

STAFFORD COUNTY PLANNING COMMISSION MINUTES
August 13, 2014

The meeting of the Stafford County Planning Commission of Wednesday, August 14, 2014, was called to order at 6:31 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Rhodes, Apicella, Coen, Bailey, English, Boswell, and Gibbons

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Stinnette, Baker, and Hornung

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Are there any declarations of disqualification? Hearing none, very good. We're going to move onto public presentations. This is an opportunity for any member who's here, any member of the public, to speak on any item other than items 1 through 3. There will be a public comment opportunity for items number 1 through 3 as we get to those agenda items. But if anyone would like to speak on any other item, they may come forward and do so at this time. To do so, you come forward, state your name; once you state your name and your address, a green light will come on indicating 3 minutes, then a yellow light will come on when there's 1 minute remaining, and then when the red light comes on we'd ask that you wrap up your comments. Please sir.

PUBLIC PRESENTATIONS

Mr. Coady: Good afternoon. Patrick Coady, Chairman of the Northern Virginia Conservation Trust, speaking with respect to item 4, the TDR program. And my notes indicate that I wrote a letter to Jeff in June of 2012, so it's about 30 months. And the remarkable thing is that what we were seeking hasn't changed over 30 months, which is our central issue, as always, has been Crow's Nest Harbour and its integration into the preserve. At the beginning of the process, we thought that that was a central part, and I think it is part of the pilot TDR Program. And so we've been supportive of this mechanism to try to accomplish our mission. I think when we started the process, we did not... we were definitely not experts in TDRs or some of the uniquenesses we've investigated TDRs involved in the Stafford program here, and various concerns about the timeliness, incentives, and various things. So we've raised that over a period of time. We also took an early belief that the Comprehensive Plan designation of parkland would drive all the parties to try to accomplish that goal; we would be in alignment with that. Of course, nothing is simple in life so a lot of (inaudible) during the 30 months. So, some of the concerns that we had, we hoped would be resolved either in the ordinance or in some other process afterwards. While we've learned a lot, we have formed a new team with some outside consult to try to dig deeper into making sure that the program is successful, not only for ourselves but in general. And there's one thing we mentioned in the previous things that we will be coming back to you on is actually there's not much study done as to whether this is economically workable or not. We've dug up some examples of other counties where there's an analysis you can do to look at the receiving area, sending area, the densities, to try to make sure that the incentives are there so that the program will move forward. So we would like to give you the results of some of our work in that regard. We would hope to be able to sit down... I mean, our approach has always been to try to collaboratively be part of a team to get this done successfully. So we would hope maybe to sit down, if you're interested and willing, with various Planning Commissioners as we're going to be producing something based on the research we've been doing. Finally, in terms of timing, it's kind of summer now; we have some events at the land trust. So

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in terms of a public hearing, a little of a later side would give us time to complete some of our work. Thank you.

Mr. Rhodes: Thank you very much. Is there anyone who would like to speak on any item other than items 1 through 3 that are on the agenda this evening? Okay, I'll close the public presentations and we'll move onto the public hearing items. The first item is RC1400142, Reclassification for Austin Ridge Commercial. Mr. Harvey.

PUBLIC HEARINGS

1. RC1400142; Reclassification – Austin Ridge Commercial - A proposed reclassification from the PD-1, Planned Development 1 Zoning District to the B-2, Urban Commercial Zoning District, to allow for an entrance road and two commercial pad sites as part of a proposed shopping center on a portion of Assessor's Parcel 29-60. The portion of the property, which is the subject of this request, consists of 3.39 acres and is located on the east side of Austin Ridge Drive, 1,200 feet south of Century Street, within the Garrisonville Election District. **(Time Limit: November 11, 2014)**

Mr. Harvey: Thank you Mr. Chairman. Please recognize Kathy Baker for the presentation.

Mrs. Baker: Good evening Mr. Chairman, members of the Commission; Kathy Baker, Department of Planning and Zoning. This item is a reclassification for Austin Ridge Commercial. May I have the computer please. This is to rezone 3.39 acres from PD-1, Planned Development to B-2, Urban Commercial. And it's on a portion of Assessor's Parcel 29-60. The applicant is Rocky Ridge, LLC. As you can see on the map, the area highlighted is the subject parcel. It's zoned PD-1. It is located on the east side of Austin Ridge Drive, north of Courthouse Road. To the north you see Section 7 of Austin Ridge residential development, and to the west is an undeveloped parcel zoned PD-2, part of the Embrey Mill development. You'll see the lots to the north of that are currently under construction with Embrey Mill. As you can see, to the east and south of the property, the B-2 zoning is for planned commercial that is part of overall Austin Ridge Commercial site. This is just an aerial view. I'll note that the site has been graded now, again part of an overall grading plan for a commercial site to the south and east. The residential lots that you see to the north there are the lots in Austin Ridge Section 7 on Booth Court. Just another aerial view of the site. This is actually what it is starting to look like now with the grading. To the left you'll see some trees that are remaining as a buffer area between that Section 7 of Austin Ridge. And then if you're looking to the right of the screen, that's heading south on Austin Ridge Drive. Down at the bottom of the screen, the site on the left, this is looking out from the cul-de-sac of Booth Court looking out over the stormwater pond that is located within the open space area for Austin Ridge, and then the graded site. And then to the right, the photograph at the bottom, that's looking from the end of that cul-de-sac into the area which shows some of the remaining buffer.

Mr. Rhodes: Mrs. Baker, there is a comment in the staff report on the bottom of page 4 and it relates to these pictures I believe. It says that the applicant is proposing two rows of evergreen trees north of the buildings to provide additional screening between the commercial areas and the existing residential uses. This will supplement a permanent buffer of 27.5 feet in width along the northern property line, which was planned as part of the overall commercial development. Because this is located with open space area, the applicant will work with the homeowners association in Austin Ridge Section 7 to ensure that buffer is retained. Could you just explain... I'm just not sure I fully understand what that means.

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Mrs. Baker: This retaining... and I'll show you in a minute on the GDP... but this vegetation that is remaining is actually on the homeowner's association property within open space area. So, although this is planned to be retained, the applicant for this commercial piece doesn't really have the authority to proffer a buffer that's over on that side of the property line. So, they're working with the homeowner's association to ensure that the buffer is remaining so that they don't take it down so that those homes are then exposed to the commercial development. So, it's just kind of logistics. The buffer is not intended to be removed on that open space property, but the applicant for this rezoning doesn't have the authority to retain that buffer.

Mr. Rhodes: Okay, thank you.

Mr. Gibbons: I'd like to follow-up on that.

Mr. Rhodes: Yes, please Mr. Gibbons.

Mr. Gibbons: Couldn't they ask the parcel owner to come back in and reaffirm that?

Mr. Rhodes: No. I mean, it's up to the... it belongs to the homeowners anyway so I can't imagine why they would want to take it down. But if they really, really wanted to, it's...

Mrs. Baker: And the property owner did meet with the homeowner's association last evening. So, I know that they're going to have some additional discussion on that. And, again, it's more of an agreement that they need to work out that says, you know, we want them to (inaudible).

Mr. Rhodes: Well, I guess I didn't ask my question well. I was just wanting to make sure that is the homeowner's association property, the trees that remain.

Mrs. Baker: Yes.

Mr. Rhodes: Okay, thank you.

Mrs. Baker: Just a little bit of a background, this property was originally zoned PD-1 as part of the overall Austin Ridge development, which you may know has about over 800 residential units and includes recreational fields, a school, and park sites. While commercial use is allowed in PD zoning, the existing proffers restrict development of the subject property to residential use. So that's why they're coming back with this rezoning. There were no residential units proposed in this area. There was really nothing shown on the overall plan. So, the commercial site to the east and the south was zoned B-2 as part of that original zoning, but this little triangular piece retained that PD-1 zoning. The proposal is to have 1 primary commercial building on the 3-acre site with a maximum 10,000 square foot size and the use would be a possible restaurant. There also is a portion of a second commercial building that would overlap onto this property. And again, as I noted, the 3.39-acre site is a portion of the overall 43-acre Austin Ridge Commercial and I'll show you that in just a minute. This is the GDP for the property. The shaded area is the portion as it relates to the rest of the proposed commercial development. And then to the left of the screen is the Austin Ridge residential site. So, as you're looking at the bottom of the screen... and it's still not working. I guess I'm not going to be able to draw on that. All right, well I am just going to explain it. Along the bottom you see Austin Ridge Drive and then you see North Access Road that's running perpendicular to that. The North Access Road is the road planned to be constructed into the overall commercial site. At the very top of the screen, you'll also see that it would go into that adjacent commercial development which is known as the Westgate property. So, this property would

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then have access off of the North Access Road. It would serve both of the buildings that are proposed for this location. If you do see the primary building itself, right in the center of the triangle, to the left of that is, as Mr. Rhodes referred to, a double row of evergreens. This would be an additional screening that would be planted. If you see along the property line with the Austin Ridge homeowner's... or Section 7 within the homeowner's open space, it is the existing buffer area. Just immediately to the right of that is actually a drainage easement which serves for that stormwater pond. So, there can't really be anything planted within that area. And based on the topography, the most likely location for this screen was right adjacent to the building and the travelways. So, that's how it's proposed and the applicant was proffering that. There will be sidewalk along the access road as well as along the frontage of Austin Ridge Drive.

Mr. Rhodes: Mrs. Baker, do you know, and maybe the applicant is better for this question, but do you know how tall or mature of a tree can be planted successfully for like that double row?

Mrs. Baker: I believe that our landscape standards recommends 6 foot tall, is that correct Mr. Harvey?

Mr. Harvey: This would be classified as understory tree; I don't recall the exact height. We can get that information for you.

Mr. Rhodes: Okay, thank you.

Mrs. Baker: And typically it's a minimum 8 foot off-center.

Mr. Rhodes: Thank you.

Mrs. Baker: Jeff, now this isn't working; if you could advance it for me please. Thank you. So, this for reference is the overall commercial site, that you see Courthouse Road to the right of the screen and then Austin Ridge Drive. There is a site plan in for Phase 1 of the development, which is the large anchor retail store that you see and then the strip center and one other building located closest to this site and to the Austin Ridge residential area.

Mr. Rhodes: Is the one other building the one that's half in and half out of this site, or the one further to the east?

Mrs. Baker: I believe it's the one closest to Austin Ridge Drive.

Mr. Rhodes: Okay, thank you.

Mrs. Baker: So, this is the development that would be constructing that access road and doing other improvements at Austin Ridge Drive.

Mr. English: (Inaudible - microphone not on) back to the photos (inaudible) the name of that street?

Mrs. Baker: That's Booth Court I believe.

Mr. English: (Microphone not on) I'm trying to get my bearings straight. When you're coming up Courthouse Road, they've cleared off from Courthouse behind the gas station on up, and then there's a cluster of houses and then there's another clearing site then there's another cluster of houses. So, we're talking about between those two houses (inaudible)?

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Mrs. Baker: The clearing site that's between the two sets of residential development, that's actually part of the Westgate development, the residential section for that. So this is between Courthouse Road and the very first residential section you get onto the right-hand side.

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

Mr. Rhodes: Please Mr. Coen.

Mr. Coen: If you go back one picture... Just real quickly so I understand, building number 2 which is part in, part out of the triangle aspect, I noticed the buffer of trees sort of stops maybe 60% of the way through building number 2. But in your picture, Booth... if you look at that person's house, you can see where they've cleared. And I'm just... when we get to the point where there's building number 2, there's no extra buffer for the rest of the people in that cul-de-sac.

Mrs. Baker: And I think that the applicant... if I didn't mention, I was going to mention as I got into the proffers... but you have received revised proffers tonight and that is as a result of the meeting last night with the homeowner's association. And they are going to attempt to address additional buffering on this side of that stormwater pond. So, with regard to the proffers, again they're going to be similar to the overall commercial site but have been updated in accordance with new standards that we have today in our Ordinance. They do include one full service entrance on North Access Road with no access on Austin Ridge Drive. They're proffering the crosswalk across the North Access Road at the intersection there with Austin Ridge Drive. An access easement from North Access Road to the property, and that's just really for temporary purposes because they're technically the same developer but just in the case of different ownership we would have an easement to address that. And again, coordinating with the Austin Ridge Section 7 HOA regarding the buffer and the double row of evergreen trees planted along the north side of the building for screening, limiting the square footage of the buildings, prohibiting those three uses of adult business, funeral home, and indoor flea market. Also, what I did not include here is the revised proffers today indicate additionally any outdoor recreational use I believe. And then, maximum building height of 40 feet and a coordinated architectural theme. With regard to transportation, the transportation impact determination form indicated 971 vehicle trips per day and that was based on a quality restaurant. The North Access Road, as I said, would serve this site and the additional commercial development. And, again, the lane improvements and the North Access Road would be constructed by the developers of the overall commercial site. I do want to mention the Route 630 interchange relocation project. This 3-acre site is actually outside of the project limits, but the remainder of parcel 29-60 would be potentially impacted by the project. VDOT did issue a notice to proceed with right-of-way and utility acquisition back in December, and they plan to advertise for construction bids in April of 2016. So they are working through negotiations of certain properties that could be impacted. And just to show you the conceptual road construction limits or the footprint of the interchange project, you see the parcel in red there and then the blue hatched line is basically the footprint. And this is the conceptual VDOT road layout again. Plans are still in the works. The 3-acre site up in this location in the red. You will notice that Austin Ridge Drive is going to be relocated slightly to the west and the existing commuter lot that's located on the south side of 630 is proposed to be shifted to the north side of 630, which again is the location of the remainder of the commercial site. The Comprehensive Plan recommends suburban land use which does allow for commercial development within area particularly along the transportation corridors. What I did not note in the staff report is this is also located within the Courthouse Redevelopment Area. Based on the size of the parcel and the infill for the rest of the commercial development, it's not inconsistent with the Redevelopment Area plans. One thing that should be taken into consideration though is Neighborhood Design Standards. In the proffers, they are proffering certain features that fall under our Neighborhood Design Development

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Standards but doesn't fully incorporate the standards. So, the proposal is in conformance with the Comprehensive Plan land use recommendations and consistent with the proposed development patterns to the south and the east. The proffers will help to minimize some of the visual impacts on the adjacent residential uses, but we still do have a potential increase in noise. One thing that we are supporting the application, in the original recommendation we talked about considering limits on the hours of operation and hours of delivery. And with the revised proffers that you have received this evening, they do address that issue. And, again, just noting that the development should conform to the Neighborhood Design Standards. And with that I'll be happy to answer any questions.

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

Mr. Gibbons: They didn't proffer the GDP?

Mrs. Baker: No.

Mr. Gibbons: Okay.

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

Mr. Apicella: Yeah, it's a little confusing to me because it refers to the GDP on the revised proffers, residential buffers; part 2a talks about buffers as shown on the GDP dated March 24, 2014. So, it's not clear to me what happens when a GDP is referenced but it's not actually part of the proffers.

Mrs. Baker: That is actually standard procedure. That's typically how a lot of these rezoning applications have gone. They don't proffer the full GDP because there could be things that change at the time of engineering, so they have... when I say they, applicants in general have been proffering different features of aspects of the Generalized Development Plan. And that's why it's referenced.

Mr. Apicella: So even though we see a 10,000 square foot building on the I'll call preliminary GDP, that doesn't necessarily mean that's what's going to end up there...

Mrs. Baker: Well, they have proffered the square footage.

Mr. Apicella: Right, but do they necessarily have to do that footprint or can they split it up into smaller pieces?

Mrs. Baker: They... the proffer reads, the applicant agrees that there will be a maximum of 10,286 square feet. And that's actually taking into consideration the square footage of that second building. It is not specific to the number of buildings that are on the site. So, it feasibly could be one additional building.

Mr. Apicella: Okay. I have a few more questions Mr. Chairman.

Mr. Rhodes: Please.

Mr. Apicella: So, I wasn't clear in reading the report. What can be done by-right on this specific PD-1 parcel?

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Mrs. Baker: It could still technically be developed as residential because that's what the proffers limit it to, but...

Mr. Rhodes: Or recreation.

Mrs. Baker: Or recreation, but again, with the original plan, the Generalized Development Plan that was approved did not show any residential in this location. The residential was already planned in other areas and has generally been built out. So, really it wouldn't be much other than recreational use, open space area.

Mr. Apicella: Okay. In terms of the uses that they've proffered out, do you have any recommendations on any other by-right or CUP uses that you think would be incompatible on this specific parcel given its proximity to residential and what else might be planned in that general vicinity?

Mrs. Baker: These are the uses that were discussed with staff initially that the applicant had proposed. We agreed that they were more... not as appropriate in the location being adjacent to the residential.

Mr. Apicella: Mr. Chairman, I'm not sure what's going to happen tonight, but I would just ask staff if we don't take action on this and take another look, I see some (inaudible) uses that seem like they may not be rightly sited there. But, again, I appreciate the staff's wisdom and efforts.

Mrs. Baker: I'm sorry, just to finish on that, on the 3-acre site itself you are going to be limited based on the square footage...

Mr. Apicella: Well, like mini-storage, for example. It just seems to me that that's probably not the best place for it. I'm just using one example out of the many uses that are allowable under B-2.

Mrs. Baker: We'll be happy to look.

Mr. Apicella: Forty foot tall building. How many stories is that generally?

Mrs. Baker: Forty foot could probably be 3 stories.

Mr. Apicella: Okay, that's it Mr. Chairman, thank you.

Mr. Chairman: Thank you very much. Any other questions for staff? Yes Mrs. Bailey.

Mrs. Bailey: Parcel FF that backs up to Booth Court and is adjacent to the larger 43-acre parcel -- do we know who owns that and what that use is for? It looks like maybe the stormwater drainage easement may be a part of that?

Mrs. Baker: You have the open space area, which is parcel FF, that's where the stormwater pond is located. There is additional... you'll see the dotted line on the GDP, that's additional drainage area to support that stormwater pond. And then the drainage easement itself runs on this property adjacent to the boundary line for the...

Mrs. Bailey: So, in between the existing homes on Booth Court and then the subject property that's asking for the rezoning, that parcel FF goes in between the two. And that's maintained by?

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Mrs. Baker: The Austin Ridge homeowner's association.

Mrs. Bailey: Okay.

Mrs. Baker: And then the drainage easement to the east of that... excuse me, to the south of that, between that open space parcel and the proposed building.

Mrs. Bailey: Okay. And as far as where the existing trees are that are the homeowner's associations, do they fall in that parcel FF?

Mrs. Baker: They're primarily remaining in parcel FF, yes.

Mrs. Bailey: In the original proffers, the developer was going to have a 25 foot buffer easement between the commercial B-2 and any residential. So, with the proposal of the two rows of evergreen trees, they struck out the 25 foot buffer for this particular (inaudible)?

Mrs. Baker: Actually, that was the 25 foot buffer, the part that's located within the open space.

Mrs. Bailey: Okay. So they consider that the 25 foot buffer.

Mrs. Baker: Yes.

Mrs. Bailey: Okay. What would the width of the evergreens be? Maybe that would be a question for the developer.

Mrs. Baker: Yeah, I'm not sure they designated a width. It's just really based on the plantings, the double row of evergreens.

Mrs. Bailey: Okay, thank you.

Mr. Rhodes: Anyone else? Ms. McClendon, just to follow-up a point Mr. Apicella already (inaudible) and the new set of proffers that we were handed, for example, with item number 2b on page 2 for additional landscaping, it refers to planting and maintaining a double row of evergreens adjacent in the general design and area as shown in the GDP, which was previously identified to be the new one August 4th. So, they could go on later, as the way this is, and change the GDP, but they're still committed to the way that GDP looked for that portion of what they referred to, correct?

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

Mr. Rhodes: Okay. Interesting. All right, very good; thank you very much. Applicant please.

Ms. Karnes: And Mr. Chairman, Planning Commissioners, and staff, my name is Debrarae Karnes and I'm an attorney and land use planner with Leming and Healy. And I am here representing the applicant on this rezoning. You do have in front of you revised proffers and a letter from the homeowner's association reflecting their general support. I'm going to go a little bit into the history of the project and then I'm going to address the questions that you posed. The Austin Ridge mixed use development was conceived, planned, and approved as a mixed use development 20 years ago at least. You have in your packet the latest proffers done in 2003. But this proposal and development has been along a long time. The proffers reference a 1998 GDP that was proffered and, among other things, it commits to the 25 foot

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landscape buffer between the commercial and the residential portion of the property. So, the first thing I want to point out is that even though that portion of the buffer is on the homeowner's property, the homeowner's association property, there is an obligation to maintain it; that is not being changed. The second point I'm going to make is that in that proffered GDP, the area south of that buffer, the 43 acres, was shown expressly to be retail. There was no differentiation between PD-1 and B-2 zoning. It was clearly demarked as retail. But what happened, even though the proffered GDP showed that and the developer relied on that in his plans, for some reason unbeknownst to anyone the zoning map didn't change. And I spent a good several months working with Zoning Administrator Susan Blackburn to get to the bottom of this, and we were never able to really figure out what happened. And she determined that since the map showed it as PD-1, the zoning map was to be recognized and honored and we would need a rezoning or a proffer amendment to allow development. That's why we're here. The developer did not discover that retail and office would not be permitted until he began getting his plans together. That's why we're here. The developer is the one who built the residential area and, therefore, it's in his interest to make sure that the retail develops compatibility and harmoniously with the retail. And that's why he met with the homeowners last night and he's here to make sure that the development is pleasant and does not impact the residential neighbors. So, you heard Kathy Baker describe the proposal, and I think she really did a really good job. We're proffering to build a maximum of 10,286 feet. Portions of the plan are proffered. And I'll be specific on this. The access is proffered. The landscaping on our site is proffered, including the double row of evergreens which I am told will be approximately 15 feet wide. Can you... I know you're having trouble...

Mr. Rhodes: Computer please.

Ms. Karnes: ... but can you show the GDP? A couple of things to be pointed out -- the area to be rezoned is the semi-circle. And when the engineers began looking at how we could supplement the buffering, some consideration was given to adding to the existing 25 foot buffer; it's actually 27.5 feet, but who's counting. But the engineers determined that it made more sense to plant the double row of evergreens closer to the buildings because this area slopes. If you are standing by these adjoining residential units, you will look up toward the buildings. And so, it was believed that the double row of evergreens provided a much better buffer. And that's how it was designed. That double row of evergreens, as you heard from the Assistant County Attorney, is buffered and... I'm sorry, not buffered... it's proffered and, therefore, cannot be changed. The only thing that... the primary thing that can be changed is the exact footprint of the buildings. However, in no event will we be able to exceed the 10,280-some square feet. I want to go over the changes to the proffers that were made in response to the HOA meeting yesterday. The neighbors expressed some concern over noise and over delivery hours.

Mr. English: How many people were at this meeting? (Inaudible - microphone not on).

Ms. Karnes: It was just representatives, not a whole community, but let me ask. How many people?

Mr. Wolff: It was just the Board itself.

Mr. English: The Board of Directors.

Mr. Wolff: And the manager (inaudible - not at microphone).

Mr. Rhodes: If you could come forward, I apologize, but there's like 17,000 people watching this and they can't hear.

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Ms. Karnes: Coming forward is Rick Wolff, the developer.

Mr. Rhodes: Thank you sir, appreciate it.

Mr. Wolff: Good evening. As I was saying, it was the Board, just the Board members present at the meeting. But Kay Stevens, who is the manager for the HOA, had taken phone calls from residents who had expressed some of the concerns that we're talking about now, about the hours and the noise.

Mr. Rhodes: And how many members do they have on their Board? Is it three?

Mr. Wolff: There were three members last night.

Mr. Rhodes: Thank you sir.

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Yes please.

Mr. Apicella: May I ask, have you gotten any comments directly from the adjacent neighbors to the parcel?

Ms. Karnes: I don't believe so.

Mr. Apicella: No? Thanks.

Mr. Rhodes: Okay, thank you.

Ms. Karnes: Looking at the revised proffers, you'll see that there are three things that are noticeable. If you turn to the very last item, number 8, we proffer limitations to the delivery hours, restricting truck deliveries to the hours of 7:00 a.m. to 9:00 p.m. Proffer 7 immediately above prohibits outside entertainment and that's getting to the issue of noise. Finally...

Mr. Gibbons: What about hours of operation?

Ms. Karnes: We do not have a user for the site so absent knowing what user would be, we were reluctant to proffer hours of operation.

Mr. Gibbons: Okay, plus the GDP.

Ms. Karnes: We proffer part of the GDP. We're here to hear any comments you have however. Finally, the change to the proffer incorporates new buffering and I'd like to show you the GDP again. It's interesting. Before this meeting, around 5:30, I was out on Booth Court parked on the cul-de-sac. And you look over to a small pond, a very small pond and some graded area. The HOA requested additional buffering in this area to protect their view. And the applicant has added, on page 2, number 2c, additional offsite residential buffer, agreeing to design and provide a supplemental buffer in this area.

Mr. Rhodes: Please Mr. Coen.

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Mr. Coen: So, if I'm getting it, I mean, basically if we look at lot 707, which is the last house on the right... not a really good movie... and you look straight over, that's where building number 2 would be. How much farther up are we talking? Are we talking to the edge of the building? Because if I understood what you said, it's additional but there's not a specific (inaudible).

Mr. Rhodes: Are you talking towards the direction of the building that's labeled high retail, 7,000 square feet? Yeah, to the east there. So they're looking straight down. If you were driving straight down Booth Court and just stopped at the end of the cul-de-sac... what you'd be facing. I think they're talking about a buffer in that area.

Ms. Karnes: Exactly. Even though, by the way, that's not part of the area being rezoned. But still, it's important that this design be compatible and harmonious.

Mr. Coen: But is it in the FF or is it in basically near the building being built?

Ms. Karnes: It's not on FF. It's on our parcel.

Mr. Coen: Cool. Thank you.

Mr. Rhodes: Mr. English?

Mr. English: You said there is a drop-off though, right? At the end of Booth Court, isn't there a drop-off there at the bottom?

Ms. Karnes: Yes, but the retail center is built upward on the slope.

Mr. Rhodes: It slopes down and then it slopes back up where (inaudible) the existing storm pond are at as you go back towards the development.

Ms. Karnes: And so, the same sloping occurs if you look back down to the area where it shows drainage easement, down near Austin Ridge Drive. That slopes down and up and that's why you will not see anything built there.

Mr. Coen: One more.

Mr. Rhodes: Yes please.

Mr. Coen: Okay, so if we go back towards Austin Ridge, if I'm in lot 710 or 711 and I look out my property, because this property that's being discussed tonight is higher, I'm going to be looking up... where the trees stop I can see the parking lot. I mean, is there a way to extend the trees even farther towards Austin Ridge?

Ms. Karnes: This is why I brought the engineer, Zeke Moore, and I'm going to ask him to come up.

Mr. Rhodes: Thank you. Hello sir. Yeah, if you could state your name and your business.

Mr. Moore: Zeke Moore, I'm an engineer with Sullivan, Donahoe and Ingalls. We've worked on this plan.

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Mr. Rhodes: Thank you sir. So, I think what Mr. Coen was asking is can that... are there design reasons or other limitations that would preclude the buffer of the trees, the evergreens, the double row, from going a little further west? Which is down on that GDP.

Mr. Moore: No.

Mr. Rhodes: Not necessarily?

Mr. Moore: All of that's going to be that whole area and there's going to be slope. And I think I would follow the same idea if we're going to do it, that we did as we showed it on the GDP site rather than put it down at the bottom following their property line, which I think would be a waste. Because if you imagine, on Booth Court... I can't even see the pond standing on Booth Court. If you planted trees down there you wouldn't see them either.

Mr. Rhodes: I think what he was talking about is the existing double row -- can those come a little further to what would be the west down? Can they extend a little further, just where lot 711 and 712 can't see the parking lot I think is what he was just asking.

Mr. Moore: Oh, okay, yeah. That happens to be about a toe of a slope so you could extend it... the trees would be ramping right up towards the... that wouldn't be a problem. And then if you wanted to... I think the homeowner's association was talking about doing something either up there by the high retail or maybe even just taking that buffer and connecting it, it would approximately be following that outside, that little easement that represents the stormwater parcel.

Mr. Rhodes: The dotted line.

Mr. Moore: You imagine that's where you would be wanting to track anything that you want. Otherwise, if you start sliding down the hill, it's not going to block anything.

Mr. Rhodes: Sir, might I ask how tall a tree can you reasonably plant and have success of survival? For that buffer?

Mr. Moore: The ordinance, or the landscape requirements for an evergreen is they want them to be I'm pretty sure that is 6 foot tall. And then for deciduous, which I would recommend evergreens but deciduous are about 10 feet tall.

Mr. Rhodes: By ordinance limitation, that's as mature a tree as you can put in there.

Mr. Moore: Right. And, if they start getting much bigger, it's hard to get them in.

Mr. Rhodes: Okay. All right, thank you for that.

Ms. Karnes: And so, just to finish the thought on the buffer, the existing 27.5 foot buffer is on the homeowner's association land. So the developer has no legal authority for it. But quite frankly, the developer is in a better position to maintain and supplement it as needed. And so that's why the proffer says the applicant will coordinate with the homeowner's association to maintain this existing buffer as needed. The only other comment I have to make, I want to bring your attention to the architectural proffer. When I review the design standards that are part of the Comp Plan, it's 39 pages but when you look at the provisions for architecture, it specifies making sure the roofs are designed in an innovative

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way and that materials are quality materials. And specifically they set out the materials that you can and can't use. Our architectural proffer mirrors approximately those standards. And when I say approximately, I'm not being an attorney and wiggling around. What our proffers say, for instance, is there are no EFIS... there could be no EFIS materials as the primary material. What the design standards say is you cannot have metal as the primary material and EFIS is metal. So, I believe that the architectural proffer roughly approximates what is in the design standards. I think I've covered it. I think the community will be anxious to see this retail be designed. The design has already incorporated the results of the VDOT taking, expansion of the road, and the commuter lot which is actually land originally owned by this developer. And we look forward to seeing this development and ask for your approval.

Mr. Rhodes: Thank you. Other questions for the applicant? Mr. English?

Mr. English: You don't have anybody slated for this right now, is that what you said earlier?

Ms. Karnes: That's correct.

Mr. English: Were they kind of looking at a restaurant or...?

Ms. Karnes: I think the original intent for these two buildings was a restaurant and a bank. But they do not have a user as of yet.

Mr. English: Right, okay.

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

Mr. Apicella: Yes, just coming back to my question that I asked Ms. Karnes. Again, I'm not quite sure what's going to happen tonight but if it should not go forward tonight, there potentially be a deferral, would you be willing to take another look at the (inaudible) uses, especially in the absence of having a GDP and consider some additional ones that, again, may not be appropriate for this area?

Ms. Karnes: Absolutely. We looked at the uses and we excluded the ones that we thought were inappropriate, but we'd be happy to take a look at any suggestions that the Planning Commission has.

Mr. Apicella: Thank you.

Mr. Rhodes: And, just one last quick question then we'll move onto public comments where we give the public an opportunity. In the discussion with them about that area to the east where you were offering a fence or landscaping to help with the high retail, I'm just curious what... was there any discussion or any tentative approach identified as to how you'd go forward? Will you be offering them both a landscape and a fence option and let them choose or what timeframes, or was there any discussion about that other than just saying you'd do something there?

Ms. Karnes: I don't believe there was any attempt to define design. And we'd have to look at it in consultation with the homeowner's association.

Mr. Rhodes: Yeah, please Mr. Wolff.

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Mr. Wolff: If I could, the preference would be for landscaping. That doesn't do as much scenically for them so if we can do the landscaping, we would prefer to do the landscape. And that's what they would prefer as well.

Mr. Rhodes: Just to build on that and I apologize for delaying public comment but the engineer mentioned going along the... would you envision just extending the buffer all the way or just for that east side.

Mr. Wolff: Well, I don't know what Zeke would do.

Mr. Rhodes: I didn't know if he described anything.

Mr. Wolff: (Inaudible) is a very long distance.

Mr. Rhodes: Yeah it is, it is.

Mr. Wolff: Along Austin Ridge... along the North Access Road there will be trees anyway because it's sort of like a parkway.

Mr. Rhodes: You're mainly looking at the east portion where the high retail is?

Mr. Wolff: Right.

Mr. Rhodes: Okay.

Mr. Wolff: So, actually along the entire North Access Road, from Austin Ridge Drive to the back property line, will be landscaped. So we would... we can certainly extend this double row of evergreens. We stopped it at the zoning line because we're talking about the zoning. But we wouldn't normally just stop it there; we would take it at least to the end of the building. And then we would go across on the other side where the high retail is and put landscaping around it so that when you looked over from lot... I can't read what it is... 107 maybe, I don't know. Not the one that's on the right side at the cul-de-sac, but on the left side. They really kind of face this area whereas the side of the house on the one on the right side faces it, so they're not really looking right at it (inaudible).

Mr. Rhodes: Yep. Okay, thank you.

Mr. Wolff: So, from that house, you know, they'd be able to see green. They look at the pond now and of course the side of the pond is green because it's just grasses that are cut.

Mr. Rhodes: Okay, thank you very much. I will now open this up to public comment. If there's any member of the public that would like to speak on item number 1, the Reclassification, Austin Ridge Commercial, may come forward and do so at this time. Please. As you do, I'd just ask you to state your name and your address, and then a green light will come on indicating 3 minutes to speak. A yellow light will come on just to tell you there's 1 minute remaining, and then a red light will come on and we'd just ask that you conclude your comments. Thank you.

Ms. Callander: Good evening. I'm Alane Callander. And it's unfortunate that I seem to be the only person on this side of the room that is here to speak on this issue. I would hope that the citizens of Austin Ridge would have a full opportunity to weigh in to understand everything that's happening

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regarding this reclassification. Though I don't live in Austin Ridge, I have lived in the County for 34 years and I've got some pretty strong opinions about how the County is developing. Most of the time it seems development is determined by some commercial entity that comes in and says, I want to build this in this particular location. There is not enough of a long range vision of what that location is going to look like and how it is going to function down the road. I am concerned that there is a lot of commercial that's going to go in near this place that we're talking about now. And it would possibly be a good idea to leave that open space there. We don't have to develop every little corner of the County. We lose a certain atmosphere. All you have to do is drive 610 or some other areas of the County and there's just one commercial development after another. It's not a very nice atmosphere as far as I'm concerned. I grew up in some small cities where it was great. You could walk to the corner store and there was a lot of open space and beautiful trees, landscaping and so forth. And I would like to see more of that here in Stafford. I think it's very important that the residents of Austin Ridge determine what goes in here. It doesn't sound like the Board of Directors' meeting last night has necessarily informed the citizens of the subdivision and gotten their input. So a delay might be a good idea here. A restaurant, a quality restaurant, might be a nice addition but I feel like you may not quite have all the information you need to be sure it is quality development going in. Thank you very much.

Mr. Rhodes: Thank you. Is there anyone else who would like to speak on this item? You may come forward and do so at this time.

Mrs. Carlone: Ruth Carlone. I think it's a darn shame that there aren't any people from Austin Ridge here. Now, to me that was a slap in the face that the people that lived in Austin Ridge... or live in Austin Ridge weren't there last night. I spoke with one individual and he knew nothing about this, he and his wife. And I don't either because I tried to find this site plan. So, this is all new right here. The main reason I'm here is because of that 2,900 proposed George Washington Village coming in. There's bookoo commercial development in that. There's further up in Embrey Mill, by Embrey Mill, there will be a small bit of, if I understand correctly, some commercial. And I want you to very seriously look at whatever comes in in that large space. I did get an email today that it might be a new type of Walmart. We already have 3 or 4 right now but anyway it might be a smaller Walmart with just pharmaceutical items and grocery. However, we have got to do something about the 630 corridor. So look very carefully. You must defer this. There's too much kind of foggy garbage going on here, but you must think about the traffic. The 2,900 unit according to VDOT... 2,900 units... would be about 26,000 average daily trips per day. And check that out with our traffic engineers. We've got Embrey Mill with 1,600 or so units, and guess how many that is times 10? I was using 7 but they said use 10 trips a day. There's a lot going on there and the phasing of 630 is another item that comes into all this traffic coming in. So, number one is to look at the traffic to make sure that... this is an outrage that there aren't people here. I shouldn't be... I mean, I have a stance in this because of 630. I use that 20 million times a day practically and you hit some of that traffic. But also just... someone was mentioning the buffering... 25 foot -- oh gosh, my times about up again -- an SUV or my little car is what, just 15 feet; 25 feet isn't very much when you think about it. Now, the lady here, Debrarae, mentioned it was really about 27 feet, the growth, the double stacking. But think about that. And the understory... be sure there's understory or evergreens, preferably evergreens. Anyway, it needs to be deferred, okay guys? Thank you.

Mr. Rhodes: Thank you very much. Would anyone else like to speak? Okay, I will close the public comment portion of the public hearing. Ms. Karnes?

Ms. Karnes: Just a real short recap. We believe this will be quality retail. The Austin Ridge development was approved years ago and shouldn't be confused with pending cases for 2,900 units.

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And the buffer and the undeveloped area, because of the drainage area, the two double row of evergreens, the existing 27 foot buffer, is more than a hundred feet. I think the developer has gone the extra mile meeting with the homeowner's association Board of Directors who states in their letter that they've not been apprised by any concerns by any of the residents. We urge you to approve it and we'll be more than happy to hear your suggestions and work with you.

Mr. Rhodes: Thank you very much. Yes, please Mr. English.

Mr. English: Debrarae, I have a question for you. You said you worked with the Board of Directors. I'm assuming that each homeowner knows this is going on, they got some sort of notice that this was going on?

Ms. Karnes: The County was required to give notice to those...

Mr. Rhodes: Mr. Harvey, those were mailed, the notices?

Mr. Harvey: Yes.

Mr. English: Okay, so they were notified by mail.

Mr. Harvey: Yes.

Mr. English: All right.

Mr. Rhodes: Okay, thank you. Mr. Apicella? Oh, I'll bring it back to the Planning Commission. Other thoughts or comments? Okay, actually I'll hand over the charge of the Planning Commission to...

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

Mr. Rhodes: Yeah, please.

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

Mr. Rhodes: I'm not going to hand it over.

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

Mr. Apicella: I already asked my questions Mr. Gibbons.

Mr. Rhodes: Mr. Gibbons, please, please... I'm sorry.

Mr. Gibbons: I wasn't born in Philadelphia so I don't know the language of the lawyers up there. But it says in the letter from the homeowner's association, while a development in this area is not a preferred course of action, that doesn't mean that they're wholeheartedly behind us. And I got a lot of friends at work that live in that and they're still in a state of shock over the area that's been cleared right next to them. I mean, it looks like a war zone. So I hope that we get some sort of vegetation on that before long. But I would like to look at the 1998 rezoning and the proffers back in '03 myself. And this is a very hard piece of land to build on. It's not the most easiest and, Mr. Chairman, the only time that we've really haven't had the site proffered was in the one on 17 but that was surrounded by light B-2

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uses. Here, one of the staff came out with the recommendation that they were concerned about the noise. And if you've got a 24-hour operation there versus a normal operation, the noise can be a tremendous detriment. So I'm a firm believer in proffering the site plan. So that's where I'm at.

Mr. Rhodes: Very good, very good. Any other comments? Mr. Coen?

Mr. Coen: Just a couple. I appreciate the addition of the buffering because I thought that would make it better for the people living there. I just have three other things, like Mr. Gibbons, that just sort of... One is the fact... I have no doubt that staff sent the letters, but it just would be nice to know that the people who are most adjacent to this have had some input. And there's nothing glaringly saying that they have said x or they have said y, it's just sort of assumed and one doesn't like to assume in life. Two other things; one is I agree with Mr. Apicella with concerns about the uses, additionally with the conditional uses. I mean, there's a lot of those that just have a lot of holes or concerns about what could possibly go there, especially since we don't know what's going to be. Mr. Gibbons was excellent asking about hours. You know, yes there's not going to be outside entertainment but under, I think it's conditional uses, a nightclub as indoor entertainment, that would be something that would be at night and that would be disruptive to the neighbors. So I think that personally I would like it if they went back and looked at other ones of those that may not be conducive for something that's right next to peoples' homes. If this were on the other side of the North Access Road, that would be different. But this being right adjacent it causes some concern. And the last one is just, and you all brought it up, the slant and the slope of the property. It being three stories, two and a half... I guess I'm tall enough for a half a story... or three stories on a hill is going to be looking into those peoples' backyards and, again, without knowing what the usage. I mean, if it's offices and whatnot that's going to be during the day, less disconcerting for the neighbors as opposed to something else. And if we don't know what is ideally going to go in there, why three stories versus a two story versus something. So those are just concerns that are rattling around in my head. Thank you Mr. Chairman.

Mr. Rhodes: Okay. I'd like to hand over the management of the Commission to the Vice Chair because I'll be making a motion here in just a minute. And Mr. Vice Chair, I do have some comments though I'd like to share.

Mr. Apicella: Okay Mr. Chairman, this is in your district so unless anyone else has any other comments, I'll ask if you have any comments or suggested course of action.

Mr. Rhodes: Great, thank you. First off I'd just like to thank the applicant for reaching out to the Board and having the meeting. And this Planning Commission, as a whole, is trying to work some thoughts towards how we have that happen more often. We think it's important as early as possible actually would be preferable; if it could be in advance of even applications, but the fact that he did it, I sincerely appreciate that. I think it's important to be trying to work those discussions and trying to get those inputs and they obviously came up with some initial good thoughts that I think are positive. At the end of the day, the reasonable use there is for this commercial, what the zoning is about. I think the intent of everyone here is really to figure out how to mitigate to the greatest degree possible, the visual and the sound effects of it because the neighbors are there and given your building of the homes, you know, I know you appreciate that. And so I sense that in much of what's being commented here. I had just missed the fact, I didn't realize we had a maximum on the height of the tree being able to go in there and that's unfortunate because the trees that are on the homeowner's association property, the leaves are going to fall off those in the winters. And so all we've got is a 6-foot for a 20, 30 or 40 foot and know over time it'll get up there and it'll be a great thing, but that's unfortunate initially. But that is the way it is. Where I'm going to head is I'm going to ask for a motion to defer. And the intent... I don't think

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there's a lot of... I think there are a few things that'd be helpful that would just take a little time to knock out. And it shouldn't take very long to do it. But those are that I noted. I think it's worthwhile just clarifying. There are probably some other by-right uses and members can identify them and we could identify those. I don't think that's a huge thing but, why not. I mean, take out some things that you know you're not going to do there. I think it would be helpful to consider if there are not at least some core hours that we could proffer out. I understand... you haven't identified the use there and I got that. But if there is a degree to which we can at least proffer out some core hours, I think that that's helpful. Because right now, in a technical sense, it could still be open 24-hours a day and I don't think anybody envisions that but I think it would be nice to address that. I will commit to getting over very quickly to I want to walk the land once more. I went over there this weekend twice. I just want to understand the inclines. I apologize; I just did not envision that, so I just want to see that. And I do want to talk to the HOA and I will do that very promptly and that will not delay in getting that accomplished as well. I don't know what the timelines would be to, or you envision to starting to talk with folks about what you might do over there to the east. Certainly if there was any further clarification on that, that'd be great to know when we get back. I mean, it just helps to clarify. I think that's great that you're committing to it because that was open for the drainage area but now it's much more open and that will be very different to the appeal. So that'd be nice to get there. I know there was no nefarious attempt but I would just highlight if we could strike the word normal on the proffer item number 7, in course of business, that no outside entertainment sponsored and/or operated in the normal course of business, that we don't have to say it wasn't normal course of business. Just strike normal. I think that would be helpful. Then there was... I know Mr. Gibbons is going to look at some things from the early zoning and documents just to make sure he digests those. But, again, appreciate the proactive discussion. I would at this time make a motion to defer this to our next hearing on the 9th of September. We can address a couple of these things, get these tightened up, and then hopefully act on it then.

Mr. Gibbons: I second it Mr. Chairman.

Mr. Apicella: Okay, there's been a motion to defer with a second. Any further comment?

Mr. Rhodes: Actually I apologize. The only further comment I would have is, again, and I touched on this, but if there's further clarification to that offsite residential buffer, if we could just add it in there... if there is. I know we're at a stage where we want to discuss with them and give them good input to it but, that was there. So thank you, thank you very much.

Mr. Apicella: Any comments Mr. Gibbons? Any other Planning Commissioners? Okay, all those in favor of deferring...

Ms. McClendon: Mr. Apicella, I'm sorry to interrupt. Before you actually vote, the next Planning Commission meeting is September 10.

Mr. Rhodes: Oh, I can't read a calendar. I'd modify my motion to the next meeting. Stop picking dates Mike.

Mr. Apicella: Okay, there's been a motion to defer to the first meeting, September 10, for further discussion and action on this item. All those in favor signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

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Mr. Rhodes: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Apicella: Aye. All opposed? It passes 7-0. Mr. Chairman, I pass the gavel back to you.

Mr. Rhodes: Thank you. Thank you very much Mr. Vice Chair. We'll move onto item number 2, RC1400225, Reclassification, Hills of Aquia Commercial Proffer Amendment. Mr. Harvey.

2. RC1400225; Reclassification – Hills of Aquia Commercial Proffer Amendment - A proposal to amend proffered conditions on Assessor's Parcel 21-50B, zoned B-2, Urban Commercial. The property consists of 3.18 acres and is located on the southeastern corner of the intersection of Jefferson Davis Highway with the northern Coachman Circle entrance, within the Aquia Election District. **(Time Limit: November 11, 2014)**

Mr. Harvey: Thank you Mr. Chairman. Kathy Baker will also be giving this presentation.

Mr. Rhodes: It's the Kathy Show.

Mr. Gibbons: You know, Mike never has problems with that board.

Mrs. Baker: They told me I had to start using it a different way so I start that and I can't figure it out. Okay, computer please. Item number 2 is a proffer amendment for the Hills of Aquia Commercial. This request is to amend proffered conditions on Assessor's Parcel 21-50B. This is a 3.1 acres site zoned B-2, Urban Commercial. It's located within the Hills of Aquia subdivision. The applicant is Aquia Commercial, LLC. You can see the property highlighted in red is the site located on the east side of Jefferson Davis Highway just south of Coachman Circle. Coachman Circle you see goes into the Hills of Aquia neighborhood. The surrounding properties to the west and the south and the east are B-2, as well as the subject property. And then to the north is R-1 zoned property. This was originally zoned R-1 and designated as open space in the Hills of Aquia subdivision. In March 2009 there was a proposal by the property owner to vacate the plat and remove open space designation. This was approved by the Board of Supervisors and then the plat was recorded in May of 2009. The property owner then came forward in June of 2009 with a rezoning reclassification to B-2; however, the Board did deny that request. Following in February, 2010, there was a court order that approved the rezoning and then the proffers that were originally proffered with that zoning served as a condition of approval to that court order. In September of 2010 there was a grading plan approved for the property, but no further plans have been submitted at this time. As you can see again, the corner of the parcel at the intersection of Coachman and Jefferson Davis Highway has previously been cleared. There is a retaining wall that exists to the rear of that in between the wooded area that you see which does have a floodplain and Resource Protection Area. You'll see the entrance road off of Coachman opposite of this site goes to serve the St. William of York Catholic Church. Again, we're looking to amend the current development conditions that would modify the size limitations basically and the architectural design standards of the proposed building. The proffer amendment would allow for a medical office building, specifically, Generations of Women medical office which is seeking to expand into the County in this area. A two-story 19,000 square foot building is proposed. The original development restrictions limited the size of

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the building to 8,710 square feet and did permit a two-story building only for office use. The proffers did also require that the building utilize primarily brick materials and include a gable or hip roof consisting of standing seam metal. With this proposal, the building would have had a flat roof and include stone and glass as the primary building material. The applicant is proposing to modify these conditions to clarify that the two stories may be located over a basement parking garage, which is proposed with this. So, the proffers that you see specifically are with proffer 6, the development intensity and design, and then proffer 22, the height of the building, specifically changing the language to include the reference to be constructed over the basement parking garage. Proffer 23 is an additional proffer that our Fire and Rescue folks had asked for requiring the installation of a carbon monoxide detection system for the basement parking, if that is indeed built. This is the proposed Generalized Development Plan. And one entrance off of Coachman Circle to serve the building; the rear of the building would back up to that retaining wall facing into the wooded area and the Resource Protection Area. The entrance would be located across from that entrance road into the church. In staff's evaluation, we did determine that doubling the building square footage would not have a negative impact on the surrounding properties. There is separation to the residential areas. The proposed medical office... it's in a larger building area but has a lower traffic generation and other potential uses that can go into the building. The additional carbon monoxide detection system that was requested has been added and the proposed use is consistent with the commercial corridor under the future land use designation. The design of the building is consistent with the neighborhood design standards plan, and this is the rendering. And staff is recommending approval of the ordinance with the amended proffers as proposed. And I'll be happy to answer any questions.

Mr. Rhodes: Questions for staff? Mrs. Bailey.

Mrs. Bailey: With the original request and it being a court order that was very specific as to the building materials that were going to be used, are we able to change that just with a proffer amendment?

Ms. McClendon: Commissioner Bailey, there is nothing in the court order that prohibits the County from amending the court order. It can be handled in the regular course of a rezoning, so through a proffer amendment is the correct avenue.

Mrs. Bailey: Okay, thank you very much. With the existing buildings that are there in front of the Hills of Aquia, there is a 7-Eleven, a car dealership, and also a hotel, and they are all very consistent in their design. With the original development of the Hills of Aquia, were there any stipulations in that development that would talk about those outer parcels and how they should be... the look of those outer parcels?

Mrs. Baker: I don't recall. Jeff, do you have any insight on that?

Mr. Harvey: There are proffers for architectural facets of the buildings, but not specific elevations. They speak generally to utilizing brick and masonry construction for façades and similar type of features.

Mrs. Bailey: And then the only other question I have right at the moment... well, I did drive by several times and take a look at the area, and there does appear to be with the floodplain there and also the, looks like from the properties that are behind it, the terrain of the properties looks like it all comes down to that particular site. And you can see why someone would want to utilize a building there with a basement. But as far as... I mean, would there be any issues of flooding with that area inasmuch as it looks like it just kind of pools into that area.

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Mrs. Baker: I know this question was asked and staff had looked into that and I think because of the elevation, as well as the retaining wall that serves behind that building, that the flooding of the basement is not going to be an issue.

Mrs. Bailey: And did VDOT take a look at that intersection there? That's just a very heavily travelled area. With the addition of a large building, does VDOT have any plans for a traffic signal to go there?

Mrs. Baker: Not at this particular intersection. I believe that the southern intersection with Coachman Circle, down closer to the 7-Eleven, is where in the scheme of things the signal was planned. Also because of the distance separation, there is a signal to the north of this at Port Aquia.

Mrs. Bailey: Right there at the church.

Mrs. Baker: And the church. So that would not likely be enough of a separation, so the proposal was to have it at the southern entrance, which this does have connection so people could use that southern entrance and go out at that stoplight.

Mrs. Bailey: Okay, thank you.

Mr. Rhodes: Thank you. Other questions for staff at this point before I have the applicant come forward?

Mr. English: They could use the exit... I mean that road that goes by St. William of York, correct, if they had to? Or is that a private road?

Mrs. Baker: Is it private?

Mr. Gibbons: No, they use it (inaudible - microphone not on); it's open (inaudible).

Mr. English: Okay, so it's open to the public? Okay, I'll just wait.

Mr. Coen: In addition to the flooding question, the number of parking... if there's going to be parking underneath the building I was just curious about the number of parking spaces on the outside of the building. And that sort of ties into the traffic going in and out the one entrance. Did staff have any view that either you redo the design or we didn't need as many outside parking spaces if there is going to be one? And I guess the other question is, because I think one of your sentences was, they envisioned parking underneath. Is it a definitive... because it just seems like we're using a pretty big footprint for parking if there's additional parking underneath.

Mrs. Baker: And I think I'll let the applicant address that. We don't know enough about the specifics as to, you know, if they're planning additional parking to meet a certain intent if they have that. We don't have restrictions on over-parking; if they feel that they are going to need it, ours are only based on a minimum requirement.

Mr. Coen: Thank you.

Mr. Rhodes: Okay, any other questions before we have the applicant come forward? Okay, applicant please.

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Mr. Hairston: Good evening, Jervis Hairston representing Aquia Commercial, LLC, which is a subsidiary of the Silver Companies. Thank you for the time. We've been, quite frankly, looking for a use to occupy this site for quite a while since back in 2010. And we did initially encounter a fair amount of opposition to the proposed multi-tenant retail building that was going to go there, and even the drive-through bank with 3... the bank with 3 drive-through windows was such that it generated more traffic than a medical office. And, in fact, what we found at the time is that most folks were looking for something that was more in line with an office use versus a multi-retail and restaurant use. And so we were lucky enough that Generations of Women saw the site and it happened to be in the location between their clientele to the north in Potomac and to the south in Stafford and Fredericksburg hospitals that they chose to work with us to put their office building here. I'd point out that while we had proffered a footprint of 8,710 square feet for the previous building that we're asking for a proffer amendment on, the proposed building, as a 2-story building, still only will expand that footprint by roughly 700 square feet. So the footprint of the building is roughly 9,400 square feet; it's just going to be two stories. So the footprint of the building, 7% more than what was proffered before. It's just a 2-story building over parking. The reason why you're looking at a fair amount of parking in the basement of the building plus on the site is this office user is a very successful office user... thankfully. And, by the way, we have with us the business manager of the office, Dr. Mercado's husband, Brandon Stallard, is with us and he can answer any specific questions you may have about that use. But they do anticipate a very successful practice because they've been successful everywhere else. However, we are happy that they chose this site and we are working with them to make it happen. And we would appreciate any consideration you have here. And we'd be glad to answer additional questions. In addition to Mr. Stallard, the business manager for the Generations of Women medical office complex, we also have our engineer, John Fairbanks, from Fairbanks and Franklin, and we'd be glad to answer questions that you have. Thank you.

Mr. Rhodes: Thank you. Questions for the applicant? Mr. English?

Mr. English: I'm curious what kind of... Generations of Women, explain what type of business that is.

Mr. Hairston: It's an OBGYN medical office and I think it'll have some lab component in it as well.

Mr. English: Is it a subsidiary to any hospital or is it just a standalone business?

Mr. Rhodes: If you could just state your name for the record, sorry sir. Thank you.

Mr. Stallard: This is my first Planning Commission meeting if you can't tell.

Mr. Rhodes: Welcome!

Mr. Stallard: Thank you. Brandon Stallard, office manager. Dr. Mercado wanted to be here tonight. She's on call delivering babies, so she couldn't; she sent me instead. But could you repeat the question?

Mr. English: Is it a subsidiary to like another hospital or is it just a standalone business?

Mr. Stallard: No, it's private practice.

Mr. English: Private practice.

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Mr. Stallard: Correct. And we're very excited about working with Stafford Hospital in particular. And that's part of our decision process in going to this area.

Mr. English: This is not going to be a 24-hour business like Patient Care, nothing like that is it?

Mr. Stallard: No sir, nothing like that. We do have extended hours but it's not anything that goes on into the night. I mean, right now we're open till probably around 6:30 or 7 o'clock, and that may change as time moves on to, you know, 8 o'clock-ish, something along those lines. But we're not trying to go 24 hours.

Mr. Rhodes: Thank you. Mrs. Bailey?

Mrs. Bailey: Mr. Chairman, I do have a question. What is the significance of the change in the exterior construction of the building? Why are you asking for that particular proffer?

Mr. Hairston: Yeah, I think what we had proffered before was primarily brick and glass and now I think we've introduced stone. The other I think difference has to do with the hip or gable roof versus the flat roof. But quite frankly, I'm glad you asked that question because even though I think in my narrative I'd indicated the primary exterior material would be stone and glass, I think they're actually looking to utilize brick as well. So, it may be much more compatible than what I represented in my narrative.

Mr. Rhodes: Other questions? Please, I'm sorry, was there more?

Mrs. Bailey: And then I did have one other question. The Generation of Women, will that building be primarily for your use? Will you have... lease out other spaces to other medical practices?

Mr. Stallard: We have one letter of intent right now with a laboratory that works hand in hand with what we're doing. And there's minor amounts of rentable space, but almost the size of exam rooms, not whole sections. I think there's about maybe a thousand square foot of actual rented space or will be by a laboratory.

Mrs. Bailey: What's the approximate square footage that the Generations of Women will utilize?

Mr. Stallard: Everything but a thousand (inaudible).

Mrs. Bailey: Everything but about a thousand?

Mr. Hairston: Eighteen seven fifty will be the total.

Mrs. Bailey: Okay, thank you.

Mr. Rhodes: Other questions for the applicant? I would... not really a question... I would just share before we go to public comment. At some point it's going to change but we had a lot of heavy emphasis both with the hotel and with the 7-Eleven to keep a strong character for the residential development that is there. And even the car dealership completely changed their front end of their portion to the brick and gabled roof to complement and keep a consistent theme to be respectful of the neighbors. So, I'm sure that that's what several of us are thinking about; at what point does it change and why is it changing before we get in the front of the neighborhood or do we really want to go there? So that's not necessarily... you deal with the Sheetz, you deal with the 7-Eleven. They've got some corporate

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standards, you know, that they go and you have to really wrestle with them, which we did and we won on the 7-Eleven. So this is not necessarily a style that you use at other locations or operations? The design?

Mr. Stallard: No sir, this is the first building that we've built. Correct that this is the beginning of our style. So, yeah, as the company expanded, we would have probably a similar look. And again, you might be provided with a picture and we feel it's an absolutely stunning building and I think it's going to be very recognizable. I mean, I think the people that live off Coachman Circle would tell their friends hey, at that beautiful building, turn left, that's where we live. So, that's kind of our feel.

Mr. Rhodes: Okay. Thank you. Are there any other comments before we go to public? If there's any member of the public that would like to speak on this item, you may come forward and do so at this time. Again, you state your name and your address. A green light will come on indicating 3 minutes available to you. A yellow light will come on when there is 1 minute remaining, and then when the red light comes on we just ask that you work to conclude your comments. Thank you. Ma'am.

Ms. Callander: Yes, Alane Callendar. Before I came over this evening, I checked the website for this business, Generations of Women; very impressive website. I had heard of the group from their marketing campaign, they're on the radio, if you're on the computer sometimes their ads pop up. Very impressive in their marketing. I'm sure that they'll be very successful. There, of course, is always a need for this kind of business in our community. They'll be near Stafford Hospital and those in Prince William can also come down and use their services. So I think this is an excellent business. Thank you.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to come forward and speak? Seeing no one come forward, I'll close the public comment portion of the public hearing and bring it back to the Planning Commission. Any other comments from anybody? I'll just share that I think that the concept of the business is a good one for the County. It's in Mrs. Bailey's district. I would just share a comment that I think the business is exciting, I think the opportunity is exciting, it's certainly an interesting site property but certainly in a nice location. I do wrestle personally a little bit with the, you know, where do we change the design standard feel that we did work to complement the entrances to the neighborhood and that's the one thing that I'm kind of wrestling around with in my mind. But we'll see where we go. Mrs. Bailey, it's in your district I believe.

Mrs. Bailey: Yes it is Mr. Chairman. And I do have a concern as well as far as the architectural look of the building in as much as I was not part of the Planning Commission when the other properties were approved with the current design standards. So, I mean I don't know if it would be prudent to try to find out if we could get a little bit more detailed look with the proposed building or if everybody is okay with the way that it stands. Any discussion or thoughts about that?

Mr. Rhodes: Nobody else has any...

Mr. Apicella: I have to tell you, when I saw the picture I was pretty impressed.

Mr. Rhodes: It's a good looking building.

Mr. Apicella: There is not much not to like here. Quite frankly I thought, wow! And I am pleased that they are actually proffering a specific building and materials. We don't often get that. So if we were to take a vote, I would probably support it.

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Mrs. Bailey: Okay, alrighty. Okay then I would like to make a motion to approve the reclassification or RC1400225.

Mr. Rhodes: Okay a motion recommending approval and a second?

Mr. Gibbons: Second.

Mr. Rhodes: Second by Mr. Gibbons. Any other comment Mrs. Bailey.

Mrs. Bailey: No further comment.

Mr. Rhodes: Okay, any further comment Mr. Gibbons?

Mr. Gibbons: Yes, I would like to make a big push for the Stafford Hospital now that we have a woman's clinic. We had a hundred births last month in Stafford Hospital.

Mr. Rhodes: Awesome.

Mr. Gibbons: And that is a plus for the community.

Mr. Rhodes: Very much so.

Mr. Gibbons: So this could not be at a better time.

Mr. Rhodes: Okay, very good. Any other comment by any other member? Very good, we have a motion and a second to recommend approval of reclassification Hills of Aquia Commercial proffer amendment, RC1400225. All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? Okay, so it is 7-0. Thank you very much. Good luck to you. We will move on to item number 3, the Amendment to the Subdivision Ordinance, proposed O14-27.

3. Amendment to Subdivision Ordinance - Proposed Ordinance O14-27 would amend the Subdivision Ordinance, Stafford County Code Chapter 22, to remove the requirement for submission of cluster concept plans and preliminary subdivision plans for subdivisions creating 50 or fewer lots. Submission criteria, which would have otherwise been required in a preliminary plan, would be added to the submission criteria for construction plans in the proposed Ordinance. The proposed Ordinance would set specific requirements for inclusion of

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the following areas in construction plan submissions: infrastructure; plan preparation by authorized individuals; map scaling; pagination of the plan; vicinity sketch; topographic mapping; stormwater management; surrounding land uses; soil characteristics; amenities/proffer implementation; well and septic systems; open space land; depiction of existing and proposed easements, streets, lots, lot lines, and land dedicated for public or common uses; written proof of notification of adjoining property owners; and traffic impact analysis (TIA). **(Time Limit: September 28, 2014)**

Mr. Harvey: Thank you Mr. Chairman. Please recognize Andrea Hornung for the presentation.

Mrs. Hornung: Good evening Mr. Chair and members of the Commission. The Ordinance O14-27 that is before you, what started as a... House Bill 209 that was eventually signed into law by Governor McAuliffe March 31 of this year and effective July 1. Basically this Ordinance that we are proposing would bring our Ordinance, our Subdivision Ordinance in line with the County... the State Code in which any proposed subdivision of 50 lots and less... 50 lots and fewer, they would not be required to submit a preliminary plan or a cluster concept plan. So any subdivision that would be proposing 51 lots and more would be required to submit a preliminary subdivision plan in addition to the cluster concept, if they are proposing cluster. Also the additional items in this Ordinance also clarifies some requirements under submission of plans because these items are listed in our checklist on the application but they are not in the Ordinance. So those requirements are actually very similar to what is required on a site plan and it follows through on the submission of plans for a construction plan. So while we were addressing the preliminary subdivision plan we wanted to include items that are required on a preliminary and a construction plan for a subdivision. The Community and Economic Development Committee met on May 6 and then the Ordinance was referred to the Board on July 1st and then the Board referred it by Resolution R14-142 to the Planning Commission and this is ready for your approval.

Mr. Rhodes: Questions of staff? Yes, please Mr. Apicella.

Mr. Apicella: Mr. Chairman I may have asked this the last time. We kind of talked about this, but I just wanted to clarify whether as a result of these changes from the State whether a property owner could phase a development of a larger parcel, say 200 lots, into 4 sections, say of 50 each, and thereby avoid having to submit a preliminary subdivision plan.

Mrs. Hornung: If that is the case, the preliminary would need to stand on its own. So it would have to have access to a public road and not just have, let's say section 3 in the back. I mean, each time we have a preliminary subdivision plan they all stand on their own as it relates to the Subdivision Ordinance. And that is a concern that instead of phasing in as we might see it for a larger subdivision, they could come in with 50 lots at a time.

Mr. Harvey: Mr. Apicella, just to answer some of that a little bit more from an administrative standpoint, when we look at a subdivision plan we look at the tracts of land that are involved, so if not the entirety of the tract of land is being used with this new subdivision, they would have to declare what the remaining part of the land is to be used for. If it is not to be incorporated in the subdivision they would have to wait until they platted all the lots within the first subdivision before they could move forward with the second one. So they could not cumulatively come in with multiple subdivision applications and have them reviewed simultaneously. It would have to be done one after another if they were going to try to do what you were inquiring about Mr. Apicella.

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Mr. Apicella: But again, in theory over a course of several years, they could piece by piece submit something below the 51 again.

Mr. Harvey: Yes. And also to clarify too, State Code prohibits the locality or says the localities are prohibited from requiring the plan. A developer could voluntarily offer to submit a preliminary plan for 50 or fewer lots and some may choose to do so. It depends if they are intending to develop their project themselves and/or take the risk involved with moving forward with the cost to do detailed construction engineering without some concept from the County or VDOT that they are on the right track.

Mr. Apicella: Are there any other benefits to submitting a preliminary subdivision plan. I think some of what you talk about vesting.

Mr. Harvey: Yes.

Mr. Apicella: Okay. This is kind of an outlier Mr. Chairman and I am not sure if it is appropriate to ask at this point in time, but one of the sections that is being proposed for a change deals with open space in cluster subdivisions. And as you know I have had some issues with that and I think unintended consequences of our change to the Cluster Ordinance where open space is being fragmented throughout a particular parcel rather than being contiguous. Again I don't know if this is an opportunity to address it since that section is in front of us but at a minimum I would ask that we might consider seeking some direction or an opportunity from the Board of Supervisors to either revisit whether or not bonus density is appropriate based on our experience thus far, or at a minimum trying to establish some performance standards or criteria in regards to open space.

Mr. Gibbons: Did they specifically say we couldn't change it when they passed it down to us?

Mr. Rhodes: Ms. McClendon?

Ms. McClendon: Mr. Chairman and Commissioner Gibbons, you do have the ability to modify the Ordinance that was sent down, but I will note that those changes as discussed tonight were not advertised and they go outside of the area that was included in the Resolution.

Mr. Rhodes: Okay, so we would have to re-advertise... redevelop a proposal and advertise it to go forward.

Ms. McClendon: Oh you would have to re-advertise and I also believe you would need a Resolution that would be more opening for the Board, so would probably would have to send a request to the Board to take that up.

Mr. Rhodes: Please Mr. Coen.

Mr. Coen: Just real quickly, back to the piecemeal argument, so I am gathering that if somebody were to try to do this piecemeal, there is no recourse. I mean they come in after the first one as 50 units and then all of a sudden they start pulling in another one nearby and we know what they are doing at that point. We may have had suspicions, but there is nothing in this Ordinance that the Governor signed that says if they are trying to get around this, here is the ramifications of what we can do to stop them.

Mrs. Hornung: That is correct.

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Mr. Coen: Great.

Mr. Gibbons: Mr. Chairman.

Mr. Rhodes: Yes Mr. Gibbons.

Mr. Gibbons: I want to go back to what Mr. Apicella...

Mr. Rhodes: Yes please.

Mr. Gibbons: If I heard correctly, we can change this now and re-advertise.

Ms. McClendon: You can make modifications but it needs to be in the scope of the referring Resolution, which is about these State Code change. So making changes to the open space requirements for clusters is outside of that referring Resolution. But you do have the ability to modify it.

Mr. Rhodes: We do have the ability to modify it but not in the area that Mr. Apicella was just commenting on.

Ms. McClendon: That is correct. The modifications need to be germane to the Resolution as sent down.

Mr. Rhodes: Okay. Please.

Mr. Apicella: I wonder again if without making a motion yet if my fellow Commissioners are at least amenable to making such a request to the Board of Supervisors that again we consider whether or not bonus density for R-1 is appropriate and if so at least establishing some performance criteria with regard to open space.

Mr. Rhodes: Because we would need to hit the public hearing portion on this one, let's table, if you don't mind we will table that and we will talk about how we might go forward with that as we get a little further in.

Mr. Apicella: I am fine with that Mr. Chairman.

Mr. Rhodes: Thank you. But we will certainly come back to that tonight to talk about how we do that, okay. Any other comments for staff? Okay, with that I will open up to the public comment portion of the public hearing. If there is any member of the public that would like to speak on this item, item number 3 the amendment to the Subdivision Ordinance, please come forward and do so at this time. And when you do it I would ask that you state your name and your address. Once you do so a green light will come on indicating you have 3 minutes to speak. A yellow light will come on when you have 1 minute and a red light will come on and we would ask that you wrap up your comments. Thank you ma'am.

Ruth Carlone: This is a problem. No one realized what a problem is. We have no right. We are next door to a cluster development of 228 acres. We have no right to a public hearing, we are not in the USA, so we have had problems with our wells. There is about a hundred or more homes now and more coming in. We are all on well and septic. We have no rights. We have no legal rights if this affects our water table. And Darrell was kind enough to come to one of the meetings of the house... of our area. Anyway I wanted to thank staff and Andrea and oh, I guess I was kind of a pain trying to find out more

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about this. But we had no idea this was coming up from the State as a by-right. Now there is a new one now called Grandville, with almost the same number of units in almost the same area of land and we don't know... there is nothing we can do but maybe there is something you can do. I talked to Howell to see if maybe we could get some kind of Resolution to change it that you could only have say 10 lots to be developed by-right if it's in the... I am kind of messing this up because I am so upset about it. Right now, like I said, there is fifty-something units and we have no rights. Okay, to have something written in, if possible by Howell, a resolution or someone to go forward to change that it says 50 lots. There should be no more than say 5 lots or 7 lots at the most by-right outside of the USA. Like I said I talked to Dale Allen and we won't be in the USA, we don't have any water lines and he said it would be 4 or 5 years. So what in the Sam Hill do we do when our wells, which they have in the past. But anyway I want to thank Apicella and Coen for bringing up some questions about this. But anyway, to see what we can do within this that might help about the number of lots. When you consider the water usage per each one of these houses. And I have a lot more to say, but my time will be up in a minute. But I hope that something can be worked out to go forward on this.

Mr. Rhodes: Thank you very much. Is there anyone else that would like to speak on this item? Seeing no one else coming forward to speak, I will close the public comment portion of the public hearing and I will bring it back to the Planning Commission. Certainly those concerns are valid and worrisome but we do have what the State passed.

Mr. Coen: Mr. Chairman.

Mr. Rhodes: Yes Mr. Coen.

Mr. Coen: And I think I Rysheda was excellent in answering the question. But if I understand this correctly, if the County doesn't change our Code to match the State Code the basic result is theoretically there could be lawsuits and County money is used for defending it. Correct?

Ms. McClendon: That is correct Mr. Coen. That is a possibility.

Mr. Coen: But I also understand if we go with Mr. Apicella's idea that we sort of kick it back to the Board, ask if we can address the other element to it that sort of gives some time that maybe certain State figures to try to amend an (inaudible) to sort of correct some of the errors. Would that be a good delaying tactic?

Ms. McClendon: I will note that the State Code changes went into effect on July 1, 2014, so we are currently out of compliance. So it is kind of a ticking time bomb situation, but that's as much as I have to offer.

Mr. Rhodes: I don't recall... and I am not necessarily loving this. This is just the way the process works, but I don't recall a time that we have purposely kept our Ordinances inconsistent with the States once they have passed. Our precedent has been to ensure that we remain generally in compliance and consistent with those State Ordinances as we have proceeded.

Mr. Apicella: Mr. Chairman.

Mr. Rhodes: Yes Mr. Apicella.

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Mr. Apicella: Just as further background, I just happen to read in today's Free Lance-Star that Fredericksburg Planning Commission is having a similar agenda item, I don't remember what the date is, doing effectively the same thing that we are doing here. So it seems to me that across the State, at some point in time, we are going to have to pull the trigger and make the change...

Mr. Rhodes: It's kind of what we do after things are passed...

Mr. Apicella: ... not because we want to but because we have to.

Mr. Rhodes: It is usually the fall dance after the laws are passed.

Mr. Gibbons: Mr. Chairman, I would like to ask...

Mr. Rhodes: Please, Mr. Gibbons.

Mr. Gibbons: Mr. Apicella brought up a good thing tonight about open space being contiguous. If we use the word contiguous are we way out of bounds of what is being advertised here tonight? Just the one word change?

Ms. McClendon: Mr. Gibbons, what has been advertised is the changing of the preliminary subdivision requirements for 51 lots or more. Also the additional requirements to the construction plan part is being added because it has been removed from the preliminary plan part of it. So what has been advertised is those specific changes, so the open space change has not been advertised.

Mr. Gibbons: Okay, thank you ma'am.

Mr. Rhodes: Thank you very much Rysheda. Though we will discuss that further in a little bit. Okay, so...

Mr. Gibbons: I will make a motion to send it on to the Board.

Mr. Rhodes: A motion to recommend approval of the proposed Ordinance O14-27 by Mr. Gibbons. Is there a second?

Mr. Boswell: I will second.

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

Mr. Gibbons: No.

Mr. Rhodes: Further comment Mr. Boswell? Any other member? I know some of these are a little, can be a little frustrating. We do get a lot of them and they usually go into effect 1 July and we usually go through this process of conforming ourselves, which is the appropriate thing to do and sometimes we like it more than others. So with that we have a motion and a second to recommend forward to the Board of Supervisors, proposed Ordinance O14-27, all those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

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Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

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

Mr. Apicella: Mr. Chairman.

Mr. Rhodes: Yes please.

Mr. Apicella: Having just passed this though, the Board, I think... what I heard somebody say maybe it was Mr. Coen... the Board has an annual legislative agenda that it puts forward and tries to lobby the State and I would ask that the Board consider putting this one on its agenda because I think there are significant unintended... I appreciate why the change occurred and the group that asked for the change. But having worked on preliminary subdivision plans much smaller than 50 units, sometimes you get some surprises that need to be fixed and that's what the process is aimed to do. So I think it is worthwhile to revisit this issue and again I would recommend that we ask the Board to put this on their legislative agenda package for next year.

Mr. Rhodes: How might we do that Mr. Harvey?

Mr. Harvey: Mr. Chairman that would be something that I would suggest the Commissioner talk to their individual Board members and/or if the Commission as a whole wants to have a position to send forward to the Board, they can do that as well.

Mr. Rhodes: Okay. So maybe we might craft something that either serves as our consistent talking points...

Mr. Gibbons: Well Mr. Chairman, I think Steven brings up a good point. Maybe we should have a recommendation to the Board for the legislative session. There might be more than just this item, that we sit down and take our time with staff and see what we recommend should be changed.

Mr. Rhodes: Okay.

Mr. Gibbons: Then send it to the Board to be included in it. Good idea. When do they normally put that together?

Mr. Harvey: They will start in the fall, yes.

Mr. Rhodes: Okay.

Mr. Coen: Mr. Chair, also I like the idea, since Mr. Apicella also mentioned other districts having this same issue and concern. My preference would be that it be public, that we make it obvious in public that this is a concern. I have no doubt we will talk to our individual Supervisors, but I think that if this is a problem statewide or even many areas of the State, it will behoove us to make it known that this is a

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problem or else it just will be something else that sort of ignored. So I like both what Mr. Apicella and Mr. Gibbons said, I think that we need to do it publically.

Mr. Rhodes: Okay.

Mrs. Hornung: Mr. Chairman and members of the Committee I will give you a little background also. I am on the Legislative Committee for the Virginia APA organization, American Planning Association. And we typically start our meetings in January and we look at any of the bills that may have already been submitted by the patrons. And we did have our Legislative Committee meeting before our annual conference the end of July, and there was a lot of concern with a lot of members of that committee who are planners and different positions within local government as well as planning and zoning. And there was a concern because vesting came up and how you were going to address it and the same concerns you had that if they are going to piecemeal the development. So our lobbyist, who is Eldon James and Associates, they also went to the General Assembly and talked with VML and VACO as well because we do have a VACO and VML representative on that legislative committee. So when we meet again that will be another topic of discussion, what has happened since this became in effect and if we have had any. I know when I did the analysis, we really only had 24 application that were less than 50. Twelve of those were a party to rezoning and the other 12 were just a few here and there. There weren't that many, some of them were less than 50 and most of them were more than 50. So I think I misspoke, only 6 were less than 50 since 2008, because everybody came in all at once whether it was a rezoning or a by-right and then they phased it in when they came into the department for their application. But, yes that will be a topic for discussion come January, if not sooner, for the Legislative Committee for the American... the Virginia APA.

Mr. Rhodes: So, might we leave out there then to commit our second session in September or use our second session in September to commit to some communication to the Board on suggestions for changes, in potentially the plural, or suggestions and recommendations to the Board's legislative agenda and then we would ask staff if there are particular items they would propose that we might endorse as part of what they see, if there is anything else that any member comes up with, share that with staff and then this would be the core of it, this item here. Our concerns with the potential negative implications...

Mr. Gibbons: She sent out tonight an email with a legislative report that was given to the conference. So if you all would review that.

Mr. Rhodes: Great.

Mr. Gibbons: It was quite a busy docket they had this year in the legislature, I thought.

Mrs. Hornung: Yes.

Mr. Gibbons: So you might want to review that and...

Mr. Rhodes: Great. And then we will commit that you all agree to something at that second session in September so we get something to the Board. Okay? Very good.

Mrs. Hornung: Thank you.

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Mr. Rhodes: With that... and we will still get back to the open space thing. But go ahead and hit the items here incase other people are here to hear them. Item number 4, unfinished business, Transfer of Development Rights. Mr. Harvey.

UNFINISHED BUSINESS

4. Transfer of Development Rights - Proposed amendments to the Stafford County Code and Comprehensive Plan, pursuant to proposed Ordinance O14-26 and proposed Resolution R14-141, regarding establishment of a Transfer of Development Rights (TDR) program. **(Time Limit: October 30, 2014) (History: Referred by Board of Supervisors June 3, 2014)**
(Authorize for Public Hearing by: September 24, 2014)
(Potential Public Hearing Date: October 22, 2014)

Mr. Harvey: Thank you Mr. Chairman, Kathy Baker will give the Commission an update on where we are with this proposal.

Mrs. Baker: Can I have the computer please? I'm not going to go into all the background and the full presentation that you all normally see on Transfer of Development Rights, or TDR, but give you a briefing as to where we are. As you recall, in February of 2013 an ordinance was adopted by the Board of Supervisors which identified the administrative procedures for Transfer of Development Rights. And then in October of 2013 the Board further considered the Comp Plan portion and Ordinance amendment that would be necessary to actually implement TDR. That was not adopted at that time. There were concerns over the lack of architectural design requirements and new development that would occur in the TDR receiving areas. So, subsequent to that there was a Virginia Code amendment that now allows a locality to require the TDR development comply with these adopted neighborhood design standards. The County does have a current component in the Comprehensive Plan with the neighborhood development standards, and that includes architectural design guidelines. So, a new TDR development could be required to conform to these neighborhood design standards. So, this year, in June of 2014, the Board did refer proposed amendments with a specific direction on what the Planning Commission should consider in a public hearing. That resolution was included in your package. It discusses consideration of the new state legislation referencing the architectural design in the receiving areas. It would allow for the minimum lot size for sending properties of 2 acres if the property is designated as park on the Comprehensive Plan. There would be a change... to consider a change to the receiving zone densities in the A-1 to be a maximum of 2.25 dwellings per acre. Also, to include B-3 as a receiving zone for the mixed use and commercial apartments to be allowed, as well as expanding the receiving areas to encompass redevelopment area east of I95. And then the final specific was not to reduce the sending area as has been proposed to this point. And, again, this is just the sending area map. The blue boundary is the overall area between Aquia Creek, Potomac Creek, and the CSX rail line. The hatched areas are the eligible properties within the proposed sending area.

Mr. Apicella: Kathy, what are the lots that are in white? So if you look at the map, you see...

Mrs. Baker: Light green?

Mr. Rhodes: Yeah.

Mrs. Baker: That's either going to be properties that were already developed or properties that cannot further be... are not large enough? I'm sorry... Jeff?

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Mr. Harvey: Correct. They don't meet the eligibility requirements. They're either too small in and of themselves and can't be combined with other properties to make the 20 acres as required, or there's other factors that don't make them eligible for the fact of being occupied currently and things of that nature.

Mr. Apicella: Thank you.

Mrs. Baker: With regard to the receiving areas, generally the designated receiving area is in the Courthouse area. There have been several options, different options, for the receiving area presented during discussions in 2013. We do have what is referred to as option B that the Board has now requested be considered. And this is the map showing the option B in purple. And again, the hatched parcels that you see are going to be your eligible receiving parcels. So staff is recommending that the Planning Commission authorize public hearing to consider both the ordinance, which is the O14-24, and then resolution R14-24 is the Comprehensive Plan amendments that would incorporate the maps and the reference to the ordinance. We would recommend the potential public hearing date for September 24 in order to give time for deliberation to meet the Board's October 30 deadline.

Mr. Rhodes: And if we didn't approve this for public hearing tonight, if we waited till the 10th, we couldn't... we wouldn't have time to get the 24th?

Mrs. Baker: That's correct.

Mr. Rhodes: Okay, that's what I thought.

Mrs. Baker: For advertising purposes.

Mr. Gibbons: Could I ask one...?

Mr. Rhodes: Please.

Mr. Gibbons: In the State Code, the residue from the point of departure belongs to the owner minus his ability to build on it, correct? So in other words, if he's transferring an A-1 or an A-2 right to a receiving area or to whoever purchases it, the person who has the property still owns the property, correct?

Mrs. Baker: That's correct.

Mr. Gibbons: And what is that person restricted to, nothing? But the residential that he had?

Mrs. Baker: There are restrictions as to what can be used...

Mr. Gibbons: I can't quite hear you.

Mrs. Baker: Yes, there are restrictions that would apply to the remaining property.

Mr. Gibbons: What restrictions would apply?

Mrs. Baker: Part of it's going to be dependent upon the number of rights that they want to retain and they want to send. So, we are going to have a determination that goes through to see what all is going to

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be left for the property, whether they have those development rights. But basically, you can have agricultural use, you can have forestal use remaining, you can have parks...

Mr. Rhodes: And just to confirm, this is in the sending areas.

Mrs. Baker: From the sending area.

Mr. Rhodes: After you have all the development right, what remains that you can do on that property.

Mrs. Baker: Correct.

Mr. Rhodes: Okay.

Mr. Gibbons: So what is the count? That's what I'm hung up on. And that's what the Board is hung up on. And that's why we got the thing back. I wish I'd have known this about ten months ago. But what's concerning is what right does the County have on what the land can be used for after the development rights has been transferred? I mean, can we put it in that it's got to be park or wildlife preserve? What rights do we have?

Mrs. Baker: The County is not going to have the rights on the property. It's what the owner is going to be allowed to do with the property once they have severed their development rights.

Mr. Gibbons: Well, can't we put restrictions on what it is he can do after he does it?

Mr. Rhodes: Is that based on the authority that we have from State Code that those remaining uses... that those uses remain, is that based on our authority to apply TDR? Or is that just our option to cite what they are?

Mrs. Baker: That's based on the authority that State Code allows.

Mr. Rhodes: So, if State Code says that if you are going to apply a TDR program, then in the sending area, after the development right is taken, they still have the right to do forestal, farm, or park?

Mr. Harvey: Yes, those are the residual rights that remain not counting any development rights that they did not sever. For instance, if there's an existing house, that would be able to continue to remain. If the property owner had enough acreage they could say, well we still want to keep a development right for our child to build a house on in the future or something similar to that.

Mr. Rhodes: One development right or something.

Mr. Harvey: Yes.

Mr. Rhodes: But for those that are... for those where the development right is severed, based on the authority we have from the State to apply a TDR program, the remaining uses have to be farm, agriculture, or park.

Mr. Apicella: Can I read it from the Code?

Mrs. Baker: Yes.

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Mr. Apicella: Okay, it says, the sending properties, subsequent to severance of development rights, to produce... these are the residual uses... the sending properties, subsequent to severance of development rights, to produce agricultural products or forestal products, as defined by the Code section, and to include parks, campgrounds and related camping facilities; however, for the purpose of this subdivision, "campgrounds" does not include use by travel trailers, motor homes, and similar vehicular type structures. And that's the same language that's actually in the current Stafford County TDR Ordinance.

Mr. Rhodes: Okay.

Mrs. Baker: And just one additional, if you look in the Ordinance on page 7, it does talk about new buildings and structures that would be allowed. And that's going to be dependent upon the size of the remaining property.

Mr. Apicella: And those new buildings are associated with those specific uses.

Mrs. Baker: Correct.

Ms. McClendon: Mr. Chairman, I will note that the section read by Commissioner Apicella is under the optional section, so the residual uses are an option that the Planning Commission and the Board have taken and what they've adopted. The residual use of the property is not required; it's an option.

Mr. Rhodes: Okay. So, then that is something that can be modified.

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

Mr. Rhodes: Okay.

Mr. Apicella: But I'm just going back to Mr. Gibbons' question about whether or not you could have additional restrictions. And I asked that question today essentially and the answer was no. You can only go by what's in the Code. So, you can't provide... yes, those residual are optional but you can't create additional restrictions beyond that or impose additional conditions as a way of, or to be able to participate in this program.

Mr. Rhodes: Like a conservation easement. Okay. Other questions for staff?

Mr. Coen: Yeah, I just have a quick question Kathy. When you're talking about the sending areas and you said that if the area is designated as park on the land use plan are a minimum of 2 acres. So then I was looking at the map of our sending area. I was showing it to somebody else and they were wondering where in there is anything that's designated as a park so that that would apply? Or is that just in theory?

Mrs. Baker: Well, right now it's hard to see on this sending area map because it's what is shown in... well, actually that's your... Can we pull the computer please? You can see the darker area, but also the lots that are known as Crow's Nest Harbour, those are also designated park. It doesn't show up very well on this sending area map.

Mr. Coen: Thank you. Because it just looked as though everything was either rural residential or agriculture... all right. So there are some. Is there anything besides like Crow's Nest ones that is park as well, or is it just mainly that we're talking about?

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Mrs. Baker: It extends a little bit on the north side. I don't have the actual land use map without the overlay.

Mr. Coen: That's okay. But there's a few.

Mrs. Baker: But it's primarily the Crow's Nest property.

Mr. Coen: As I said, I was showing it to somebody and they were wondering where is there anything park because it all looks like residences. So they were just wondering is it in there for a reason? Thank you.

Mr. Apicella: Mr. Chairman, while the map is up, can you designate or show where the heron rookery parcel or parcels are?

Mrs. Baker: I'm not sure if I can point to it but it is the green parcel. If you look down to the far, say southwest, there's a little sliver of green that goes... the darker green that goes across the bottom. Can you swiggle your mouse? There.

Mr. Apicella: Okay. Mr. Chairman, again, today I asked a number of questions to kind of clarify number one the scope of the referral to the Planning Commission. How far and wide can we go, as well as some specific questions based on comments I heard from various speakers and stakeholders about changes that they thought should be made and whether or not those changes were or are permissible under the State Code. And rather than going through each and every question and answer, what I would ask is the Commission's discretion and approval to add these questions and answers as part of the record of this meeting.

Mr. Gibbons: I'll second a motion.

Mr. Rhodes: Do we need a motion to add information to the minutes as an attachment? Just consensus okay? Yeah, I thought they were great questions and I thought it was tremendously responsive, good answers that came back from staff.

Mr. Apicella: Absolutely.

Mr. Rhodes: So that'd be great to have that out there and share. Thank you.

Mr. Apicella: That being said, it seems to me that the...

Mr. Gibbons: We don't have to vote on it then?

Mr. Rhodes: Our Parliamentarian said consensus worked.

Mr. Apicella: It seemed to me in reviewing the staff package that they've essentially incorporated all the items that the Board wanted us to make changes to the existing ordinance. So the only real... assuming that we were amenable to those changes, the only real question before us besides that is what should be the designated receiving area, whether it's option A or option B? I just kind of through that on the table as something we might want to discuss.

Mr. Rhodes: Comments? Thoughts?

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Mrs. Baker: Just... go ahead Mr. Harvey.

Mr. Harvey: Specifically, Mr. Chairman, the Board referred option B so if the Commission wants to pursue option A, you would have to take that up as...

Mr. Rhodes: Additional advertisement?

Mr. Harvey: Yes.

Mr. Rhodes: Okay. Fair; so if there are strong feelings about option A, we could do it as an additional public hearing advertisement, along those lines. Please Mr. Coen.

Mr. Coen: And then that gets to my email today, or the other day, to Kathy which the difference in large part between A and B is just a handful of parcels on the other side of 95 in A that aren't in B. And so, it's not...

Mr. Rhodes: A big difference.

Mr. Coen: I mean, right, it's not that great of a difference between the two options. So, I just didn't see much of a reason why A was A, because it just wasn't that big of a deal.

Mr. Rhodes: Okay. Other comments?

Mr. Gibbons: Yeah, Mr. Chairman, I'll just finally... I can't come to grips with this. I love the program and I think it's a great asset, but to take away the right of the local governing body to say what option could be done for that land once it's been severed I think is... it's just not basically right.

Mr. Apicella: But that could be something that you could add to our legislative agenda package potentially.

Mr. Rhodes: Just to confirm... I'm sorry, I'm now confused... did we come up with the remaining residual uses? Was that our option to come up with those? Could we have come up with a more restrictive list originally?

Ms. McClendon: Mr. Chairman, the State Code lists four options of what can be included. Residual uses do not have to be allowed and then the County can adopt none of those uses up to the four that are included.

Mr. Rhodes: Okay.

Ms. McClendon: So, our current code has four of them. And actually, if you remember, the campground use was added as part of a legislative initiative from two years ago.

Mr. Rhodes: So it has to be zero to those four.

Ms. McClendon: That's correct.

Mr. Rhodes: We are limited to those four at most and it can be less. That is our flexibility.

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Ms. McClendon: That is correct.

Mr. Rhodes: Okay.

Mr. Harvey: Mr. Chairman, part of the background discussion about why having residual uses was the fact that there would be someone still owning the underlying rights of the property and the County was hopeful that those property owners would have a vested interest in being stewards of the property rather than abandoning the property. So people could continue to farm, they could continue to have forestry activities on their land.

Mr. Rhodes: Okay. So, here we are. We are at a point of we can defer this if there's more work we need to do on it. We can advertise it for public hearing; we've not been given a lot of latitude. We could add an additional one but, as Mr. Coen said, there's not a tremendous amount of different in the other option that's there. Or we could just take it as is for public hearing, receive those comments, and develop our recommendation forward after that. Other discussion? Desires to make a motion to do something?

Mr. English: I'll make the motion to go ahead and take it to public hearing.

Mr. Rhodes: Okay, a motion to advertise for public hearing, item number 4, Transfer of Development Rights, which is proposed Ordinance O14-26 by Mr. English. Is there a second?

Mrs. Bailey: Second.

Mr. Rhodes: Second by Mrs. Bailey. Further comment Mr. English?

Mr. English: No sir.

Mr. Rhodes: Further comment Mrs. Bailey?

Mrs. Bailey: No.

Mr. Rhodes: Any other member?

Mr. Coen: If I could just ask staff...

Mr. Rhodes: Please Mr. Coen.

Mr. Coen: The campground as one of the residuals. Could you just, for when we come back or just email me your thoughts about whether we could take that out or whether to leave that in. I mean, I understand the farming and the forestry, but I think one of the options was a campground under certain conditions. And so, that might at least go to something (inaudible).

Mr. Apicella: Again, I'm not an expert here, but the term campground is very restrictive. It's not log cabins, it's not trailers; it's really conceivably tents. And there was some legislative action to clarify...

Mr. Harvey: Yes, and specifically requested by Stafford County.

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Ms. McClendon: Mr. Chairman? Excuse me. The Ordinance and the Comp Plan amendment need to go to public hearing.

Mr. Rhodes: Oh, okay, so the motion would need to be modified to advertise for public hearing both the proposed Ordinance and the Comp Plan.

Ms. McClendon: That's correct.

Mr. Rhodes: Okay. If you're amenable to that modification Mr. English and Mrs. Bailey on the second? Very good. So the clarified and modified motion there. Any other comment? All those in favor of the motion to advertise for public hearing the proposed Ordinance O14-26 as well as the Comp Plan signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None; passes 7-0. Very good. A quick update on item number 5, is the Comprehensive Plan amendment and Urban Development Area update which was the subject of a good bit of discussion at our retreat and I will just share... and Mr. Harvey, please add... I do know at the end of the retreat we asked for staff to help develop a little bit of information that Mr. Apicella and I could take forward to the Chair and Vice of the Board of Supervisors to make sure we're on the right track before we dive into a lot of detail. Staff has updated in the last two weeks. They're almost finished with it and Mike Zuraf has actually been sending a lot of communication to give his status. He's pretty close to it. My expectation is as soon as he's finished, Mr. Apicella and I would kind of just package up what we take in but we would expose that to every one of you so you can have clear visibility on what it is we're discussing with them to ask them what's the best means and approach to be able to try and confirm their vector so that we're going in the right direction. So I think that's pretty close but just a couple little things, I think Mike's almost within days of finishing that up. Any further Mr. Harvey?

5. Comprehensive Plan Amendment; Urban Development Areas - Amend the Comprehensive Plan recommendations for Urban Development Areas and targeted growth areas in the County. **(History: Deferred on February 27, 2013 until further information from staff) (Discussed at June 21, 2014 Retreat; waiting for additional information from staff)**

Mr. Harvey: No sir, I believe you've captured it in general terms.

Mr. Rhodes: And I would just share... if you'll allow me to jump... I would just share on the community meetings, because that was also at the retreat, we had talked about just proposing forward and getting a sensing of the Board to their receptivity to some range of requiring community meetings.

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And I think we've got most of that information. The staff is going to finish up like a one page talker that we'll take at the same time. And my expectation is that we would share that with everybody here too so everybody's got clear visibility on what it is we're taking to talk and suggest. There was some talk, does that go to Community Economic Development, you know, where's the best approach? But we'll ask the Board Chair and Vice what's the best approach to get this vector to see how you feel on that. Any further on 7 though I skipped 6 for a second? Okay. And then, Mr. Harvey... well, shoot... item number 6... I want to take over like Kathy. Item number 6 was I was going to work with staff on that with your inputs. We did get an input from Mr. English but I think we've gotten all the inputs so we're working to package those up. Who had that, Susan? Yeah, Susan. So work to package those up and then get it back. But she's got all the input, she's working to kind of package them up and we'll be circling back with those. Any more on that one Mr. Harvey?

6. 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) (Deferred at June 21, 2014 Retreat to Subcommittee)**

Mr. Harvey: No sir. We'll be again packaging them up and then ask the Commission's indulgence for scheduling a hearing.

7. Community Meetings - Discuss requiring community meetings prior to rezoning application submittals. **(History: Discussed at June 21, 2014 Retreat) (Discussed at June 21, 2014 Retreat; Planning Commission to give direction to staff)**

NEW BUSINESS

8. Amendment to the Zoning Ordinance - Proposed Ordinance O14-28 would amend the Zoning Ordinance, Stafford County Code Section 28-58(d), "Historic resource overlay district regulations" regarding exterior painting. The amendment would allow exterior painting, except that on unpainted masonry surfaces, to be deemed minor work, which is subject to approval by the agent or his designee instead of the Architectural Review Board. **(Time Limit: October 7, 2014)**
(Authorize for Public Hearing by: August 13, 2014)
(Potential Public Hearing Date: September 17, 2014)

Mr. Rhodes: Very good. So that takes us to New Business, Amendment to the Zoning Ordinance. Mr. Harvey?

Mr. Harvey: Thank you Mr. Chairman. Mrs. Baker will speak to this one. It deals with our Historic Resource Overlay District.

Mr. Rhodes: It truly is the Kathy show!

Mrs. Baker: I'll be very brief on this one. This is something that the Architectural Review Board did refer or request that this item be considered. So the Board has referred this down to the Planning Commission. Generally, with the Architectural Review Board it considers the Certificate of Appropriateness or COA applications for any changes to the exterior of properties. And the Ordinance currently allows for the agent to consider minor changes. Right now, the minor changes that are allowed

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without going forward to the full board include painting, as long as there's no change in color. And the ARB feels that that's an unnecessary burden because color is considered temporary; it can be changed so it's not a permanent impact on the historic district. So, all this ordinance is doing is modifying the language regarding painting. The ARB would still like to consider Certificate of Appropriateness applications for an adorned paint, if something is coming in such as a masonry wall; they would still like to have some say over that. But anything that's going to be... I'm not specifying that correctly... but the change, as you see in the actual Ordinance, is just regarding the painting and what that's going to be required to go through the full Certificate of Appropriateness. What it will say is, exterior painting except that on unpainted masonry surfaces. So that will still be required to go forward to the ARB. So we are just looking to move this forward to public hearing, unless you all have any issues with that. I'll not that in the staff report and the agenda we must have been using Mr. Rhodes' calendar because I have the date incorrect. The public hearing would be for September 24 and not September 17 if so authorized.

Mr. Rhodes: Questions for staff?

Mr. Gibbons: Mr. Chairman, I make a motion to advertise for public hearing.

Mr. English: Second.

Mr. Rhodes: Okay, a motion to advertise for public hearing item number 8 and a second by Mr. English... motion by Mr. Gibbons. Further comment Mr. Gibbons? Mr. English?

Mr. English: No sir.

Mr. Rhodes: Any other member? All those in favor of the motion to advertise for public hearing the Amendment to the Zoning Ordinance, proposed Ordinance O14-28, signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; passes 7-0. Very good. Item number 9 Mr. Harvey.

9. Comprehensive Plan Amendment; Proffer Guidelines - Amendments to the Stafford County Comprehensive Plan, Chapter 5, "The Public Costs of Growth and Development," to a) include language in Section 5.2.3 in order to further clarify the connection between the CIP and the proposed proffer guidelines, and b) remove the suggested cash proffer amounts for residential units in Section 5.3.2, as the numbers will be updated to correspond with the annual update to the budget and CIP. **(Time Limit: October 12, 2014)**
(Authorize for Public Hearing by: September 10, 2014)

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(Potential Public Hearing Date: October 8, 2014)

Mr. Harvey: Thank you Mr. Chairman. This is a proposed amendment to the Comprehensive Plan regarding proffer guidelines. This is sort of a clean-up measure. Our current Comprehensive Plan has an example of proffer guidelines that were in effect in 2009. This proposed amendment would eliminate that and speak generally to the fact that we will be updating the guidelines on an annual basis as part of the budget process. So this is primarily a text change to the amendment and also would again clarify things so the Comp Plan can continue to be timely and moving forward in the future. So staff would request the Commission authorize a public hearing.

Mr. Rhodes: Okay, questions of Mr. Harvey on item number 9?

Mr. Gibbons: Mr. Chairman, I'll make a motion.

Mr. Coen: Second.

Mr. Rhodes: Motion to advertise for public hearing by Mr. Gibbons, seconded by Mr. Coen. Further comment Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Further comment Mr. Coen?

Mr. Coen: No sir.

Mr. Rhodes: Further comment any other member? Mr. English?

Mr. English: Which date were you looking at, October for the public hearing?

Mr. Rhodes: Yeah, when would you suggest this go for public hearing Mr. Harvey?

Mr. Harvey: I recommend we schedule this for the second meeting in September.

Mr. Rhodes: So this gives us now three public hearings for the second meeting on the 24th, right? Okay, very good. So we advertise for public hearing for the 24th for clarity. Any other discussion?

Mrs. Baker: I'm sorry, I was just going to note we will probably have one land use case also on 9/24 just for your information.

Mr. Rhodes: Okay. A big public hearing day. Okay. All those in favor of the motion to advertise item number 9 for public hearing for September 24 signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

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Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? Very good. We'll move onto Planning Director's Report.

PLANNING DIRECTOR'S REPORT

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

COUNTY ATTORNEY'S REPORT

Mr. Rhodes: Oh my goodness, how'd that happen? Okay, very good. County Attorney's Report.

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

COMMITTEE REPORTS

- Ordinance Definitions
- Airport Compatibility

Mr. Rhodes: Okay, and now we are to the Committee Reports; Airport.

Mr. Apicella: You're up first Mr. Chairman.

Mr. Rhodes: No, it's you.

Mr. Apicella: Yes, the airport subcommittee met last Thursday. Again, I just want to applaud staff. They continue to do an awesome job. They provided a further addition of proposed land use compatibility guidelines. As I said, I thought it was 80% of a finished product. They have some additional tweaks to make based on the conversation that occurred, and we're going to be meeting again on August 25th. And I invite any and all Planning Commission members to attend.

Mr. English: And the next meeting is?

Mr. Apicella: August 25th; I said that.

Mr. Rhodes: And just for clarity, since I did skip over it, ordinance definitions. We've got all the inputs and we'll start packaging those up and getting those back. As far as Chairman's Report, I'd like to just circle back on our one item that we tabled briefly and that was talking about how we might go back to the Board on possibly reconsidering some definitional changes associated with open space. So, if you could just restate your thoughts on that and then we will (inaudible) an approach.

CHAIRMAN'S REPORT

Mr. Apicella: I believe during the course of discussions on various R-1 related cluster subdivisions, several of us had some concerns and pause about the way the open space was allocated on those specific developments. From my vantage point, it (inaudible) that it was scattered throughout the parcel, making

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some lots bigger but really not having a contiguous amount of open space anywhere on the parcel. And as I recall in having conversations about it when we were first considering cluster subdivision changes, we could establish criteria or performance standards beyond just what's in a CUP but really these are the kind of expectations we have when someone comes in to ask for bonus density associated with a cluster subdivision. I think in my view we're not getting the kind of development proposals that I thought we would get. I see some unintended consequences and not a lot of public benefit from the way that these projects are coming forward to justify the bonus density. So, my request of both my Commissioners and ultimately the Board of Supervisors is to ask the Board whether we can revisit the appropriateness of providing bonus density... it's not a requirement... and to the extent that we decide that it is still worthwhile, that we establish some criteria or performance standards on how open space should be designated on a parcel.

Mr. Rhodes: Okay, so with that suggestion I would submit there's kind of a two part action; one is confirming consensus or desire of all the Commissioners, and then second, if there is consensus and desire to see what that would be in talking with Mr. Harvey thoughts on what's the best approach to try and turn that to the Board as a question. So, on the first part, thoughts or reactions to the suggestion Mr. Apicella has on going back to the Board in some manner, fashion, form to reconsider the need or desire to offer the bonus density? Mr. Coen.

Mr. Coen: Well, as long as Mr. Apicella and I think a couple other members, I've been rather vocal about the difference between the spirit of this concept versus the letter of it. And so I agree with him. I think it'd be beneficial for us to go back and look at that and revisit it. So I support his idea.

Mr. Rhodes: Other thoughts? Anyone vehemently opposed? Okay, then maybe that's the way to go. So, Mr. Harvey, thoughts on the best approaches? We might go back to... I don't know if it's simply if staff can try and figure out how to capture that intent in something in a coherent and intelligent manner... not that it wasn't spoken in an intelligent manner... but captured in written form and intelligent manner and then they could come back to us and we could all just confirm and then we would vote to send that back to the Board? Or other thoughts?

Mr. Harvey: Staff would be glad to put together a proposal that would outline the Commission's... what we perceive as the Commission's position. If you all concur then that would be something we could have communicated to the Board.

Mr. Rhodes: Okay. Does that sound okay? Awesome. Thank you very much Jeff, thank you for doing that... and staff. I have no other items. Please Mr. Gibbons.

Mr. Gibbons: I attended the annual Planning Conference up in Wintergreen. And Jeff couldn't make it but three of the staff made it. They did an excellent job. So tonight, when you go home and your email, Ms. Hornung sent the legislative package that they briefed on. And it was very, very lengthy and very involved. So, Jeff, I'd like to know how we, as Commissioners, try to come up with to feed into this program here, our thoughts and processes, so when we go to the Board that we get... You've got a very strong organization there and I don't know how to feedback. How do you feed into that program? I'm not aware of it.

Mr. Harvey: Well, Mr. Gibbons, currently Stafford County Government doesn't have a direct feed into the Virginia APA lobbying position. We do have some staff members, like Ms. Hornung, who's on your legislative committee and monitors what's going on at the State Legislature and provides some input from our experiences. But any official legislative position from Stafford County comes from the

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Board of Supervisors. So any official position that's being requested probably should float from the Commission to the Board.

Mr. Gibbons: When I was on the BZA with Steven, we had an annual meeting with Dr. Campbell and everything and we went over all the legislative issues at best. But I don't see the Commissions doing that. That's what I miss this year.

Mr. Rhodes: More as an informative recap?

Mr. Gibbons: Well, you know, the legislature comes in and then they would sit down and tell us what affect it had. That's what they did up at Wintergreen and it was like a two hour meeting and it was very comprehensive. And I just thought that that's a great tool for Planning Commissions to have.

Mr. Rhodes: Okay. Maybe we can think about how we might get a more comprehensive fashion. You said that's going to be forwarded out tonight what was presented (inaudible).

Mr. Gibbons: Yeah, it's in an email.

Mr. Rhodes: Okay, we can think about it for a future reference.

Mr. Gibbons: But it's kind of confusing because we have a FAMPO rep that's there. They have a legislative (inaudible) but there's no comprehensive thing that comes back to a Commissioner and says here's the legislative package, here's what the impact is and what has to be changed. And I don't see the Board getting that but I know that VACO does that as part of their annual retreat.

Mr. Harvey: Mr. Gibbons, the County does have consultants that help us out with our legislative initiatives and they do make a presentation to the Board after the end of the session to update the Board on what legislation passed and what the potential concerns are from the County's vantage point.

Mr. Gibbons: Maybe we could be part of that when they do the brief?

Mr. Harvey: I can ask the Board... or ask the County Administrator if that's a possibility. They may have to require permission from the Board in order to have a special briefing with the Commission. Or, of course, that's during a regular Board meeting so certainly any Commissioner can attend.

Mr. Gibbons: Thank you.

Mr. Rhodes: Good idea. Thanks for sharing that Mr. Gibbons. TRC information. Does everybody have what they need for the 27th? You got it? You know your times? You know your stuff? No problems? Wonderful. I'd entertain a motion for approval of the June 11 minutes.

OTHER BUSINESS

10. TRC Information - August 27, 2014

APPROVAL OF MINUTES

June 11, 2014

*Planning Commission Minutes
August 13, 2014*

Mr. Gibbons: So moved.

Mr. Rhodes: Motion to approve June 11 minutes by Mr. Gibbons. Is there a second?

Mrs. Bailey: Second.

Mr. Rhodes: Second by Mrs. Bailey. Further comment Mr. Gibbons? Further comment Mrs. Bailey? Any other member? I will abstain; I was absent that day I'm pretty sure.

Mr. Coen: I will likewise.

Mr. Rhodes: Very good. So, all those in favor of the motion to approve the June 11 minutes signify by saying aye.

Mr. Apicella: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: I believe that was 5. Any opposed? I believe that's zero; two abstentions. I'd entertain a motion for the approval of June 25 minutes.

June 25, 2014

Mr. Coen: So moved.

Mr. Rhodes: As moved by three different people but we'll give it to Mr. Coen, he was loudest. Is there a second?

Mr. English: Second.

Mr. Rhodes: Any further comment Mr. Coen? Mr. English? Any other member? All those in favor of the motion to approve the June 25 minutes signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

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Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. Very good. Did we miss anything folks? Do we want to make up anything and just stall and stay later? Okay. We are adjourned. Thank you all very much.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:03 p.m.

Stafford County Planning Commission Minutes

August 13, 2014

Attachment

1. While there is Stafford TDR ordinance in place, the county still needs to approve Comp Plan changes (including Map designating the specific Sending and Receiving area locations) for the TDR program to become effective.

Correct. The current TDR Ordinance is not functional. Sending and Receiving Areas have not been identified. The ordinance refers to the maps in the Comp Plan. The ordinance also includes adding the B-3 zone as a receiving zone in the Receiving Area. The ordinance amendment allows for severance of development rights in Crow's Nest Harbour. These ordinance changes are necessary to have a functional program as requested by the Board of Supervisors.

2. In its referral to the PC, did the BOS give the PC specific or wide-latitude in reviewing the existing TDR ordinance and making changes to such ordinance?

The referral is specific. The Planning Commission does not have a wide latitude to make changes. The Planning Commission must hold a hearing and act on the proposal as referred. The Planning Commission always has the option of developing its own recommendations for ordinances and Comprehensive Plan Amendments.

3. While staff have identified roughly 1500 potential development units, based on the proposed Sending Area boundaries, please clarify how Steep Slopes, Hydric Soils, and other deductions are taken into consideration and may reduce the total number of DUs.

The estimated number of potential sending units (development rights) was calculated by applying county-wide lot yields by zoning of approved subdivision plans. In order to determine the actual number of development rights for an individual property, the owner would need to submit a determination of development rights application to the department of planning and zoning. In evaluating the request, sec 28-359 of the zoning ordinance requires deduction of the following areas from the gross acreage - already in conservation easements or have had severed development rights, road rights-of-way or 5 percent of the total tract if there is no public street frontage, hydric soils and slopes exceeding 25 percent. The resulting net area is then compared the minimum lot size requirements for the existing zoning district (A-1 or A-2). The resulting number is obtained and any existing residences is deducted from the number to get the final number of development rights for the property.

TDR Sending Area

Zoning	Area	Unit	Avg Lot Size	Development Rights
A-1	2,977	acres	4.2	712
A-2	892	acres	2.1	431
Crows Nest Harbor	347	lots	-	347
			TOTAL	1,490

4. The TDR program provides for a 1-1 exchange where the existing by-right development unit is transferred from the designated Sending Area to the Designated Receiving Area. While the transfer increases the by-right DU yield in the Receiving Area, it decreases the by-right DU yield in the Sending area by a commensurate amount. The program, however, does NOT increase the overall number of by-

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right lots in Stafford County. So will the county actually be adversely financially impacted by transferring by-right development units from a Sending Area to a Receiving Area?

There is a 1-1 exchange of development rights. The severed development rights from the sending area could equate to either one dwelling unit or could be converted to 3,000 square feet of commercial space. In theory, there could be a reduction in the total number of dwelling units constructed in the County if TDR is implemented. The reduction would occur if transferred development rights are converted to commercial square footage. Commercial uses tend to generate fewer demands on county services than residential uses. Staff cannot comment on financial impacts at this point since the TDR program is not operational and in effect.

5. BOS members raised concern that property owners in the designated Sending area(s) may choose to release only some of their development rights, leaving some potential for residential growth in the Sending Area on parcels they own that are not entered into the TDR Program. In reading the State Code, where property owner participation is voluntary, can the County require owners in Sending Area to release all of their DUs to participate vice such owners being allowed to sell all, some or none of their DUs.

Sec 28-360 of the zoning ordinance speaks to situations where a property owner retains a portion of the development rights. The County and State codes do not have provisions for a locality to mandate that all development rights be severed from a property. However, that option is available on a voluntary basis.

6. Does the language on residual uses in the current TDR Ordinance (Agriculture, Forestry, Camping, Campgrounds) come directly from the State Code? How do these residual uses compare with what is allowable under the County's PDR program?

The PDR policy recommends limitation on division, residential construction, and commercial and industrial uses to ensure that the Property will remain perpetually available for agriculture, livestock production, forest, or open-space use, (including historic/scenic protection/passive recreation). Does not encourage public access.

Allows 1 single family dwelling per 100 acres

Allows non-residential buildings in the aggregate not exceeding 2,500 square feet

Allows buildings for farm use up to 4,500 square feet

Recommends collective building footprint of 1% of total area

7. Again, since the state code indicates property owner participation is voluntary, and authorizes residual uses on Sending parcels where the DUs have been severed, can the county require such property owners to sell or donate their parcels (w/o DUs) to another party (e.g., a conservation agency) as a condition of participating in the TDR program?

No. The State Code does not allow localities to impose such condition of approval. Such a mandatory provision may be counter-productive in cases where the land to be preserved is active farmland. Most conservation organizations are focused on land preservation rather than managing the business aspects of a farm.

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8. There was concern about a trailer park, near the Courthouse, being included in and adversely affected by the TDR program. Is this still possible with the proposed changes?

No. A previous version of the program identified the R-4, Manufactured Home zoning district as a potential receiving zone. That is not part of the current program as proposed.

9. Where there any other issues/concerns raised by BOS members at their October 15, 2003 meeting that we should be aware of and further discuss.

Staff is not aware of any other issues as described in the minutes referenced below.

Free Lance Star Article: October 16, 2013

<http://news.fredericksburg.com/staffordnews/2013/10/16/tdr-program-dies-tuesday/>

Stafford BOS Minutes: October 15, 2013 (See pages 34-35)

<http://www.staffordcountyva.gov/ArchiveCenter/ViewFile/Item/1877>

Stafford PC TDR Agenda Item, August 13, 2014

<http://plancomm.stafford.va.us/2014/08132014/Item4.pdf>