

**STAFFORD COUNTY PLANNING COMMISSION MINUTES**  
**June 25, 2014**

The meeting of the Stafford County Planning Commission of Wednesday, June 25, 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, Coen, Bailey, English, Boswell, and Gibbons

MEMBERS ABSENT: Apicella

STAFF PRESENT: Harvey, McClendon, Stinnette, Zuraf, Ehly, Ennis, and Forestier

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: I do know that Mr. Apicella will not be able to make it tonight; he's out of town. And Mr. Gibbons is at the 350<sup>th</sup> event and I anticipate he'll be here a little later. With that I'd like to ask if there are any Declarations of Disqualification on any item that's on the agenda this evening.

Mrs. Bailey: Mr. Chairman, I was contacted in regards to the first item on the agenda by the NVCT and also had conversations with the applicant's representatives in regards to agenda item number 2 and number 6.

Mr. Rhodes: Thank you very much. And while certainly not necessarily declarations of disqualification as has been practiced, it's been the effort of members of the Commission to identify when they've had other additional discussions on these cases before us. So thank you for that Mrs. Bailey.

Mr. Coen: Mr. Chairman, likewise, for item 2 and 6, I was communicated with and to by various entities on both sides of the issue.

Mr. Rhodes: Very good, fair. And, again, not a declaration of disqualification but certainly identification of an item. And I will identify as... yeah, I'm going to beat you to it... Mr. Boswell and I did meet with the applicant on item number 2 to discuss some items as well. Very good. With that, we're going to move over onto Public Presentations. If there's any member of the public that would like to speak on any item except those that are listed for Public Hearing, you may come forward and do so at this time. There will be an opportunity to speak on the public hearing items when we bring up each of those agenda items. So, if anyone would like to speak on any item, any topic, other than the first 5 items that are listed for Public Hearing, you may come forward and do so at this time. We'd ask that you state your name and your address. Once you do so a green light will come on indicating 3 minutes to speak. Then a yellow light will come on a little later indicating 1 minute remaining, then a red light will begin flashing which at which time we would ask that you wrap up your comments. Anyone? Okay. We're going to move onto the Public Hearing items. The first item for Public Hearing is COM 1400218, Comprehensive Plan Compliance Review for Crow's Nest Harbour. Mr. Harvey.

PUBLIC PRESENTATIONS

PUBLIC HEARINGS

1. COM1400218; Comprehensive Plan Compliance Review, Crow's Nest Harbour (portion) - A request to determine compliance with the Comprehensive Plan, in accordance with Virginia

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Code Section 15.2-2232, for the extension of public water and sewer outside of the Urban Services Area to serve 260 parcels, within a portion of the Crow's Nest Harbour Subdivision. The subject Assessor's Parcels are located along both sides of Raven Road, approximately 5,000 feet east and 1,400 feet south of Brooke Road, within the Aquia Election District. **(Time Limit: August 13, 2014)**

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

Mr. Rhodes: So be it.

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission. Mike Zuraf with the Planning and Zoning Department. This item is Comprehensive Plan Compliance Review for Crow's Nest Harbour. The specific request is for compliance with the Comprehensive Plan to extend public water and public sewer outside of the Urban Service Area to serve 260 parcels within the Crow's Nest Harbour Subdivision. This site is zoned A-1, Rural Residential. The applicants are three property owners, three different groups that own the 260 parcels; 7K Investments LLC, JCM East LLC, and Diversified Mortgage Investors Inc. They're the three property owners that own different parcels of the 260 parcels. The agent for the applicants is Clark Leming of Leming and Healy. The site is located on both sides of Raven Road and approximately 1,400 feet to the south of Brooke Road and 5,000 feet to the east of Brooke Road. The parcels in question, the 260 parcels that I've mentioned, are shaded on this map. And, just to kind of generally orient you, the entire subdivision encompasses all of this area. So, of this 260 parcels within this site are subject to this request. As mentioned, Raven Roads' orientation bisects the property in this location, and you have Brooke Road on each end. For some background, the Crow's Nest Harbour Subdivision was created back in 1973. The subdivision, in total, includes 346 lots or parcels. The subdivision is undeveloped. On average, the parcels are a little over 2 acres in size. There are a few larger parcels but mainly 2 acres. Just one thing to note, condition of the approval of the subdivision plat at the time of approval requires the subdivision to be served by public water and public sewer. Just for orientation of where we are and justification for this request, the site again is highlighted in blue... the overall Crow's Nest Harbour Subdivision. It is located entirely outside of the Urban Service Area. The Urban Service Area, as you are aware, is identified on... this is an image of the future land use map... the Urban Service Area boundary is the areas encompassed by the red line in this location. It also includes some other areas where higher density development is envisioned. The future land use on this site is park on the future land use map. Surrounding the site to the east is also parkland that is the current Crow's Nest State Park, property under control of the state. And land to the south and north does include Resource Protection Area, the area in blue. To the north is Accokeek Creek and the associated wetland area along that creek. To the south is Potomac Creek, another Resource Protection Area. And then land to the west, the lighter green, is Agricultural and Rural future land use. The property in general is over 2 miles to the east of the main Urban Service Area, which is off on the left-hand side of the screen. Looking at the specific proposal for the extension of water and sewer, according to the application the applicant is proposing to construct all these utilities improvements. This image identifies the proposed water improvements. The main water to get to this subdivision would be the way of a 12-inch diameter public waterline that would connect to the current line that's located on Eskimo Hill Road in this location. The line would run down Eskimo Hill Road to Brooke Road, and take Brooke Road to the north around to Raven Road and run down Raven Road into the site and terminate in this location where a proposed water tank would be located. They'd extend the waterline for a distance of 28,500 linear feet which is approximately 5.4 miles. And then within the site there would be additional water lines that would run along the neighborhood streets to serve the individual lots. This image identifies the conceptual sewer and the proposed sewer lines. Here they'd follow a similar alignment. The proposal would include a 4-inch sewer force main which would run

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from a pump station on the site up Raven Road and then again out along Brooke Road, then out to Eskimo Hill Road and then through some other property and terminate down at the Potomac Creek pump station, the sewage pump station. This would be a linear improvement of 30,300 feet, or 5.7 miles. Within the subdivision, there would be four sewer pump stations proposed and then the lots would also be served then by gravity sewer lines that would run through the neighborhood to serve the parcels in question. Staff would note that once these, you know, if this was approved and constructed, the existing uses that are located along these improvements could opt to connect to the utility network. New development would be required to connect to the water and sewer improvement within the neighborhood per the current utilities ordinance. So, in effect, any other lots in the subdivision would kind of have the right... or would be actually required to connect to the water and sewer improvements. The connections made to the water lines and gravity sewer lines could be made... they could not connect to the sewer force main most likely; that would be the long line that's highlighted in blue. Force mains you cannot easily connect individual parcels to. But all the individual properties that are located along the waterline that would run along Eskimo Hill Road and Brooke Road and Raven Road, those properties would be able to connect to the public sewer, or public water that would be in place. There are approximately 125 parcels of land located along the proposed waterline outside of the area of the subdivision. And, as mentioned, they wouldn't likely be able to connect to the sanitary sewer force main. So, in the evaluation of this request, this request is being evaluated against the goals and objectives and recommendations of the County's Comprehensive Plan. There are specific Comprehensive Plan objectives and policies that address the extensions of water and sewer and development outside of the Urban Service Area. Objective 1.4 discourages growth in rural areas outside of the Urban Service Area and a sub-policy of that objective, Policy 1.4.2, states that water and/or sewer should not be extended beyond the current boundaries of the Urban Service Area for residential projects with two exceptions: that there is specifically documented risks to public health and where a pump and haul policy would be financially excessive. Staff notes that the application is not consistent with the stated policies in the Comp Plan with regard to the public water and sewer. The proposal involves extending utilities to a site that's over 2 miles outside of the Urban Service Area. And regarding the exceptions with the risk to public health and the pump and haul policy, since the subdivision has not been developed those exceptions do not apply. Other evaluation factors, it's noted the future land use map identifies the site as park. This is identified as areas suitable for development of parks and recreation and conservation of land, and does not promote residential development. However, the property was rezoned to A-2 and has been subdivided already prior to the designation of parkland on the land use plan that was adopted back in 2010. The A-2 zone that's present does allow for residential development, as well as agricultural uses. The proposed water and sewer line improvements are proposed to run through and bisect the Brooke Station Urban Development Area. The Urban Development Area is an area planned for higher density development that would need to be served by public utilities. Now whether these proposed utility improvements would be adequate to also serve the intensities recommended in this area, that's unknown at this time. There are some comments we received from Fire and Rescue staff. They note that, with a project of this size, having public water supply and the ability to have fire hydrants, that would be encouraged to have an improved emergency response to any fires that might happen in this area of the County. And likely, if this project was to be developed, the Fire and Rescue staff would want to see improvements to Raven Road, likely paved full 2-lane section 20-foot wide paved surface of Raven Road to provide better access for fire and emergency services out to this area. Utilities Department provided comments. They noted that the improvements that are proposed are not identified in the water and sewer master plan which is an element of the Comprehensive Plan. For the staff report we didn't have the detailed comments, but we did receive those and I think I emailed those to you yesterday. Kind of a summary of the additional comments that the Utility Department provided; they did note that there's limited sewer capacity in this sewer shed, specifically at the Potomac Creek pump station. It's kind of a first come, first served basis

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at the Potomac Creek pump station because of the size of that pump station. And additional upgrades to that pump station would likely be needed for full build-out of this area. They noted that there was a high number of proposed sewer pumping station on this site relative to the number of connections that there would be. This would result in a higher than normal maintenance cost that would be put on the Utilities Department in the future. Also, they note the length of the force main in relation to the amount of sewage that would be running through the lines would likely exacerbate potential for odor complaints, and, as a result of that, a higher use of chemicals to address those odor complaints. Also, with the water storage tank, they did note that that would likely be required to serve this area but also, given the amount of infrastructure in relation to the relatively lower demand, there would likely be a deterioration in water quality in this situation. And they do note, as we noted already, that the transmission main, the water main, would make water service available to other properties along the line. Staff has included positives and negatives and results of these comments and evaluations. With the positives, it does resolve a condition of the approval of the subdivision requiring the use of public water and sewer to serve this site. It does also provide water service and fire hydrants for improved emergency response to this area of the County. Negatives -- the utility improvements are not identified in the sewer and water master plan, it would extend sewer service outside of the Urban Service Area, there's no documented risk to public health, and does promote additional water and possibly sewer extensions beyond these points. And staff would recommend that the request is not substantially in accordance with the Comprehensive Plan based on these factors. Also, I would note that in the Planning Commission Resolution that you received, the dates of the plans were noted as May 1<sup>st</sup>; actually May 16<sup>th</sup> is the date of the plans of the latest revisions that you received. So, I'll just make you aware of that. I'll take any questions at this time.

Mr. Rhodes: Great Mike, thank you. Are there any questions of staff before we move onto the applicant and then public comment? Mr. English.

Mr. English: Mike, in reference to the sewer issue, where did you say the nearest hookup for the sewer would be?

Mr. Zuraf: That would be at the Potomac Creek pump station.

Mr. English: And you said it would have to be an upgrade there also?

Mr. Zuraf: After a certain point there would be... it's kind of a first come, first served basis as they mentioned.

Mr. English: And would the applicant be willing to make that upgrade if need be?

Mr. Zuraf: I believe they would have to. That would get evaluated at the time that construction plans come in. The Utilities Department would review what they're proposing and determine if, you know, all these improvements were going to be constructed if the need would be there. And that would come out of the construction plan review.

Mr. English: There's nothing on the Courthouse side for that, as far as sewers on the Courthouse side?

Mr. Zuraf: There are sewer and water improvements all the way up near... probably on this side of Brooke High School...

Mr. English: It stops there?

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Mr. Zuraf: ... and, yeah, Stafford Middle School.

Mr. English: Okay.

Mr. Rhodes: Mrs. Bailey.

Mrs. Bailey: Mike, I have a question. Do we have any other projects that have asked for review for infrastructure outside the USA that would have been approved?

Mr. Zuraf: Yeah, that's happened in the past, yes.

Mrs. Bailey: In recent past?

Mr. Zuraf: Not... well, I would have to say not under the current Comprehensive Plan, no. So, not before 2010 would have been the last time.

Mrs. Bailey: Okay.

Mr. Rhodes: Any other questions? Yes Mr. Coen.

Mr. Coen: Just one real quick one. Have we heard from the state as to their attitude about this being this close to the park?

Mr. Zuraf: No.

Mr. Rhodes: Okay, anyone else?

Mr. English: Yeah, and Raven Road... you said the Fire and Rescue requested maybe there be an improvement on Raven Road? Because that's all dirt road, correct?

Mr. Zuraf: It's a gravel road.

Mr. English: Does the state plan on improving that road anytime soon that you know of?

Mr. Zuraf: I'm not aware of there being any plans to upgrade Raven Road at this point.

Mr. English: It's not paved at all, it's just really a quarter of it...

Mr. Zuraf: There may be a small section of it that may be.

Mr. English: Okay.

Mr. Rhodes: Okay, anyone else? Yes Mr. Gibbons.

Mr. Gibbons: Have we heard anything back on the Samaha case? I thought we're due by the end of June, is that right?

Mr. Harvey: Mr. Gibbons, the Judge indicated he'd probably have it back to the County within 30 days from the trial. So we still have a little bit of time left.

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Mr. Gibbons: Thank you.

Mr. Rhodes: Thank you. Anyone before we move to the applicant? Okay, thanks Mike. Applicant please.

Ms. Karnes: Good evening Commissioners and staff. My name is Debrarae Karnes; I am an attorney and a land use planner with Leming and Healy. The firm is located in the Garrisonville magisterial district. I live in the Aquia magisterial district. And I mention that for one reason only. The park identified as Crow's Nest is, I think everyone will agree, a significant environment resource containing vast stands of hardwoods and even, what, a rookery for egrets... or no, great blue herons. I'm going to spend a little bit of time tonight describing the application not for the park, but for land adjacent to the park that was approved as a subdivision in 1973. But, we believe, in short, that development of a subdivision here be consistent of the overall goals of the Comp Plan and be environmentally sensitive. Okay. Now, you heard staff very ably suggest... describe the proposal. I represent three landowners that own a combined 260 parcels within the Crow's Nest Subdivision. And they want to extend water and sewer through it. And admittedly the Crow's Nest Harbour Subdivision is located outside of the USA and indeed some miles outside of the USA. This application is really an oddball application that you're unlikely to ever see anything like it again. And I suggest there's no precedent for it and it will be the Planning Commission's challenge to balance all community needs, as well as the needs of these individual landowners. Just to give you a bit of history on this subdivision, it was approved in 1973. By that I mean the subdivision plan was approved, the lots were actually recorded, they're owned by many different folks some of which do not join in this application because they did not either want to or didn't want to fund it. At that time it was approved, water and sewer was allowed in that area and the zoning was not A-2; the zoning allowed for a variety of residential and non-residential uses. After this was approved, the County revised its Comprehensive Plan in 1975 eliminating this area from the Urban Services Area. And in 1978 the County down-zoned the property to A-2. And the point I'm just willing to make... trying to make is that this subdivision is a by-right subdivision and existed prior to the current Comp Plan and the current boundary of the USA. And staff eluded to, and I'd like to read, the note on the plan that is in your staff report at page 20. And the key point is, note 6 says, this plan is being approved by the Health Department with the understanding that this project will be served by public water and sewer which has been approved by the Department of Sanitary Engineering, Virginia State Health Department. This plan is still valid and it was intended to be served by water and sewer. Now, I think I heard an inquiry from Commissioner Gibbons about a pending lawsuit perhaps by another landowner of a parcel in Crow's Nest Harbour that is not part of this proposal. It's still pending; that's all I know. But just to summarize, this landowner approached the County and submitted plans to develop his parcel with one home served by private well and a septic system. And the County denied it. And maybe Mr. Harvey can give us more details but it's my understanding that the County determined he could use private utilities because of this note on the plan, which leaves the property owners with a conundrum; if they can't build with private utilities but they're deemed to be outside of the USA so they can't build with public utilities. I think some people have suggested that the plat be vacated. But that's not an easy solution either. Unless they get Board approval, they're gonna need support for all the parcel owners. At any rate, we are here to suggest to you that extension of public utilities to this site, given the extremely unusual circumstances and the environmental significance of the adjoining lots, is consistent with the Comprehensive Plan. You heard staff outline how the utilities would be engineered. And I'm not planning to go into any more detail unless you guys have specific technical questions; I have the engineer here if you do. One of the questions raised in the staff report was whether our design would be sufficient to serve the 870 units proposed in the Brooke UDA. And the engineer tells me that with an increase in pipe size, that could be done. Finally, there was a question about the other infrastructure needs; specifically, the need to improve the existing pump station that I heard staff talk

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about from comments received yesterday. And just to note, I never received those comments so I hope I understood staff right based on what they described. But in the event the pump station located near Eskimo Hill needs improvements, the applicant would have to pay. And by the way, the applicant is proposing to pay for all of these infrastructure improvements. Now keeping in mind that in the 70s, the subdivision developer, the original guy, actually bonded road improvements and utility improvements and it's something like \$1.3 million that the County collected on and has in their account. So there are provisions for improvements although I'm sure 1970 estimates wouldn't cover the cost today and the applicant would have to pay the remainder. So, in summary, we believe this request is consistent and I'll give you two reasons why it is. First of all, when you read through the Comprehensive Plan, the intent of the USA is first and foremost to allow no additional density beyond what is existing or approved. This increased density is approved. Secondly, the Comprehensive Plan requires that applicants pay for the extension of infrastructure. The Comprehensive Plan discourages extension of utilities when the County would bear the cost. Here again, the applicant is going to pay. Bottom line -- public utilities are much better for the environment than private utilities, provided there's no increase in density beyond what is allowed by-right. No increase in density is proposed. For those reasons, I suggest to you that this request, oddball situation though it may be, is substantially in accord with the Comprehensive Plan and we request your finding therefor. I'd be happy to answer any questions.

Mr. Rhodes: Questions for the applicant before we move onto public comment? Okay, very good. Thank you very much Ms. Karnes. At this point I'd like to invite members of the public that would like to speak on this item to come forward and do so for public comment. When you do, I'd ask that you state your name and your address. Once you do, a green light will come on indicating that you have 3 minutes to speak; a yellow light will come on when there's 1 minute remaining, and then a red light will come on and we would ask that you wrap up your comments. So, if anyone would like to speak on item number 1, the Comprehensive Plan Compliance Review for Crow's Nest Harbour, please come forward and do so at this time. Just go ahead and state your name address then it will come on.

Ms. Franke: Good evening, my name is Antoinette Franke. I'm here tonight representing Save Crow's Nest. Also with me is Jack and Linda Fellers. Tonight we have brought out from retirement our blue heron... yaaaay!... and our bulldozer. You might remember these. Save Crow's Nest will be implementing a simple Crow's Nest report card. We will award a proving blue heron to each member of the Planning Commission who votes in a manner consistent with the permanent protection of the peninsula. Commission members who fail to support Crow's Nest will receive a bulldozer indicating that they have voted in a manner that is likely to facilitate development of Crow's Nest. We will keep an ongoing tally of blue herons and bulldozers and share this information so that the voters of Stafford County remain aware of which Commissioners have taken tangible steps towards protecting the Crow's Nest peninsula from development and which have not. Tonight you will have your very first opportunity to earn a blue heron or a bulldozer. Save Crow's Nest urges you to vote to deny approval of extending water and sewer to Crow's Nest. A vote to approve water and sewer will earn you a bulldozer. Now, which would you rather see next to your name? A blue heron? Or a bulldozer? The choice is yours and vote to deny request to extend public water and sewer to Crow's Nest. Additionally, I'd like to say that I believe the reason they want public water and sewer there is because the land won't perk for drainfields and wells. Personally, I believe that that's God way of saying don't develop it. If you have to bring in water and sewer, maybe that's God's way of saying leave it alone. You know, because we cannot... when I say we, I mean Stafford County... we cannot develop every inch of this County and still be able to live healthfully. And I know that they made part of Crow's Nest a park and I rejoiced with that, but I still think that we do not have enough open space, public space, for our residents in Stafford County. So, I'm asking you to vote against water and sewer to the area. Thank you.

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Mr. Rhodes: Thank you very much. Anyone who would like to come forward at this time?

Ms. Muller: Good evening Mr. Chair and fellow members of the Planning Commission, my name is Linda Muller. First I'd like to say I certainly appreciate the applicants' recognition of the unique and natural qualities of Crow's Nest. I think that's something we can all agree on. However, I do not agree with what is being proposed as an odd-ball approval, and it is indeed an oddball approval. This is one of those rare occasions where I am attending a Planning Commission meeting where I actually find some concurrence and agreement with what has been recommended by staff, and so I'm actually kind of pleased to be here this evening. I think what was said is valid and I think the citizens have an interest in this because we do have a Comprehensive Plan for a reason. There's public input, public comment developed to help us here in Stafford decide where we should develop regions and what should be placed in use of land. And as has been pointed out in the staff's report that there are several reasons not to provide extension on sewer and water and just to recap those in which the discussion was proposed utility improvements are not identified on the Utilities master plan, that's just one. It extends sewer service outside the County's Urban Service Areas, significantly in this case, and has been indicated that there has been no documented risk to public health. Those are just some of the points that have been made and I hope that as a Planning Commission that you recognize and agree and not approve extension of public sewer and water to the area. Thank you for your time.

Mr. Rhodes: Thank you very much. Anyone else would like to come forward and speak at this time?

Mr. Hazzard: Good evening, I'm Jim Hazzard. I'd like to endorse the previous lady's remarks. They were very articulate. I can't begin in 3 minutes to address the technical and legal questions I have about this application. I don't think I could do it in 10 times 3 minutes. I'd like to talk about the central... what I see as the central issue and that is the staff's recommendation that this does not comply with the CPR... the Comprehensive Plan. The attorney for the applicant, Ms. Karnes, made a statement in her letter saying they believe the request is in substantial accord with the Comprehensive Plan. That's about as elastic an application of the English language as I can imagine in this circumstance. The staff here have made the correct recommendation and I was reading the resolution when the original Comprehensive Plan was adopted. And it said if the proposal is not consistent with the plan, either the proposal should be rejected or revised to accurately reflect the vision of the future. I'm not here to debate the environmental pros or cons of this. This is a flawed application and it deserves the review that it's gotten from the staff. It deserves to be rejected here. I'll leave it at that. Thanks.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to come forward at this time?

Mr. Coady: Good evening Chairman and fellow Commissioners, Patrick Coady. I'm Chairman of the Northern Virginia Conservation Trust whose offices are in Annandale, Virginia. As most of you are well aware, we are the owner of the 70-acre blue heronry, which is under our perpetual stewardship. We also own four lots in Crow's Nest Harbour. And it's either Deja vu or Groundhog Day; I feel like we spent two years trying to find a way to work with all the parties to preserve it. So, just to remind you, I guess, that we will, speaking to this particular application, we will always come forward and it's not a secret goal by a long shot is that we believe that the Crow's Nest peninsula is an integral piece of important environmental real estate and ought to be preserved and we would like to see that achieved. And we will make effort to stand in the way of something that doesn't make sense to achieving that goal. We prepared a letter which has been sent around. I'll just summarize some of the points. We came up with six as a starter list of things that caused us concern. I think in driving here it's probably grown to 12; by the time tomorrow it'll probably be a longer list. But basically we want to go on record that we strongly urge the Planning Commission to deny this application. And as I mentioned, it flies in

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the face of everything we've worked for since 1997 when all we had was 70 acres. I think it undermines the investment of the state and the County of \$30 million of the nature preserve. As I understand, I'm not a land use lawyer, but in talking with some is that the review process usually tries to take care of common sense problems of more or less a de minimis nature. And here you have a massive extension of that definition of what review process is. And it basically opens up the whole peninsula to development. So, I kind of view that as just kind of a disaster, and in addition to the points I've listed in the letter, you know, item 7 which should have been item 1 is, as a steward of the 70-acre heronry, we have worked to... it's like Quantico, we have our own... it's the opposite of Quantico. Quantico has noise buffers around, we have kind of protect the heron buffers around. So it's very important for us to and we've worked on the easement side to try to make sure so if 260 houses go up, you know, the herons are gone. I think that's just kind of the bottom line of all that. So this is a really serious issue for us in terms of our stewardship. So, just to repeat, we hope you will reject this application.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to come forward at this time?

Mrs. Carlone: Ruth Carlone. Hey, okay, remember some of these decisions were made in 1973. We didn't have the most... I don't know what would be a nice way of putting some of the Board members... some decisions were rather unwise, okay. Now, as far as this, I urge you to go ahead... I actually wrote it down so I wouldn't miss out on some... anyway, I urge you to vote to deny the extension of the water and sewer to Crow's Nest. I served on the Planning Commission for four years and during that time we had multiple requests to determine that a water and sewer extension was in compliance with the Comprehensive Plan. In some instances, the applicants' properties were very close, even next to the Urban Service Areas, or had a watering line that actually ran through some of the properties. Now, for this particular instance, this is way off base. The applicants' property, it's about 2 miles I believe to the nearest Urban Service Area and I do agree with staff that this should not be approved. Either that or reworked. Now, as far as the heron rookery, that is so precious to all of us. It's a wonderful tourist attraction that we could build up on. And once you get the water and sewer in, it's going to expand the other areas little by little, it creeps out. Now as far as tank trucks for emergency, we settled in an area that we don't have water and sewer, but the trucks that come in a fire, they'll come with water tanks. Fortunately we haven't had too many, but anyway it can be done. So this is just so much hogwash. It's just not applicable. Okay, that's it.

Mr. Rhodes: Thank you Ruth.

Ms. Reed: Good evening, my name is Becky Reed. I certainly concur with the comments made in the staff report that the purpose of the Comprehensive Plan is to discourage growth in the rural area outside the Urban Service Area. And it's been pointed out by several people that it's 2 miles outside the USA. And also, policy in the Comp Plan states that the sewer should not be extended beyond the current boundaries of the USA for residential projects. There is certainly no health problem here that needs to be corrected. Granting this request has absolutely no benefits for the Crow's Nest Park and many possible detriments, and certainly detriments to the heron rookery. I would ask you to follow the staff's comments very closely and deny this. Thank you.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to come forward and speak at this time?

Ms. Kirkman: Good evening members of the Planning Commission, my name is Cecilia Kirkman. I'm a former Planning Commissioner. I reside on a property that's adjacent to the application that's before you tonight. It's been suggested to you that your job here is to balance needs. Actually, that's not your

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job. Your job is to look at the Comprehensive Plan and determine whether or not the request for water and sewer outside the Urban Services Area is substantially in compliance with the Comprehensive Plan. Afterwards I'll pass out to you the criteria in the Comprehensive Plan for making that decision. Nowhere in those criteria will you see the needs of the property owners. In particular, what I want to point out some of the history that was left out in an earlier presentation is that what you have before you tonight is an entirely self-created situation. And there's a fancy legal term for that. But basically, what's important to understand here is that 7K Investments bought those properties long after the project had been abandoned by the developer knowing full well that there were restrictions on the property and that there was no water and sewer to the property, and it was outside the comprehensive area and it was outside the Urban Services Area. Not only that, DMI, Diverse Mortgage Interest, actually appealed in Stafford County Circuit Court the 1978 rezoning decision and abandoned that appeal which was later closed by the Judge after 2 years of no action in the case. So DMI abandoned their right to appeal that rezoning that removed the water and sewer. So you have before you a self-created situation by the property owners and it's not your job to fix bad speculative real estate investment decisions. Your job here is to determine whether or not this is in compliance with the Comprehensive Plan. And here's what the plan says: "The location of roads and infrastructure shapes future development patterns. Builders and developers look for land with good access and the availability of public facilities. In particular, water and sewer extensions are major growth inducing factors." And it's under this section that you have your policies which provides specific criteria upon which to make your decision. Please vote no tonight to deny extension of water and sewer. Thank you.

Mr. Rhodes: Thank you. Is there anyone else who would like to come forward and speak at this time?

Mr. Palmer: Mr. Chairman, members of the Planning Commission, Hamilton Palmer. I'm not for or against this application, and I agree with much of what's been said from the Crow's Nest. And Crow's Nest certainly is an important ecological piece of property once owned by Frank Boykin and I don't know if this part... if he owned this Crow's Nest Harbour or not. But, the heron rookery should be protected. I enjoy watching those herons fly down to the Rappahannock River and fish on those rocks down there. But I'm wondering how you can tell someone that they must connect to public water and sewer but we don't allow connections to public water and sewer. It seems to me that's a catch 22 situation. The people have been paying taxes on these parcels of land for many years and it doesn't appear that they can use them for anything right now... or at least for the intended use. I have some questions to include what's the status of the existing covenants or the restrictions? What about sewerage the other lots in Crow's Nest Harbour that are not part of this application? And what can you use this land for now? And I want to correct one thing; Ms. Karnes said that the other landowners did not join this application and that they were contacted, and they either did not join because they didn't want to fund it. I don't know that that's true. I do own one of the lots in there and I was not connected. You know, I suggest that the County either purchase these lots in there and add them to Crow's Nest or approve the request. I don't see how you can tell somebody they need to connect to public water and sewer and then turn around and not allow them to do so. I wish there were more funds available to purchase this but it doesn't appear to be. So, you've got a conundrum and it's a tough decision. Thank you very much.

Mr. Rhodes: Thank you very much. Is there anyone else that would like to come forward and speak at this time? Seeing no one come forward I'll close the public comment portion of the public hearing and bring it back to the Planning Commission. Oh yeah, I'm sorry. And I would ask the applicant to come forward if they have any other further comments or rebut. Thank you Mr. Gibbons.

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Ms. Karnes: I'll just be very brief. The Comprehensive Plan is an excellent tool, but it is just a guide. And, as you've heard in testimony, you've got lot owners who have been paying taxes for years and have the right to develop their property under their current A-2 zoning. We again ask for your approval. Thank you.

Mr. Rhodes: Thank you very much. Now I'll bring it back to the Planning Commission. Of course, this is a Comp Plan Compliance Review which is solely to look at its consistency substantially in accord with the Comprehensive Plan. There is a lot of information here from '73 and actions from '78 and actions from many other dynamics which are certainly informative and interesting. But the core of the request is to make a determination on whether it is substantially in accord with the Comprehensive Plan in this action here. I don't know if there are other questions for staff at this time or applicant or other items. Yes, Mr. Gibbons.

Mr. Gibbons: There was a court case I was part of and I noticed it wasn't in our package, but there were certain stipulations that the judge made in there and I think that the Planning Commission should be afforded that document.

Mr. Rhodes: Does that ring a bell Mr. Harvey, Ms. McClendon?

Ms. McClendon: Mr. Chairman and Mr. Gibbons, we will get the court order to you.

Mr. Rhodes: Thank you very much.

Mr. Gibbons: I didn't hear what she said.

Mr. Rhodes: She said she'll get the court order for us.

Mr. Gibbons: Thank you very much.

Mr. Rhodes: Good, so that'll be some additional information. Yes, Mr. Coen.

Mr. Coen: Just two quick questions of staff if I could. Hi Mike. And just... and I think I already know the answer but that's why I ask the question... in the events that happened in 1975 and then happened in 1978, it was for a greater area; it wasn't just isolated to this one parcel, correct?

Mr. Zuraf: I'm not certain of the full extent of those actions.

Mr. Coen: Okay.

Mr. Harvey: Mr. Coen, in 1975 was the adoption of our Comprehensive Plan, so that affected the whole County. I'm not certain about the change in zoning, whether it affected specifically just that area or it had a part (inaudible).

Mr. Coen: But generally speaking, that's not the norm to just isolate one spot. Okay, and am I correct that technically... and I know we've had two successful rounds of our PDR program, but this parcel being of this size could have entered into that. Isn't it a 25 acre or 50 acre minimum for our PDR program? That's one of the options that could have been done. Am I not correct on that?

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Mr. Harvey: Possibly. The issue with the plat is there's public roads that are recorded and those public roads are right-of-ways that were dedicated to the county for public use. So, it may be difficult to have some areas that can actually collectively make that acreage.

Mr. Rhodes: Okay. Any other questions of staff? Mrs. Bailey?

Mrs. Bailey: Mr. Chairman, I would like to make a motion to defer COM1400218 in order to allow staff time to provide additional information for the Commission members to review.

Mr. Rhodes: So, a motion to defer to the next session on the 9<sup>th</sup> of July?

Mrs. Bailey: Yes sir.

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

Mr. Boswell: Second.

Mr. Rhodes: Second by Mr. Boswell. Any further comment Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Rhodes: Further comments Mr. Boswell? Any other member? I know we got some... so it's more information that we'll look at that Mr. Gibbons has identified and Ms. McClendon will get us. Okay, very good. All those in favor of the motion to defer this to July 9<sup>th</sup> signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. Okay, very good. Thank you all very much; appreciate it. We'll move onto Public Hearing item number 2, RC1400095, Reclassification, Quantico Corporate Center Building A-1. Mr. Harvey.

2. RC1400095; Reclassification – Quantico Corporate Center Building A-1 - A proposed reclassification from the M-1, Light Industrial Zoning District to the B-2, Urban Commercial Zoning District, to allow for the development of a commercial office building with a child care center on a portion of Assessor's Parcel 13C-F, consisting of 3.636 acres, located on the north side of Corporate Drive in Quantico Corporate Center, within the Griffis-Widewater Election District. **(Time Limit: September 23, 2014)**

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

Mr. Zuraf: Okay, if I could have the computer please.

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Mr. Rhodes: Computer please. There you go.

Mr. Zuraf: Item 2 is a reclassification for Quantico Corporate Center Building A-1. The request here is a rezoning from the M-1, Light Industrial zoning district, to the B-2, Urban Commercial zoning district on parcels 13C-F, a portion of that property. The total area, and the reason for this new public hearing, is the area of the site has increased from 3.11 acres up to 3.64 acres due to the increase in the area subject to the rezoning. The applicant had to re-advertise and hold a new public hearing. As you recall, it was originally held on May 14<sup>th</sup> and it was at the time deferred to this meeting, and so the reason for this re-advertisement and new public hearing. The agent is Compton & Duling. The applicant is Quantico Corporate Center LLC. I'll go through some of the issues briefly. Since this has been re-advertised, the site itself is located on the north side of Corporate Drive and west side of Jefferson Davis Highway, within the Quantico Corporate Center Office Park. The zoning of the property, the gray area... gray shading is M-1, Light Industrial. You see properties fronting Jefferson Davis Highway is in the kind of red brick color are B-2, Urban Commercial. Here's an aerial view of the site. You see a portion of the Quantico Corporate Center has already been developed with office building uses, 4 office building uses along Corporate Drive. Across the street that's not shown in this aerial view, on the south side of Corporate Drive from this site is the Marriott Hotel and the commercial uses as I've mentioned fronting along Jefferson Davis Highway. Here's the General Development Plan for this site. They are proposing a 2-story building surrounded by surface parking. The proposed building would be oriented to the east and towards Route 1. As far as the face, the front of the building would be oriented to the east towards Route 1 due to the topography of the site. There would be one full access point off of Corporate Drive across from the access point to the Marriott... Courtyard by Marriott hotel. The changes to this proposal include an enlarged outdoor play area that is proposed with the daycare that would be located in this building, and additional parking that was added onto the GDP in the back portion of this site. The architectural design has been modified since the original public hearing. The building renderings submitted and are proffered have been modified. Staff does find the revised architecture of the proposed buildings to be generally in conformance with the Architectural Design Guidelines within the Neighborhood Design Standards manual. The applicant does note that the proposed building is in compliance with the Architectural Design Standards set forth in the covenants that govern the buildings within the Quantico Corporate Center. With transportation, both the Transportation Impact Assessments that have been conducted for Quantico Corporate Center have incorporated the uses that are proposed on this site, specifically, the daycare center. So there's a finding of no greater impact that what would have already been proposed initially in this complex. The additional parking is provided for the child care center for drop-off and pick-up with the latest adjustments that have been made. And the applicant has modified the proposal to include a crosswalk across Corporate Drive but staff does note that pedestrian safety measures may be necessary. One thing in particular is a possibility of a lighted pedestrian crossing sign. That hasn't been proffered but might benefit the crosswalk in this location. The proffers are generally unchanged from the original May 14<sup>th</sup> public hearing. They generally deal with limitations to the building height and overall size of the building. It addressed standards for the equipment and trash screening, require compatible site lighting with the other sites, prohibits certain uses otherwise permitted by-right, required notice to people who are going to the child care center of the proximity of this site to Marine Corps Base Quantico and the activities that happen there, requiring fire sprinklers in the building, requiring the site design to utilize Crime Prevention Through Environmental Design Standards, the pedestrian crosswalk as mentioned to the existing sidewalk network on the opposite side of Corporate Drive, and then proffering the requirement that there be full vehicular access around the building. The amendment would include references to the revised renderings that you have received. With the Comprehensive Plan, this site is an area designed on the future land use plan as business and industry. It's also part of the Boswell's Corner Redevelopment Area Plan. Business and industry supports this type of office development, and the

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Boswell's Corner Redevelopment Area Plan does include some future land use scenarios in that those future land use scenarios envisioned Quantico Corporate Center to build-out in the manner that it was proposed here. With the evaluation, the positives -- it is in conformance with the Comprehensive Plan land use recommendations consistent with the established and proposed development patterns at Quantico Corporate Center. The proffers would minimize visual impacts and enhance safety on the site. And staff does not see any negative impacts with this proposal. Staff would recommend approval of this reclassification with the proposed proffers, and do note the issue of consideration for the pedestrian safety measures for the crosswalk across Corporate Drive. And I'll take any questions at this time.

Mr. Rhodes: Very good. Questions for staff before we go to the applicant? Mr. Boswell.

Mr. Boswell: Mike, they did not proffer the lighted signs for the crosswalk in there? It hasn't been done yet?

Mr. Zuraf: No.

Mr. Boswell: Okay, because we had met with them a couple times and I thought they were going to put that in there.

Mr. Rhodes: Okay. Other questions for staff? Yes, please Mr. Gibbons.

Mr. Gibbons: We were told that they were going to proffer that.

Mr. Rhodes: Well we'll have the applicant in just a moment. Very good. Applicant please.

Mr. Patrick: Good evening Mr. Chairman, members of the Commission. We anticipated that we would talk about some of those things that we had previously committed to proffering at this meeting, and I was going to explain some items that you all had also asked about. We can go straight to the crosswalk proffer and to the school bus issue if you'd like, or I can try to review back the items that you all had asked about previously.

Mr. Boswell: Let's take it from the top.

Mr. Patrick: Take it from the top? Okay. Could I have the presentation...

Mr. Rhodes: Computer please.

Mr. Patrick: I'm Sherman Patrick; I work with Compton & Duling LC. We are here this evening representing the applicants in this case. And the proposal is to rezone a small portion of Quantico Corporate Center to allow for a supportive use that is intended and has always been intended to be included as a part of the Quantico Corporate Center, but the location is different than where we previously anticipated it being. Next slide please. This is a view of the property, an aerial view. It's a little bit more refined and defined than what you saw previously. How do I use the cursor again? I really need to come and get the training manual on this.

Mr. Rhodes: It won't help.

Mr. Patrick: I just want to use the cursor as opposed to... yeah. Okay, the cursor doesn't work. My drawing isn't very good; I'm very self-conscious about it, that's the issue. Okay, the site is located here,

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is outlined in yellow. We now have... there are 3.6 acres that are now included. The site's been expanded a little. But we spent a lot of time at the last meeting talking about the boundary and the planning for Quantico Corporate Center. The heavy white line identifies the boundary of what we all generally know as Quantico Corporate Center. Along the top of the screen we have I95... I broke it. Near the top of the screen we have I95; near the bottom of the site we have Route 1. The site is located 850 back from Route 1. So it's not on the frontage of Route 1 but it is somewhat set back. In addition, we talked last time about a portion of the property or the park that Stafford County had actually purchased for an area where they can incentivize economic employment growth in the County. That area is known as the Stafford Technology and Research Park, generally referred to as STAR.

Mr. Rhodes: Isn't that where you had originally envisioned support facilities like childcare, etcetera?

Mr. Patrick: Yes sir, that is correct. In the original planning for this park, the childcare was going to be located in an area, but when the County looked at this area and identified it as something that they wanted to hold and promote, Mr. Hart agreed to sell them a portion that he had a contract on and had moved this childcare concept to a different part of the corporate park. So, the STAR group, if you will, does not have jurisdiction or review over this part of the property. But what there is, is there's an association that is governed under what is called a declaration, and I have a summary of a very long document that I can share with you. But in generally speaking, it's easy to compare it to a homeowner's association. Except that in this case you have the declarant, which is the person who originally recorded it and is the controlling authority, if you will, behind promoting the corporate park; and that is the Silver Companies and Mr. Honacker is the person in charge of that and actually approves the uses that go into the park. Eventually there will be a Board of Directors who will take over the governance of the park and they will be responsible for maintaining the park and for changes to the park over time, into the distant future. So that is sort of the structure that we talked about last time. There are covenants within the park, if you will; it's part of the declaration technically speaking. But they are like covenants in an HOA and there will eventually be a covenants board that will review and enforce those regulations within the corporate park just as you have in an HOA. But at this time, Silver Companies is still developing the property and so they are the governing entity, if you will. There are restrictions on certain uses that can locate within the development and those restrictions, under the covenants, are mostly focused on the industrial zoning that exists there today. And when we convert this part of the property, this 3.6 acres, to commercial zoning, then those go away. Because, for the most part, again you can't have a lumber yard, you can't have landfills and those types of activities under the new zoning in any case. Some commercial uses are proposed to be proffered out. We think we've appropriately identified the ones that are of concern, and we also think that the architectural design of the building in itself limits the viability of some other things that you might identify as strip commercial from being attracted to this property. It does not have the visibility to pass-by traffic like you would have on Route 1. If you had this property, the same building located right at Route 1, there may be some additional reason for concern. But with it being 850 feet back from Route 1, it is really internal to the project and it's really only visible to those people who are coming into the property and so a lot of problems go away as a result of that. Next slide please. This is a graphic that we prepared after the last meeting to identify for you the orientation of the various buildings within the corporate park. One of the things that I told you at the last meeting is that the buildings are rectangular in shape and they are designed so that the long axis runs parallel to the topography of the property so that you can minimize the impact on the topography when you go and you start doing the grading to develop the properties. The location of the front of an office building is sometimes very vague, and it's not like a retail shopping center. Again, the strip retail example where you absolutely have a front of a building and then you have loading docks on the back of the building and you have no architectural embellishment and you have low maintenance as well. That's not the case here. This is a building with 360 degree design on it; however, we will admit

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that there is a main entryway into the building. And that main entryway is facing toward Route 1. We think that's appropriate in this case because of the topography. As you go up Corporate Drive, you're going to see that front of the building with the additional architectural embellishment and you're not going to see so much what is parallel to Corporate Drive. So, we think that architecturally this is the appropriate design, and this exhibit also shows you that that has been the pattern that has followed within the corporate park to date. Also, there is a wetland preservation area that is between the building and Route 1. And that wetland preservation area is going to do a lot of screening, provide a lot of screening between... and reduce the visibility of this building from Route 1. So you don't have the attraction from Route 1 traffic that you might have otherwise assumed. Next slide please. This is the site plan that we showed to you at the last meeting. And I've highlighted in yellow the boundary of that earlier site plan and I did that so that when we go to the next site plan you can see how much the property has grown. So if we could have the next slide please. The property has grown by that large area that's outside of the yellow boundary. The yellow highlighting shows the original site plan boundary. The outdoor play area was enlarged in this new submittal; it went from 5,000 square feet to over 8,000 square feet. So there is a lot more outdoor activity area. Also on this exhibit I've shown with a star where the entrance, the primary entrance will be to the childcare facility. And that was something that you were concerned about because you wanted to know about children being picked up and dropped off, and you also wanted to know about the relationship to the play area, the outdoor play area. You wanted to be sure that it was a secure path for them to get to the play area, and a safe path for them to get from their cars to the inside of the building. What we envision happening is on the south side of the play area, most of our parents or guardians will arrive with their children, will park their vehicles, and will bring them inside and sign them in every morning, and they'll sign them out in the afternoon. The old days of the car drop-off don't exist anymore. With security and safety concerns being what they are, all child care will bring people into the building so they can see who's picking the kids up and who's dropping them off. So that's how that process will work. The outdoor play area is fenced and will be secure, and I have some exhibits a little further on about what types of equipment Minnieland Academy generally uses. And Minnieland Academy is the proposed tenant for this. They will occupy approximately 10,000 square feet of the building. They have surveyed this corporate park and based on their survey there is sufficient demand within the Corporate Center to fill this facility. So they really are focusing on this corporate park as being their primary target market. There will always be some people who come from one place or another, but the idea and the concept from the very beginning was that the corporate park would provide essential services to employees that will make their jobs and life a little easier and attract people to the area; make it a convenient place for them to work. And I already mentioned that the daycare at the previous site was conveyed to the County. Next slide please. So with respect to compatibility, you've heard staff say that this is consistent with the Comprehensive Plan. It's consistent also with the concepts behind the corporate park to provide convenient workspace for employees which helps the businesses who come here so that they can attract employees. The architectural designs have been improved and you've seen pictures of those. So next slide please. This is a rendering of the building and as Mike pointed out, we've proffered specific elevations, but this is the 3-d image to help you put it into the context of the site. You can see here the parking spaces and the landscaping islands that are in place just as we expect them to be. Next slide please. And this is the proffered building elevations. Next slide please. Here are some of the other buildings that are located in the corporate park. There's some individuality between the various uses. I think Navy Federal Credit Union would win the award for having the greatest individuality. They are located at the corner of Route 1 and Corporate Drive. And there is a true retail building on the opposite side of Corporate Drive from Navy Federal Credit Union, and in that building there's a Subway and there's a small Asian food restaurant right now and then the other spaces are empty. There's also a barber shop on the side. Next slide please. With respect to signage, we spent some time talking about that as well. You again were wanting to know that this wasn't going to become the kind of environment

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where all types of signs were permitted. I think everyone is generally pleased with the signage that is existing in the corporate park and that this exhibit is to show you that we'll plan to continue that pattern. On this slide, on your left... okay, on the right-hand side is the sign that is proposed for Minnieland Academy. And that is actually the point of the building that is actually farthest from Corporate Drive. That does two things: one, it doesn't change the flavor of the park because right now most of the signs closest to the road are the corporate IDs. But also, it helps guide the customers or the clients of Minnieland Academy to the rear of the building where the main entrance is. So, it makes sense and it's not there just for advertising purposes. Toward the front of the building, on the opposite end, we gave you a suggestion that there would probably be a restaurant or a deli or a café to support the employees again. And the sign may be on this end of it or it may be on the other side of the building facing Corporate Drive. But the point in showing it here was just to let you know that this is the quality of signage and type of signage that the declarant has agreed to and that the applicant is proposing on this building, and that it is not going to be garish, the building won't be covered with signs like you sometimes see in different environments. Those issues are not going to be a problem here. The lower left-hand corner is an isometric drawing of the building and it emphasizes the closest corner to the entrance to the parking lot for this building. And it shows... you can see the Minnieville... Minnieland Academy sign is on the far corner of the building. Next slide please. This is another Minnieland Academy site. This is the signage that they have there. This is basically the design that you saw in the earlier elevations. The colors may be different because of the different hues on this particular building. On this building white made the most sense. On our building, the different color is being considered but the decision on that hasn't been made. But the medallion that they use and then the cut-out letters and the lettering style is what is planned in the size that you see there. Next slide please. There was discussion as I mentioned before about where parking would be for the drop-off area. On this version of the site plan, you see the daycare entrance is labeled, that's the primary entrance, and then in a hatch pattern we have 28 parking spaces that'll be reserved for the daycare use. And that is where the customers will come in and park to bring their children in in the morning. And so there will be no crossing of the drive isles. There was a question about how much traffic might go through if we have these inter-parcel connections that are shown. There are four inter-parcel connections. They're basically connections between the parking lots that will evolve after other buildings are built on the property. So, on this slide I put some percentages on those connections to show you what we anticipate in terms of the amount of volume that would use those particular entrances. We have 65% on one extreme at Corporate Drive, naturally the main entrance to the parking lot. And then on the far end, the opposite end, we have... well 20% would be along parallel to Corporate Drive, and then on the far end of the property we believe it would be as little as 5%. That's our rather secluded route; it connects to another office building parking lot but it's the long way around. Next slide please. One of the things that we were asked a number of times is what if a school bus came on the property. How would a school bus circulate through the site? So, it is not the intention of the applicant I want to stress to invite a school bus onto this property. We don't think the School Board would want to do it; we don't think the transportation division of the School Board would think that it was the best solution or economical for them. But we've given you this graphic to show you that if that were to occur, the bus could circulate through the parking lot. There is a tracking program that shows the turning radius of long vehicles...

Mr. English: I've got a question for you.

Mr. Patrick: Yes sir.

Mr. English: Doesn't Minnieland have a school bus?

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Mr. Patrick: They have small buses generally sir.

Mr. English: Are going to have one at this site that you know of?

Mr. Patrick: If they have a need for it, yes. One of the... the reason I answered it that way...

Mr. Gibbons: I thought he asked a pretty good question. Are they going to have a bus or not have a bus?

Mr. Patrick: The reason I said it... I was starting that sentence... the reason I said it that way is because they don't know what their school-age children population is going to be until after they've enrolled students. And they don't know that that's going to be consistent over time. That's likely to change from year to year. So, there is a possibility that they would not have enough school-aged children to warrant a bus to take them to a public school. They are willing to commit to using their own bus to transport children to a public school if, you know, if that is necessary. And that can be added to the proffers. But they don't always know they're going to have enough school-aged children to warrant a bus.

Mr. English: Wouldn't it be better to add that to the proffer now than knowing... and if it's not going to happen, it's not going to happen. But I kinda think it's going to happen you're going to have a school bus there.

Mr. Patrick: Sure, we can add that to the proffer. I have some language that I can read at the end. Or I can do it right now if you'd like.

Mr. Coen: Please.

Mr. Rhodes: Yeah, go ahead.

Mr. Coen: That was a big stickler point on my part was that.

Mr. Patrick: Now the intent here is to address this concern. So if you don't feel that the language does, let me know and we can work with that. In the event the school-aged children require transportation to a public school, such service shall be provided through an agreement between the parent and provider, and not by County's buses. I thought that was as succinct as we could be.

Mr. Rhodes: You want to say that again?

Mr. Patrick: In the event school-aged children require transportation to a public school, such service shall be provided through an agreement between the parent and the provider, and not by County buses.

Mr. Rhodes: Alright. Can you hand that to Mike?

Mr. Patrick: Sure.

Mr. Rhodes: If we move on this, we'll need to have it all down on one thing.

Mr. Patrick: Okay.

Mr. Rhodes: Thanks.

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Mr. Patrick: Next slide please. And there was a question about the type of playground equipment that might be available. This is all play equipment that Minnieland Academy has at their facilities, and they will be providing here. They tend to rotate it. We wouldn't want to proffer a specific design because, in five years, something else will be desired and we'll have a different design. So, these things come and go. But you see there's a lot of opportunities to provide shading for the children when they play, and there's ample safety precautions with the type of surfaces that are shock absorbent and protect in the event of a fall. We're hoping this evening that we can receive your recommendation for approval. If you have any additional questions or if I haven't covered anything, it's not because I didn't intend to or didn't want to...

Mr. Rhodes: Crosswalk sign.

Mr. Boswell: Crosswalk sign.

Mr. Patrick: Yes sir? The crosswalk, yes. The applicant is also willing to agree to a crosswalk across Corporate Drive. And in addition to the striping that would go on the pavement, to provide a sign with solar-powered flashing lights on it.

Mr. Rhodes: Okay.

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

Mr. Boswell: You're going to give him language for that also?

Mr. Patrick: Yes sir, I can do that.

Mr. Boswell: Okay.

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

Mrs. Bailey: Mr. Chairman, just to clarify, the crosswalk... is that going to be just a painted crosswalk or will that be a speed hump?

Mr. Patrick: It will just be a painted crosswalk; that's what we discussed. The speed hump, because of the grading of the road, causes some complications with the drainage in the road. And it would be an area where water would collect and you may have a freezing issue in the winter. So speed humps work very well on flat surfaces, but this road does have an incline on it so it would create a problem, we think.

Mr. Rhodes: Okay, other questions for the applicant before we go to public comment? Okay, very good. Thank you. Now is the opportunity for any member of the public that would like to speak on this item to come forward and do so. Would anyone like to speak? Seeing no one rushing the isles, I'll close the public comment portion of the public hearing and nothing to rebut so it's back in with us. Other questions of staff or comments or thoughts? If we were to move on this, we need to get initials on a... conditions are ours, okay yes. So we need to make sure we've got the language and get it initialed?

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

Mr. Rhodes: And then we'd have to accept new information...

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Ms. McClendon: That's correct as well.

Mr. Rhodes: ... before we could act on it. Okay. Thoughts.

Mr. Gibbons: I thought that was your motion, wasn't it, to accept it?

Mr. Boswell: Not yet. Do we need to give them some time?

Mr. Rhodes: Yeah, probably, if there's no questions and you are of a mind that you're probably going to want to move forward favorably, we would need to get time to get the language written in there, initialed, and confirm we've got it with counsel, and then we would have to accept the new information as being received tonight by I think it's two-thirds. And then we could... yeah, I finally got it right!... and then we could move forward on a motion on this.

Mr. Boswell: So, do we want to put this aside?

Mr. Rhodes: Do you need a minute to work that together Mike?

Mr. Patrick: We need a minute to get it initialed.

Mr. Zuraf: Yes.

Mr. Rhodes: Okay, that's cool.

Mr. Coen: Mr. Chair, I'll just chime in on one thing that Mrs. Bailey brought up about the speed bump. In driving through...

Mrs. Bailey: Hump.

Mr. Coen: Hump. Because there are different terminologies in different areas. Awhile back I was up in Fairlington and noticed that in a whole area of a hilly area they now have speed humps that are hollow in the middle just for the drainage issue -- which is rather interesting as you're trying to go over them.

Mr. Rhodes: If they drain that way.

Mr. Coen: Right. All the way down the road, every one had a cavern in the middle for drainage which I thought was a rather interesting turn of fate.

Mr. Rhodes: Good job killing time.

Mr. Gibbons: If you ever want to have a mechanism that reduces the value of a home in the neighborhood, put a speed bump in.

Mr. Rhodes: A dual-edged sword, there is no doubt.

Mr. Boswell: So, are we going to wait or are we going to move on and come back?

Mr. Rhodes: Okay, so there was this frog... I believe we're close rather than starting into the zoning ordinance.

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Mr. Boswell: Okay.

Mr. Gibbons: While we're waiting, I've got one question to staff. On the entrance that the County land has, Jeff, off of Telegraph, I noticed when I walked it the other day that there's a cemetery right in the middle of the egress.

Mr. Harvey: There is a cemetery adjacent to it, it's not part of the County's own property. It's on property owned by a family. It's next to where the road's going to be built.

Mr. Gibbons: The road goes right into the cemetery.

Mr. Harvey: There's an existing road that goes to the cemetery. The County has yet to build a road to that property.

Mr. Gibbons: They just made the cut in the curve and put all the concrete in there Jeff. That's what concerns me.

Mr. Rhodes: I did see a cut in and a little island, yeah, it looked like. But I don't know where it goes.

Mr. Gibbons: It goes right into the cemetery.

Mr. Harvey: Well, I know the cemetery is going to have an entrance off of the County's road.

Mr. Gibbons: Okay.

Mr. Rhodes: We'll try not to 4-wheel drive through it. Okay. Do you have a modified proffer to read? Two of them?

Mr. Zuraf: Yes. So, the new proffer regarding the transportation to the childcare center. "In the event school-aged children require transportation to a public school, such service shall be provided through an agreement between the parents and the childcare provider, and not by County buses."

Mr. Rhodes: Okay.

Mr. Zuraf: And then for the crosswalk signage, this is in addition to proffer V, Transportation, sub-proffer 1. The current proffer reads, "A pedestrian connection shall be made from the parking lot to the crosswalk leading to the existing sidewalk along the south side of Corporate Drive." And then a new sentence would be added saying, "In addition to a crosswalk painted on the pavement, the applicant shall provide signs with solar-powered flashing lights on the sign to attract the attention of motorists to the crosswalk."

Mr. Rhodes: Okay.

Ms. McClendon: I have no concerns with those Mr. Chairman.

Mr. Rhodes: Okay, very good. I'd entertain a motion to accept the new information that's handed before us for action tonight.

Mr. Boswell: So moved.

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Mr. Gibbons: Second.

Mr. Rhodes: Motion by Mr. Boswell, second by Mr. Gibbons. Further comment Mr. Boswell? Mr. Gibbons?

Mr. Gibbons: I want to thank the applicant for coming back in and modifying this application. And I want to thank the representative from the southern district for looking out for the northern children. Thank you.

Mr. Rhodes: Very good. Any other member comment? All those in favor of the motion to accept the new information for action tonight signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None. Okay, so we now have a new set of proffers that goes with this application. I would now entertain a motion to recommend approval of the reclassification.

Mr. Boswell: Mr. Chairman, I'd like to make a motion to approve RC1400095.

Mr. Gibbons: Second.

Mr. Rhodes: Okay, motion to recommend the approval. Further comment Mr. Boswell?

Mr. Boswell: I'd just like to thank the applicant for working with some of the Commissioners' questions. I've always thought, when I first saw this, that it was a good concept that was needed up there. I'd also like to thank you on behalf of the kids for enlarging the play area. That's all I have.

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

Mr. Coen: Just real quickly, I too want to thank the applicant for, as I look back through my notes, addressing almost every single thing that anybody raised, which was very nice. I mean, the way they went above and beyond to address the different issues was very appreciated and I think it keeps the spirit of the Quantico Center being a corporate center while still addressing various needs. So I think that's excellent.

Mr. Rhodes: Very good. Anyone else? I would just note that I liken this to a small building I work in up the road and I think the amenities of support and assistance for employees there will be an attractive thing and can only benefit this, so that's great. Okay, so all those in favor of the motion recommending approval of RC1400095, Reclassification, Quantico Corporate Center Building A-1, with the new modified proffers that were approved tonight, signify by saying aye.

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Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed?

Mr. English: I do.

Mr. Rhodes: Okay, and that passes 5 to 1. Thank you very much. Okay, we'll now move onto item number 3, the amendment to the zoning ordinance. Thank you all.

3. Amendment to Zoning Ordinance - Proposed Ordinance O14-10 would amend Stafford County Code, Section 28-25, "Definitions of specific terms;" Section 28-33, "Districts generally;" Section 28-34, "Purpose of districts;" Section 28-38(k), "Setbacks from critical resource protection area (RPA);" Section 28-62, "Chesapeake Bay Preservation Area Overlay District;" and Section 28-314(e), "Civil violations of Chesapeake Bay Preservation Area Overlay District." The proposed amendments would modify the Zoning Ordinance to remove regulations related to the Virginia Chesapeake Bay Preservation Act, including removal of the Chesapeake Bay Preservation Overlay District, which applies to all land in the County. **(Time Limit: July 22, 2014)**
4. Amendment to Stafford County Code - Proposed Ordinance O14-11 would amend the Stafford County Code to create Chapter 27B, entitled "Chesapeake Bay Preservation Area" (CBPA). **(Time Limit: July 22, 2014)**
5. Amendment to Subdivision Ordinance - Proposed Ordinance O14-12 would amend Stafford County Code, Section 22-90, "Plan of development process," to change the reference from Section 28-62 to Chapter 27B within the Subdivision Ordinance, thereby requiring that all development and stormwater managements plans satisfy the requirements of Stafford County Code, proposed Chapter 27B, "Chesapeake Bay Preservation Area." **(Time Limit: July 22, 2014)**

Mr. Harvey: Mr. Chairman, staff would like to combine the presentations for items 3, 4, and 5.

Mr. Rhodes: Of course. Thank you very much.

Mr. Harvey: And please recognize Amber Forestier for the presentation.

Mrs. Forestier: Good evening Mr. Chairman, members of the Planning Commission. I'm Amber Forestier in the Planning and Zoning Department. I have items 3, 4, and 5 which is basically about the Chesapeake Bay regulations. We're amending the Zoning Ordinance, amending the Stafford County Code, and amending the Subdivision Ordinance. Basically, we're relocating the Chesapeake Bay regulations from the County Zoning Ordinance to a stand-alone chapter and a few other amendments to the Chesapeake Bay regulations and the Subdivision Ordinance. The Board of Supervisors approved Resolution R14-44, which referred the issues to the Planning Commission on April 15, 2014. The

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Chesapeake Bay Preservation Area Overlay District is found in the County Zoning Ordinance and was originally adopted in 1991. The Chesapeake Bay Preservation Overlay District and other associated code sections would be removed from Chapter 28, which is the Zoning Ordinance, and become Chapter 27B, Chesapeake Bay Preservation Area. References to the Chesapeake Bay Preservation Area Overlay District within the Subdivision Ordinance would also be modified to refer to the new chapter 27B. Next slide please. The Chesapeake Bay regulations include special provisions for parcels that were platted within certain timeframes, specifically before 1989 and prior to a modification in 2003 to avoid vesting issues and to allow for special exceptions. Due to the Chesapeake Bay Preservation Area Overlay District's current placement in the Zoning Ordinance, conflicts have arisen between its provisions and the Zoning Ordinance's vesting provisions. The stand-alone chapter will limit future conflicts and allow for more affective administration. The Board of Zoning Appeals will be relieved from hearing cases requesting variances from the Chesapeake Bay Preservation Area Overlay District as well. The special exception request would be heard by a newly formed Chesapeake Bay Board which staff proposes be filled by the existing Wetlands Board members as they already have some experience dealing with Chesapeake Bay Area issues. To create the Chesapeake Bay Board, provisions would be added and modified and the term "variance" would be replaced with the term "special exception." The proposed Chapter 27B would include requirements for setbacks from the Critical Resource Protection Area, the penalties for civil violations, a new definition section, and an application, public hearing, and appeals process. Several clerical edits and revisions to update the Chesapeake Bay Preservation Area Ordinance are also proposed. Comments received from the Department of Environmental Quality include three minor modifications to the definitions in proposed Ordinance O14-11, and would be included hopefully in the final approved version by the Board of Supervisors. Section 27B-17(a) appeals, within the new section, would require the addition of a reference to Chesapeake Bay Board to clarify that appeals can be made for administrative and CBB decisions as we left that out in the original version. Next slide please. Staff recommends approval of proposed Ordinance O14-10 which would remove the Chesapeake Bay Preservation Overlay District from the Zoning Ordinance, Ordinance O14-11 which would create Section 27B, and O14-12 which would remove the references to the old section and add the new section to the Subdivision Ordinance. Staff also recommends inclusion of the proposed changes to the definition section and the modification to Section 27B-17(a) in the final version of the Ordinance to be adopted by the Board of Supervisors. The deadline for Planning Commission action is July 22, 2014.

Mr. Rhodes: Okay, thank you. One technical question; so the inclusion of that Section 27, does that take a separate action?

Ms. McClendon: No Mr. Chairman. When you go act on that specific ordinance, it can be included in the motion.

Mr. Rhodes: Okay, but it will be a motion to approve the ordinance to include the inclusion of that section.

Ms. McClendon: It would be a motion to recommend approval of the ordinance with the included recommended information. The Planning Commission was not given authority by the Board to modify the ordinances they sent down.

Mr. Rhodes: Okay, very good. We can do public hearing on all three at once but when we act on them, we'll act individually on the ordinances, correct?

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

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Mr. Rhodes: Okay, very good. Questions for staff? Please Mr. Coen.

Mr. Coen: Just a quick question on the Chesapeake Bay Board, because I just remember when we were on the Ag Commission that there was a lot of vagueness about the Chesapeake Bay Act and the ramifications. And how it's... I mean, how it's matriculating since when it was created so like we didn't envision this, we didn't envision that. So, I'm just sort of... to get my head around the idea that the parameters of this Board is it will be determined by the Board of Supervisors and if something new pops up, it will have to be approved by the Board of Supervisors to give this new body authority over it.

Mrs. Forestier: Okay, I'm not sure I understand.

Mr. Coen: And this is sort of... I mean, when I lived in Massachusetts the state had us create new bodies and they were sort of vague as to what was meant. So, on the Ag Commission when we were looking at different things about the Chesapeake Bay Act, it was the federal government has yet to determine what they mean by this so when they finally come up with language then we can start learning about who's going to deal with it.

Mrs. Forestier: I think that's kind of a confusion... okay.

Mr. Coen: Right. I mean, for example, and it may not be specifically for this particular Board but it's just an example, the run-off from people using fertilizers on their lawn is one issue that falls under the Chesapeake Bay Act. And in the Ag Commission we were like, yeah, we're not sure where that goes. So if the federal government turns around and says, okay this now is an issue, thou shalt deal with it. And then we have a Chesapeake Bay Board... so does it just automatically go out to them or anything they go to will have to go to the Supervisors to give them permission.

Mrs. Forestier: It has to be in the State Code first.

Mr. Coen: Right, okay.

Mrs. Forestier: And then go...

Mr. Coen: Or the state will have to do it (inaudible).

Mrs. Forestier: But I think part of the confusion is it has to do with the total maximum daily load stuff (inaudible).

Mr. Coen: True. I know on that one, right, but I just want to make sure. I'm looking down the road that this body may have a lot more authority then initially we're sort of thinking right now and I'm just sort of thinking three steps ahead.

Mrs. Forestier: Not without changes to the State Code and the local code and the Board's (inaudible).

Mr. Coen: Hot diggity. Thank you.

Mr. Rhodes: Okay, any other questions for staff? Okay. I'll now open up the public comment. If there's anyone who would like to speak on anything dealing with item number 3, 4, or 5, you may come forward and do so at this time. Okay, I will close the public comment portion of the public hearing and

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bring this back into the Planning Commission. We have three items to act on; item 3, then item 4, then item 5. Each one...

Mr. Gibbons: Mr. Chairman, I'll move for proposed Ordinance O14-10.

Mr. Rhodes: Okay, a motion to recommend to the Board of Supervisors approval of proposed Ordinance O14-10... blah.

Mr. Coen: Second.

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

Mr. Gibbons: No sir.

Mr. Rhodes: Further comment Mr. Coen?

Mr. Coen: No sir.

Mr. Rhodes: Any other member? All those in favor of the motion to recommend approval to the Board of Supervisors of proposed Ordinance O14-10 signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed.

Mr. Gibbons: Mr. Chairman, I propose proposed O14-11.

Mr. Rhodes: And just to clarify, that's a motion to recommend proposed Ordinance O14-11 to include the recommended approval of the additional info that was recommended by staff.

Mr. Gibbons: Yes sir.

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

Mr. Coen: Second.

Mr. Gibbons: Mr. Coen.

Mr. Rhodes: Second by Mr. Coen. Any further comment Mr. Gibbons?

Mr. Gibbons: No sir.

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Mr. Rhodes: Mr. Coen?

Mr. Coen: No sir.

Mr. Rhodes: Any other member? All those in favor of the motion to recommend to the Board of Supervisors approval of proposed Ordinance O14-11 to include the recommended approval of the additional info that was presented by staff signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None; very good.

Mr. Gibbons: Proposed Ordinance O14-12.

Mr. Rhodes: Motion to recommend approval of proposed Ordinance O14-12 by Mr. Gibbons. Is there a second?

Mr. Coen: Second.

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

Mr. Gibbons: No sir.

Mr. Rhodes: Mr. Coen?

Mr. Coen: Nope.

Mr. Rhodes: Any other member? All those in favor of the motion to recommend approval to the Board of Supervisors of proposed Ordinance O14-12 signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

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Mr. Rhodes: Aye. Any opposed? None opposed; very good. We're onto Unfinished Business, CUP1400145, Conditional Use Permit, Falls Run Industrial Park Auto Sales. Mr. Harvey.

UNFINISHED BUSINESS

6. CUP1400145; Conditional Use Permit – Falls Run Industrial Park Auto Sales - A request for a Conditional Use Permit to allow motor vehicle sales within the M-1, Light Industrial Zoning District, on Assessor's Parcels 44-120P and 44-121J, consisting of 2.01 acres, located on the south side of Nelms Circle, approximately 700 feet east of Falls Run Drive, within the George Washington Election District. **(Time Limit: September 13, 2014) (History: Deferred on June 11, 2014 to June 25, 2014)**

Mr. Harvey: Thank you Mr. Chairman. Ms. Ehly will give the Commission an update on this case.

Mr. Rhodes: Woohoo!

Mr. Gibbons: Mr. Chairman, could I bring up a real quick thing?

Mr. Rhodes: Please.

Mr. Gibbons: I periodically check my emails and we have a very fast...

Mr. Rhodes: Only in between presentations.

Mr. Gibbons: Our County Attorney can't be beat about getting information out to the Planning Commission.

Mr. Rhodes: Yeah, the information we have requested in the last case has already been provided by the County Attorney. Thank you very much Ms. McClendon. We all check that in between presentations. Very good. Yes ma'am.

Ms. Ehly: Good evening Mr. Chair, members of the Planning Commission. If I could have the computer please. A public hearing was held at the last meeting on June 11<sup>th</sup> for the application for a CUP to allow motor vehicle sales in the M-1, Light Industrial Zoning District. As a quick review, the property is located on Nelms Circle and is surrounded by parcels that are also zoned M-1. The proposed site consists of two parcels totaling just over 2 acres and is located within the George Washington Election District, and includes one of several remaining vacant lots within the Falls Run Industrial Park. You may also recall that the future land use designation is the Southern Gateway UDA and it's also within the Southern Gateway Redevelopment Area. At the public hearing on June 11<sup>th</sup>, there was discussion about existing fencing onsite. Condition number 8 has been added to address the request made by the Planning Commission that the existing fence shall remain and be maintained. I think you received a revised GDP at your seats this evening. It has been provided to show a minor revision. The applicant removed a note showing an existing fence along the southern property line of the southern parcel as there is not a fence located in this location. On their property, there is a fence located on the federal facility property to the south. Additionally, there was discussion regarding whether future development on the site should occur in strict accordance with the GDP. Staff has discussed the implications of this with the applicant who stated that this would be difficult as there are many unknown variables at this point regarding the extent to which the site could be developed. Staff agrees that while there are certain elements of the GDP that can reasonably be reflected in the conditions, there are aspects

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of site development that occur at site plan review which may be compromised and the site must be developed in accordance with the GDP. Staff notes that there are aspects of the GDP included in the proposed conditions, including the location of outdoor storage of vehicles for sales and service, loading and unloading areas, and vehicles for display. After further consideration, staff is recommending that condition 3 be amended rather than removed, as stated at the last meeting, to ensure that if the location of outdoor storage of vehicles for sales and service is changed between now and the review and/or approval of the site plan, that those areas are screened in accordance with County code and the options provided in the landscape manual. Currently, the GDP shows these outdoor storage areas in areas that do not require screening along property lines with parcels that have the same uses. Staff is recommending approval of the Conditional Use Permit with the proposed conditions identified in Resolution R14-159 as the application meets the requirements of the code standards for issuance of the Conditional Use Permit, is consistent with the established development pattern in the vicinity, is generally consistent with the Southern Gateway Redevelopment Plan which identifies existing industrial parks as strengths, and mitigates the challenge identified in the plan of underutilized industrial property. Although the proposed form of the development is not consistent with the goals of the UDA future land use, it should be noted that in order to develop this site and the surrounding industrial park in a manner consistent with the UDA, a full-scale redevelopment of the park and a change in existing uses would be required. Therefore, on balance, the proposal is in agreement with the Comprehensive Plan as a whole.

Mr. Rhodes: Thank you very much. Questions for staff. Okay; applicant.

Mr. Shalaby: Good evening Mr. Chairman and members of the Planning Commission. I guess I just want to make two quick comments and then I want to go kind of go through everything she went through. But with regarding the GDP again, we tried when we did the conditions with the staff is to make sure we put all the key elements with terms of screening, location of the storage areas, but trying to proffering the GDP, we were both, staff and us, concerned because when we get into the actual design of the site, you know, whether entrances or building locations might impact, so that was kind of one of the reasons why we chose or kind of suggested to not actually proffer the GDP. And again, with regard to the fencing, I think all the conditions that the Planning Commission requested last time, we were kind of in agreement with. And if there's any other questions, I'd be glad to answer or help clarify.

Mr. Rhodes: Okay. Questions for applicant. Okay.

Mr. Shalaby: Thank you.

Mr. Rhodes: Very good, thank you. Back to the Planning Commission. This is...

Mr. Coen: My district. I move for approval of R14-159.

Mr. English: Second.

Mr. Rhodes: A motion to recommend approval for Conditional Use Permit, Falls Run Industrial Park Auto Sales by Mr. Coen, seconded dually but I think Mr. English was just ahead, so we'll give the second to him. Any further comment Mr. Coen?

Mr. Coen: No, and as you noted, I was away two weeks ago so I didn't get to hear the in-person presentation. But members very nicely let me know and the material was very good. And I just think it's good to expand some local businesses, to take an empty lot and make it into something productive, expand our tax base, and to support a local businessperson. So, that's why I'm in favor of this.

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Mr. Rhodes: Great. Any further comment Mr. English?

Mr. English: No.

Mr. Rhodes: Any other member? All those in favor of the motion to recommend approval of the Conditional Use Permit, CUP1400145, Falls Run Industrial Park Auto Sales, signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; passes 6-0. Thank you very much. Good luck. And with that, let's see... Oakenwold is next session in July; Comp Plan UDA, we had those discussions and we're going to follow forward on that with the work and time and effort put in on Saturday -- thanks to all for that -- and similarly the Zoning and Subdivision Ordinances. That moves us to New Business, SUB1300405, Whitson Woods Preliminary Subdivision Plan. Mr. Harvey.

7. RC1300324; Reclassification – Oakenwold - A proposed reclassification from the A-1, Agricultural Zoning District to the P-TND, Planned Traditional Neighborhood Development Zoning District, with proffered conditions, to allow a planned community, including up to 695 residential units and up to 250,000 square feet of commercial floor area, on Assessor's Parcel 37-80. The property consists of 231.6 acres, and is located on the south side of Centerport Parkway and east side of Mountain View Road, within the Hartwood Election District. **(Time Limit: July 9, 2014) (History: March 26, 2014 Public Hearing Continued to April 23, 2014) (Deferred on April 23, 2014 to May 19, 2014 Work Session) (Deferred on May 19, 2014 to June 11, 2014) (Deferred on June 11, 2014 to July 9, 2014)**
8. 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) (Scheduled for June 21, 2014 Retreat)**
9. Zoning and Subdivision Ordinances - Review the definitions of the Zoning and Subdivision Ordinances for consistency with each document and the Virginia Code; and make necessary recommendations to ensure consistency and any changes deemed necessary to ensure the definitions are understood in a clear and concise manner. **(History: Deferred on May 14, 2014 to June 21, 2014 Retreat)**

NEW BUSINESS

10. SUB1300405; Whitson Woods, Preliminary Subdivision Plan - A proposed preliminary subdivision plan for 55 townhouse units on 17.6 acres, including a waiver for the number of entrances (WAI13000393) on Assessor's Parcel 20-125, zoned R-3, Urban Residential-High

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Density, located on the west side of Highpointe Boulevard and south of Independence Drive, within the Garrisonville Election District. **(Time Limit: September 17, 2014)**

Mr. Harvey: Thank you Mr. Chairman. Please recognize LeAnn Ennis for the presentation.

Mr. Rhodes: Very good, thank you. She was in the parking lot critiquing the way I eat a McDonald's burger.

Mrs. Ennis: You weren't eating.

Mr. Rhodes: I was wolfing.

Mrs. Ennis: Good evening Mr. Chairman, Planning Commission members, item number 10 is a combined request for a preliminary subdivision and a waiver of the Subdivision Ordinance for Whitson Woods, application number 1300405. The application on... the proposed subdivision is on 20-125. It's located on the west side of Highpointe Boulevard and south of Independence Drive. It's approximately 17 acres and it's rezoned to R-3, Urban Residential, which is high density. It's within the Garrisonville Election District and it's consisting of 55 single-family dwellings. This is the location map. It shows you the area of the site, and this is an aerial of it. You can see the density zonings which is all residential surrounding it. This is the proposed subdivision that they're trying to do; it's townhouses. I didn't mean to say single-family. But it is a preliminary for 55 townhouse units on the 17 acres. It's got 12 acres of open space. It was rezoned in 2013 from R-1 to R-3, with proffers. All the lots will be served by public water and sewer. The stormwater management is being achieved by two filtration devices. A waiver was granted for quality control as the site run-off would have an adverse effect to Whitson Run. So, it was granted. Approved proffers requested elimination of the road connection through the Liberty Place subdivision. Eliminating the entrance would require a waiver to the Subdivision Ordinance of Section 22-190, Street Access. The ordinance requires streets to be arranged to provide an access to adjoining parcels based on the number of lots. The proposed plan would require two connections without the granting of such waiver. The Fire Marshal's office wanted the Commission to be aware of the concerns with the number of units to an area... I'm sorry, the number of the units to the area that already exceeds the maximum number of units permitted on a dead end road. The Fire Prevention Code states that the streets with more than 200 units should have two separate routes for fire access. Currently, there's 470 units served by Highpointe Boulevard, which is the main drag that goes into there. There's no other means of exit off of Highpointe Boulevard to another road.

Mr. Rhodes: So their point is that there's... by the standard, typically you'd want no more than 200 units with one entrance.

Mrs. Ennis: Right, and we...

Mr. Rhodes: And they're considering as one entrance Highpointe, not the entrances to the little subdivisions that are built off of that, correct?

Mrs. Ennis: They're talking about the whole entire area, just not this subdivision.

Mr. Rhodes: Right, everything off of Highpointe.

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Mrs. Ennis: They just did not want the... they were concerned with the additional 55 townhouse units that were going to be coming off of this as well. They're not talking about the waiver that we're requesting. It's just the more concerns with the actual Boulevard itself.

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

Mrs. Ennis: No. There's some topo... they offered a couple suggestions but it's so off-site and it would be really not cost effective for the applicant because it's way at the very end by the apartments where the suggestions were made.

Mr. Rhodes: And they don't control it.

Mrs. Ennis: Yes, they don't control it.

Mr. English: The topography in that area -- that's pretty high, isn't it? Rocky?

Mrs. Ennis: Yes.

Mr. Rhodes: It's bad.

Mrs. Ennis: There's no inter-parcel connections.

Mr. Rhodes: That's why they have all the open space on the other side of their property. They couldn't really build on it anyways.

Mrs. Ennis: So they just wanted the Planning Commission to be aware of their concerns with emergency, if there was an emergency in the very back end they couldn't get traffic out. Next slide please. Staff believes the plan meets all the applicable code requirements with the granting of the waiver of Section 22-190, Street Access. Any questions?

Mr. Rhodes: Questions of staff? Very good, thank you. Applicant please.

Mrs. Ennis: I did mention... I forgot my slide... but they did send a request from Liberty Place where they would still endorse the waiver for the second entrance not being installed.

Mr. Rhodes: They don't like you going by that one townhouse, yes.

Mrs. Ennis: Yes, so I have the waiver if you guys (inaudible).

Mr. Rhodes: I would have done it. I got outvoted before but that's okay. Alright, ma'am.

Ms. Healy: Good evening Mr. Chairman, members of the Commission, I'm Patricia Healy and I'm here on behalf of the applicant. As staff has stated, this plan meets the requirements for the County with respect to the preliminary plan except for the waiver which is requested here as a proffer which was on behalf of the Homeowners Association, because the second entrance here would impact the homeowners... I know you're well aware but the HOA President was not able to be here tonight and she did authorize me to deliver to you a letter on their behalf which says that they've remained committed to supporting the waiver so that that second entrance within their development would not be necessary.

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Mr. Rhodes: Okay. And that's different from the second entrance that the Fire and Rescue was talking about. That's just the one that's going right by the townhouses to the southeast I think.

Ms. Healy: Yes sir. What the Fire Marshal appears to be referring to is a street other than Highpointe Boulevard. Both of these entrances that were on the preliminary plan are both onto Highpointe Boulevard, so approving the waiver does not, in any way, enlarge the issue or really have much impact at all for the Fire Marshal.

Mr. Rhodes: Questions for the applicant?

Mr. English: Are we going to get a copy of that?

Ms. Healy: Oh, absolutely. She just sent this to me last evening and she works up north and could not be here this evening.

Mr. English: (Inaudible - microphone not on) look like, are they going to kind of be like what's in there now? Or are they going to be upscale-looking or do you have a picture of them?

Ms. Healy: I don't know that we have a picture with us but I assume they're going to be attractive townhouses, since we're going to be marketing them.

Mr. English: Okay.

Ms. Healy: And it's just been about a year since this rezoning was approved.

Mr. Rhodes: Any other questions for the applicant? Mr. Coen.

Mr. Coen: Since I wasn't here when it was approved, I'm just curious how many bedrooms the townhouses are going to be, as far as, you know... and that percolates into many different functions as far as traffic and students and what-nots.

Ms. Healy: If you'll excuse me a minute and let me confer. Mr. Coen, it will average probably about 3 bedrooms. Some may be a little larger, perhaps some smaller.

Mr. Rhodes: Okay. Any other questions of the applicant? Okay, very good. Thank you very much.

Ms. Healy: Thank you Mr. Chairman.

Mr. Rhodes: Appreciate it. Ms. McClendon, so does the waiver now embedded in the approval of a preliminary subdivision plan or is that a separate action? Thank you, I'm trying to find it here; I'm so technologically screwy. I'm still on Quantico; I can't find it.

Ms. McClendon: Mr. Chairman, I believe they should probably be separate actions, so one to look at the subdivision and one for the waiver.

Mr. Rhodes: Okay, so we would need to act on the waiver first and then act on the application, right, I would think?

Ms. McClendon: No, I believe you actually would do the opposite.

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Mr. Rhodes: Approve the preliminary subdivision plan before...

Mr. Harvey: The preliminary plan is dependent on the waiver.

Mr. Rhodes: Okay, so we need to do the waiver to approve the preliminary subdivision plan.

Mr. Harvey: Yes sir.

Ms. McClendon: Yes.

Mr. Rhodes: Okay, I'll buy that. I've got to find it here. I apologize; I'm almost there.

Mr. Harvey: Mr. Chairman, that'd be a waiver of Section 22-190 of the Subdivision Ordinance regarding street access.

Mr. Rhodes: Sure it would be. Okay, there we go. So, this is in my area, so if I want to act on it, who do I hand down to next? Mr. Coen?

Mr. Gibbons: Mr. Coen, yeah. Don't get carried away now.

Mr. Rhodes: Sir, I'd like to make a motion to approve a waiver of Subdivision Ordinance 22-190, in this instance to preclude the requirement for the second access to the parcel.

Mr. Gibbons: Second.

Mr. Coen: Alright, we have a motion to approve the waiver and second by Mr. Gibbons. Motion made by Mr. Rhodes. Is there any discussion?

Mr. Rhodes: Nothing further.

Mr. Coen: Mr. Rhodes? Mr. Gibbons? I will say... I was going to say before you gave me the gavel... in sitting in one of our TRC meetings for a parcel down by the Old Forge area, the Fire Marshal and the fire people had grave concerns about putting numerous additional homes on one road. Granted this road, Highpointe, is wider than the one down in my end of the County, but there is a concern that we need to be taking into consideration; public safety particularly what the Fire Marshal has been saying. So I have a grave concern about that aspect for those 55 homes. So I'll just bring that up.

Mr. Rhodes: And Mr. Coen, if I might add, I would just share that I think it's certainly a valid consideration and concern that they raise. There is no way for this parcel to be able to influence that second access. Also I think we ought to be pressing for. I would also submit that I'm probably the biggest one to push inter-parcel connectors and the second access and I really kind of wanted it but, they outvoted me on the thought concept so I lost. So now I'm perversely going to make the motion to do the waiver. So, kind of interesting how life goes around.

Mr. Coen: Okay. Sort of like traffic. Alright, so we have a motion before us to approve the waiver and a second. So all in favor say aye.

Mrs. Bailey: Aye.

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Mr. Rhodes: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Coen: Aye. All against? Alright, so it passes unanimously. So now we go to the...

Mr. Rhodes: Sir, I'd like to make a motion to approve the Preliminary Subdivision Plan, SUB1300405 for Whitson Woods.

Mr. Gibbons: Second.

Mr. Coen: Okay, we have a motion by Mr. Rhodes, seconded by the Honorables English and Gibbons, Gibbons got it out a little bit faster. Any comments Mr. Rhodes?

Mr. Rhodes: Nothing further, thank you.

Mr. Coen: Okay, Mr. Gibbons. Mr. English?

Mr. English: No sir.

Mr. Coen: Alright, any other members? Okay. I will (inaudible) it's not a great number but it is going to have an impact on particularly our schools which are not really at a position to handle a lot of this at this time, so I'll vote in favor out of due respect to the member who this is from. But I do have some concerns. Hopefully the system will be able to handle the additional strains thereupon. Alright, we have the motion. All those in favor of approval say aye.

Mrs. Bailey: Aye.

Mr. Rhodes: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Coen: Aye. All opposed? Okay, it passes unanimously. And I hand back the authority.

Mr. Rhodes: Thank you sir; appreciate it. Very good, thank you very much. Good luck! With that I will go to the Planning Director's Report. Mr. Harvey?

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you Mr. Chairman. I want to draw the Commission's attention to the expenditure report for the fiscal year. This is the last meeting of the current fiscal year. The Commission kept

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within its allocated budget. The Commission was allocated a total of \$112,700.00. It expended a little over \$82,000. The balance due, for the most part, that we have on hand is dealing with public notification. We haven't gotten a full final report from the Free Lance-Star on all of the advertising costs so that number may go down a little bit. But it's one of those things where we don't know where notification requirements are going to be until we see all the zoning cases that come forward or ordinance amendments that come forward from the Board. So, the Commission's well within its budget and...

Mr. Rhodes: When does the year end?

Mr. Harvey: Next Monday, June 30<sup>th</sup>.

Mr. Rhodes: Yeah, that's what I thought. What's our percentage on savings that we received? What do you get as a bonus on this?

Mr. Harvey: There is no bonus.

Mr. Rhodes: Oh, okay. We go to Hawaii again. Okay, great, okay, thank you very much.

Mr. Harvey: And that concludes my report.

COUNTY ATTORNEY'S REPORT

Mr. Rhodes: Okay, very good. And with that we'll move onto County Attorney's Report.

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

COMMITTEE REPORTS

Mr. Rhodes: Thank you very much Ms. McClendon, as always. Committee Reports.

Mr. English: I do. The Airport... we're going to meet on July the 7<sup>th</sup> instead of June 30<sup>th</sup>. We moved the date up to July 7<sup>th</sup>; it needs to be advertised. It's going to be a meeting at the airport.

Mr. Rhodes: Okay, very good. Thank you very much. Anyone else? ARB? No? C'mon, you guys were going gangbusters for a while there. Okay, very good. Chairman's Report, I just would like to thank everybody for their time and efforts on Saturday. I thought it was a very good, very beneficial discussion, but very focused as well. I appreciate everybody's efforts to productively move things forward. We got several actions following from that and we'll be coordinating with the Board of Supervisors, the Chair and the Vice to see how we go forward on a couple of those items, just with some of the discussions that were requested. And similarly, staff is working on some of the other information. There were some due-outs for all of us to help with improving awareness and I know staff's already working on those pieces. So, again, I thank everyone for their time and effort on Saturday. With that, TRC -- there's none.

Mr. Gibbons: Mr. Chairman, you forgot to acknowledge the County Attorney's gift to us.

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Mr. Rhodes: You made us cookies? She rocks! She's fast on the email, perfect on the advice, and cookies! That rocks! Thank you ma'am, appreciate it! You're such a kind soul. Okay, with that I'd entertain a motion to approve the May 14, 2014 minutes.

CHAIRMAN'S REPORT

OTHER BUSINESS

11. TRC Information - None

APPROVAL OF MINUTES

May 14, 2014

Mr. Gibbons: So moved.

Mr. Rhodes: Moved by Mr. Gibbons. Second?

Mrs. Bailey: Second.

Mr. Rhodes: Second by Mrs. Bailey... she was first. Okay, any further comment Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Mrs. Bailey? Any other member? All those in favor of approval of minutes from May 14, 2014 signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. Rhodes: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Anyone opposed? None opposed? Yooha! Any final things?

Mr. Coen: How did it go today Mr. Gibbons? How did it go this evening?

Mr. Gibbons: Well, I didn't see it all because I rushed back here but it was beautiful.

Mr. Coen: Y'all worked very hard on it, thank you.

Mr. Rhodes: Congratulations. Okay, with that we are adjourned. Thanks everybody.

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ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:40 p.m.