors for those dwelling units. That was part of what gave rise to the amendment to the proffers which Ms. Doolittle was referring to.

Mr. Gibbons: When was the amendment?

Mr. Harvey: In 2011.

Mr. Gibbons: 2011?

Mr. Harvey: Yes, Sir.

Mrs. Doolittle: And on the revised concept that you have they moved the tot lot back further into the development, away from Route 1 and they reduced the number of lots back to 99.

Mr. Gibbons: No proffers for this at all, right?

Mrs. Doolittle: No.

Mr. Gibbons: Do we have the proffer package in the...

Mrs. Doolittle: I believe it was included as an attachment. Yes.

Mr. Harvey: Yes, Mr. Gibbons, it shows up on my machine on page 275 of the iPad agenda.

Mr. Gibbons: Okay, thank you.

Mr. Rhodes: Page 3 of attachment 5.

Mr. Gibbons: What page does that show up on the preliminary subdivision plan, do you know?

Mr. Harvey: I believe the proffers are on page 15.

*Planning Commission Minutes  
March 12, 2014*

Mr. Gibbons: Okay, thank you. Is this in the Courthouse UDA?

Mr. Rhodes: Other questions for staff?

Mr. Apicella: Natalie, have you had a chance to take a look at this?

Mrs. Doolittle: No.

Mr. Apicella: No. I see that the applicant has addressed 2 of the 3 concerns, the first being the final number of units. I think they reduced it down to 99, is that the case? And they moved the tot lot away from Route 1, but the other concern that I had and still remains is the, I'll call it, the open field and its proximity to Route 1. I was president of an HOA in Stafford County in the Falmouth District and I can tell you that children will use open fields and they'll probably play on those fields and they're very likely to have supporting equipment, including balls what have you and they'll kick a ball and still very likely that either a ball can go flying across the street or a kid chasing a ball flying across the street. So, while I appreciate the changes that they made, I still have concerns with the proximity of the open space to Route 1.

Mr. Rhodes: Is there any fencing over there?

Mr. Apicella: We – I don't know if you want to address this Jeff, but we asked that question to the Sherriff's Department and they actually prefer that there not be fencing so they can maintain kind of a viewshed of the parcel. I don't know if you want to explain it any better, or Darrell, you might be better place to speak to that.

Mr. English: Yeah, it's just...

Mr. Rhodes: Kind of a CPTED?

Mr. English: Yes, it's a CPTED concept.

Mr. Rhodes: Would that include chain link and other...

Mr. English: Chain link is one of them (inaudible).

Mr. Harvey: Yes, there are some concerns about fencing in proximity to Route 1. Based on our zoning codes for this district the maximum height of a fence within 40 feet of the Route 1 right-of-way is 4 feet, so that would certainly provide a barrier to anyone trying to exit and enter the area along Route 1. The concern was that it may not be tall enough to stop balls or frisbees that could fly across the fence and into Route 1 and potentially the concern was raised that children may chase after that into traffic. Also there is a question about, as far as esthetics, is a chain link fence desirable or some other type of fence desirable from the neighborhood appeal and the applicant's here and they can speak some more to their thought process on this redesign.

Mr. Rhodes: Other questions for staff?

Mr. Coen: If I could.

Mr. Rhodes: Please, Mr. Coen.

*Planning Commission Minutes*  
*March 12, 2014*

Mr. Coen: Quick question; in all the reading I didn't see... will there be sidewalks? Have they discussed sidewalks or...?

Mrs. Doolittle: I believe there are sidewalks.

Mr. Coen: That was one question. And then I keep... I just want to make sure I have my head wrapped around something. In the map that we received on transportation, that area of Route 1 is going to be widened and... so is the setback that we're looking at, which looks like a two lane road, is this... do they do the setbacks for what is going to be happening at some point, which is in our transportation map we received a couple of weeks ago, for the three lane or is this just a setback for the two lanes? And I kept going back and forth and I'm sure staff was really getting frustrated with me, but I was trying to get my head around the fact. I know they're following Code, but I wasn't sure if the Code was, yes it's already set that this is going to be 6 lanes and so are they following that Code or is it that we're following existing Code and it's not there yet.

Mrs. Doolittle: I believe it's based on what the Comp Plan recommends, so for the future.

Mr. Coen: And then lastly, in reading the proffers, it says there's 200 dollars for relocation counseling and I wasn't sure what that meant.

Mrs. Doolittle: I'll let the applicant speak to that.

Mr. Apicella: I do have one additional issue or concern to raise and I raised it on Saturday as well. There's certain roads in the development that are, for lack of a better term I'll say dead end and if you're looking at the concept plan - I think it's called Harrier Lane, as an example. So someone who's new to the community is travelling down Harrier Lane and they hit the dead end. How do they turn around? I'm just using that as an example, because once you've hit that spot, the road looks like it's a private road, so it's not built to VDOT standards, so it's not necessarily...I don't know what the width is, but it's probably just reasonable enough for two cars passing to go in opposite directions, but again, I'm not quite clear how someone would turn around once they've hit that dead end, because there's no space in front of the units. Those are driveways. So if two cars are parked in the driveway there really is no place for that individual to turn around other than backing up.

Mr. English: And you also have the concern with the Fire Department and Rescue Squad if they get caught up in here. That's an applicant question, isn't it?

Mr. Gibbons: Jeff, does this meet the Cul-de-Sac Ordinance?

Mr. Harvey: Yes, Mr. Gibbons. This does meet our requirement. They are providing two inter-parcel connections as Ms. Doolittle stated. Also, from the fire marshal's perspective, the fire code does not require a second entrance to be physically in place until you reach 200 units and this is at 99.

Mr. Gibbons: So if you go from Foxchase Drive all the way back, that's a lot of homes that will be on one drive.

Mr. Harvey: Yes, until the those inter-parcel connections are physically built and the adjacent properties redeveloped, all 99 lots will come off of that main Foxchase Drive entrance.

Mr. Rhodes: Okay. Mr. Coen.

*Planning Commission Minutes  
March 12, 2014*

Mr. Coen: And since it's girl scout cookie time, tagging along on that...all 100, or 99 units come in and out across from the entrance of Drew Middle School and there's no light. They just come out, right?

Mr. Harvey: Correct. There's currently no traffic signal at that intersection. At some date in the future if that intersection met warrants, then a traffic light could be installed.

Mr. Rhodes: Okay. Other questions for staff?

Mr. Gibbons: I'm trying to figure out how much proffers we got here. Not very much. I just want to make sure I'm reading right.

Mr. Rhodes: Sure.

Mr. Gibbons: I got one for 500,000, another for 300 and some.

Mr. Rhodes: That sound about right.

Mr. Gibbons: How many proffers do we have on the whole...

Mrs. Doolittle: You mean monetary wise?

Mr. Gibbons: Well we have a gentleman here tonight, he goes around like the do with the boots at the fire station and collects money for the schools.

Mr. Rhodes: But it is about 850,000 or so.

Mrs. Doolittle: Yes, correct.

Mr. Gibbons: Well that's not very much for this many units.

Mr. Apicella: The only thing I would offer, Mr. Gibbons, is that there was a plan that was already approved for 94 units, so I don't know that there are any proffers associated with that. So by utilizing what was I think a commercial parcel that helped the county achieve some proffers that might not otherwise occur and it was only a net increase of, at the time, 5 units.

Mr. Rhodes: Any other questions for staff before the applicant comes forward? Yes, I think we had some questions for the applicant, so...

Mr. Chretien: Good evening, I'm Paul-Noel Chretien, I'm the manager of Fox Chase Apartments. I'm here representing the applicant. With me is Justin Troidl from Bowman Consulting. I can address most of your questions and Justin should be able to address the ones that I...

Mr. Rhodes: Thank you. You want to pose questions? Please.

Mr. Coen: Sidewalks? Yea or nay?

Mr. Chretien: Oh, yes, there are sidewalks. They're on the plan.

Mr. Harvey: Yes Mr. Coen, sidewalks are required based on the size of the lots.

*Planning Commission Minutes  
March 12, 2014*

Mr. Coen: Okay. And, what is relocation counseling?

Mr. Chretien: Okay, it's two different things there. One is, we're offering all the tenants, when the time comes that they have to leave, free counseling with our real estate company that manages the property because a lot of people don't know what to do when they're renting a place and they get a notice that in 120 days or 90 days the property's going to be demolished. Our management company will work with them and say, if you want to look for another apartment we'll help you; if you want to qualify to buy a place we'll work with you there, so at least they have some place to go. We're also paying \$200 per unit for relocation assistance which I believe is the first time in Stafford County that that had ever been required, so we're breaking new ground here. I would like to comment on the proffers for a moment. Mr. Harvey was correct; we had a by-right development with no proffers at all for 94 units. So, as part of a very complicated rezoning of the parcel next to it, we worked it all in after a tremendous amount of negotiations. But we came to what everybody thought was an equitable agreement, so, you're right. This would normally be sufficient for 99 units but we had a by-right plan that we could have built. So it was factored into that.

Mr. Rhodes: The relocation reimbursement, that was a suggestion by the Planning Commission, wasn't it? That you all accepted?

Mr. Chretien: Yes.

Mr. Rhodes: For the... how many units are there right now?

Mr. Chretien: Forty-six.

Mr. Rhodes: So, it was for those 46 folks is who you're offering it.

Mr. Chretien: Yes, correct.

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

Mr. Apicella: Sorry, I certainly appreciate your perspective and I appreciate the accommodations that you've made thus far. Part of our responsibility is to look at every project with the vantage point of ensuring public health, safety, and welfare. And, as I mentioned by email traffic and also on Saturday, I had concerns and continue to have concerns with the location of the open space. It is a proffer. The Planning Commission can't discontinue that proffer. So, we're left with a situation where we have again a large swath of land next to Route 1 and my concern was and is that children will play there and they will have whatever, as I mentioned previously, balls, Frisbees, what have you, that will come flying across a major state road.

Mr. Chretien: Okay, I appreciate the concern. I completely understand it. The first thing is, there is a double landscaping buffer on the front there. It's not in this plan; it's on the landscaping plan which is submitted separately that we've agreed to. It's in the proffer, buried deep in the proffer, but there's a double landscaping buffer across the front. That's going to provide a barrier. We could also put a three foot berm there on which the landscaping buffer would be planted and that would create a pretty good barrier. We could also proffer a fence but there's problems with fences. We're willing to proffer a fence; there's only a four foot height maximum on the fence. There are pros and cons as the Sheriff's Department has talked about on the fence and visual issues. But we're willing to do that in addition to the landscaping buffer and the berm. For technical reasons and for the shape of the parcel, we can't move the open space to another place. It just doesn't work on this plan. So, we think we can

*Planning Commission Minutes  
March 12, 2014*

accommodate your concern with a berm; a fence if you want it. We heard the pros and cons. I believe chain link fences have been banned so this would be a vertical or horizontal slat fence, if you think that would help. I think a berm and the double landscaping buffer should address the concerns. And we did make heroic efforts, my engineer, to move the tot lot way out of the way, and we're pleased that we could fit it into the parcel.

Mr. Apicella: Again, I appreciate all your comments. I'm still not yet convinced that even with a berm, three foot tall, and a fence, four foot tall, that that's going to keep a ball from flying across... in fact, I think it actually makes the problem worse because you're driving down Route 1 and all of a sudden you see a ball coming across the road. And the only time you're going to catch it in your eye is as it's coming over the road. I don't have a solution for you. We did discuss some landscaping and/or a fence as a solution. The Sheriff's office again thinks that's probably not in the best interest of security. So, we've got... on the one hand we've got safety issues, on the other hand we have security issues. I'm not quite sure how to solve that problem.

Mr. Rhodes: What does the landscaping buffer consist of?

Mr. Chretien: Justin?

Mr. Troidl: Justin Troidl with Bowman Consulting. During the rezoning, we were asked to do a double row of evergreen trees running the entire length of Route 1.

Mr. Rhodes: Trees.

Mr. Troidl: Yeah, so we'll have a double row of evergreen trees, and there's also supplemental understory shrubs that go along with the required buffer along Route 1, between the open space and the driving lanes.

Mr. Rhodes: Is there a minimum height of the trees at initial planting?

Mr. Troidl: There is, there is a minimum Stafford County requirement.

Mr. Rhodes: What is it Mr. Harvey? Do you recall?

Mr. Harvey: It depends on the type of trees, and evergreen trees, if I remember right, it's maybe 12 feet tall. I have to go back and check.

Mr. Rhodes: Yeah, okay. It's like eight to twelve; I mean, it's not tiny.

Mr. Troidl: Correct.

Mr. Apicella: Well, I guess I would ask staff then do you think that's sufficient to keep my concern from being realized along Route 1, a double planting of trees?

Mr. Harvey: Well, some of it's going to depend on spacing, of how the trees are planted. I'll have to go back and relook at the plans to see how it was laid out, because I don't have that information right in front of me. But maybe even Mr. Troidl can speak to that.

*Planning Commission Minutes  
March 12, 2014*

Mr. Troidl: I don't think the proffer went into any specifics as far as the spacing on those trees, did it? No, it just said we would provide. But I think we're open to consideration into a certain distance if there was something that the Planning staff wanted to recommend for that area.

Mr. Chretien: Or a berm if you think that would help, in addition.

Mr. English: Can I ask you a question? Would you think maybe to satisfy this if you just space trees all along that open space, that would kind of keep them from playing in that area? Is there some way that you can do that as far as with your landscaping maybe, you know, a deterrent from getting in that area to playing ball or whatever? Just kind of, I wouldn't say make it look like a forest but if you space trees out along in there, that's a deterrent for them to go in there to play. That could stop it a whole lot and I think that would be an issue that would address that. What do you think, Steve?

Mr. Apicella: I think that's a terrific idea. I think that would go a long way to... as long as there's not an open area for kids to play in...

Mr. English: And I think if you could space the trees out and that would just keep them out of there.

Mr. Troidl: Yeah, we have a nice, I guess a jogging trail around there. We can meander that more and create pockets of landscaping; absolutely, sure.

Mr. Chretien: We'll break up a big open field where people might (inaudible).

Mr. English: Right, and they couldn't play in there. There wouldn't be a way for them to play in there if you did that.

Mr. Chretien: Sure, we can do it. We could move the jogging trail around to reflect that, to move it up and then have the trees behind it and have everything farther from the road. And berm if you want that as well.

Mr. English: A berm would be an extra incentive, but spacing the trees, that would keep them out of there.

Mr. Rhodes: Any other comments from other Commissioners?

Mr. Apicella: Well, I greatly appreciate your willingness to modify the approach there as well. The other issue I raised, again, if you can respond to it, it what I'll call dead-end roads and the potential problems those might cause for people trying to turn around.

Mr. Troidl: During the original rezoning process for this, we met heavily with the Fire Marshal, as well as VDOT. The spacing on the dead-end, or the stub streets is what they'll call them for the inter-parcel access, is under the requirement for a full cul-de-sac or hammerhead turnaround along those lines. What we have is because of the way we've got our parking lots, for instance, at the end of Hill Topper Lane, we have the parking lot that is within a certain distance of the dead-end that allows a fire truck to turn around and manage that. We also provided auto turn exhibits to the Fire Marshall to prove that this indeed does allow for his fire engine to back into that parking and make that turn. And we did that for each one of these intersections.

Mr. Apicella: What if those parking lots are full?

*Planning Commission Minutes  
March 12, 2014*

Mr. Troidl: Well, it provides a T basically, a hammerhead essentially. So if someone were to come down to the dead-end and see that were full, they could back like they would normally do on a hammerhead type turnaround into that open parking isle, that 24 foot isle, and make that turnaround to go back.

Mr. English: It's called towing.

Mr. Apicella: Okay, I appreciate that for the fire trucks and I see where those parking areas are that allow you... would allow someone to turn around, but I'm still looking at Field Master Way and Harrier Lane which, again, whatever the right terminology is... I'm not just talking about fire trucks, I'm talking about Joe Citizens driving through the community and doesn't realize that he's hitting a dead-end road and has no way to turn around.

Mr. Troidl: Sure. Typically, on those ends, what you have is, is you cannot park within the VDOT right-of-way or the ingress/egress easement which extends past, I believe it's about nine feet from where the easement or where someone would be parked to where there's an open driveway apron, just much like you would if you were driving down a road and wanted to turn around midway. You would pull partially into what is still the ingress/egress easement or VDOT right-of-way, be able to make that turnaround and head back the other direction. The roads here are 26 feet wide through Field Master Way and Foxchase Drive, and then all the rest are 24 feet from (inaudible). So that allows a turning movement of a car that if it came to the dead-end, it could pull into that first eight or nine feet, be able to make that turn because it's unencumbered... you cannot park there. It's... you'd be in front of the sidewalk essentially because that is your pedestrian movement there.

Mr. Apicella: Great. That's a really helpful explanation, thank you.

Mrs. Bailey: Additional question to that, for the streets, is on-street parking allowed?

Mr. Troidl: It is, where available. You obviously can't park along the side where the townhouse units are. In areas where there is, it is allowed on one side. So you do get the reduction there but there's still ample room to make that turn.

Mrs. Bailey: Well that sounds like a concern for cars backing in and out if there are street parking.

Mr. Troidl: We do not... I mean, what we've done is there is parking along Field Master and Foxchase, but if you look at those particular areas, you can't park in the majority of them because you have townhouses on both sides. There's very restrictive areas in which parking would be allowed, and in those instances you don't have driveways on either side. So that... you wouldn't be doing a turning movement in those areas. In other places along...

Mr. Chretien: It's parallel, it's parallel parking.

Mr. Troidl: ... parallel parking, correct. Along Harrier Lane we've got parking bays that we've established and the rest of those areas would be no parking.

Mr. Rhodes: Mr. English?

Mr. English: Is it possible that you could just put at least signage up there as dead-ends, like if somebody comes in there...

*Planning Commission Minutes  
March 12, 2014*

Mr. Chretien: Sure.

Mr. Troidl: Absolutely. I think that's something we would have to do with VDOT, saying no outlet.

Mr. Rhodes: Mr. Coen?

Mr. Coen: From what you just said, so if I look at unit 22 on Hill Topper Lane, if I gather I can park along there. If I'm visiting somebody, somebody's having a party at 28, 29, or 31... 30 or 31, I could park by unit 22 on the road, parallel park.

Mr. Troidl: No, that area will not be because it's not wide enough to allow parallel parking. That will be a no parking along that side of the road.

Mr. Coen: Okay, so Hill Topper is out.

Mr. Troidl: Correct.

Mr. Coen: Basically the whole stretch of Hill Topper is out, for parallel parking.

Mr. Troidl: Yes, correct.

Mr. Coen: And what about Foxchase?

Mr. Troidl: Foxchase is wide enough but it's built to VDOT standards to allow one side of parallel parking. So in that instance, you could park on that right side of that road as you're driving.

Mr. Coen: By 50 and 57?

Mr. Troidl: Correct, yes.

Mr. Coen: And then on Harrier, basically there's the 5 parking spaces...

Mr. Troidl: Correct.

Mr. Coen: ... and in theory along, right next to unit 73?

Mr. Troidl: Correct.

Mr. Coen: Okay. Thank you.

Mr. Rhodes: Other questions for the applicant? Please Mr. Apicella.

Mr. Apicella: Just one more question about the no parking. How will that be enforced in the development?

Mr. Troidl: Your typical HOA; it will be signed with no parking and it will be towing if someone were to...

Mr. Chretien: If towed, call this number.

*Planning Commission Minutes  
March 12, 2014*

Mr. Apicella: So, you'll have towing enforced signs along the development. Again, I'm most worried about visitors just parking wherever and causing problems.

Mr. Troidl: It'll be striped fire lane with no parking along all private...

Mr. Apicella: Again, let me tell you, from my experience, having been an HOA President I don't care what kind of striping you put, unless and until you start towing cars people will park there.

Mr. Chretien: We're happy to put up signs, I agree with you.

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

Mr. Gibbons: You're not approving this tonight, are you?

Mr. Rhodes: Now, with the new overall plan that we've received tonight, that needs what time for public view? Or what is the status?

Mr. Harvey: Mr. Chairman, the Subdivision Ordinance requires that any preliminary plan must be available for public view prior to the Planning Commission approving it.

Mr. Rhodes: Okay.

Mr. Harvey: So, that would require a deferral on this matter with the applicant's concurrence.

Mr. Rhodes: But we have the time limit so we'd have to get a concurrence to waive the time limit?

Mr. Harvey: Yes sir.

Mr. Rhodes: Okay. So that would mean we'd have to, at minimum before we could act on this, if we were going to act on this modified it'd be on the 26<sup>th</sup> of March, correct?

Mr. Harvey: Yes sir.

Mr. Rhodes: Okay. What form does a concurrence with a deferral or waiving of time limit have to take? Does it have to be written? Can it be verbal?

Ms. McClendon: Mr. Chairman, it can be verbal (inaudible).

Mr. Rhodes: Verbal for the record, okay. Would that be acceptable?

Mr. Chretien: That would be acceptable.

Mr. Rhodes: Okay, so that's clear. Is there any other form... I guess this is in your district, Mr. Apicella.

Mr. Apicella: So the correct action for me to take would be to request a deferral?

Mr. Rhodes: Defer this for two weeks, yes, to the 26<sup>th</sup>.

*Planning Commission Minutes*  
*March 12, 2014*

Mr. Apicella: Mr. Chairman, I would request that we defer this action with the applicant's consent to the next meeting.

Mr. Rhodes: Deferral... it's New Business; does that need to be in the form of a motion, Ms. McClendon?

Ms. McClendon: I would go ahead and put it in the motion.

Mr. Rhodes: Very good. So a motion to defer this to the 26<sup>th</sup> of March; is there a second?

Mr. Coen: Second.

Mr. Rhodes: Second by Mr. Coen. Further comment Mr. Apicella?

Mr. Apicella: I would just ask, I think Mr. English came up with a very good reasonable solution. If there's a way we might be able to see that the next time we meet, that would really help alleviate my concerns, the current Supervisor's concerns.

Mr. Troidl: It will be made part of the application.

Mr. Chretien: When we revise this with his big formal charts, it will show that on it. And the trails' revised position as well.

Mr. Apicella: Great, thank you very much.

Mr. Rhodes: Any further comment Mr. Coen?

Mr. Coen: Mine's just a question of staff. If they have a new chart and graphs or what, how soon do they need to get it to you to fulfill the timeline of having a public viewing?

Mr. Harvey: The timeline would basically be the Thursday before the Planning Commission meeting. It'd have to be in our office and available for public view at Thursday morning.

Mr. Coen: Thank you.

Mr. Rhodes: Okay. Any further comment from any other Commissioner? All those in favor of the motion to defer this to the 26<sup>th</sup> signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

*Planning Commission Minutes*  
*March 12, 2014*

Mr. Rhodes: Aye. Any opposed? None opposed. We'll see you soon; thank you very much.

Mr. Chretien: Thank you.

Mr. Rhodes: Very willing to work with us. Okay, with that we are now back up to Unfinished Business, item number 4, Adoption of New Proffer Guideline Policies. Mr. Harvey.

4. *Adoption of New Proffer Guideline Policies*

Mr. Harvey: Thank you Mr. Chairman. Erica Ehly will lead the discussion for the Planning Commission on this issue.

Ms. Ehly: Good evening Mr. Chair, members of the Planning Commission.

Mr. Rhodes: You're back!

Ms. Ehly: Yes. My name is Erica Ehly and if I can have the computer please. At the last meeting, we discussed the issues that FABA raised in the January 28<sup>th</sup> letter and reviewed the Proffer Committee meeting discussion using the comparison chart. And just to summarize really quickly, the concerns from FABA included the use of the undeveloped park land as part of the Parks and Recreation proffer amounts, the choice of the new neighborhoods' generation rate rather than the countywide rate, the use of the current Level of Service as reflected in the adopted CIP rather than the ideal Level of Service as identified in the Comprehensive Plan based upon projected demand. Additional concerns were related to the various credit provisions that had been considered but have since been eliminated due to the establishment of the maximum proffer amount that reflects a 25% reduction in the suggested contribution value. And finally, other issues included timely spending, language related to the dedication of offsite easements, and the geotechnical requirement for land dedications, the two-thirds vote requirement to amend proffers, and a comment that lower proffer amounts encourage targeted growth. Following the discussion, the Planning Commission requested that FABA submit specific recommendations for changings including proposed language in a strikethrough underline format and any supporting logic for those changes. A transmittal was received by staff from FABA on March 6<sup>th</sup> which was included in your backup information. The response introduced several new requests, such as the ability for applicant's to submit an alternative proffer package in exchange for lower proffers, adding language to allow the Board to use all proffer contributions for other capital projects as approved, and removing the costs attributed to non-residential users from the Fire and Rescue cash proffer amount. The issue of debt service credits was raised again, although this type of credit was not discussed at the Proffer Committee meeting. Several changes have been made to the guidelines document. This slide illustrates the correction made to the summation error identified by FABA within the Parks and Recreation proffer calculation. The amounts on the slide also incorporate the updated population number from the 2010 Census number of 128,961 to the number in the current budget of 137,903.

Mr. Gibbons: Did we get a copy of this?

Mr. Rhodes: These slides?

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

Mr. Rhodes: I know this chart here, maybe not all the slides, but this chart here is on the second page of the staff package.

*Planning Commission Minutes  
March 12, 2014*

Ms. Ehly: Mr. Chair, my slide presentation was not available this afternoon.

Mr. Rhodes: Okay. But this chart here is the one that you had on page 2 of 3 in the staff package.

Ms. Ehly: This is included in the...

Mr. Rhodes: Just this one chart.

Ms. Ehly: Yes. Language has been amended to clarify the two areas where there was some confusion regarding the requirement to show owners' consent for offsite land dedications and the applicability of the geotechnical requirement. This was also in your staff report. The summary page of the proposed guidelines has been updated to reflect the changes to the Parks and Recreation proffer amount and the updated population number. In addition, staff reviewed all the calculations within the document and updated the school's proffer amount to reflect the current cost per school value as provided by the school's division in a recent meeting. Several minor calculation errors were corrected as well. These changes are reflected in the two versions of the proposed guidelines document provided as backup information. Staff is recommending approval of the document with these changes and I will be happy to answer any of your questions and receive direction from the Commission regarding any other changes to the proposed guidelines.

Mr. Rhodes: So, this reflects what we were originally going forward with and went to public hearing, got the comments, and decided to take some time to have some further engagement with FABAs and others. But this reflects what we had there at that time modified for the mathematical corrections and a few other smaller things that you had cited which represents the top portion of this is, based on our calculations and our methodology, 100% of the costs associated for the type of dwelling unit. And then the bottom portion represents what we were considering proposing forward before we went to public hearing on this... was it public hearing? Yeah, okay... which would be, the first one being a very deliberate transparent methodology of calculation that you can pick at and challenge and question all you want to but it's out there. And then the bottom one would be a suggestion of what would be a policy decision, and that would be whether you deem the top number too high and to some degree just arbitrarily or specifically with an informed dialogue decide to adjust it or lower it and we had proposed out there 75%. So we're kind of back full circle to where we were from the public hearing portion, with some adjustments and good dialogue and some other points of information to be considered, if nothing else. Okay. Thoughts?

Mr. Gibbons: If somebody would give me a soft copy of this (inaudible - microphone not on).

Mr. Rhodes: Okay. So, thoughts of the Planning Commission? Mr. Coen.

Mr. Coen: One of the things that we raised, and I brought it up to you again today, is it was asked by some of the Supervisors that we look into something about land preservation. I know Mr. Gibbons and I brought forward that and she was very nice to give us the legal aspect of we can't do x but maybe we can do y and we sort of asked for okay, what can we do with y. And I didn't see it and that's one of the things that I'm curious about, on top of all the rest of this.

Mr. Harvey: Mr. Coen, we are prepared to discuss that but that was not, from staff's perspective, a direction from the Commission at the last meeting. But we can speak to that.

*Planning Commission Minutes  
March 12, 2014*

Mr. Rhodes: Now, is this the issue... just to clarify... is this the issue that I know there was some, not a formal request, but it was interrelated with some dialogue by the Board. There was the issue of cash proffers going towards PDRs and that type of dynamic?

Mr. Coen: Right, and she very wisely pointed out the cash proffer thing could not be done; however, there could be something else that was done. I mean, I think Mr. Gibbons and I sort of put forth these are two ways to go about this. Which is plausible and feasible and which isn't? She said this one wasn't and then we said well, we really would like to get this so we can move forward on that.

Mr. Rhodes: So, now is what you're prepared with, Mr. Harvey... I want to make sure we march this fine line properly... is what you're prepared with items of open dialogue or are we talking about items that would be probably legal interpretation?

Mr. Harvey: Mr. Chairman, we're prepared to talk about policy discussions but not necessarily related to that issue that...

Mr. Rhodes: That would get into legal interpretation.

Mr. Harvey: Yes.

Mr. Rhodes: Okay. So, well then, let's...

Mr. Harvey: Ms. Ehly has a slide.

Mr. Rhodes: Okay, let's go ahead and go forward with that one.

Ms. Ehly: Computer please. We did prepare a slide which does contain some possible options for the Commission to consider this evening. Option 1 states that the Board would accept credits against Parks and Recreation proffers for offsite extinguished development rights. And option 2 is the Board would accept either full cash proffer for parks or offsite extinguished development right credit at the applicant's discretion. Staff suggests using the PDR development right value and methodology for determining the credits. And the current PDR development right value is \$25,000 per residential dwelling unit.

Mr. Apicella: Can you help me understand, let's say, under option 2, how that would work in a hypothetical situation. Let's say someone was just extinguishing 10 development units.

Mr. Harvey: So, in option 2, the applicant would have the opportunity, at the time of occupancy permit, pay cash or prove that they extinguish those development rights. And from the development rights standpoint we would give them a credit for up to \$25,000 for each of those 10 development rights.

Mr. Apicella: For a total of \$250,000 in that scenario.

Mr. Harvey: Yes.

Mr. Apicella: Does it have to be an either/or? Can it be a combination of the two? So, they're giving a less than full cash proffer with the balance being, you know, some number of development units.

Mr. Harvey: We certainly could work that in there. We'd have to have some agreement prior to the first occupancy permit as to how that would work, because you'd have to take, in any case, paying cash, we

*Planning Commission Minutes  
March 12, 2014*

have to know how that cash value is determined and spread across all the units within the project. So that could be an option 2a, I guess.

Mr. Coen: And then I guess this is sort of a... this is a new spin on what was at the public hearing. So if we were to try to insert this, it would be... we'd have to go back--I don't want to say back to the drawing board--but basically back to the hearing because this wasn't addressed in the public hearing in the first place.

Ms. McClendon: Mr. Coen, when it comes to the proffer guidelines, it's actually a policy; it's not an ordinance and there are not statutory requirements in regards to notice. So, while it behooves the public to get the benefit of what the Commission is considering, it can go to the Board with the Commission's recommendation without going to hearing again.

Mr. Coen: Thank you.

Mr. Rhodes: Okay. Other thoughts?

Mr. Apicella: Again, on the land conservation credit, if that's the right terminology, I would like to see us add something to that effect or something in the guidelines that would provide some kind of benefit to a developer for donating or achieving conservation. Probably something along the lines of option 2 plus option 2a.

Mr. Rhodes: Could we go back to that slide? Computer please. And where would these... would these have to be in a certain region? Could they be anywhere? How would we identify again?

Mr. Harvey: Right now, what we threw out for discussion purposes was offsite. It could be anywhere in the County.

Mr. Rhodes: Anywhere. So whether it was ever going to be developed or... I mean, how do we...?

Mr. Harvey: Again, this is a policy so certainly the Board of Supervisors, as they're considering the rezoning, they could decide whether or not they think that that proposal is appropriate. We would ultimately like to see the development rights extinguished in areas outside the Urban Service Area where we want less growth and development and we want to preserve farmland.

Mr. English: Option 2 is probably your best bet, because it gives them both that they can pick from, offsite or a cash proffer. I'm for option 2.

Mr. Rhodes: So, again, even with that offsite, how do we control where that extinguished development right is occurring at? Is it anywhere in the Urban Services Area? Is it anywhere in the County? You know, how do we value it?

Mr. Harvey: Certainly, if it's the Commission's desire, you could stipulate for offsite extinguished development right credit only for properties outside of the Urban Service Area.

Mr. Rhodes: But even then, if it's in an undevelopable area... I mean, this is just...

Mr. Apicella: I actually liked what Mr. Harvey's path he started going down which was maybe farmland. Remind me what was in the PDR program, because it's not across the board; it's specific kinds of parcels that we're trying to preserve. Primarily farmlands, land that's used for silviculture...

*Planning Commission Minutes  
March 12, 2014*

Mr. Harvey: Yes, Mr. Chairman and Mr. Apicella, those are the two primary considerations that the AG/PDR Committee look at. They have a whole ranking criteria with multiple features, you know, but those are some of the two highest ranking criteria, active agriculture or active forestland. Also, if we put in the language that we are using the PDR methodology for determining the development rights, then you won't necessarily have concerns about overvaluing the number of development rights from a piece of property. Because the PDR Committee has developed a process where they take the total land area and they subtract out all hydric soils. These are soils that have seasonal high water tables so you can never build a drainfield in that area. Then they look at that and take the zoning of the property and divide it by acreage appropriate to the minimum lot size for that zone to come up with the potential number of development rights on that property. And we took that methodology and compared it to actual subdivisions, and it's fairly accurate.

Mr. Rhodes: Has staff seen this done elsewhere?

Mr. Harvey: I believe we've not come across any specific example where it's in a formalized policy.

Ms. Ehly: Mr. Chair, I did do a little bit of research to try and locate different jurisdictions or local governments that do this. I believe Albemarle County does allow for conservation easements within the impact area and that would be directly related to the increase in density of the project. It's actually similar to this, where it would be related, you know, taking those dwelling units off of the map to be able to be developed. And then there are some other credits towards parkland proffers, but not related to conservation. The only conservation easement related credit that I could find was there.

Mr. Rhodes: Okay. One thought to just throw out for the Commission is we had looked through a lot of variations of different credits that came in and out of the proffer considerations several times. Where we had left off at the end process was that all those would be items and information that would be shared with the Board as part of the tangential considerations we had, but we went just straight forward with straight proffers and left those to more policy decision. We didn't mature or develop to a point that we all felt comfortable with, the different credits, and now we've got another one here. But I wonder about the maturity or confidence we would have in it as part of recommending versus recommending the concept forward just as another external consideration on top of just straightforward proffer guidelines.

Mr. Coen: Mr. Chairman, I can understand where you're coming from, especially this is sort of late in the game. And I admit I have sort of a bias because of being on the AG/PDR Commission and working with staff. And they did a phenomenal job on all of that, so I have a little bit of a bias and a bit of a more getting into the weeds about this. My preference would be to recommend it and the Supervisors could certainly say they don't want it. If it's the will of the Commission to say well, we'll just put it in the packet and say we looked at it and it's up for your consideration, I'm not going to scream and yell about that. But I do think it's... as we have seen in the newspaper in the last couple of weeks, there's a tank of development coming through the County and it would be nice to offer something to sort of be one more tool in our efforts to preserve the character that is part of Stafford's 350<sup>th</sup>. And so I'm for going forward with it but I'll do what the Commission feels.

Mr. Rhodes: Other thoughts of Commissioners? Please, Mr. Apicella.

Mr. Apicella: Mr. Chairman, I have a similar bias having served on the inaugural PDR Committee and have been a proponent of TDR and generally a person who believes in land conservation and land preservation. And the PDR program has little if no money and certainly no sustainable money, but the desirable end is to retire as many development units via conservation easements as possible. At the end of the day, that produces the overall costs to the County when there are fewer development units. And

*Planning Commission Minutes*  
*March 12, 2014*

so there is a public good here. Tying it to just land that is consistent with the PDR criteria and methodology I think limits the boundary so it's not all over the map. I think there's sort of a defined universe and I will tell you that farmland continues to be eaten up in Stafford County for development. In fact, I think in two weeks we'll be getting a package associated with farmland being developed. So, I think it makes good sense. Ultimately the Board can decide on a given project that they don't want to accept a specific PDR type proffer in lieu of monetary contributions. But at least we're offering the opportunity to do that if we include it in the guidelines.

Mr. Rhodes: Okay. Other thoughts of other Commissioners? Personally, I don't disagree with anything that was stated that said it is a later concept and proposal that we haven't really... the core pieces of the proffer guidelines and the amounts have been discussed and addressed and considered for such along time. They're very clear, very transparent, they're out there. As with FABAs, any entity can come and challenge some elements of the methodology and how you might go about calculating it, but at least it's very clear and very transparent and deliberate how it's based. I think there are, with the inputs we received from FABAs, I think there will be a list of things that I would at least conceptualize that we're sending forward to the Board as other elements of consideration. As they look at the core that was our proposal, I personally would be more inclined towards listing this as another one. There was a singular or a couple comments in some dialogue before. Staff has quickly put together some thoughts on it but it's just not that matured. And I think they fit, for me personally, they fit along the lines of some of the other policy called decisions that they might go forward with because they're a bit subjective to go along with quantitative. At least for one member, that'd be more along the lines of where I'd be inclined towards. But certainly however the Commission wants to go forward with their recommendation to the Board, we certainly can go with, as we always do, with the majority. So how do we proceed folks?

Mr. Gibbons: Well, Mr. Chairman, I took a page out of the book of Mr. Coen. I went and sat down with my Supervisor and went through this. And the first comment, he's not reducing anything. So any credit he doesn't believe in. So I thought that was a good start. The thing that bothers me the most, and I'll be in the minority tonight, I know that, but we started with UDAs and we finally went back and recommended I guess, what's the second item on here, five instead of seven. But the state required x amount of units to be built. We haven't adjusted that yet; we haven't even tackled that. How do we go back to a number that we really should have rather than what the state dictated? So, we haven't decided what's urban, what's suburban, what's a neighborhood concept, what isn't a neighborhood concept. So I don't know where we're at, so I think somewhere along the line we've got to get some direction from the Board. You know, is it better to have five than seven? Do we go back minus 14,000 units so we're balanced where we were before because state code was... I don't know. I got in on the tail end of it so I'll be on the tail end of it. But I know up in our area we need all the proffers we can for schools and parks, and we don't need to take a reduction. And the other thing is, I don't think we have the computer models that can tell us, if you build in the growth area how much do you save versus outside the growth area. So what is the benefit to the County? When you go back to the finance people (inaudible), you got a good handle on what the proffers are. There's a good algorithm, good figures; you can argue why you set the figure at a certain thing, but it's there. But when you say I want to go into the growth area versus another area, I don't know what model they look at to determine one of the factors like Jeff had brought up one time. If you walk to school you save, what, \$800 or \$900 a year per student, because of bus transportation? That's a factor that can help you. How many homes can you run sewer and water to in a certain area and save money on running any (inaudible) road, but I have never seen any comparison, Mr. Chairman, of what we save if we go into the growth area.

Mr. Coen: Mr. Chair, we have a full plate with what Mr. Gibbons was saying about the next item. There's a lot on our plate with just trying to get through all the proffer elements. So, what I'll suggest is that we include when we send whatever we send up to the Board of Supervisors, that we include in it the

*Planning Commission Minutes  
March 12, 2014*

options about that are available for the land preservation. And that way we can move to some of the other discussion on these other items. And that hopefully will just move us a bit.

Mr. English: So, you're saying leave option 1 and 2 in there for them to look at?

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

Mr. Rhodes: Forward that information.

Mr. English: I agree, I agree.

Mr. Rhodes: An approach might be, as we did with the public hearing, taking our modified information and clearly sharing it with the Board and recommending forward, here's our calculations at 100%. You could do a lot of different credits, you could do a lot of different offsets, but here is the cost and valuation as we see it at 100%. Next piece, subparagraph b is we think that from the review of all the surrounding areas and other approaches, that our valuation when we go at 100% may be on the high side as such so as not to necessarily have the impact of motivating behavior going towards rezoning and directing the growth towards because of the value of the proffer recommendation. So we would recommend a policy consideration of some reduction on there, and we had an approach that we show what it would be at 75%. But then subparagraph c becomes and in the course of dialogue and discourse and public hearing and considerations, there were these other variables that were recommended up. FABA has a list of some that would be other policy consideration they would make. We just had one here that the staff brought forward a couple approaches dealing with PDR and some ways to address some offsets there. That we'd also suggest forward as other considerations along with our core recommendation.

Mr. Apicella: I may be jumping the gun here, Mr. Chairman, but again, given that we do have a full plate, I would move to recommend to the Board of Supervisors consideration of the Proposed Proffer Guidelines for Zoning Reclassifications dated March 12, 2014 and any additional associated other considerations that they may want to ponder. And then... I'm probably making this longer than it needs to be but I think we can work on that... but for the moment just kind of focus on the core piece as you said, which is the current version of the proffer guidelines (inaudible).

Mr. Rhodes: So, it's a recommendation of recommending forward the logic and rationale and approach that results in the proffer guidelines as presented today at the hundred percent...

Mr. Apicella: I think it's right here; it's this document right here.

Mr. Rhodes: Yeah, it's that document; okay, gotcha.

Mr. Gibbons: Okay, make sure I got the right one because I've got three of them here.

Mr. Apicella: Again, it's dated March 12, 2014.

Mr. Rhodes: The one they set out here this afternoon...

Mr. English: (Inaudible); the one you've got in your hand.

Mr. Gibbons: I've got one here that's got item 4 on it; is that the one?

*Planning Commission Minutes*  
*March 12, 2014*

Mr. Rhodes: Yes. Do you think that works for presenting forward, Mr. Harvey, or do we need greater clarity of specificity?

Mr. Gibbons: And then tell me where in there is that document she had tonight?

Mr. Rhodes: Page number...

Mr. English: Eleven.

Mr. Harvey: Eleven. Mr. Chairman, that was going to be part of my question, is the way I understand the motion is that the option being put forward on page 11 is the 100% option rather than the 75. So, is it the Commission's desire to strike the 75% off the document?

Mr. Rhodes: I think...

Mr. Apicella: It was not my intent. I thought that the Planning Commission had previously already determined that we wanted to recommend the 75% level. I'm sorry if I (inaudible).

Mr. Rhodes: But just to, for all our clarity, I think the way we had recommended though was in the context of it's kind of a two-step approach to get to it; and that was first is, we believe a clear and understood approach to calculating is what is represented by the hundred percent. And then we believe that there may be a challenge with those values and levels and, therefore, there would be a subsequent policy consideration to then adjust it down and we were recommending 75% for consideration.

Mr. Apicella: It says on page 10... this is in the document itself... as a means to encourage zoning changes, this policy establishes a maximum proffer contribution. That contribution shall be equivalent to 75% of the calculated proffer value. So I hear what you're saying; I'm not sure we need to say that. It's already embedded in the document.

Mr. Rhodes: Right. I'm clarifying why we had the two points there. The one is an approach to calculating it, and then an approach to modifying the base calculation, based on a policy decision which is represented there on slide 10... I think.

Mr. Harvey: Thank you, Mr. Chairman; that clarifies my question.

Mr. Rhodes: In addition though, now not necessarily have to be part of this but I just would like to raise, then we also had a lot of good information that was raised in the public discourse that occurred concurrent with and subsequent to the public hearing and some inputs, additional consideration I think to include tonight. And I think those are points we would want to be shared with the Board as well. It's additional information for their awareness.

Mr. Apicella: Absolutely, Mr. Chairman. I have some comments to make but what I would offer is we've been at this now almost two years.

Mr. Rhodes: Yep.

Mr. Apicella: There's been volumes of data that has been provided and stakeholder feedback. And it may be voluminous but I can't see why it would be hurtful to the process to provide all of that to the Board for their further deliberation on this matter, including any stakeholder input and the slide decks that the staff provided. Again, the staff can help them work through it, filter it, you know, give them the

*Planning Commission Minutes  
March 12, 2014*

Reader's Digest version of it; but it certainly helped to inform our decision to get to this point and I think it will help them as well. So without necessarily trying to filter it, just everything that's been...

Mr. Gibbons: So, what do you recommend Mr. Chairman? Seventy-five percent?

Mr. Rhodes: I think it's recommending the presentation that is in front of us with a tab 4 on it that is dated March 12, 2014, which does take it to a 75% as a policy adjustment consideration from our hundred percent calculation.

Mr. Gibbons: That's alright, I can't support that but that's alright.

Mr. Rhodes: No, no... that's fair. Which presents to them a calculation which is represented, our hundred percent calculation, that's what we think the cost is, and then a consideration of an adjustment which would be their policy decision which right now is represented we put out a strawman of 75, correct.

Mr. Gibbons: We can't build schools now.

Mr. Apicella: Mr. Chairman, was there a second on my motion?

Mr. Rhodes: I don't know that there was.

Mr. Coen: Okay, I'll second.

Mr. Rhodes: We just now clarified the motion.

Mr. Coen: Okay, I'll second.

Mr. Rhodes: Second by Mr. Coen. Further comment Mr. Apicella?

Mr. Apicella: Yes Mr. Chairman. We've been reviewing the proffer guidelines since the winter of 2012. In my time on the Commission, no matter has been more thoroughly researched and analyzed. Anyone who's interested can look back at the many meetings where this matter was discussed, the data that was provided, the questions that were asked and answered, the options alternative considered, and the various interim decisions made along the way to hone our efforts. For example, back in June of 2013, this Commission explored student generation rates. Over several meetings we reviewed fact-based data and determined that school related proffers should be based on new developments, not based on countywide school populations. We also discussed and disagreed with the contention that proffers amount to double taxation. So, I'm not going through all the points that were raised by some of the stakeholders, but just that we've had a lot of deliberation and discussion on these matters and it's unfortunate that the stakeholders weren't participating all along. But we've tried to deal with many of the issues that they've subsequently raised. What is being proposed tonight reflects hard data and a well thought out methodology. It includes changes recommended by interested parties. There are some stakeholders who will feel that the proposed guidelines are still too high. In reality, tonight's proposal reflects figures that are significantly lower than the guidelines in place today, they are lower than the figures proposed by the Joint Board of Supervisors and Planning Commission Subcommittee, they are lower than many of our surrounding communities, and at the 75% level the proposal is 25% less than the total amount it could otherwise be. I would also add that the 75% figure reflects proffer amounts that have been included in recently approved rezoning requests in Stafford, as well as some that are on the immediate horizon. So, it would certainly appear to me that these figures are economically viable. For

*Planning Commission Minutes  
March 12, 2014*

those stakeholders who feel the amounts recommended are too low I would offer the following points. Stafford County has around 45,000 housing units today. Most of the growth in Stafford has been by-right over the last years if not decades, meaning that development has occurred without any proffers whatsoever to mitigate the impacts of that growth. We've been told that there are another 9,000 units that could be built by-right without proffers in Stafford County. So that would be zero dollars for those 9,000 units. And then we also know from the data that was provided that between 500 to 2,000 units are built just about every year in Stafford County. This will occur whether or not there are rezonings and whether or not we approve any rezonings going forward. Some of that by-right growth will happen in the rural parts of Stafford as they have in the past where there is inadequate infrastructure to support it. In my view, continuing to do business this way is not smart growth and it's not growth that helps pay for itself. Instead, as we've discussed, encouraging rezonings by lowering the proffer guidelines to reflect a more realistic amount will help the County steer growth back into the Urban Services Area, the very place where we would prefer growth to occur. And it will provide some funding to mitigate the impacts. Seventy-five percent of a hundred percent beats zero any day of the week. We've also discussed other benefits of encouraging rezonings that were directly or indirectly fostering by-right development, and that includes the ability of the public, the Planning Commission, the Board of Supervisors, to review, to help better shape, and to ultimately improve the development projects that are in front of us. That doesn't happen with by-right development. Mr. Chairman, we've been at this a long time. We owe the Board of Supervisors a recommendation. We can spend another 18 months talking and deliberating about this, coming up with various methodologies. We could take this car and turn it over and keep kicking those tires, but we're not going to develop a product that satisfies everybody's interests and concerns. I believe we developed a reasonable, rational proffer regime. Again, it's based on data, a sound methodology, and on recently approved rezonings. I believe these guidelines make sense and, at the end of the day, they're going to best serve the County going forward.

Mr. Rhodes: Okay. Further comment Mr. Coen?

Mr. Coen: Yes, thank you Mr. Chairman. I'm not going to go over the same points Mr. Apicella did; I know he's been working on this I think since the first day I met him. He's been a champion on trying to do something to get growth into the Urban Service Area. A couple things; first of all, I hope that when this goes forward to the Supervisors, all the ancillary supporting data, the other views that are contrary to what's in our proposal, for example we heard some tonight about using the countywide numbers for schools versus the new growth numbers for schools, that would be viewed as support data for them to look at. And I will ask that the land conservation recommendation that staff did come up not be sort of mixed in with, you know, people disagreeing with whether or not we use this number versus that number because I think (a) there has been discussion by the Board above us that they'd like this looked at, and (b) it's on a different plane than, you know, you're using this number versus we want this number, it's not the same concept. I do appreciate, Mr. Chairman, when I was at the training, you brought up the point... one of the things that I found very frustrating in this process in dealing with Chesterfield's information, and staff has been wonderful trying to get it, but Chesterfield doesn't break it out. So that if, for example, this goes forward to the Supervisors, the Supervisors approve the 75% proffer version on June 30<sup>th</sup> and then July 1<sup>st</sup> all the proffers kick in from Abberly, it looks like in other counties they would sit there and say, when they have adopted a new method they got all this money. And the fact that staff is going to separate it out so that it's a cleaner, more transparent process, to see if it is working, I appreciate. I totally understand that we would like to get a hundred percent. And one of the things that I found was very interesting, and this is what I asked I think two months ago or maybe three months ago, was these are guidelines. They're not requirements. So the developers are going to come in, if we keep them at a hundred percent they are coming in and they will continue to come in below that. We've seen that. If we lower it to 75% they're going to come below that. The group that wants it even lower, I jokingly asked the people who met with them did they promise that every single

*Planning Commission Minutes*  
*March 12, 2014*

project they brought in would be at that number and never below that, and of course they didn't. So, but these are guidelines and so what will end up happening is that when somebody comes in, they are going to have some give and take and ideally we will get a good amount. Some people will be happy with the dollar amount and say yes, we're getting a good dollar amount, and other people will say look at the details and that's just going to be a different perspective. But the reason why I will support this packet at 75% is solely that we need to reform the system. The growth is not going where we want it to and I think it is good to give a year or two at some type of reform to see if we can change the dynamic. Keeping it where it is is not getting things where we want it. You put it in by-right out in the area, I see (inaudible) out there, you're going to have more school buses going on more narrow roads which is going to require more road money to widen these roads. Public service is going to have to go farther, etcetera, etcetera. It snowballs out. And if we want to try to encourage it where we want to, we need to do something. I'm all for looking at this periodically and saying, you know, is it really helping? Are we getting the growth where we want it to go? And if it's not, we do something different, because there definitely is going to be a concern that we have this by-right development that we can get and we get that anyways and we get this and we've got everything. We got stuff we've got to pay a hundred percent for and stuff we pay less than a hundred percent for. But I think we need to do some type of reform and I think it's fair to move it on now. Thank you.

Mr. Rhodes: Very good. Other Commissioners? I would just... please, Mr. Gibbons.

Mr. Gibbons: I thought Darrell was going to go. I mean, I know I'm in the minority what I say, but one of the good things that came out of the FABAs discussion, and the public should know this, for the first time they made a statement that they believed in the proffer system. Nowhere in the State of Virginia had that been quoted before by any building organization. So I thought that was (inaudible). And you go to any resident in the County and they'll tell you that growth does not pay for itself. And it's on the lips of every door that you knock on when you run for election, and so to come and say that Stafford is where it is today because people want to come here and live here. So we must be doing something right. We can't be doing everything wrong. And people resent trying to say where you should live and where you shouldn't live; economics should probably dictate that. And we've got the finest school system in the state, we've got the good Sheriff, we've got all of the quality that makes a good (inaudible) and it reflects in our value as a community in the nation. But to come back and tell the public that 75% is better than a hundred percent, and it's all negotiable, then I think we're just spreading fairy dust on here. And I can't support that. I've been there. You've got to negotiate from the point, but I believe in Mr. Coen's thing. I'm a firm believer in saving the farms. Whatever it takes to save a farm, we've got to do that because that's the right thing to do. But I just can't believe in going from a hundred percent to 75, then you negotiate that down to 50%. So why don't you just leave it where the bar is now and keep on negotiating? That's all they do anyway because you can't mandate. But the one thing I want to congratulate the staff on, and especially the Planning and Financial staff, Mr. Chairman, that they're algorithms and all their formulas meet the letter of the State Code. So this County does everything proper and we should be very proud of that. So thank you.

Mr. Rhodes: Very good, thank you. Other Commissioners? I will just submit that, I think I'm in the middle of everything that's been stated here. We need to move something forward. The Board needs something to start working with. It is the time of year that they need to be able to start addressing this and taking this into consideration. We need to get something in their hands, so I'll go forward. I believe in the hundred percent, because I believe it's a clear calculation it is what it is. I also believe that probably that's not something manageable to incentivize the type of behaviors we'd like to incentivize, but I believe that's a policy call. However you adjust as a policy call and so getting something in the hands for them to consider, we give them a strawman. Here's what 75% would look like. At least that's the way I'll present it to my Supervisor to explain is we gave you a strawman. So we gave you a

*Planning Commission Minutes  
March 12, 2014*

number up there that said 75, but I believe that's a policy call and that's something that the Board now has to adjust. What is the right adjustment there? Have a clear bases of where you're starting from and then do whatever adjustments you need. That's what all the credits would have done too. Those are kind of a policy call; it just seems cleaner to do it almost just as a straight percentage versus saying it's how many by-right units you would have had. It's how much acreage will you give us in an area that we would like, or these other things. That's just where I am as one person but I do believe we need to move it forward. I think we've done a lot of consideration. We've got a lot of information to send forward.

Mr. Gibbons: Mr. Chairman, I agree with you moving it forward, I just don't agree with 75%.

Mr. Rhodes: Oh, understood, understood.

Mr. Gibbons: So I gather you still believe in a hundred.

Mr. Rhodes: I believe that there is probably a need for a policy decision that is what the Board is elected for to make an adjustment. I don't think a hundred is a working number. I don't know what it is. But that's what we need to put in their hands.

Mr. English: Well, I think we're giving them options there so they can look at it. So, like you say, just get it moving to a working document and see where it goes.

Mr. Rhodes: So, with that, I will call for the vote. All those in favor of the motion to recommend forward to the Board of Supervisors our proposal or suggestion on the proffer guidelines which is reflected in the presentation dated March 12, 2014... I forgot which year it was we're working on this... signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Rhodes: Aye. Those opposed, nay?

Mr. Boswell: Nay.

Mr. Gibbons: Nay.

Mr. Rhodes: Two nay; 5-2. It moves it forward and we owe our Board members, I think, some discussion on the background to give them context because it is important to provide that. But thank you, thank everybody for all their efforts, thank you for the recent dialogue to gather some more information. It's been very useful and certainly thanks to staff. They've worked this longer than all of us.

Mr. Gibbons: Mr. Chairman, following up on that, I think we ought to go back to the County Administrator or you send a letter to the Chairman and commend the staff on what they've done on this project.

*Planning Commission Minutes  
March 12, 2014*

Mr. Rhodes: Can do. Okay, with that we're going to move onto item number 5. Mr. Harvey.

5. Comprehensive Plan Amendment; Urban Development Areas

Mr. Harvey: Thank you Mr. Chairman. Please recognize Mike Zuraf; he will lead this discussion.

Mr. Rhodes: Very good.

Mr. Zuraf: Okay, Mr. Chairman, members of the Commission... this item is a continuation of a discussion of the Comprehensive Plan Amendments regarding the Urban Development Areas. At your last meeting you received the Board's direction pursuant to Resolution R14-35. It spelled out five specific directives to shape the Planning Commission's recommendations back for amendments. And the Commission established a plan to address the issues and requested to attempt to discuss items 1, 3, and 5; those are highlighted in the memo that you received. And for all these things we've provided you background information, including the original recommendation document that was provided to the Board back in February of last year, several maps that highlight each Urban Development Area including the overlapping of Redevelopment Area boundaries. And, in addition to that, we've included in the Power Point several other maps that we've looked at over the past several meetings that may assist in this effort. We did also include a modified schedule on how we might be able to proceed through this effort and get the full recommendation back to the Board prior to their June 3<sup>rd</sup> meeting. The three items that the Commission wanted to try to get a handle on this evening was number 1, maintain the concept of targeted growth areas as currently represented in the UDAs and Redevelopment Areas; item 3, correlate the defined areas of the UDAs with the Redevelopment Areas; and 5, evaluate the desirability to retain specific UDAs. So, I guess if you'd like, Mr. Chairman, to go through starting with number 1.

Mr. Rhodes: Sounds good.

Mr. Zuraf: Okay. So, the general issue of the suggestion from the Board was to basically maintain the individual Urban Development Areas as they've been designated already on the adopted future land use map, and designate those individual UDAs as targeted growth areas. And that's basically a specific suggestion for the Commission to discuss.

Mr. Rhodes: I think that that is, at minimum, that is... so two comments; one is, that is somewhat in response to our working plan we were striving towards which was a thought of maybe one larger targeted growth area along the transportation corridor. Their reaction was, at least for right now to they're better informed on that, just stick to the UDAs and the RDAs for your consideration of targeted growth areas. That's what they said... I mean, that's clearly what they said on the issue there which we can give them a recommendation on that I think. I think this one though is somewhat influenced by both our input to them when we prioritize the current UDAs and item number 5. I mean, they're kind of inter-related, so... all three kind of really go together so... the question is do you just make the UDAs and maybe even the RDAs, just call them targeted growth areas? Two is do you kluge them altogether where they overlap and just modify the boundaries? And then 3 is, are there any of those existing ones that were UDAs or RDAs that we would suggest be dropped and not retained or maintained? And I know we had a hierarchy of them in our input back in December of '12.

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

Mr. Rhodes: One of the things that staff handed you, I think it's the last item in your stack, it was what we had referred to the Board of Supervisors when we first suggested this concept of targeted growth areas in lieu of UDAs. And on the second page of that document, which is actually page 4 of 5 of the

*Planning Commission Minutes  
March 12, 2014*

handout, it's paragraph IV... we kind of ranked them in order. And the first ones which we thought were the strongest ones and the ones that needed to be focused on in the near term were Courthouse UDA, Southern Gateway UDA, and at least the northern portion of the George Washington Village UDA. Then in subparagraph b, we picked those next ones in the future we thought would be emphasized for targeting, and they started with the lower portion of the George Washington Village UDA, the Centerport UDA which we believed was better potentially targeted for commercial growth, and then the Leeland Station one that it said the area had some limitations on near term potential for larger new development, but it has potential in the future but the area may build-out under current development plans. And then we had a last group which was c, and those were two that we saw that we were uncertain that they were appropriated for targeted growth areas; that was Eskimo Hill UDA and the Brooke Station UDA... when we had done this at that time under the Planning Commission that was in place in December of '12. And then we highlighted two other areas that weren't currently UDAs and we talked about the Garrisonville Road corridor, especially for infill development, and then the Boswell's Corner RDA, we believed it should still be targeted for continuing commercial development opportunities. That I thought was important to consider in the context, or to remind ourselves of in the context of this discussion because it certainly applies to 5; at least the thinking at one point in time to 5 and how we might address some of the others.

Mr. Gibbons: Do we have the numbers by UDA, what the state... ?

Mr. Rhodes: How many units and square footage of commercial?

Mr. Zuraf: The residential in all of the UDAs was 14,000+ residential dwelling units. The commercial was several million square feet.

Mr. Gibbons: Oh, that's right. I'm not worried about that, but so there's 14,000 per UDA?

Mr. Zuraf: No, total.

Mr. Rhodes: No, 14,000 total among all the UDAs.

Mr. Zuraf: And each UDA varied in the amount of residential growth that was recommended, depending on the size.

Mr. Rhodes: As we do targeted growth area, we don't have to identify the specific amount of units, do we?

Mr. Zuraf: That's I guess where the Commission can provide a recommendation, if you want to leave it open or...

Mr. Rhodes: Yeah, we ought to have a general planning construct but I don't know if that would be as specific as we did before.

Mr. Coen: Mr. Chairman, do we need to, I guess at the start, at the onset, say that we want to eliminate the term UDA and replace it with the TGA? And then from that point then we can go on and move out other things. I mean, would that be a first construct? And then we can say okay, well now that we've eliminated the UDA terminology and state mandates, then we can look at the TGA and what areas in etcetera, etcetera, exactly what Mr. Gibbons has been talking that we should look at. If so, I'll make a motion to eliminate the term...

*Planning Commission Minutes  
March 12, 2014*

Mr. Rhodes: I think that would be continuing the Planning Commission's recommendation, in paragraph 2 of our submission to the Board in December of 2012, there was... the Commission recommended the repeal of UDAs. But then we said you still need a planning construct and that's where we came up with this targeted growth area. So I think that that would be a reaffirmation of our recommendation that we eliminate the UDAs but then we start working... if we're going to call it targeted growth... and adopt targeted growth areas for the planning construct, now how do we want to shape those? Okay.

Mr. Coen: Yeah, I'll make a motion to reiterate our belief in eliminating UDAs and replacing with targeted growth areas...

Mr. Rhodes: For the planning construct.

Mr. Coen: ... for the planning construct.

Mr. Gibbons: Second.

Mr. Rhodes: Okay, motion seconded. Further comment Mr. Coen?

Mr. Coen: Not at all.

Mr. Rhodes: Further comment Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Any other member? Okay, all those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Okay, so that's the first step of our feedback. Now, again going back to the first item, the first issue they want us to address, that we maintain that concept as represented in the UDAs and the RDAs. So, they're asking and the question is are we agreeing to looking... what we need to do next is look at the UDAs and RDAs and see if we want to apply that term, targeted growth area, to those what we're currently considering as UDAs and RDAs. And then how we would bound it which is item number 3, issue 3.

Mr. Coen: And wouldn't that sort of be item 5 as well?

Mr. Rhodes: Yep, we need to address them again. So I think what we need to do is look at each of the current UDAs or RDAs and discuss would we retain it and would we retain the borders as they are or

*Planning Commission Minutes  
March 12, 2014*

would we modify. Because we've been told to look at those, UDAs and RDAs. So maybe that's a way to proceed?

Mr. Apicella: Well, there's only two that's applicable here, right? Because there's three RDAs and one of them is not in the boundary here and that's Boswell's Corner.

Mr. Rhodes: Right.

Mr. Apicella: So there's only two left, which is the Courthouse Redevelopment Area and the Southern Gateway...

Mr. Rhodes: RDAs.

Mr. Apicella: Right.

Mr. Rhodes: But they are asking about the application of targeted growth area to the UDAs and the RDAs.

Mr. Apicella: Right. But the RDAs, for the two that are applicable, are just extensions or further boundaries beyond just the boundaries of the UDAs in those areas.

Mr. Rhodes: Right. Correct.

Mr. Apicella: So, I'm just trying to say that it's not, this is not rocket science here; we're only talking about two places where this whatever (inaudible).

Mr. Rhodes: From a boundary perspective, so I think it's too full. I think we want to look at each of the UDAs and make a recommendation do we think they ought to continue as targeted growth areas? And then where they overlap in RDA, do we recommend that we modify the border, boundary?

Mr. Apicella: I think we've already... I mean, again, we have a lot of new players on the Planning Commission so they may have different views. But we spent a lot of time talking about the seven and ended up with five, and I still think those five... I still think the two make the least sense.

Mr. Rhodes: Right.

Mr. Apicella: I think the five, to some degree, make more less sense but I think we certainly prioritized those. I'm comfortable keeping all five. I think there's a logic trail explained in this document as to why. And then just, again, just kind of take the other two off the table and not really focus too much attention on those. I mean, we can beat that horse again...

Mr. Rhodes: But I think right now we just need to affirmatively do that, one way or the other. And it just seems if we go down each, we can knock it out. Because they've asked us to, as currently represented in the UDAs and RDAs, so I think we need to now take another affirmative decision as to how we're going to proceed on each...

Mr. Apicella: Can I recommend that we at least start with the two that we thought made the least sense and maybe take it up or down (inaudible)?

*Planning Commission Minutes  
March 12, 2014*

Mr. Rhodes: Okay, we'll go backwards. Do we think that Eskimo Hill and Brooke Station ought to be... do we desire those to be retained as specific UDAs now termed targeted growth areas?

Mr. Apicella: I would recommend not.

Mr. Rhodes: Consensus. All those that support them as continuing as targeted growth areas, raise your hand, say yea, jump up and down. All those that do not believe that we would recommend them continuing as now targeted growth areas? Everybody? Nobody? Okay, so those two are off. Now we're down to five.

Mr. Zuraf: Well, I don't know if I should cut in.

Mr. Rhodes: Go ahead and mess it up.

Mr. Zuraf: Yeah, I'm going to mess it up right now. What we had recommended I think it was probably clear, as far as a replacement land use in the Brooke Station, was Agricultural/Rural, and in place of Eskimo Hill I think we had recommended Business and Industry land use in that area. And that is what had been recommended before.

Mr. Rhodes: Does everybody agree with that? Yeah, that's where we were at. Okay.

Mr. Zuraf: Okay.

Mr. Rhodes: Very good. So now, let's flip back over to your order and I think the first one you had was the Courthouse Road, or Courthouse UDA, and the George Washington Village UDA, right, with the overlapping RDA?

Mr. Zuraf: Yes.

Mr. Coen: And again, since I'm a newbie, do we want to or do we need to keep the RDA language in there or should be just call everything a TGA? Because that might clear it up or it may make it more messy and I don't know so that's why I'm asking.

Mr. Rhodes: What are the implications Mr. Harvey? Mr. Zuraf?

Mr. Zuraf: There are specific redevelopment plans and redevelopment efforts where I think it'd be invaluable in keeping that terminology.

Mr. Rhodes: Okay. But, we could modify the boundary of the UDA to incorporate the RDA.

Mr. Zuraf: Yes.

Mr. Rhodes: Or, the targeted growth area to incorporate the RDA.

Mr. Zuraf: Yeah.

Mr. Rhodes: Or the artist formerly known as... okay.

Mr. English: There you go.

*Planning Commission Minutes  
March 12, 2014*

Mr. Rhodes: The area formerly known as Courthouse UDA. Do we have a slide?

Mr. Zuraf: And we have a, if you go to the computer, we have an image of area 1. Area 1 is the Courthouse Urban Development Area and you actually get an overlap here. You see the Courthouse UDA in area 1, area 3 is the Southern Gateway UDA, but in blue is the Courthouse RDA. You can see...

Mr. Rhodes: Three is George Washington.

Mr. Zuraf: Three is George Washington but yes.

Mr. Gibbons: And that's the one that's got the huge zoning coming in now, don't they?

Mr. Zuraf: And the Courthouse RDA, that basically overlaps both... it includes all of the Courthouse UDA... Courthouse...

Mr. English: Targeted growth area.

Mr. Zuraf: ... targeted growth area and a portion of the George Washington Village targeted growth area. So, some suggestions to consider may be to bring back the RDA line to maybe stop it at 95...

Mr. Rhodes: Yeah, use 95 as a (inaudible); the one to the left is part of George Washington, the one to the right is part of Courthouse.

Mr. Zuraf: Or, well there's...

Mr. Rhodes: That hugely increased Courthouse.

Mr. Zuraf: Well I think it would mainly reduce... an this would not be a Redevelopment Area... well, I don't know about not having that as a Redevelopment Area but...

Mr. Harvey: That's all options that the Commission could consider. Do you want to readjust the RDA boundary to be with the Interstate or, like the Chairman was suggesting, maybe split both parts of the RDA, one part goes to George Washington and one part goes to Courthouse and make 95 as the dividing line.

Mr. Rhodes: But, just to... I want to make sure I understood one thing... it seemed that probably we wanted to preclude any consideration of the RDA changing. The RDA stays the same for the RDA plans and other stuff, but we might consider modifying our boundaries of our targeted growth areas to ensure it covered all of the RDA. Is that what we're talking about?

Mr. Harvey: I think that would be the easiest approach and allow us to spread some of the density around better.

Mr. Rhodes: Please.

Mr. Coen: One of the things that I thought was a little hard to tell between the material we received and the map is the delineation between Southern Gateway, or the southern part of the George Washington Village, and the northern part. And I ended having to ask. And I'm not certain because I wasn't here; I don't know if that needs to be delineated or drawn out or if that whole thing is just one. And I think that

*Planning Commission Minutes  
March 12, 2014*

may lead to some confusion. And then I was confused with the blue line too, being on top of it. And so, to a certain degree, the more clarity it is the better. But I wouldn't necessarily say moving... I could see you splitting the blue on 95, one's one way, one's the other, but I'm a little leery of shifting lanes right now in the middle of the traffic.

Mr. Rhodes: Now the red border is...

Mr. Zuraf: That's the Urban Service Area.

Mr. Rhodes: The red border, right?

Mr. Zuraf: Yes.

Mr. Rhodes: All of that. So, all of this is in the Urban Services Area.

Mr. Zuraf: Correct.

Mr. Rhodes: Okay.

Mr. Apicella: And what do the hash marks... what are those? What is that?

Mr. Rhodes: A future road network.

Mr. Zuraf: Streets. Oh, the hash lines...?

Mr. Apicella: Dash lines.

Mr. Zuraf: The dash lines are future road network (inaudible).

Mr. Rhodes: The one on the right would be Mine Road extended?

Mr. Zuraf: Yeah, this is Mine Road.

Mr. Apicella: And what lines, what color are you using to mark the RDA lines?

Mr. Rhodes: Blue.

Mr. Zuraf: It's the blue line.

Mr. Apicella: Okay, and what color are you using for the... what was the UDA?

Mr. Rhodes: Purple.

Mr. Zuraf: Purple.

Mr. Rhodes: The purple shade.

Mr. Apicella: Okay.

*Planning Commission Minutes  
March 12, 2014*

Mr. Rhodes: Everything that's purple on the left with the water running through the middle of it is the George Washington UDA. Everything that's purple on the right side of 95 is the Courthouse Road formerly UDA.

Mr. Apicella: So, can I...

Mr. Gibbons: Mr. Chairman... go ahead...

Mr. Apicella: So, this is where I think we're sort of in conflict, potentially in conflict with the guidance, which was we had expanded the targeted growth area to include what are suburban areas. The yellow is suburban, right?

Mr. Zuraf: Correct.

Mr. Apicella: So, I just... I'm trying to understand intellectually if on the one hand they're asking us to reconsider whether or not the targeted growth area should go beyond what was the UDA and reach out throughout the entire RDA area, but that's in (inaudible) to the other guidance which was don't mess up these other areas that weren't part of the... that weren't part of the...

Mr. Rhodes: I understood the guidance... I mean, item 1, maintain the concept of targeted growth areas as currently represented in the UDAs and Redevelopment Areas. So I think it leaves open the possibility do we want to make a recommendation of any adjustments to the targeted growth areas that would cover more of the RDA that's not currently in a targeted growth area, or not.

Mr. Apicella: But I think you have to look at it, it's not necessarily just an either/or, you have to look at it strategically, right? Because what you want in a targeted... what you wanted in a UDA may not necessarily be the same thing that you wanted in an RDA, right? And RDAs are infill development, right, but not necessarily high concentration development, right, which is what you're kind of looking for in a (inaudible).

Mr. Zuraf: Correct.

Mr. Apicella: So, I'm saying that two in some cases might meld together well and some cases it's like oil and water where they're not going to (inaudible) well. Or shouldn't.

Mr. Gibbons: Mr. Chairman, if you're going to determine... you go in a targeted growth area, how are you going to determine the number of units that you want in there unless you get the philosophy from the Board what is urban and what is suburban? There's a lot to believe in the neighborhood plan and a lot to believe in the village. So, until you get guidance from the Board, I don't know how you targeted... You know, there's a big philosophy change there that, you know, do you want a city or do you want five villages?

Mr. Rhodes: I think it was very hard for them to give us the degree of specificity we got with the five issues. I don't know how much more we're going to get on those questions.

Mr. Coen: To me, number 3, correlate the defined areas of the UDAs with the Redevelopment Areas... and now it's TGAs... you can either go expand the purple to wherever the blue line is, or you reduce the blue line to wherever the purple is. That's how you would correlate it. And I agree with Mr. Gibbons; you know, when we get to the numbers and how many units and all that, we haven't gotten to that and

*Planning Commission Minutes  
March 12, 2014*

they haven't given us that, but to look at number 3, to make it correlate you either have to extend purple or reduce blue. And I would move we reduce the blue to the purple.

Mr. Rhodes: I would... the blue, the Redevelopment Area plans are very mature and very deliberate. I would suggest that maybe the options that are available to us for number 3 are, do we expand a former UDA that's now a targeted growth area to cover more of the blue area that's not already covered or not.

Mr. Apicella: I would take a different track. Which is I would take out from the RDA those areas that are UDAs. Because, again, it's a completely different (inaudible - microphone not on).

Mr. Rhodes: How long have they worked on RDA plans? I mean, they are very mature, very defined plans...

Mr. Apicella: I don't discount that, Mr. Chairman, but what's in purple again is high... the purple side is high density growth. They're their own islands of high density growth, right, which is not necessarily (inaudible).

Mr. Rhodes: It doesn't mean pockets can't be in an RDA. I don't know... Jeff?

Mr. Harvey: Mr. Chairman, if I may add to the discussion. Since now the Commission has suggested that there be two fewer what were known as UDAs, the Commission needs to consider about where that anticipated growth that was going to be there, now which is going to be business and industry and low density rural development, where are those future homes going to go? Then we need to base our Comprehensive Plan on our growth projection. The way the Comprehensive Plan is set up currently is the UDAs were projected to take half of the future growth over the 20 year time period. If we want to keep that construct, we'll need to move dwelling units probably to part of the RDA area to absorb the growth we were going to have in those two former UDAs. So, I'm just throwing that out for the Commission's consideration. Otherwise, you're going to need to spread those units further out into the suburban area.

Mr. English: You don't want to do that.

Mr. Apicella: That being said, Mr. Chairman, let's take a real world example. Where it says 702, that yellow shaded area, what is that?

Mr. Harvey: That is suburban.

Mr. Apicella: I understand that. What's there?

Mr. English: That's where the jail and all is located on 702.

Mr. Harvey: There's business parks, there's also as Mr. English said, there's a Regional Jail and Juvenile Detention Facility there.

Mr. Apicella: So, there was a reason why that wasn't included in the original Courthouse UDA area, right?

Mr. English: Well, wouldn't that have anything to do with the (inaudible) road, the new road coming in? Would that affect that at all?

*Planning Commission Minutes  
March 12, 2014*

Mr. Apicella: All I'm trying to say is if it was originally viable to be part of, I'm sorry to use the old terminology, originally conceived to be part of the Courthouse UDA, then it would have probably been... the lines would have been expanded to include some or all of that suburban area. But it wasn't, so there was a conscious reason to exclude it and to leave it as suburban.

Mr. English: It might have been because of the 95...?

Mr. Apicella: I don't know what the reason, all I'm just trying to say is I appreciate what Mr. Harvey is saying but it's not so easy as to just say well let's just put more development into these suburban areas, because it may not be viable because of what's already there.

Mr. English: Right.

Mr. Zuraf: If I could add a suggestion, I see that another idea might be good is a little bit of both, is a little bit of shrinking in of the Redevelopment Area and expansion of the targeted growth area. My understanding is this Redevelopment Area boundary was developed early on in the process and that was before the kind of point of where that Courthouse interchange was going to go, before that point was decided on. And so that's why this kind of covered a larger area. And now that the Courthouse interchange is more defined, there might be a better way and maybe staff could sit down with the redevelopment (inaudible).

Mr. Rhodes: So with the redevelopment plans that are out there, what flexibility is there to change these boundaries?

Mr. Zuraf: Well, the Redevelopment Area plans I know if the Courthouse area are mainly more focused around the courthouse and, for example, don't extend all the way down to where the jail is, for example, or below Accokeek Creek.

Mr. Harvey: Mr. Chairman, in talking to Mr. Johnson over the years, he's our Redevelopment Administrator, he said that the Redevelopment Area boundaries were designed to be flexible. As far as the detailed study which was concluded in 2008, it looked at a smaller subset of that total area, or a core downtown type of area. So, there could be flexibility in changing the boundary certainly.

Mr. Rhodes: Hmm. Okay.

Mr. Coen: Could we, I guess for number 3... the number 3 aspect, can we ask the Board for clarification of exactly what they're looking at so that we can move forward? I mean, we can say our mindset is, is that we can in theory move the blue line...

Mr. Rhodes: I'm sorry to interrupt, is our new By-Law time limit 10 o'clock that we take a vote to proceed?

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

Mr. Rhodes: That's correct, okay. So, I'd entertain a motion to continue discussion, at least up to another... well, we could check on it again in another hour, but I guess we don't need a time, we just need a motion to continue discussion?

Mr. Apicella: So moved Mr. Chairman.

*Planning Commission Minutes*  
*March 12, 2014*

Mr. Rhodes: Motion; is there a second?

Mr. English: Second.

Mr. Rhodes: Further comment Mr. Apicella? Further comment Mr. English? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None. Please go ahead Mr. Coen.

Mr. Coen: Well, I guess... and it might help move this along, but just ask the Board of Supervisors for clarity. When they say correlate lines, we view it as either move X or move Y; can you tell us which way you're thinking of and get guidance from them. That might be a way to move it along.

Mr. Rhodes: I think our time limit will expire before we get... Mr. Harvey, what do you think the likelihood of getting further clarity on that is?

Mr. Harvey: I think it never hurts to ask but, the way I read the resolution, it gave the Commission direction to come up with a recommendation.

Mr. Rhodes: Okay. Let's make a recommendation.

Mr. Coen: I'll go back to my, you know, I'm all cope aesthetically to moving the blue to correspond with the purple. You know, if there is flexibility with the RDAs and it is possible to do it, and the word is to correlate, I think it's far better for us to move the blue line than to try to move the purple and expend the purple at this point.

Mr. Apicella: Can I ask a question about the... this area that's 630. What is... which UDA was that, where it says 630?

Mr. Rhodes: Which 630, left or right?

Mr. Apicella: To the left of 95.

Mr. Rhodes: That's George Washington, Courthouse Road, above the top is Embrey Mill...

Mr. Apicella: It's not the Courthouse, what was the Courthouse UDA, right?

Mr. Rhodes: No, the Courthouse UDA is on the right.

*Planning Commission Minutes  
March 12, 2014*

Mr. Apicella: I'm with you. And, so what I also heard Mr. Harvey say was the actual RDA focused its effort around the Courthouse. So it's really the Courthouse UDA is... I'm kind of going with Tom... the Courthouse UDA in reality really is the Courthouse RDA. All this other stuff is sort of extraneous. I don't think the concept plan goes that far out, all the way out to the George Washington. In reality, I mean the lines might go there but what's on paper... and I remember the plan itself, and we adopted a lot of what's in the RDA into the small area plan as I recall. Right?

Mr. Zuraf: Right, yes.

Mr. Apicella: So, at least in the context of the Courthouse TGA/UDA, it is synonymous with the Courthouse RDA. Right? In reality.

Mr. Rhodes: If I were... if it were unconstrained, I would do one of two things. Not knowing the degree to which flexibility exists in the RDA and the other stuff, I'd either do one of two things. I'd make the blue lines of the RDA very similar to, maybe a little wider, but very similar to where the current Courthouse UDA is. Or, I'd make it almost oblong left to right so that you're kind of incorporating some of the interchange and other stuff into the, not just the redevelopment, but the development, and so you're marrying the two together. And I'd take that hitch out that's on the bottom of it, where the red circle is.

Mr. Apicella: My pause again is that it reaches out into suburban and business and industry outside the boundaries of the guidance that we just got. So, logically I would agree with you. I think that's the right thing to do. But I don't think that's within the parameters that the Board set.

Mr. Rhodes: I don't think it's outside the boundaries we got. They said the RDAs and the UDAs. These are all in the RDAs and the UDAs.

Mr. Apicella: I think when they really see what the various puzzle pieces look like, that it's suburban and business and industry, then we're going to get kind of the same reaction that we got before. Because if it's going to work here, why didn't the whole product concept work, because that's kind of what we did.

Mr. Rhodes: Okay, so other thoughts. Courthouse was our number 1 UDA retained, now called targeted growth area, in the prior recommendation. What do we think of the RDA then? Do we want to have staff go and explore with the redevelopment folks the implications or complications of redefining that line to be somewhere very close to the current purple area there on the right?

Mr. Coen: I'm okay with that.

Mr. Gibbons: You know, Mr. Chairman, Steve brings up a good point. If you take a look at the Courthouse Area with the new interchange, this whole thing has changed.

Mr. Rhodes: Yeah.

Mr. Gibbons: And what better time would it be than to take another look at it and go back to the Board then now.

Mr. Rhodes: Right.

*Planning Commission Minutes*  
*March 12, 2014*

Mr. Zuraf: Mr. Chairman, I'll ask if before the next meeting if staff could go talk to the redevelopment staff and in readjusting this line see what kind of feeling they have about the area around the interchange and what efforts they might have going on (inaudible).

Mr. Rhodes: Somebody jump in if they disagree, but so I'd be challenging them to ask what are the implications or complications associated with modifying the blue line to be fairly close to the purple on the right that is the Courthouse UDA, maybe a little broader. But it's very close. And then, if it's expanding any further, it's just what implications are of the new interchange associated with the little bit of expansion that way. And see if they believe it can be constrained in that degree, and then that makes them fairly, fairly relative to one another. And then maybe we can decide on our recommendation forward from there. Okay, what about the George Washington side? Just the UDA itself. Any further issues or discussion, or just it becomes a targeted growth area in these recommendations? In December of '12, when we went forward on our first blush at this, it was item number 3 and number 4 in our listing; we split these two because we felt like the northern portion, with the Embrey Mill already developed and other stuff was certainly right in that near-term targeted area, and then we felt like the next expansion of that would be the southern portion if anything happened. So, reactions? Thoughts?

Mr. Apicella: I think the George Washington UDA just makes sense to keep it the way that it is, as a targeted growth area, because I don't see it as a Redevelopment Area.

Mr. Rhodes: Okay, other thoughts?

Mr. English: I agree with him.

Mr. Coen: I agree with that. My only thing, and I don't know if staff can somehow delineate, if we're going to have it in this document separate it as two different things, north and south. It might make it clearer to understand (inaudible).

Mr. Rhodes: That was only at that point when we first submitted and it was because Embrey Mill was already on the books, already rolling, and so we kind of discussed that really logical (inaudible) but we still saw a continuation of the George Washington but there was just nothing on the books at the time.

Mr. Coen: Right. So I guess what I'm saying is I think the two things should be sort of in parallel. Either the map should reflect the document or the document reflect the map. That's all I'm saying. I understand why...

Mr. Rhodes: Yeah. I mean, it's one now... it is just one now. That's all it is on this map. It just happens to have water going through it. Okay? Next slide. Southern Gateway. And you can see the RDA associated with it. Reactions.

Mr. Gibbons: I don't know of anything mature down there as far as the RDA outside of the Celebrate Virginia; do you?

Mr. Harvey: The core area, Mr. Chairman, for the RDA study occurred just below the number 2.

Mr. Rhodes: The what? Please say again?

Mr. Harvey: The core area that was part of the UDA study was located just below the number 2, in that general vicinity.

*Planning Commission Minutes  
March 12, 2014*

Mr. Zuraf: And their small area plan generally kind of followed along and out to this edge. Pretty close in line with the UDA.

Mr. English: Where is Stafford Lakes and Walmart?

Mr. Gibbons: On your left.

Mr. Zuraf: Stafford Lakes is up here.

Mr. Rhodes: It's just off the map; upper left corner.

Mr. English: Oh, that's way up there. Okay, I gotcha.

Mr. Gibbons: The biggest thing you've got in area 2 is that auction, the auto auction.

Mr. Rhodes: Do we want to have staff have similar discussion with the RDA folks about what if the blue lines essentially parallel or maybe a little bit narrower but parallel to the purple?

Mr. English: They would have to.

Mr. Apicella: I don't know. So, the area that's outside the purple going west on 17, is that England Run area?

Mr. Zuraf: Yes.

Mr. Apicella: So, there may be some opportunities for... we haven't explored it, but there may be some opportunities for longer term redevelopment there. Again, I think they're two separate kind of things; what you would want from a Southern Gateway RDA would not be necessarily additional high concentration of growth versus what you might want on the more easterly part that's in the purple. So, here the RDA and the UDA might not be synonymous.

Mr. Rhodes: Okay, how do we want to suggest staff goes forward to better inform our... I mean, in the ideal world we can close these three issues out next time we get together. But how do we get the information we need to do that?

Mr. Apicella: Again, I think part of the conversation should be for both, both the Courthouse Area and the Southern Gateway Area. Should we try to separate the two constructs? Would that be the most beneficial? Because I think there's going to be different strategies, different densities in an RDA versus a UDA. And so, maybe at least on the bottom side, at least on the Southern Gateway side, I think they're two separate approaches. You may argue differently on the Courthouse area; I still think that is a question we should ask. Would it be beneficial as a strategy to take a two tier approach, urban-like development in the targeted growth area and redevelopment/infill development on something other than what was in the targeted growth area?

Mr. Rhodes: So, would we want to maybe have the discussion consist of the redevelopment folks almost quadranting these out into about six or eight areas and prioritizing which are the least advantageous to retain in the reality they see today? I mean, maybe it's the little section down there that's in the lowest portion of this current RDA on the west side of 95... yeah, right there... maybe that chunk needs to come out. Maybe the other chunk... so maybe there's a few of these green little squares

*Planning Commission Minutes*  
*March 12, 2014*

that they would say, you know, in the reality we are operating in today, we wouldn't have the lines drawn that way and maybe we just trim it up from that.

Mr. Apicella: I think you're on the right path. Remember the RDA has preceded the whole concept of UDAs, right, by years, a couple years. And so it was a strategy that kind of have had a lot of different angles to it. Again, when I look, just coming back to the Courthouse Area, that's really not redevelopment; it's not infill development. It was a different way of trying to achieve Urban Development before the construct even came to us, right?

Mr. Zuraf: Right.

Mr. Rhodes: And that's why I don't think there's anything wrong with them overlapping to some degree, or a lot or a little. They've got complementary components to them. They're a little different tact but I don't see there being a problem with some degree of overlap.

Mr. English: I think they should look at.

Mr. Apicella: Well, you know, again maybe the third alternative is where does it make sense to overlap and where does it make sense to separate the two.

Mr. Rhodes: So what is the suggestion for staff to do to be able to bring us to a point of maybe coming to some consensus next session?

Mr. Coen: I would say to look at area 2 to see what areas are best for the RDA, if there are areas that would be overlapped, or where are areas we could remove the RDA from and change the line from, and then give us sort of an analysis of the areas that are in it so we can understand. And basically a rationale of the part west should be in blue but the part in the pink shouldn't, then they can let us know and we can go from there. Does that make sense to you?

Mr. Zuraf: Yes.

Mr. Rhodes: I'm just seeing fringes here that I wonder if the drawing of the RDA is not just that you take the little part he just colored in green, you take the counter-portion of it that's up in yellow up at the top little tip right off 95, you takes those couple off and you take the portion that's east of 95 off, and maybe it's just that rectangle that remains. I don't know. It's just got some weird odd juts here for...

Mr. Apicella: Again, do we have the flexibility of moving lines around? We didn't have that flexibility before...

Mr. Rhodes: But we said we did. I didn't think we did, but we said we did. So the question on the Courthouse was to what degree and how extreme can we adjust it?

Mr. Apicella: What I'm saying is taking something out. I think what I hear you saying is, look into the right of where the 2 is, that area in yellow, you're suggesting it just be off the table because it (inaudible).

Mr. Rhodes: Out of the RDA.

Mr. Apicella: And I just want some kind of confirmation that we have the ability to do that. I'm not saying it doesn't make sense; I think it does make sense. I think when the RDAs were developed, it was

*Planning Commission Minutes*  
*March 12, 2014*

a very broad brush approach, right, and as they refined it, they really kind of narrowed the geography of what they were going to focus on. This is probably way outside of what is now in the RDA with the plan that they've come up with, right.

Mr. Rhodes: So that would be the question of staff engaging.

Mr. Gibbons: And then you were under pressure to get the UDA done...

Mr. Rhodes: What do you thin Mike?

Mr. Gibbons: ... and you never went back and revisited the RDA.

Mr. Zuraf: For that one area, in particular, I think the Redevelopment Plan calls for a potential for a road network up through this area. And that's why that little jut goes out there as there was a hope for a road network, and I think we kind of identified that on one of our amendments. But we'll see if that's still the case (inaudible).

Mr. Rhodes: And that's what we would want to have the redevelopment folks highlight.

Mr. Zuraf: What areas are they thinking were (inaudible)?

Mr. Rhodes: I think it all comes down to what Mr. Coen was representing, and that is just prioritizing the segments of this as to what make the most sense and what may be on the fringes of being argued to still part of an RDA plan.

Mr. Gibbons: Is there an ordinance on the RDA that lays out what the goals were?

Mr. Harvey: Yes Mr. Gibbons. They are parts of the Comprehensive Plan.

Mr. Gibbons: I know that, but I mean with the concept, was it spelled out in any enabling ordinances?

Mr. Harvey: Not in any ordinances, no.

Mr. Gibbons: Okay.

Mr. Apicella: I mean, there are, for lack of better pictures of what those two RDAs are supposed to look like, right, I think, you know, it would be helpful to get those for our next discussion. Again, I suspect the geography is much smaller on those pictures than what we're seeing represented here.

Mr. Harvey: Yes. And as I've referenced before, Mr. Chairman, the UDA plans did a core area study where it showed the highest concentration of development and focused those as areas for study where the rest of the peripheral area was left as unstudied.

Mr. Rhodes: Okay, other thoughts or discussion on the Southern Gateway. Okay. Next is dead to us.

Mr. Zuraf: That's been decided.

Mr. Rhodes: Okay, next. Centerport UDA. When we had presented this or discussed this just in the general construct, back in 2012, it was a belief that it was still viable but probably much more from a commercial perspective versus a residential targeted area.

*Planning Commission Minutes  
March 12, 2014*

Mr. Apicella: I still think that's the case Mr. Chairman.

Mr. Rhodes: So, a targeted growth area but with an emphasis towards commercial and we can have, unless staff thinks differently, we can just have them help us flush out a way of communicating that back as part of our recommendation. Please.

Mr. Apicella: I'm not sure how those two pieces really go hand in hand, because when we say targeted growth area I think we're thinking more in terms of residential, right, versus targeted commercial area which, again, just trying to process the feedback and direction that we got. And I don't think that's part of the charter.

Mr. Rhodes: Well, maybe it's a caveat of we would only consider it a targeted growth area if that definition can include a focus on commercial growth. Otherwise, we don't see it as part of a targeted residential growth.

Mr. Apicella: That would be my perspective.

Mr. Rhodes: Okay. So maybe we'll work that into part of our recommendation forward.

Mr. Harvey: Mr. Chairman?

Mr. Rhodes: Yes, please Mr. Harvey.

Mr. Harvey: At your next meeting, again, we'll provide that and the information as to how many dwelling units and commercial square footage was associated with each of these areas.

Mr. Rhodes: We put a lot there.

Mr. Harvey: So we can see if the ratio is what the Commission is feeling is desirable. If there's a reduction, again, we're going to have to reallocate those units somewhere else.

Mr. Rhodes: I think when we were trying to figure out where to put 14,000, we put a good number there, if I recall correctly.

Mr. Gibbons: Yeah, but Mr. Chairman, you might not be required under the law...

Mr. Rhodes: Oh, no, no. That was just when we had to. I'm just saying we had that, so we'll have to see what we do. But that was always an awkward one. Okay? Number 6.

Mr. Gibbons: We get 15 minutes per...

Mr. Rhodes: This one, as we were talking before, I just remember a lot of our discussion surrounded the fact that the existing plans already developed this almost to the maximum potential that's available given the Urban Services Area and the supportable facilities. So, how much we would really target there of new growth would be very complicated. That's what I think, the issue we raised before.

Mr. Harvey: Yes, Mr. Chairman. And the approved development plans were at a lower density than what the UDA required, so that was some discussion point. But still, that area is under construction and still building out and it can't count towards some of your future growth that you planned for. So, it could potentially lead us as a targeted growth area but maybe again, as the Commission gets into the

*Planning Commission Minutes  
March 12, 2014*

allocation of the dwelling units and the densities and the types of dwelling units you're looking at as we start discussing it, maybe this one could get dialed back a little bit.

Mr. Rhodes: The growth's already targeted there; it's a challenge. Yeah, it's targeted and it's happening, so it can absorb some of our future numbers but it's not where we're actively. So, somehow we just need to qualify our interpretation of that one similar to the number 5, but in a different manner but similar. I think that that's how we go back to the Board with our recommendation. And then the next one is dead to us.

Mr. Zuraf: That's it.

Mr. Rhodes: Okay, so I think we've addressed 5 in several ways; one, the couple that we will probably not be recommending forward for any continuation of any form. And another dynamic of that one is putting a qualifying statement for the Centerport targeted growth area if we're going to continue that term for it that it's really targeting commercial growth or commercial/industrial.

Mr. Gibbons: Isn't that where Lego is looking at?

Mr. Rhodes: I think it is around that area... yeah, the Centerport area. I think it's somewhere there. So we still see it as an area we ought to be focusing but it's not necessarily residential. I think that's the qualifier caveat. And then the other qualifier caveat is not that it's not desirable, not anything, but Leeland is already planned. So we know it's going to grow but it's somewhat planned out, maybe at a slightly lesser rate than some of the modeling for the other targeted growth areas. And then we've got to get some feedback on what our flexibility is and what the redevelopment folks think is a realist blue area and we'll see how that fits in the correlation recommendation forward.

Mr. Zuraf: I'll come back with some maps next time.

Mr. Rhodes: Okay. Now, that said, for the next time you're also going to work on some further recommendations associated with 2 and 4, correct?

Mr. Zuraf: Correct.

Mr. Rhodes: Okay.

Mr. Coen: Mr. Chairman?

Mr. Rhodes: Please.

Mr. Coen: There's one issue that wasn't on this, but it was brought up and we talked about it last time. And that is the extension of the USA. And I know it's late but I think that's something that we could deal with.

Mr. Rhodes: Do we have a map of the USA?

Mr. Zuraf: Yes.

Mr. Rhodes: I mean, this is just I think a confusing element that they laid into some of their discussions, that motivated some of their discussions in the resolution.

*Planning Commission Minutes  
March 12, 2014*

Mr. Coen: Well... and I've gone back and forth with staff to try to get this and Mike was very nice to send the additional part on the Brooke Road, and then there's one over in Rock Hill I believe it is.

Mr. Rhodes: It's over there on the left.

Mr. Coen: And my feeling, and I'll make it as a motion if that will help things. I mean, I understand where staff came from with sort of evening that out because you have two schools out there that both are on water and sewer. But the properties along Courthouse Road, if I understand the email correctly, some have one, some have the other, but they don't have both. And if I understand their email, the same is true over on the other side. And so I would personally like to move that we keep the existing USA line that was there, and not extend it out.

Mr. Apicella: I second that.

Mr. Rhodes: Have we formally changed the USA line?

Mr. Coen: Well, but it's in all our documents and so I don't know that we've formally done it but it's in everything that keeps showing it.

Mr. Rhodes: We were evolving a recommendation right?

Mr. Harvey: The Commission had not finalized a recommendation.

Mr. Rhodes: No, we were just evolving through thoughts of recommendation on a targeted growth area and on other thoughts which...

Mr. Coen: Well, then I'll make a recommendation that we don't move it.

Mr. Apicella: I think the point Mr. Coen is trying to make is, again, a feedback back to the Board that it was not our intent to change the USA boundaries. And as part of our recommendation going forward as far as... because we're taking a two-phase approach... we're not recommending USA boundary changes. Right? Maybe that's even in your letter. I don't know; I can't remember if it's the letter.

Mr. Rhodes: No, all the letter said was we were looking at recommendations and one of them did include a consideration of USA modifications for these reasons.

Mr. Apicella: Right. And I think it would be helpful and maybe it's just a modification to the letter that at this point we're abandoning that as part of phase one. We potentially reserve the right to revisit it, but as far as this first...

Mr. Rhodes: What is phase one?

Mr. Apicella: Everything that's within the guidelines that they've now established for us. Okay? Those five things.

Mr. Rhodes: It's not that we're abandoning it, it's not asked for in those five issues. So we're not addressing them.

Mr. Apicella: We spent a lot of time at the last meeting talking about trying to give feedback back to the Board and tell them where we're headed, and I guess something got lost in translation for me. I didn't

*Planning Commission Minutes  
March 12, 2014*

realize... I'm not saying that it doesn't make sense, but I didn't realize we had on paper extended the boundaries. And I think it caused some concern. I think it will help to alleviate that concern if we just said that we're, again, we're sticking to the five that you asked us to do and as part of that we're not going to... as part of that submission we're not going to change the boundaries.

Mr. Coen: And my concern, when I read the memo was, it reads as though... I know it's explaining why one could do it but it sort of looked like it was explaining why we were advocating doing it. And, I don't know, I keep finding out that we haven't actually advocated to do it and so I'm not comfortable with that sort of being the impression. And as I said, I'm okay with just saying right out, flat and out now, we're not recommending it and then there is no confusion, there is no doubt, there's no misunderstanding, and we've taken a stand. And that's why I'm sort of saying I'm okay with making a motion.

Mr. Rhodes: So, the intent on we did the email communication which told them we are going to respond very timely to your five specific issues. It also said that we understand that you've got some confusion and misunderstanding on some other items and we'll give you some clarification on that. So the attempt, and we can modify it and edit it however we want, we can be as declarative as we want to in that memo. The intent of that memo was to provide them clarification on their misunderstandings. And so the truth is, we had discussed, in a couple different settings, should we consider... you know, if we're going to do this broad singular targeted growth area, just meaning that we will focus... intellectually growth ought to be focused along our transportation corridors. And we think there's a little pocket up here north, pocket in the south, and a little narrow range there. And that's what we had...

Mr. Apicella: I don't remember that discussion, Mr. Chairman. I think it happened. I think staff did what they thought was right, but I don't remember any discussion of that whatsoever and it got lost on me that that was an end result of that conversation.

Mr. Rhodes: I remember it as a general construct to start designing different approaches.

Mr. Apicella: Design different approaches but we never said anything about ext... What we said was we were going to redefine the targeted growth area within the USA. We never said we were going to modify the boundaries of the USA.

Mr. Rhodes: Okay, I thought... I seem to recall a specific discussion where the staff said you could just cut this over here or we can leave it there, but we've got this odd pocket out. And we said, why not.

Mr. Apicella: Mr. Gibbons, you've been here for a while, do you remember that discussion? I just honestly...

Mr. Rhodes: There was no slapping of the table that this was the definitive position of the Planning Commission; we're absolutely going to recommend these forward. We were drawing different things in work in progress. That's what I recall.

Mr. Apicella: I honestly don't remember it and I think it's caused unnecessary concern. I think, for the sake of politics, office politics, it just makes sense to mitigate that concern by saying we're not going to do that.

Mr. Coen: And just to sort of piggyback, being new I wasn't in on that. But I really don't believe that what's on the map in front of us, that is an extension of the USA. And we know from the Supervisors

*Planning Commission Minutes  
March 12, 2014*

they have concerns. If it hasn't been actually a full-fledged vote of the Commission, I would like to make it a vote that we say we are not going to extend the USA.

Mr. Rhodes: Okay, so there's a motion on the table to definitively declare there will be no changes and extension of the USDA and any future recommendation of the Planning Commission at this time.

Mr. Gibbons: I'll second it.

Mr. Rhodes: And it's seconded by Mr. Gibbons and/or Mr. Apicella. You had earlier seconded but he had most recently seconded. Any further discussion Mr. Coen?

Mr. Coen: I think I've nagged you all enough on this.

Mr. Rhodes: Okay. Any further discussion Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Okay, any further discussion any other member, the other seconder? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. All those opposed? There we go.

Mr. Coen: Thank you Mr. Chairman.

Mr. Rhodes: Okay. Other items? So, still need feedback on crafting the letter that we want to submit to address misunderstandings and clarify items to go with our first iterative input, because they had asked for interim inputs as we go, which we'll hopefully send after our 26 March meeting. I'm still going to aggressively remain hopeful that we'll come to some conclusion on 1, 3, and 5 at our next session, and while we still work 2 and 4 I'm going to give them that iterative update and possibly also the letter on the misunderstandings they have. Okay. Alright, other thoughts? Anything else we need to address Mr. Zuraf, Mr. Harvey, on this item?

Mr. Zuraf: I think that covers it.

Mr. Rhodes: Woohoo! Okay, very good. And now we'll move onto item number 8, Mr. Harvey. Planning Director's Report.

*Planning Commission Minutes*  
*March 12, 2014*

8. 2014 Calendar Year Work Plan

Mr. Harvey: Thank you Mr. Chairman. The 2014 Calendar Work Plan in your packet was what staff understood to be the agreed-upon version for our tasks for this year and timeline.

Mr. Rhodes: Very good. Folks have thoughts on what date we want to do a Saturday morning?

Mr. English: What are you doing, May or June?

Mr. Rhodes: May. We had talked about early May, I think that's what we were talking about.

Mr. English: When is the 350<sup>th</sup> parade?

Mr. Coen: May 3<sup>rd</sup>. And I didn't know... I asked staff because the last week of April I think is the 26<sup>th</sup> or something like that, so that is the end of spring break week. But if we eliminate May 3<sup>rd</sup>, we could either go one week before or go to the 10<sup>th</sup>. But the room is unavailable.

Mr. Gibbons: May 3<sup>rd</sup> is the Founders' Day Parade.

Mr. Rhodes: Right.

Mr. Coen: Yeah, that's out.

Mr. Apicella: I would ask, just throw another wrench into the system, that it not be on a Saturday immediately preceding a Planning Commission meeting because I use those weekends to get prepared. I mean, if it's not possible, it's not possible.

Mr. Rhodes: So that would take out the 10<sup>th</sup>.

Mr. Coen: I mean, if I can do my business from Utah... I'll be in Utah from the 7<sup>th</sup> until about the 17<sup>th</sup>.

Mr. Apicella: So, would the 17<sup>th</sup> work?

Mr. Rhodes: The 17<sup>th</sup> of May? Or June?

Mr. Apicella: Of May.

Mr. Rhodes: Okay. The 17<sup>th</sup> of May anybody? Going once, going twice... So we'll kind of tentatively target the 17<sup>th</sup> of May. Mr. Harvey?

Mr. Gibbons: And we'll have donuts this year?

Mr. Rhodes: You got it! We had so many donuts last year.

Mr. Apicella: And we'll put up some pictures of Hawaii in the room.

Mr. Rhodes: That's right.

Mr. Gibbons: Well, we can put up the pictures of the RDA.

*Planning Commission Minutes*  
*March 12, 2014*

Mr. Rhodes: So, we have talked about some general topics we'd hit there. I think we ought to really focus on trying to lock in the topics we want to discuss. We've talked about several so we ought to kind of tee those up in the frame of almost an agenda for one of our next couple meetings so we can lock it down and give staff plenty of time to prepare.

Mr. Gibbons: I think the biggest one you've got is to do that hearing before the... I mean, somebody's got to write the guidelines, how you're going to conduct it, what you're looking for to make sure that staff...

9. House Bill 209

Mr. Harvey: And Mr. Chairman, continuing on with my report, I wanted to bring attention to the Commission House Bill 209 which has passed both bodies of the State Legislature and is going to be going forward for signature by the Governor. This bill changes the way the Planning Commission will be reviewing preliminary subdivision plans potentially.

Mr. Rhodes: Puts us out of work.

Mr. Harvey: It basically says that a locality cannot require a preliminary subdivision plan or even a cluster concept plan for a proposed subdivision of 50 or fewer lots. Staff looked at the last five years of preliminary subdivision plans and it equates to about 60% of the total number of preliminary plans coming forward have 50 or fewer lots. So you will see a reduction in the number of preliminary plans coming your way. We will also have to work on the code amendments because this law will become effective July 1, so we'll have to work on changes to the subdivision regulations to be compliant with this new law.

Mr. Gibbons: So, you're saying 60% were under 50 lots?

Mr. Harvey: Yes, roughly that, yes.

Mr. Apicella: Is there still some review at the staff level?

Mr. Harvey: No. They come forward with a final construction plan of building their infrastructure and a final plat.

Mr. Gibbons: Wow.

10. Historic Preservation Awards Recommendations

Mr. Harvey: And then also, number 10, we have the Historic Preservation Awards. The Historical Commission was asking for some feedback from the Planning Commission regarding potential candidates for the awards. I'll throw that out for the Commission's consideration.

Mr. Rhodes: So, you would like some recommendations? Or they would like some recommendations?

Mr. Harvey: Yes sir.

Mr. Rhodes: Okay. And, members can do these individually or does that have to be an act of the Commission as a whole?

*Planning Commission Minutes*  
*March 12, 2014*

Mr. Gibbons: Do we have a representative on the Historical?

Mr. Harvey: No sir. The request was for the Commission. As you can see from the memo, there is a number of bodies that they're specifically asking for recommendations from.

Mr. Rhodes: Okay, so... please.

Mr. English: Did we offer anybody up last year? I don't think we did, did we?

Mr. Harvey: I don't recall any recommendations.

Mr. English: Is it some way that we get a list that we can recommend, or... like you said we just come up with what we think and bring it to you? Is that...?

Mr. Rhodes: I think if we try and reflect on what they're requesting and then brainstorm it a bit and then come back at our next session, if anybody has a specific recommendation they want to throw out, and then we'll just get the consensus of the Commission.

(Inaudible - microphones not on).

Mr. Rhodes: Oh, there you go. Anybody got any ideas? I didn't read the dates when she sent the letter.

Mr. Coen: Jeff, does... for the, like the Preservation Award, would somebody like Jerry Silver qualify under this because he's preserved his farm, he's bought more farmland, he's a Century farm, etcetera, etcetera?

Mr. Harvey: That could be.

Mr. Coen: That's the name that comes to mind or even...

Mr. Harvey: A Century farm would qualify for a historic cultural resource.

Mr. Apicella: I think the folks who were involved in helping bring the Civil War Park to fruition.

Mr. English: That's what I was thinking too.

Mr. Gibbons: Trimmer, Mr. Trimmer.

Mr. Apicella: That's a big victory for Stafford County.

Mr. Coen: And Mr. Gibbons, among others, the work that the 350<sup>th</sup> are doing... I mean, you know, you and Harry Crisp and Mike Neuhard, etcetera, etcetera. I mean, any of those definitely fall under the volunteer category for what you've been doing for that. It's amazing all the stuff that people are doing for the 350<sup>th</sup>.

Mr. English: Mine also would be General Christmas for all the money he's tried to raise.

Mr. Gibbons: I would nominate him.

*Planning Commission Minutes  
March 12, 2014*

Mr. English: General Christmas is who I would recommend for the volunteer award. I mean, most of the people on his staff but he's really stepped up to the plate and raised almost, what, \$800,000?

Mr. Gibbons: It's over nine now.

Mr. English: It's \$900,000? Yeah. So that's my recommendation for volunteer work.

Mr. Rhodes: Okay, so let's recap. We had Ron Christmas, we had... I heard like three or four there... we had the Civil War site...

Mr. Gibbons: That's Glenn Trimmer, that's his name.

Mr. Rhodes: Glenn Trimmer. What do we need, probably a paragraph on each, Jeff? What do they typically...?

Mr. Harvey: Well, the Historical Commission will evaluate all the nominations.

Mr. Rhodes: It says we just want a brief explanation of the reason.

Mr. Harvey: And I believe you've given the explanation for General Christmas, his major contributions towards the 350<sup>th</sup> celebration, and also Mr. Trimmer's with being integral to opening the Civil War Park.

Mr. Rhodes: Do you need more on that from somebody here to write up a few more sentences? Or can you all put those together?

Mr. Harvey: We'll put those together.

Mr. Rhodes: Okay, so what were the other couple I heard? I thought I heard two more?

Mr. Coen: I mentioned Jerry Silver.

Mr. Gibbons: Mr. Silver.

Mr. Rhodes: Okay.

Mr. English: For which award?

Mr. Coen: For the Preservation Award.

Mr. Rhodes: And do we have enough for that one? They need to write up probably like a paragraph.

Mr. Coen: For Jerry?

Mr. Rhodes: Yeah.

Mr. Coen: Oh, yeah, they did.

Mr. Rhodes: You okay?

Mr. Harvey: Yes.

*Planning Commission Minutes*  
*March 12, 2014*

Mr. Rhodes: Okay. That's three.

Mr. English: The Homeowner Preservation Award... I don't know if it's going to fit with Ricky and Gerry Macgregor and I think they've got a piece of property at the end of Olde Concord Road that they fixed up. And I'm not for sure, but that's probably something you'll have to look into. I guess I could check on that tomorrow and get back with you on that one, because they've got an old Civil War place that they've restored I think a little bit.

Mr. Gibbons: You know, one that did a great job was Dr. Schwartz when he did Little Whim, and he never got a lot of credit for it.

Mr. Rhodes: Yeah, but he left.

*(Laughter)*

Mr. Gibbons: His wife is still here.

Mr. Rhodes: Oh, okay. I'm sorry. I don't mean to be flipping him, just teasing. Do we want to add that one?

Mr. English: That's fine.

Mr. Rhodes: Get somebody to help the staff with a paragraph. Does staff know enough about that?

Mr. Harvey: Mr. Chairman, just to clarify, on the Homeowner Award, is there two recommendations?

Mr. Rhodes: I don't know, is there?

Mr. English: Can I look into the one with the Macgregor's and see what they've done and let you know? Because I don't know how much they've done.

Mr. Rhodes: He's just got two days to get them in.

Mr. English: Oh.

Mr. Rhodes: I mean, you can...

Mr. English: Yeah, just take that one off the table then because I don't know.

Mr. Rhodes: On the others do you have information you need or you need help, Jeff?

Mr. Harvey: Yes sir.

Mr. Rhodes: Okay, thank you sir. Okay, good job everybody. Awesome.

Mr. Harvey: And that concludes my report, Mr. Chairman.

Mr. Rhodes: Yeah, you bring up another item, we'll throw more work at you. Okay, County Attorney's Report?

*Planning Commission Minutes*  
*March 12, 2014*

COUNTY ATTORNEY'S REPORT

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

COMMITTEE REPORTS

Mr. Rhodes: Okay, Committee Reports. I think the ARB met. Mrs. Bailey?

Mrs. Bailey: Yes, Mr. Chairman, ARB met March 10<sup>th</sup>, Monday evening, and election of Officers; the Chair, Tonya Gossett, Vice Chair, Sherry Bailey, Secretary, Jeremy Range, other members include Paul Eakin and Mark Osbourne. We had three COA's, the Aquia Episcopal Church temporary trailer extension was approved through May 31<sup>st</sup> of 2016. The Gordon Green terrace storm windows, that was approved. And then the Pentecostal Church siding replacement was approved with several specifications to the property owner on that. We were provided a summary of findings report for the Aquia Church potential road traces. And then we confirmed that a mailing of the 2014 letter to the Historic District property owners to make sure that they understand that they do need to apply for a COA when they make changes. And a few updates; the CLG 2014 Grant Courthouse Streetscape Project and the Falmouth Master Interpretive Plan. And that concluded our meeting.

Mr. Rhodes: Wonderful! Thank you very much again for participating, representing us at the ARB. Do we have any other... other work groups did their thing. Okay. Chairman's Report, I just want to try and address a date but I think we've done that and, Mr. Harvey, if we can start working on a shell of an agenda and we'll ping other members to think about topics we want to hit during that 17<sup>th</sup> of May, if that holds. TRC information... do we have it to the members? You get yours? So just one? Two? Okay. And you got your times? Everybody okay on the time? Okay, great. Awesome. So I'll recommend a motion to approve the February 26, 2014 minutes.

CHAIRMAN'S REPORT

11. Planning Commission Retreat

OTHER BUSINESS

12. TRC Information - Meeting March 26, 2014

APPROVAL OF MINUTES

February 26, 2014

Mr. Gibbons: So moved.

Mr. Rhodes: Motion by Mr. Gibbons. Is there a second?

Mr. English: Second.

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

Mr. Apicella: Aye.

*Planning Commission Minutes*  
*March 12, 2014*

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; the minutes are approved. Any other item before we adjourn? We made it out before eleven; very good. Thank you very much everybody.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 10:45 p.m.