

STAFFORD COUNTY PLANNING COMMISSION MINUTES
October 22, 2014

The meeting of the Stafford County Planning Commission of Wednesday, October 22, 2014, was called to order at 6:30 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

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

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Are there any Declarations of Disqualification for any item on the agenda this evening?

Mr. Gibbons: Yes.

Mr. Rhodes: Yes Mr. Gibbons.

Mr. Gibbons: Item number 1, I did meet with the applicant.

Mr. Rhodes: Okay, thank you. Mrs. Bailey?

Mrs. Bailey: Yes, Mr. Chairman, in regards to item number 8 on the agenda, I do want to disclose that my husband is President of a site development company here in Stafford and the applicant is a past client.

Mr. Rhodes: Okay, thank you very much. But no items of disqualification but just some clarifications and notices out there. Thank you very much for those. With that, we'll move onto Public Presentations. If there's anyone that would like to speak on any item except items number 1 and 2, you may come forward and do so at this time. Items number 1 and 2, as public hearings, there will be an opportunity for members of the public to comment on those later on when those are presented. But if anyone would like to speak on any other item other than items 1 and 2, you may come forward and do so at this time. When you do, we would ask that you state your name and your address. As you do that, a light will come on; a green light that will indicate 3 minutes available to you. A yellow light will come on when there's 1 minute remaining. And then a red light will come on at the end and we would ask that you wrap up your comments. So, if anyone would like to come forward to address the Commission as a whole, please do so at this time.

PUBLIC PRESENTATIONS

Ms. Kirkman: Good evening members of the Planning Commission. Here we are again. My name is Cecelia Kirkman. And Save Crow's Nest did forward to you all today, and I believe Mr. Harvey has been kind enough to also provide copies of a letter we sent to you recommending some changes to the Ordinance as you all move forward with the process. You did get your 60 day extension. Throughout... you know, I was counting up... I think, if I'm correct, this is the sixth time that TDR has been in front of the Planning Commission. I know when I was on the Commission, they were before me at least twice and it's been through the Commission several times since then. And in every single version, it's had the

*Planning Commission Minutes
October 22, 2014*

same problem when it comes to Save Crow... when it comes to Crow's Nest, which is that the way the Ordinance is currently structured, it would allow the property owners in there, the large corporate owners, to put the undevelopable lots into TDR and reserve the buildable lots for development; which, in essence, creates a taxpayer-funded estate property with private amenities. And we are fundamentally opposed to that. Additionally, there is no mechanism in the current Ordinance to get the properties transferred over into the Crow's Nest Natural Area Preserve, which everyone has said ultimately is the goal. The fact that it's been through to the Planning Commission now six times, I think, is a sign of just how difficult and controversial this has been. And last night Supervisor Thomas suggested that maybe it's time to just start all over again with an entirely different area of the County; perhaps something in Hartwood or something in the George Washington District. Maybe something that's smaller, that's already got a built... I mean, an improved but not yet built subdivision where you know exactly how many development rights there will be, that's not as controversial. I remember Planning Commission Hazard also suggested that perhaps Crow's Nest Harbour ought to be taken out of the sending area. And maybe it's time to take the controversy out of this, try it somewhere where we know it'll work, and then figure out the specifics for Crow's Nest Harbour and find a way to do that. Thank you very much.

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

Ms. Stevens: Good evening. I'm Peggy Stevens, Executive Director of the Northern Virginia Conservation Trust. I'm just here to say that I'm here this evening. I know that the Trust has sent you today some updated comments to augment the proposal that we submitted to you a couple of weeks ago. And if there are any questions, the Trust stands ready to work with you and members of the staff. Thank you.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to speak? Seeing no one coming forward, I'll close... we'll move on from the Public Presentation portion and move onto Public Hearings. First item for Public Hearings is item number 1, CUP14150319, the Conditional Use Permit for North Stafford Office Complex Retail Food Store. Mr. Harvey.

PUBLIC HEARINGS

1. CUP14150319; Conditional Use Permit – North Stafford Office Complex Retail Food Store - A request for a Conditional Use Permit (CUP) to allow a drive-through facility within the HC, Highway Corridor Overlay Zoning District. The drive-through facility is proposed for a retail food store on a portion of Assessor's Parcels 19-31A, 19-31B, 19-31C, and 19-32, consisting of 5.22 acres, located on the south side of Garrisonville Road approximately 1,000 feet east of Furnace Road, within the Rock Hill Election District. **(Time Limit: January 20, 2015)**

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

Mr. Rhodes: Hello Mike.

Mr. Zuraf: Good evening. Mike Zuraf, the Planning and Zoning Department. If I could have the computer please? This item 1 is a Conditional Use Permit request for the North Stafford Office Complex, specifically for a retail food store drive-through. This item is a request for a use permit for a drive-through facility within the HC, Highway Corridor Overlay Zoning District. This specific zoning district in place is B-2, Urban Commercial. It's on a portion of several properties within the complex over a 5.22 acre area. The applicant is Furn 610, LLC. The location and zoning of the site, the site's

*Planning Commission Minutes
October 22, 2014*

highlighted in red, it's on the south side of Garrisonville Road, approximately 1,000 feet east of Furnace Road. You can see the shading depicts the zoning districts in this area. The site itself and the surrounding property that makes up the complex is B-2, Urban Commercial. You have some R-1, Suburban Residential property that surrounds the site to the south and east and then other A-1 property on the opposite side of the site across from Garrisonville Road. The zoning history of the site; the site was zoned from A-1 to B-2 in 2004 proffers. The original development scheme called for and reflected a planned office complex with some retail. No development occurred since that 2004 rezoning. Earlier in year a proffer amendment occurred to modify pad site locations, some of the development requirements and that ultimately allowed for development of a Sheetz vehicle fueling station and other commercial uses. The existing conditions; the site itself is undeveloped currently. It has rolling terrain, primarily open fields, a few areas of tree cover. There is a 100-foot critical resource protection area on the southwest corner of the property where there is a perennial stream, and then 100-year floodplain associated with that as well. The General Development Plan shows that the site will have two access points. Both of them will be internal travelways. The first access point is the main entrance, which... yes, in that location. The second access point would go off to the west and provide access off of Furnace Road in the westerly direction. The main access point would be an un-signalized access point onto Garrisonville Road and un-signalized point onto Furnace Road. The General Development Plan shows the approximately 41,000 square foot single-story retail building. It's set back from the main corridor behind a row of commercial pad sites that are yet to be developed and there's a drive aisle that surrounds the building to provide access to loading areas to the rear of the site. The drive-through window is located on the northwest corner where the arrow is pointing, northwest corner of the site. There are two stacking lanes identified up to that window, each 75 feet in length, in accordance with the zoning ordinance, and vehicles would enter the stacking lanes from the main drive aisle in front of the store. Looking at transportation issues; the drive-through facility itself doesn't trigger the need for a traffic impact assessment, but the applicant did prepare one at this point. It kind of went along with the overall complex. So the traffic study looked at the overall development of the site and the overall total impacts. That included a total of up to 8,800 vehicles per day, if you incorporated internal trip and pass by trip reductions the total number of vehicle trips would be reduced down to 3,900 vehicle trips per day. The red circles highlight the intersections that were studied. You have several intersections along Garrisonville Road that were looked at, and they go all the way from Furnace Road down to the intersection of Garrisonville with Patton Drive and the church, a place of worship, across the street and then two intersections along Furnace Road. The finding show that most of the intersections operate at acceptable levels of service better than C, which is consistent with comp plan policies, that intersections maintain a level of service C or better. They did look at specific turning movements, the main intersection into where the retails food store would be located off of Garrisonville Road, did identify that left turn movements out of the site would deteriorate to a level of service F, because it's an un-signalized intersection. The study did include a warrant study to see if a traffic signal would be needed, and the study determined that a traffic signal is not warranted and VDOT did review this study and had no comments or concerns regarding that warrant signal study.

Mr. English: Mike?

Mr. Zuraf: Yes.

Mr. English: Can you go back? Right there where the A entrance is and then you got the Sheetz up here, the B entrance. How come they can't be merged together and be one entrance instead of two?

Mr. Zuraf: I think between those two entrances will be another pad site for some other commercial use and...

Planning Commission Minutes
October 22, 2014

Mr. English: But they still couldn't combine it all into one entrance instead of two?

Mr. Zuraf: They might be able to, but that might make that intersection more of a problem as opposed to spreading the traffic out among those two access points since Furnace Road itself isn't going to have these levels of traffic like Garrisonville Road does.

Mr. English: So what's the distance between entrance A and B? What's the distance in there?

Mr. Zuraf: I would have to check that out. I'm not positive. It's like a few hundred feet, just by eyeballing it.

Mr. English: Okay.

Mr. Zuraf: Okay. Now looking at the drive-through facility itself, staff notes in looking at this, that the location of the drive-through facility is in an appropriate location. It's on the opposite side of the building from the adjacent residential uses on High Street, so that would help to mitigate noise and visual impacts that might go along with the drive-through facility.

Mr. Coen: Mike, and this is one question I have... well, I have lots of questions, but it just, I was curious, wouldn't the sound effects and the noise from 18-wheelers coming to make deliveries be a little bit more and a little louder than residential cars going and stopping and picking up prescriptions? I mean, it seems that we're putting the things that are going to be louder next to the neighbors and the things that aren't going to be loud up near what may be another business.

Mr. Zuraf: Trucks would probably have a greater noise impact. The current plan, they have the traffic pattern for the trucks to circle the building entirely so they have kind of a one way route around the building, so the trucks are going to be circling the buildings entirely. I'm not certain if the applicant looked into whether the trucks traffic, trucks could access the site all on one side. I think it's easier for the trucks when they can have that full movement around the building.

Mr. Coen: My Giant, down on Town and Country, they have sort of the same set up, now we only have one window, rather than the two windows, but where you would come in off theoretically the road up on the top there, which would actually lead to Town and Country Drive, you'd come down and where it says drive-through canopy you would actually be going the other way and you make the U-turn and come up and face the other traffic and I noticed in your report, or the staff report had mentioned there was concern of traffic backing up if it's going in the direction they have it. So was there any thought given to changing that aspect, so if there is an actual back-up it would be going back towards the rear of the building and looping around and not jutting out into where there are parking spaces?

Mr. Zuraf: Yes, staff did send a few different options to the applicant to consider. And they did, at the time, mention that they wanted to try to keep the one way traffic pattern around the building in this direction. Since I've received those comments from you, I did share that with the applicant and I think they might be able to... they're aware of this thought and they may be able to provide you some more feedback when they come up.

Mr. Coen: Thank you.

*Planning Commission Minutes
October 22, 2014*

Mr. Apicella: I'm sorry, while we're on this issue of the drive-through in this location and the movement of vehicles around the drive-through area, what is the intended purpose of what looks like a Cul-de-Sac?

Mr. Zuraf: That likely is a truck turn-around.

Mr. Apicella: Could that not also be a car turn around?

Mr. Zuraf: It can.

Mr. Apicella: You know, my concern is, you've got potentially two F-250s in two lanes trying to make a U-turn at about the same time, I just see that being problematic. Trying to squeeze some big vehicles into that small area and ensuring movements and not having accidents, this causes me some concern when I see this configuration, what other options there might be to alleviate that problem.

Mr. Zuraf: Yes, that's one of the options we did send them, was to direct the traffic all the way to the back and have them turn back there. And yes, we did have a concern about that too, with trucks and larger vehicles not being able to make that U-turn. We added in a proposed condition to maintain the one-way traffic, so that you're really likely going to be limited to just delivery trucks or delivery vehicles using this road, so there might be fewer conflicts, because it's not a cut-through to anything, other than loading areas, so that would hopefully minimize the potential conflicts that might occur.

Mr. Apicella: Alternatively, is it just not conceivable that cars that are going through the pharmacy lanes just continue to circle around the building, all the way around, what stops that from happening?

Mr. Zuraf: They could.

Mr. Apicella: Can you go back up a couple of slides? One more I think. So again, you're in those pharmacy lanes, I call them, I don't know what this rectangular thing is on this GDP as you go down, but part of the building seems to jut out, there seems to be something blocking the travel lane. I don't know what that is, but it just seems to me that somehow, somehow you should be able to have cars circulating all the way around the building in coming out.

Mr. Zuraf: That might just be a concrete surface. Trucks and vehicles can circle all the way around, that's not a...

Mr. Apicella: So if they can circle that way around, they can obviously circle around the other ways, is kind of what you're saying?

Mr. Zuraf: Right.

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

Mr. Apicella: But it's not intended for the vehicles that are in the pharmacy to go around that other way. It seems to me that what's intended is that those vehicles would do a U-turn.

Mr. English: Also, where is the loading dock to this? Is this the loading dock?

Mr. Zuraf: Yes.

*Planning Commission Minutes
October 22, 2014*

Mr. English: So the truck is just going to back up to the side?

Mr. Zuraf: Yes, and that might be part of the reason why it's one way in the direction that it's shown, but again, you might want to have the applicants explain some of the purposes for the direction, the traffic in that direction. Some other points, just as far as the drive-through facility goes, pointing out the main intent for requiring the use permit for drive-through in the Highway Corridor is to really look at what the impacts of the drive-through are on the main corridor highway to kind of prevent vehicles stacking back out onto the main road. The location of this site and this drive-through it's just barely into the highway corridor, so they kind of fall into this requirement. The location is not going to have any impact on the corridor highway. Other issues we note that according to the application this is intended for a pharmacy related to the store, which generally generates less vehicle stacking than, say, a fast food restaurant or a bank, but there could always be a potential that more intense uses could arise through that drive-through facility, and which may result in greater traffic impacts later. Moving on to the proposed conditions. We've already kind of talked about some of the potential concerns staff had with the traffic circulation and so two of the proposed conditions to alert drivers of the traffic pattern and minimize vehicle conflicts would be to provide pavement striping and signage to direct customers leaving the drive-through to make a U-turn as shown on the GDP also to limit the traffic pattern to one-way traffic on that north-west side of the building where the drive-through is located. Other proposed conditions are some of the more standard conditions are some of the more standard conditions we might have for this type of use, ensuring that the design of the drive-through minimizes impacts to residential uses, minimizes headlight glare onto state maintained roads, doesn't impede traffic circulation, and minimizes lighting impacts, also requiring the buildings to be designed and consistent with the comprehensive plan. This afternoon I did receive a building elevation, which I will show you in a moment, for this food store. And then also that landscape materials will not be displayed or stored in the parking lot area. Storage sheds will not be permitted in the parking lot area for seasonal sales, and then our standard condition regarding the prohibition of carnival style banners, balloons, and other attention getting devices. Here is the building design that was provided to us this afternoon. The top image is the front view of the store. You can see on the right hand side is where the drive-through would be located, and then the lower image is the side view of the building, and you can see where it says signage, is where the drive-through window would be located. And you can see the loading bays to the back of the building. With the overall evaluation staff believes this is in conformance with the comprehensive plan recommendations consistent with the established and proposed development patterns, and conditions are to intend to mitigate the impacts to the surrounding properties. As a negative, the potential internal traffic conflict due to the configuration of the drive-through lanes, and overall the staff is generally supportive of the application with the proposed conditions, the project benefits do outweigh the negatives and do request the Planning Commission consider the concerns regarding the configuration of the drive-through lanes.

Mr. Rhodes: Okay, further questions for staff? For the applicant? Mr. Gibbons, please.

Mr. Gibbons: I talked to the applicant and I thought he was going proffer the core drilling (inaudible - microphone not on), so when he comes forward if he could do that. In other words, the state doesn't require it right now, but it might in the future. So I wanted all the conduits drilled underneath there so if we ever do have a light on that turn off 610.

Mr. Rhodes: Okay, thank you. Other comments?

Mr. Apicella: Mr. Chairman, so, just again so I have some perspective here, they can do a food store by-right, and they can have a pharmacy without a drive-through by-right?

*Planning Commission Minutes
October 22, 2014*

Mr. Zuraf: Correct.

Mr. Apicella: Similar to the target pharmacy up on Warrenton Road. That is just simply a pharmacy within the structure. You mentioned, and I just want to reemphasize it, the request is to allow a drive-through facility, it's not specific to a pharmacy. So that could change and the impact or amount of traffic volume without it being part of the condition could exponentially increase, depending on what that ends up being?

Mr. Zuraf: Correct.

Mr. Apicella: Would you recommend, as part of the CUP, limiting it to, I mean the request is for a pharmacy drive-through, not a food or restaurant drive-through, which could happen, right?

Mr. Zuraf: Right. It could. Well, you might want to...

Mr. Harvey: Mr. Apicella, I would point out though, based on this configuration there would only be one window inside the building, so the other drive-through lane would either have to be closed or have some other use because it uses a pneumatic tube. I'm not aware of pneumatic tubes being used for food distribution or other services. Usually they're dealing with light weight paper.

Mr. Apicella: Are they actually proffering the GDP?

Mr. Harvey: Well, this is a conditional use permit, so the conditions can be imposed by the County with regard to the GDP.

Mr. Apicella: I'm not following you on that pneumatic tube. Where is that?

Mr. Harvey: I was just commenting about the intensity of the future use, if it converted, that it may be limited right now based on this current configuration as far as the activities that can occur in especially that second drive-through lane.

Mr. Apicella: Well, McDonald's has one drive-through in many cases, so, again, and you could put a McDonald's in a food store, right? One of the issues that was raised, I think it was by VDOT or the staff was resulting level of service down to an F, is that still a concern?

Mr. Zuraf: Well, I mean it's, kind of it is, but it's also really a tribute to the overall larger project and the focus of this request is for the drive-through and the drive-through window itself is not contributing that much traffic that it's causing that level of service F.

Mr. Apicella: So, with that in mind in the context of VDOT's October 14, 2014 letter, is it in regards to the larger potential project versus this specific CUP?

Mr. Zuraf: It is.

Mr. Apicella: So how did those issues get resolved in the absence of trying to deal with those now? I just note that they indicated they had insufficient information, they recommended changes and fixes, it's not clear if and how those issues have been resolved.

*Planning Commission Minutes
October 22, 2014*

Mr. Zuraf: One way would be to wait until the issues are addressed by the applicant as far as responding to some of the comments that VDOT provided. They suggested reevaluating the Furnace Road – Garrisonville Road intersection because they envision that traffic might move over to that intersection if the delay is so great here at this access point. So that could be one way to wait until the study is fully evaluated.

Mr. Apicella: Thank you.

Mr. Rhodes: Other questions for staff? Thanks Mike. Applicant please.

Mr. Hornung: Good evening, Mr. Chairman and members of the Commission. My name is Chris Hornung. I'm Vice-President of Planning and Engineering for the Silver Companies. The Furnace610 LLC is an entity that includes members of the Silver Companies in it, so we will basically be developing the project. Couple of comments, Mike did a good job explaining the main issues, couple of things I want to mention, we're more than happy to limit the CUP to a pharmacy drive-through, if that's what would help alleviate the concern. That's the whole purpose for it, and we would not have an issue if that's what the Commission wanted to request. On the level of service and the signals on 610, we would love to have a signal on Route 610. For a commercial shopping center signals are good to have in a shopping center. The comments we got from VDOT was with this use and with the development that's anticipated, they felt that it did not meet the warrants for a signal. We're more than happy to put in the conduits and actually the underlying proffers for this project state that a signal will be installed by the applicant, once it's warranted. So regardless of this CUP, there is a proffer that requires the signal be put in when it's warranted. So as traffic increases, when it meets the warrants, it'll be put in. Wanted to make a comment on the level of service F. In addition to looking at intersections for warrants, every single movement is analyzed by VDOT, and one of those movements, that left turn coming out, at peak hours goes to a level of service F. That doesn't mean that all day long people sit there for a minute, waiting to get out. It's at certain peak hour times. At those times, until the signal is put in, typically what people do is, they'll find other ways out, if that is clogged up. But like I said, as soon as it hits warrants, we would like to have the signal in. It's actually part of our agreement with the tenant we're working with, that we will pay for a signal at such time it is warranted by VDOT. Most of the conflict concerns with the entrance to this drive-through, I wanted to mention that those are in areas that are outside and beyond of the required stacking lanes for the county. The county requires 150 feet of stacking for drive-throughs. So the conflicts, some of the concerns that we've heard with it, are that it'll back up beyond that area. This particular grocery... their typical store has a 75-foot drive-through. The Giant at Town & Country has a 75-foot drive-through. We have two 75-foot drive-throughs in this location, because that's the county requirements. So we feel it is more than what's required. That's why we have that second lane through there. That's why they added the pneumatic tube. We feel it will operate efficiently and it won't back up into the lane, but some of the other comments that we heard, I think, are good comments. We have looked at changing directions and allowing people to go around the building. We're more than happy to widen on the top side of the...as you're coming out of the drive-through, you commented about a larger F150, we can look at a turning radius to make sure that if the area needs to be widened for someone to make that U-turn they can. The biggest concern that the tenant has is, they really would prefer that the loading areas stay for loading areas. The more you invite people to drive around back, they come in conflict with vehicles that are making deliveries, that once they're in that loading area typically they try to minimize, that's why you don't see any parking, there's no employee parking back there, and it's designed to basically be for service providers. We have agreed to put a fairly significant buffer along the property line, which I guess would be our eastern property line, with a board on board fence, that was part of the proffers for the project. That, we believe, will help reduce the noise impacts. This property is actually below, there will be a retaining wall and a fence, so

*Planning Commission Minutes
October 22, 2014*

that the houses that are coming off of High Street are going to be located roughly about 20 feet above the grade of this store and they'll have, I think it's a 6-foot or 8-foot fence as well, that is landscaped with a double row of evergreen trees up on the top to help minimize the noise. The site plan for this project is already under review. The food store is by-right use. The pharmacy is by-right. They would like to have the drive-through, because it's convenient. A lot of people would prefer to do that. We looked at the possibility of reversing, as in Town & Country, reversing the drive-through so people sort of circle around. The main challenge is that it puts the window... it means that you have two pneumatic tubes, which I think Giant has a pneumatic tube, I don't know if they have a window for the passenger side, which they do prefer to have a window with an attendant to be able to hand to certain folks. So they're not real crazy about having two tubes and no window. But if the Commission feels strong about that, we can look at the possibility of coming up with some options and see if the tenant is willing to agree to those. Let's see here. That's really all I had. I'm happy to answer questions. I hope I answered the ones that were proposed, and if not, I'm happy to answer any more.

Mr. Rhodes: There was a discussion on something Mr. Gibbons had brought up.

Mr. Gibbons: Yeah, a meeting (inaudible - microphone not on), he addressed that. (Inaudible - microphone not on.)

Mr. Rhodes: So you did say it. I'm sorry, I missed that. I apologize.

Mr. Hornung: I did, but to his particular question, we are willing to agree that when this infrastructure is done we will go ahead and bore the roads so we don't have to tear it up. I mean, if we're going to put it in, it'll cost us a lot more to do it any other way. So that's typically what we do.

Mr. Gibbons: The other thing is, are you willing to proffer to widen it if necessary?

Mr. Hornung: Widen the...?

Mr. Rhodes: The radius in the area on the west side.

Mr. Hornung: Yes, we'll run an auto-turn on it and work with staff to show that, you know, I don't want to do it for a party-van or a party-bus, or a limo, but a normal vehicle, or a large 20-foot, I don't know what the biggest... you probably get them 18-20 feet long nowadays, but we'll run an auto-turn on that and make the corrections to the lane.

Mrs. Bailey: Mr. Chairman?

Mr. Rhodes: Yes, please Mrs. Bailey.

Mrs. Bailey: I do have a quick question there. In regards to the proposed traffic pattern for the delivery vehicles, what is that... how will that flow through?

Mr. Rhodes: Computer please. Maybe that'll help.

Mrs. Bailey: Because I'm looking at the back of the building and where it looks for the delivery, looks like there might be a conflict close to the turnaround right there.

*Planning Commission Minutes
October 22, 2014*

Mr. Hornung: Essentially what happens is trucks will come in... I don't have a pointer... so, they will come in off of 610... somebody has a mouse. Who's that? Is that you, Jeff? Okay. You would come in, you would make a left, you'd come around and then turn... the first thing where the arrow is right now on the right is a compactor, then as you continue on towards the back, these are the loading docks on the right. The turnaround is so that a truck that's trying to get into the loading dock, if it needs to, can circle around and back in. So that is really for the trucks. They can also turn around and come back out the other way if they need to, but the main traffic pattern was essentially circling the building and then coming out, making a full circle around the site, was the preferred method. Sometimes they may need to pull a truck off and pull it up into one of these loading areas on the opposite side. And in that case you could pull out of the dock and go around the cul-de-sac and stop behind the building.

Mrs. Bailey: So would the truck exit out of the exit lane where the pick-up is?

Mr. Hornung: Yes. The idea was that most of them would do that. A grocery store does have a lot of deliveries, but when you compare it to how often somebody is there for pharmacy versus delivery, it's really a very minimal amount of time you're going to have conflicts. You're probably looking at one car... the speed that pharmacies work, you're getting one car coming out every two minutes maybe and trucks maybe one or two an hour when you're looking at normal delivery times. It will happen that there will be a conflict when that happens, but not to the point where you won't be able to see people coming to be able to adjust.

Mr. Rhodes: Okay. Other questions for...

Mr. English: Yes, the hours of your deliveries, what are they going to be? And I think somebody brought up about why isn't the drive-through on the opposite side because of the noise of tractor-trailers coming in at night or whenever they're coming in. I think that would be a bigger noise than would be that drive-through.

Mr. Hornung: The real reason why it's on this side is because of how it circulates around the building and the need to, if it's on this side, you have the same problem, where you're on the passenger side to pick up your prescriptions, so typically drive-through is on the right-hand side of the building. You can try to rearrange it to do that, but that would require you basically to flip the entire building, which means the front entry of the building is on the other side. The loading then flips to the side, closer to the residential areas and I think you end up with versus a truck driving, you have a truck that's pulling up and backing up in a turnaround. I think it's kind of what's going to be louder. I agree that the loading area is probably going to be louder than the drive-through, but I don't know that the circulation route versus we have the trucks backing up is going to be an appreciable difference.

Mr. English: You know what the hours are going to be for the...

Mr. Hornung: I was going to look at this. There is actually a proffer that limits the hours of operation, delivery hours. I don't know if these were modified. Do you remember that? The original proffers, which I think were modified at a later date, did have delivery hours and it might have been like 7 to 10 or something like that.

Mr. Rhodes: Mike's looking at it. What is the size of the retaining wall on the east side again?

Mr. Hornung: On average, I think it's somewhere in the neighborhood of about 10 to 12 feet, but there's some points where it's a little higher than that and then it peters out as you get further down.

Planning Commission Minutes
October 22, 2014

Mr. Rhodes: While Mr. Zuraf looks at that, are there any other questions for the applicant? Mr. Coen?

Mr. Coen: Yes, a couple of questions. One to tag on to what Mr. English brought up. I mean, if you did flip it, I mean, regardless of where you have the pharmacy, you're going to have at least one tube, so even if you flipped it, you are going to have one tube, regardless on what side. Then if you were to do the Giant way of having them enter, then they would have to go down and they would have the person be on the driver side. So it would be the same thing. It just would mean that they wouldn't pull in the way you're having it. They would just do it a different way. The other issue...two more things. You might want to envision, try to move or do something with that transformer pad, because I think that will impact what Mr. Apicella brought up about larger vehicles turning around if you keep the U-turn. But also, if there's an 18-wheeler coming out of the loading zone and it's going to make the right hand turn, it would help them seeing, knowing, turning, not to have... it's not a large object, but still, you're pulling out of there and all of a sudden there is this big box and an 18-wheeler. I'd be a little freaked out. But that's just something you may want to think about. Lastly, sort of the idea that the 18-wheelers are going to go up into this turnaround and back up into the loading bay anyways, it may well be a way to configure it, and I'm not an architect, but to configure if they came down, the way away from the homeowners, got into that sort of a cul-de-sac thing and could back into it and wouldn't have to go around the whole thing. So I think there is a way to mitigate some of this to try to take the trucks away from the side that have residents. Regardless, even if it's 20 feet up, these people are going to be looking at the top of a building with lights and trucks. Whereas if you put all of it on the other side of building, at least all they're looking at is possibly a canopy and people sitting there and getting pharmacy things.

Mr. Hornung: Just a quick comment on that. The transformer is where it is because an 18-wheeler physically cannot turn and hit that transformer in that location. Otherwise it'll clip the building; if it's in the loading area, when it comes out it swings out and it simply can't hit it. The conflict with a larger vehicle in the drive-through making a U-turn, there is about 80 feet before you get to that transformer and it'll be protected with bollards, as far as hitting it. Is there a better spot for it? You know we can probably... possibly and I'll certainly ask. That's kind of their standard, where they like to locate them, but we'll look into that and then on then on the flipping it around, again, I think the issue is, where is the most noise coming from and from what I understood from you, could you have all the loading on one side and never come around to the other side of the building? I don't think that works from a delivery standpoint, because there are other functions going on that would require a vehicle to circle the building rather than just the well. You know, it could be that three trucks come at the same time and one has to wait. It could be that, you know, you got the loading area in the back that's designed for trucks to make that turn and stop in the back, but I'm happy to study that further. We've had a lot of versions that we worked with staff on and this is the one that we felt had the least impact on the neighbors and still functioned for the operation of the center.

Mr. Rhodes: Mr. Apicella?

Mr. Apicella: Mr. English usually asks this question and I'm sorry if it's already been answered, but where will the trash cans go?

Mr. Hornung: The trash cans?

Mr. Apicella: Yeah... just trying to cover your back, Mr. English.

Mr. Harvey: Computer please.

*Planning Commission Minutes
October 22, 2014*

Mr. Hornung: That's a compactor right here that he has his arrow on, and that's mostly for cardboard products. As far as trash cans... and they generate a lot... as far as trash cans, I believe they'll be at the back of the property, kind of near where that loading area is, the rectangle that you see that looks like it's blocking the travel lane is actually a concrete pad and that's there because trash trucks have a heavier load when they pick up, so it's to protect the asphalt. While I don't exactly where each dumpster is, that's my understanding where they're located. One last thing if I could mention it -- we also did agree with our site plan, that we would provide screening across the back of this property so that even though there is an RPA and wetlands between us and the residential development to the, I guess it would be the south, we would also do evergreen trees across the back and some fencing so you couldn't see the back of that. It would screen as much as possible in the back of that building.

Mr. Rhodes: Other questions for the applicant?

Mr. Gibbons: The agreement that you just said, could you take it and pen and ink a copy of it so we can have it...?

Mr. Rhodes: We could work with staff to add it to the conditions. Other questions for the applicant before we have public comment? Mr. Zuraf, you have any luck there? You're still searching. Okay. We're going to go ahead and open this to public comment. If there's any member of the public that would like to speak on item number 1, on the conditional use permit for North Stafford Office Complex Retail Food Store, you may come forward and do so at this time. When you come forward we ask that you state your name and you address. And a green light will then come on indicating that you have 3 minutes to speak; a yellow light when you have 1 minute remaining; then a red light will come on and we would ask that you conclude your comments. Would anyone like to speak? Okay, we'll close the public comment portion of the public hearing and Mr. Zuraf now has searched the records.

Mr. Zuraf: Yes, the proffer was amended. It now states that deliveries to office and non-retail uses located on the site shall be limited to the hours of 7 a.m. to 9 p.m., so the limitation does not apply to this use.

Mr. Rhodes: To the retail. Okay.

Mr. Gibbons: It does not?

Mr. Zuraf: Does not. It only applies to non-retail and office uses.

Mr. Gibbons: You think you can comply on that one?

Mr. Hornung: I can't agree to limitations without talking to the tenant, because I'm not sure what their hours are. I mean, as you know most people do deliveries that's usually kind of early in the morning. It's not 2 a.m. necessarily, but it's pretty early and I wouldn't want to have to come back to you in six months and say...

Mr. Gibbons: What are the hours in the original proffers?

Mr. Hornung: Seven to nine.

Mr. Rhodes: The change limited it to the non-retail, right?

Planning Commission Minutes
October 22, 2014

Mr. Zuraf: The original proffers applied to all commercial buildings.

Mr. Gibbons: What's the original call for?

Mr. Zuraf: Seven to nine... 7 a.m. to 9 p.m.; same hours.

Mr. Gibbons: Okay, so why wouldn't the original proffer apply to this?

Mr. Hornung: Because that's not the current proffer for the property. There is no current limitation on hours for retail uses in the development for delivery hours.

Mr. Rhodes: Okay, other questions for staff or the applicant? I know we talked about modifying one of the conditions to make the drive-through to be only for sales-related pharmaceutical operations. I know there was discussion about commitments to ensuring the turning radius and where it comes out, if that stays in that same configuration. I don't know where we're at on... Mr. Gibbons?

Mr. Gibbons: And the other was the boring underneath.

Mr. Rhodes: The boring underneath the road, yep. And the landscaping behind the backside of the building, get that formalized into a condition. And those all seem to be agreeable items to have as conditions, non-controversial. What do we want to do at this point?

Mr. Gibbons: I want to defer it until the language gets to the attorney.

Mr. Rhodes: Okay. So, you want to defer this to the next session? Or do you just want to move on on the agenda and give them an opportunity to see if they've got something to present to us?

Mr. Gibbons: (Inaudible).

Mr. Rhodes: Other comments?

Mr. Coen: My only concern sort of is about the hours of delivery, to go to the Mr. English issue that he usually brings up, because we can't get that defined tonight. So, that would still be hanging out there and then you'd be forced to come back again to do something because if it's, as of right now, it could be anything. So I don't know whether we'd want to defer it to the next time so we can get everything settled and neat. I'm just tossing that out there.

Mr. Gibbons: I don't know. Whatever the Commission wants is alright with me. I know that the project is ready to go and the staff made a good decision that 50% was in the HCOD and 50% was out in the... rather than go the legal way, they decided they would go the staff way. And then you can't point the headlights toward the 610 area so they had to redo that to make sure the lights would go back in there. So I too would like to have a better hours of operation, but I guess you can't speak to that tonight then?

Mr. Hornung: The only thing I can say at this point is, it's a by-right use for a grocery store; there's currently no restriction on the hours. Making it a condition of the drive-through is going to be...

Mr. Gibbons: Well, what are the restrictions on Sheetz?

*Planning Commission Minutes
October 22, 2014*

Mr. Hornung: There are no restrictions on Sheetz on hours of operation or deliveries.

Mr. Gibbons: Okay.

Mr. Hornung: I could be wrong if you all recall one, but I don't believe that was part of the...

Mr. Zuraf: Yeah, that was all part of the proffer amendment, the hour restrictions went away for the Sheetz.

Mr. Gibbons: What was the proffer amendment on that? The proffer amendment went to 9 o'clock at night, correct?

Mr. Zuraf: Well, originally it was for all commercial buildings, 7 a.m. to 9 p.m..

Mr. Gibbons: Right.

Mr. Zuraf: And the amendment applied that 7 a.m. to 9 p.m. restriction only to office uses and non-retail uses.

Mr. Gibbons: Non-retail, okay.

Mr. Rhodes: Okay.

Mr. Gibbons: Mr. Chairman, I'll move for... I'd like to defer it now and get the legal in. If you've got one entity working 24/7 and they're both side-by-side...

Mr. Rhodes: How about we move onto item number 2. We can see what they can modify on the conditions, see if those are acceptable, and have further discussion about whether or not we act on it tonight or we can have a motion then at that point in time. So right now you'd like to see if they could work out to modify the language on the conditions so that we could see something that incorporates those four things which were dealing with on the drive-through item, that the drive-through facility would be for sales related to pharmaceutical operations, something to address the language of the turning radius associated with... as long as the configuration stays the same, something that deals with the boring under the road, and something that deals with the landscaping screenage across the southern side of the property, correct? Yes, Mr. Zuraf?

Mr. Zuraf: That screening on the southern end of the property, that's already an existing proffer.

Mr. Rhodes: Oh, it is?

Mr. Zuraf: Yes.

Mr. Rhodes: I thought that was only dealing with the east side? It does deal with this south as well?

Mr. Zuraf: It's the southeast, all along that southeast side where the homes are along High Street; it's a double row of trees and board-on-board fencing.

Mr. Rhodes: Oh, okay... I thought I understood him to be saying fully across the south portion where the loading docks and all that portion were as well, which seemed to be a little bit of an expansion from

Planning Commission Minutes
October 22, 2014

what it... currently it's mostly the east corner and I think, Mr. Hornung, I think you were talking about it going further across the backside as well?

Mr. Hornung: We're willing to do a double row of evergreen trees across the back.

Mr. Rhodes: Okay. So, if we could just get that just slightly adjusted condition to incorporate that and we can see if that's all acceptable language. While they work on that, we'll go onto item number, if it's okay with everyone, we'll go onto item number 2 which is the RC1400004, Reclassification for Liberty Knolls II.

2. RC1400004; Reclassification – Liberty Knolls II - A proposed reclassification from the A-1, Agricultural Zoning District to the R-2, Urban Residential – Medium Density Zoning District, to allow for a subdivision of up to 52 single-family detached residential units, on Assessor's Parcel 29-17. The property consists of 30.24 acres and is located on the north side of Courthouse Road approximately 1,100 feet east of Winding Creek Road, within the Garrisonville Election District. **(Time Limit: January 20, 2015)**

Mr. Harvey: Thank you Mr. Chairman. Please recognize Ms. Ehly for the presentation.

Mr. Rhodes: Thank you.

Ms. Ehly: Good evening Mr. Chair and members of the Planning Commission. Item number 2 is an application by the property owner to rezone the property to rezone the property from A-1, Agricultural Zoning District to R-2, Urban Residential Medium-Density Zoning District. Assessor's Parcel 29-17 is approximately 30 acres in size and is located on the north side of Courthouse Road, approximately 1,100 feet east of Winding Creek Road, in the Garrisonville Election District. Liberty Knolls subdivision is to the north and east, Winding Creek Elementary School is to the west, and Colonial Forge subdivision and high school are to the south. The property is primarily vacant. Photo A is a view from across Courthouse Road, and property B is a view of the farm pond on the property. There are several structures located on the property, including the barn shown in photo C, but the intent is for these to be demolished.

Mr. Rhodes: Now, because I know there's a bit of a question, Jeff, you've got the pointer? Are you playing pointer man over there? Or who's doing the pointer?

Mr. Harvey: Yes sir.

Mr. Rhodes: Okay, you're pointer man. So, in picture A, isn't it about the white and black car there over towards, a little over from there, that's about where the road would come out, isn't it? Roughly in that area? And approach Courthouse Road?

Mr. Harvey: I believe so. It is located to the west of where...

Mr. Rhodes: It's to the west, and this is Woodcutter, right? That's what we're looking at?

Mr. Harvey: Yes.

Mr. Rhodes: Okay, so somewhere there towards the west a little ways up. Okay, I was just trying to get a look at it. Thank you.

*Planning Commission Minutes
October 22, 2014*

Ms. Ehly: And the members of the County Historical Commission completed a site visit and determined that there was no historical value to the existing structures. Photo D shows the upland area looking towards Liberty Knolls subdivision to the east. The property has a suburban future land use designation and is surrounded by properties with the same designation. Surrounding zoning includes R-1 to the north and to the east, R-3 to the south, and A-1 to the west. The GDP shows the proposed design of the site to include 52 lots at a density of 2.2 dwelling units an acre, which is under the 3.5 dwelling units an acre maximum permitted in the proposed R-2 zoning reclassification. The proposed development identifies 11.43 acres of common open space. The project will generate approximately 536 vehicular trips per day. There are two access points identified on the GDP, both to Courthouse Road. The first... can I have the next slide please? Sorry. The first...

Mr. Rhodes: If we could go back one just real quick. So, the easement, what was going to be kind of a pedestrian or school passage easement, was going to go up at the middle at the top there, correct? And they were willing... this applicant is willing to give the easement but the owner of the actual Liberty Knolls subdivision is not willing to, that's the way I understood it, that they're not willing to provide for an easement on the other side? Is that correct?

Ms. Ehly: Mr. Chair, that is correct.

Mr. Rhodes: Okay, thank you.

Ms. Ehly: So, the first access is a direct access to the south...

Mr. Gibbons: If I could pick up on that.

Mr. Rhodes: Please Mr. Gibbons.

Mr. Gibbons: You're talking about sewer and water, right, easement?

Mr. Rhodes: Oh, no, this was for... they were actually going to look to provide an easement for pedestrian passage because they're going to -- the theory being pedestrian passage all the way to the schools could have come from the actual Liberty Knolls subdivision, but the owners of that property weren't willing to give a pedestrian easement through there.

Mr. Gibbons: Thank you.

Mr. Rhodes: Thank you. Okay.

Ms. Ehly: So, the access to the south is a direct access to Courthouse Road and will be constructed as part of this proposal. A 200-foot right turn taper will be incorporated on Courthouse Road as recommended by VDOT. It was warranted... the access was studied by the applicant and it was determined that the right turn taper was warranted. And access will operate as a right-in/right-out after the completion of the Courthouse Road widening to a 4-lane divided highway. The construction phase of that widening project is scheduled to go to advertisement in the spring of 2016 with funding allocated out to 2019, estimated to be completed in 2019. The applicant has stated that 50% of the p.m. trips will utilize this access.

Mr. Rhodes: Now, is there... so there was no comment by VDOT about any taper for the other side for the right-out?

*Planning Commission Minutes
October 22, 2014*

Ms. Ehly: No, not that I'm aware of, no. The applicant is here though so they might have more to shed on that.

Mr. Rhodes: Alright, thank you.

Ms. Ehly: The internal subdivision road will connect to Penns Charter Lane located within the Liberty Knolls subdivision to the east via an inter-parcel connection between lots 28 and 29. Next slide please. The applicant has proffered to construct the portion of Penns Charter Lane located on the abutting property in order to connect to the existing Liberty Knolls Drive prior to the issuance of the first occupancy permit for any of the residential units. Next slide. The inter-parcel connection will provide the second access to Courthouse Road via Liberty Knolls Drive. The intersection at Courthouse Road is currently unsignalized but is planned to be fully signalized once the Courthouse Road widening project is complete. The applicant has stated that... sorry, same slide. The applicant has stated that 70% of the a.m. trips generated by the proposed development will utilize this access point. The 2013 Traffic Study utilized by VDOT in connection with the Courthouse Road widening project indicates that the proposed signal at Liberty Knolls Drive and Courthouse Road would operate at acceptable levels of service in both 2016 and 2038. The 2.26-acre tree save area is identified in the southern corner of the proposed development, consistent with Policy 3.5.2 of the Comprehensive Plan. Staff has recommended though that a conservation easement be placed over this area to ensure protection of the trees and that the proffer statement include management of the area by the homeowner's association. Next slide please. The GDP reflects the proffered construction of an 8-foot wide lighted sidewalk connecting the sidewalk along the internal subdivision road to Winding Creek Elementary School between lots 46 and 47, consistent with the Comprehensive Plan Policy 6.3.1 which states that development proposals should establish sidewalks to connect to local neighborhoods with activity centers such as schools and with one another. The applicant has submitted proffers which propose to limit development to 52 single-family detached residential units; provides a commitment to a general architectural design; requires the dedication of 20-foot wide and varied right-of-way along Courthouse Road; requires a traffic management plan addressing construction traffic for the project to be prepared and submitted in conjunction with the construction plans for the project; provide for a tree save area to be located outside of the area permitting clearing on all construction plans for the project; require the construction of Penns Charter Lane, including the portion on the dedicated right-of-way on the adjoining property within Liberty Knolls, that is necessary to make the connection to Liberty Knolls Drive prior to the issuance of the first occupancy permit for any of the units; require the construction of an 8-foot wide lighted sidewalk connecting the project to Winding Creek Elementary School prior to the issuance of the 33rd residential occupancy permit; require a Phase I Cultural Resource Study to be completed if historical artifacts are discovered and Phase II if recommended in Phase I; require cash contributions toward parks and recreation, schools, libraries, fire and rescue facilities, in the total amount of \$30,383.87 per single-family dwelling unit. Also the applicant has proffered the commitment to general architectural design as illustrated in Attachment A, the Proffer Statement. The illustrations are consistent with several standards as identified in the Neighborhood Development Standards of the Comprehensive Plan. Staff is recommending though that specificity be included regarding building materials, garage setbacks, minimum driveway lengths, treatment of unadorned wall planes, and the provision of additional foundation landscaping in front of homes. The applicant is proffering cash contributions of \$30,384 per single-family dwelling unit. This slide shows a comparison between these proposed proffers and the current guidelines, as well as the recently approved applications of Shelton Woods and Shelton Knolls. The applicant is also proposing in-kind proffers totaling \$145,550, including the right-of-way dedication on Courthouse Road with a stated value of \$85,000 and the construction of the sidewalk connecting to Winding Creek Elementary School, with a stated value of \$65,000. Staff finds the following positive aspects to the proposal: the proposed uses and development pattern meet the intent of the

*Planning Commission Minutes
October 22, 2014*

Comprehensive Plan for suburban areas; the proposal is consistent with the established development pattern in the vicinity; there are no public safety and/or welfare concerns; the proposal accommodates planned transportation improvements; monetary proffers meet or exceed the library and fire and rescue category recommendations. Staff finds the following negative aspects to the proposal: the potential impacts to the Critical Resource Protection Area buffer; additional efforts could be made to further the Comprehensive Plan policies regarding protection and restoration of forested area; monetary proffers do not include a per-unit contribution for the transportation or general development categories and provide amounts that are below the recommendations for schools and parks and recreation categories; and the commitment...

Mr. Rhodes: I'm sorry, had you shared the observation with the applicant on both the conservation easement, as well as on specifying neighborhood design criteria versus just the generalized design criteria that they have?

Ms. Ehly: Mr. Chair, I believe that we did, in the comments that were transmitted to the applicant.

Mr. Rhodes: Okay. But has there been a dialogue on that yet or no?

Ms. Ehly: We had a verbal dialogue about the tree save area and the concern to make sure that it was protected and preserved in the future, considering that we don't have a tree preservation ordinance in the County.

Mr. Rhodes: Okay. Alright, thank you.

Ms. Ehly: So, and then the final negative aspect is just the general nature of the architectural proffer. After reviewing the findings and the evaluation criteria identified in Section 28-206 of the Zoning Ordinance, staff believes that the benefits of the proposal outweigh the negatives and recommends approval of the application for the reclassification of Assessor's Parcel 29-17 from A-1 to R-2 with several recommendations for consideration, including a proffer statement that the lot lines will be located outside of the RPA on all future development plans; a provision of per-unit contributions that are closer to the proffer guidelines; a full 35-foot buffer between the proposed development and Winding Creek Elementary School to the west; protection and/or restoration of tree canopy to the greatest extent possible consistent with the policies in the plan by utilizing existing forested area and/or additional tree planting in buffer areas; and the provision of one tree in each residential yard, for example. And then there's a proffer conservation easement on the tree save area to ensure protection to be managed by the Homeowner's Association; a proffer statement that identifies the specific elements from the neighborhood development standards that will be implemented in the proposed development; and additional buffer width utilizing existing forested area in order to reduce road noise between Courthouse Road and the parcels along the southern property line. I'd be happy to answer any questions.

Mr. Rhodes: Questions for staff? Yes, Mr. Gibbons, please.

Mr. Gibbons: You know, the last subdivision we had that Charlie handled, we had a problem with a setback and a buffer. Did we ever get that legality problem solved?

Mr. Rhodes: Mr. Harvey, this was the... this was what, the Shelton Woods I think?

Mr. Gibbons: Right.

*Planning Commission Minutes
October 22, 2014*

Mr. Harvey: Mr. Chairman, that was an issue about the proffer. The proffer said, in that particular case, that there would be a hundred foot setback off of the roadway and that they would maintain trees to the extent that they could. When you looked at the design of the plan, they had a damn for a stormwater management pond which required significant clearing in that hundred foot setback area, and also there was a drainage facility that ended up creating significant clearing. The applicant in that case is going to go back and replant some of that area to try to maintain the intent of a buffer but, specifically, the wording didn't say buffer or undisturbed buffer. And that was some of the concerns because the understanding from people with regard to that case was that there would be an undisturbed buffer and that the existing trees would have been retained. But that's not what happened in most of the portion of that hundred foot setback area.

Mr. Rhodes: Okay.

Mr. Harvey: So, it speaks to the proffers and what levels of specificity are called for in the proffers.

Mr. Gibbons: And the other question I got, Mr. Chairman, is that when you do a tree protection area, how are the homeowners going to get the right whereabouts to do that? I mean, when you give everything to the HOA to like somewhat a management...?

Mr. Rhodes: What would that entail, the suggestion there of... I mean, what are the monetary obligations associated with that? Or commitments? Or risks? Or liabilities for the HOA?

Mr. Harvey: Mr. Chairman, for the HOA, typically you'd find that they would have to have money in the reserves for any liability insurance and also maintenance of the property. So if a protected area had trees fall down due to wind storms and it impacted adjacent properties, they may be required to remove those trees at their cost. And I'm sure the applicant can speak to more issues that may or may not come about through their experience of developing residential properties.

Mr. Rhodes: Okay, very good. We'll pose that to the applicant too. Yes, Mr. English.

Mr. English: I've got a question... if you come up, it says right here under the positive there's no public safety and welfare concerns. I would have to disagree with that. You've got three schools on Courthouse Road and you've got another subdivision coming in and they're right there at Colonial Forge, and I feel that there's going to be some major traffic issues there with another subdivision coming in and no traffic signs, there's no end in sight of whether that's going to be a widening of Courthouse Road anytime soon. Is there anything in there that they can put as far as to help mitigate some traffic common measures in there? I don't know whether I should address that to the applicant; it's probably not your...

Ms. Ehly: Mr. Chair, Mr. English, we did have quite a few discussions about that, about the safety. Also of the pedestrian -- people crossing Courthouse Road to go to the Colonial Forge High School from the residential developments and all of that. The... it's difficult to have a safe pedestrian crossing point in this direct area from this development, but the signalized intersection at the Liberty Knolls Drive is planned to have a pedestrian crossover.

Mr. English: But we don't know when that's going to happen; that could be 5 to 10 years down the road and you've got three subdivisions right there in that area. And I know that road is jammed in the mornings and how bad it is so I guess I'll just address it to the applicant.

*Planning Commission Minutes
October 22, 2014*

Ms. Ehly: Okay.

Mr. English: Thank you.

Mr. Rhodes: Other... yes, Mr. Apicella?

Mr. Apicella: Again, just for some context, the zoning for Liberty Knolls today is R-1, right, the subdivision that would be adjacent to Liberty Knolls II or whatever it's ultimately going to be called?

Ms. Ehly: Mr. Chair, Mr. Apicella, yes, it's R-1.

Mr. Apicella: And if they were seeking an R-1 zoning for this parcel instead of R-2, the maximum number of units they could get would be 45?

Ms. Ehly: Mr. Chair, Mr. Apicella, yes, approximately... 1.5.

Mr. Apicella: And if it were an R-1 cluster subdivision, 68 units?

Ms. Ehly: Mr. Apicella, that would be with a CUP. And additional density, they can also have a cluster by-right with the 45-ish.

Mr. Apicella: Okay, so the 52 is somewhere in the middle, so to speak? What they're asking for in the R-2 zoning is basically 7 more units than they would get under an R-1 zoning, right?

Ms. Ehly: Yes.

Mr. Apicella: Um, one of the issues that was briefly mentioned in the staff report, and it was a great staff report, by the way, was the block length issue. And I know we're going to have more discussion about it later, but it's kind of difficult for me because the two issues seem to be intrinsically tied, or at least how we end up deciding that piece of it will impact ultimately how this property might get built out, so to speak. Was... what's the catalyst for this block length issue coming up? What's caused this to be an issue for them?

Ms. Ehly: Mr. Apicella, the catalyst of the environmental constraints that are on this site. And the original GDP that was submitted had the 3 cul-de-sacs and substantially more impervious area in the road design. Staff recommended that they redesign the site and avoid the environmentally sensitive areas. And then that is when this design was submitted, which does reduce the impacts to the wetland area and the RPA.

Mr. Apicella: Are there any other alternatives you would recommend to ameliorate the block length issue? Again, I don't know where we're going to go with that, but... within the context of this particular package that's in front of us, what other options are there?

Ms. Ehly: Mr. Apicella, there are certainly many options out there to design a site. It depends on, you know, how much... how many lots you're willing to lose; you know, how many times you're willing to redesign it to try and fit in everything in there. We had two iterations of the design for this particular application. I'm sure, you know, there is perhaps another way to design this site, but this is what we have here and staff has acknowledged the fact that there is a reduction to the environmentally sensitive

*Planning Commission Minutes
October 22, 2014*

areas with this particular design, which happens to extend the block length outside the maximum length in the code.

Mr. Apicella: Did we get any comments or concerns from Stafford County Public Schools on this request?

Ms. Ehly: Mr. Apicella, we did have conversation with Mr. Horan and his primary concern was the inner-connectivity between the Liberty Knolls subdivision and this proposed subdivision, to come through to the Elementary School, and then also the other pedestrian connection which is shown on the GDP that has been proffered by the applicant. So, it was the pedestrian inner-connectivity that he was concerned with.

Mr. Apicella: Okay. One more question. When I look at the proffer statement, aside from the issues that you raised that you feel still need to be addressed or incorporated into the proffer statement, or suggests that would further mitigate the impacts of this proposed rezoning. Under d. of 4.d., it talks about transportation improvements and the improvements that they're intending to make, having an aggregate value of \$85,000. It says these in-kind proffers may be eligible as credits towards any future transportation impact fee applicable to the property, all pursuant to state code and county ordinances. So, what they're suggesting here is that the value of, I'll call it onsite or close to onsite improvements, be taken away from what they would normally have to pay for transportation impact fees, which is what, about \$3,000 per unit? That normally has nothing to do necessarily with the specific project; these are projects across the County that the impact fee is supposed to help offset. Is that kind of right?

Ms. Ehly: Mr. Apicella, yes they are including that in the proffer statement. We did recommend that that be removed from the proffer statement because it is a separate issue. And when the proffers are approved for a project and then it's developed and they come in for the building permits and pay the impact fees, or not. There is an analysis that goes on, an evaluation that goes on as to whether there will be credit given or not, but there's really no way to tell necessarily at this point whether they would be given credit or not.

Mr. Apicella: Okay. So, again, this is a provision or a proposal that we do not have to necessarily agree to.

Ms. Ehly: Correct.

Mr. Apicella: Mr. Chairman, I would just say I'd be concerned about any precedent that this might set, in terms of the transportation impact fees that were approved and will be implemented. I think they are being implemented, so I'm not quite sure this falls in line with the current County policy.

Mr. Rhodes: Okay.

Mr. Gibbons: Mr. Chairman, going back to the question that Darrell had, you say there's no impact to public safety and... what's the other?

Ms. Ehly: Public safety and welfare?

Mr. Gibbons: And you coordinated both with the Sheriff's Department and Fire and Rescue and they had no problems? I mean, the Sheriff went on record not too long ago that he didn't have enough

*Planning Commission Minutes
October 22, 2014*

manpower. So how could we say that when you're adding more homes, it's got to affect both of them. It's the same as school impacts.

Ms. Ehly: Mr. Chair, Mr. Gibbons, we do send out the applications to be reviewed by, I know Fire and Rescue and I think... I'm not sure if the Sheriff's Department does get a copy, but Fire and Rescue...

Mr. Gibbons: And they both came back and nobody had a problem.

Ms. Ehly: They did not.

Mr. Gibbons: Okay, thank you.

Mr. Coen: Mr. Chairman?

Mr. Rhodes: Yes, please Mr. Coen.

Mr. Coen: And just to sort of tag onto what Mr. Gibbons said. So, if we go back to the schools, with the overcrowding at two of the three schools that this will feed into, Forge and Rodney Thompson, and Winding Creek being pretty high up there, the only thing that they were concerned about was just if there was going to be a walkthrough? There wasn't any mention about the impact of more bodies into the schools?

Ms. Ehly: Mr. Chair, Mr. Coen, no there was not.

Mr. Rhodes: Any further comments? Yes please Mrs. Bailey.

Mrs. Bailey: I have a quick question Mr. Chairman. In regards to the original layout of the design for the development, how many lots were proposed on the original? Do you recall?

Ms. Ehly: Mr. Chair, Mrs. Bailey, I believe there might have been 56. I'd have to double check though.

Mrs. Bailey: So with this redesign, there are fewer lots at 52?

Ms. Ehly: Yes ma'am.

Mrs. Bailey: Okay. The comments in regards to the RPA and the lot lines, not encroaching the RPA -- do you know how many lots would be affected by making that change?

Ms. Ehly: Mr. Chair, Mrs. Bailey, at this point we can't determine exactly. The issue is that staff has reason to believe that the RPA will change once the field delineation occurs at the time of preliminary plan submission. And the evidence that we have is that it will probably affect quite a few lots.

Mrs. Bailey: Okay.

Ms. Ehly: But we can't say for sure until it's field delineated.

Mrs. Bailey: Okay, great, thank you.

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

*Planning Commission Minutes
October 22, 2014*

Mr. Coen: Just real quickly, sorry. Mr. Apicella asked for different types of rezonings, R-1, R-2, CUP - if it stayed A-1, how many units could be placed there?

Ms. Ehly: There would be 9 dwelling units.

Mr. Coen: Thank you.

Mr. Rhodes: Okay, any other questions for staff? Okay, thank you. Applicant please.

Mr. Payne: Mr. Chairman, and other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant. The applicant is here, Tricord, which many of you may know is a well-respected local regional developer and builder, and has been in the region for some time. SDI, Sullivan, Donahoe and Ingalls, is the engineer; Mr. Furnival is here as well to answer questions that I may not be able to answer. I appreciate staff's report. I think Erica did a pretty good job of outlining the issues of our application. There were a lot of good questions; hopefully I can get to those fairly quickly. First, I want to get just a quick overview and to reiterate some points about our project that I think are important to understand. This is an in-fill project. It's 52 units; it's a small development. It's consistent with your Comprehensive Plan. It's in the suburban land use district. It does have less density than what is proposed in your Comprehensive Plan; there's 2.2 units per acre versus the 3. And under the R-2 it's a 3.5 units per acre allowed. This project is obviously fairly conservative in that regard, which is encouraged obviously by your Comprehensive Plan. It consists of about 32.24 acres. It does have certain limitations. I've heard tonight some questions about why not rezone it R-1 like Liberty Knolls I. Well, what we're trying to do is develop a site that's consistent with Liberty Knolls I; specifically, on the lot sizes. With the configuration of the RPA on this site, and then the dedication we're making to VDOT for their future expansion of 630 and improvements to that site, about 1.51 acres, I noticed staff kinda went through that kind of quickly, but that's a significant piece. It also includes VDOT's stormwater management system on our site. So, when asked in regards to why the... and we'll get to the block length waiver later, but just real quickly... when we went in with our initial plan that did include 56 lots, staff was concerned with the cul-de-sacs, because of the ordinance, in order to meet this block length requirement we're concerned about the number of cul-de-sacs and impervious area's impacts on the CRPA. So we rearranged the road for that purpose. So that's the answer to that. Obviously you've heard what's nearby us; we've got Winding Creek Elementary School just to our west, Colonial Forge Subdivision, Colonial Forge High School is just to our south. We, in a perfect world, would have loved to have lined up with Woodcutters in regards to transportation question Mr. English and be able to access directly there and put a light there, if it warranted. The problem is, that's not VDOT's plan. VDOT did not want us to do that. VDOT wanted us to have two entrance points; one which was warranted right-in/right-out with a 200-foot taper lane off of Courthouse Road so no one can turn left from that location, and that's west of the high school. And further to our east through Penns Charter through Liberty Knolls I coming what will be a signalized warranted intersection once VDOT expands are there. So folks who are leaving in the morning are not going to be intersecting with the school in front of them. They're going to be turning left to go out, again, at a signalized intersection. For purposes of proffers on transportation, we have proffered for purposes of schools, over a million dollars and there's an extra twenty thousand there to address the crossing issue which was raised by some School Board members in our discussions about the project. We have also proffered well over \$400,000 or about \$400,000 for Fire Station 14 construction. Again, the transportation in-kind contributions that we are proffering are consistent with VDOT's plans. We think that will facilitate, we hope, the expansion and improvements in that particular area. And the reason why the impact fee language is in there, Mr. Apicella, because it's consistent with the County's Ordinance. It's consistent with State Code. We're not saying that you have to give us the credit, we're saying that based on your

Planning Commission Minutes
October 22, 2014

impact ordinance you may give us a credit -- two different things. You put that in there as a reminder because I know how this works. When you get to the site plan stage and you get down the road, we all start forgetting about how those credits should occur. And that's how the ordinance was set up initially. So we're just reminding everyone as this proffer encumbers the property into the future what that really means. That was the only point there. Um, the density again I've talked about. We have 38% open space on the site, well exceeding the Comprehensive Plan recommendation and the R-2 zoning requirements. We talked about the connection to the Elementary School, the pedestrian connection. This is something that the school system wanted and we were happy to do it. We're going to build it; we're going to construct it; it's going to be lit. We think that it's a really smart plan in regards to getting the pedestrian relationship there. We have also proffered a 2.3 acres of a tree preservation area. I think there was a question about why staff had recommended about providing a conservation easement. It's in the proffer. It runs with the land; it encumbers it. We can't develop it; we can't remove one tree. We're not going to touch that or the pond area. It will be dedicated and conveyed to the HOA. The HOA will be required to maintain it to the extent you maintain wooded areas. A conservation easement, one - I'm not sure who you would want us to dedicate it to. I know Mr. Harvey and his staff have plenty on their plate, I'm sure they don't want to have to monitor it and maintain it, especially when there's already... it's already being encumbered through our proffers. In regards to some of the recommendations, I'll just sort of go through it fairly quickly and then I'll answer some of the other questions that came up that I haven't already answered. The proffer recommendation regarding lot lines be located outside the RPA for all future plans. I think it's important to understand, I heard Erica say that it hasn't been delineated; it has. It's on the plans. You'll see that the wetlands have been delineated, the RPAs have been identified. We have no problem adding this as a proffer, that proffer statement that the lot lines will be located outside of the RPA on all future development plans. We have no problem with that. I think we've talked about... well, I can talk a little bit about the proffers per unit contribution. We have earmarked, if you will for lack of a better term, focused if you will the dollars for the proffers and as you can see, as comparison to Shelton Knolls and Shelton Woods, this is a larger per unit cash proffer than those projects. So I'd like to commend the developer and the property owner for that. What we do, like we do with every other project, we go to the district leadership, we say this is the project we're bringing, we'd like to bring and propose, what are your priorities. We talked about those priorities and those are priorities that are identified. We're happy to do it. The 30-foot... well, this is a recommendation, it was corrected at 35 feet because that what the ordinance says and the presentation by the staff, the buffer between proposed development and Winding Creek Elementary to the west will not be reduced by 50%. Well, number 1, the ordinance allows us to reduce it in half as long as we provide a 6-foot board-on-board fence, which we have shown on our plans and which we're proposing. So that is authorized under your current ordinance. Recommendation 4 which was in the staff report about restoration of tree canopy -- again, we're preserving over 2.2 acres of trees. We'll also agree to, and not a problem, of having one tree in every residential rear yard. That's part of the recommendations of staff. We can certainly do that and add that as a proffer. Remember, the streetscapes will have trees as required by the ordinance. Again, I think I've addressed the conservation easement question. And then, in regards to the neighborhood design standards, yes, we got the question. The design standards that we have proposed are very, very similar to Liberty Knolls I and that's what we propose as similar architectural features. So we felt like the spirit of that recommendation... remember, that's a recommendation... has been met by our architectural features that we proffered. Let's not also forget that the average price range on these homes are about \$450,000 retail. They more than pay for themselves. You get a net annual drive, positive drive here on these homes, anywhere from \$45,000 to \$125,000 depending on what school number you use. And I think to correct staff, I noticed in the staff report they had stated that there were 68 students to be produced from this site. Remember, we've got 52 units; I think the most recent student numbers, from the County perspective... at least from their most recent proffer analysis back dated June of this year... and Mr. Harvey, correct me if I'm wrong, is 1

*Planning Commission Minutes
October 22, 2014*

student is deriving from single-family detached units in Stafford County. So that would be about 52 students. Look, we've had these conversations I know before, concerns about traffic, concerns about growth, impact on schools -- Stafford County is going to continue to grow. It's going to continue to grow into today, it's going to continue to grow tomorrow, the next 20 years. You have planned for it. Your Comprehensive Plan has planned for it. The last thing we want to do is to encourage more urban sprawl. We've had this conversation before; it has extraordinary impacts on your core services, including schools and roads. Sheriff Jett, the Fire Chief, I'm sure they would appreciate that growth would be more dense and more concentrated and not in the outskirts where services are stretched. Anyways, with that I'd be happy to answer any questions. And if I missed any of the questions, I'd be happy to answer those as well and please remind me Mr. Chairman if I did. Thank you.

Mr. Rhodes: Questions for the applicant? Mr. Apicella?

Mr. Apicella: Unfortunately I thought there was a pretty good summary of the recommendations. I don't know if we covered all those. I don't know if we can put that up. If anything got missed in terms of what staff recommended.

Mr. Rhodes: Proffer statement that lot lines will be located outside the RPA which they said they would agree to. Provision of per unit contributions closer to the proffer guidelines; I think the addressing of that was that this is more than came in Shelton Knolls and Shelton Woods and they felt good about it -- which meant no. Third was required 30-foot buffer between the proposed development which is actually 35 foot; it will not be reduced by 15%. The answer was, the ordinance allows it so we're gonna do it -- basically. The protection and restoration of tree canopy, they felt like with the tree area that they identified they would add a proffer for one tree in each residential back yard and reminded that the landscaping... or the ordinance provisions on the streetscaping. Proffered conservation easement on the tree save area -- they didn't know where that would go to and they think that the way they've got it proffered will keep the area there and they can't do anything with it. Proffer statement that identifies the specific elements of neighborhood development standards will be implemented in the proposed development. They felt like what they listed there, which I have following question on, was good enough because it was close to what the other developer has for Liberty Knolls I. And the additional buffer width utilizing existing forested area in order to reduce toad noise... I don't think you addressed that one. The seventh one, additional...

Mr. Payne: Yeah. That one (inaudible) buffer is consistent with the ordinance. There's a multi-use walking path in between those and there's obviously landscaping in between those. So we feel like that's adequate. Just on the other buffer adjoining to the school, remember... I'm sure many of you know this... there's another hundred feet on the other side, it's wooded, it's got a steep slope, so there's a significant buffer between us and the school system already. And plus, the school system is trying to create some inner-connectivity. So I don't think they want us away from them as we have built the... we're proposing to build a sidewalk to the school as well, for pedestrian access.

Mr. Rhodes: Those were the seven items Mr. Apicella.

Mr. Apicella: Mr. Chairman, you make a great recording secretary.

Mr. Rhodes: Just taking notes. Mr. Coen?

*Planning Commission Minutes
October 22, 2014*

Mr. Coen: Real quickly, I think you mentioned something about a crossing guard but I didn't see it, or see how it would work. Either was it you're giving money there for or... I just didn't see anything in my reading that sort of explained it. So if you could flush that out a little bit.

Mr. Payne: Yes sir, Mr. Coen. In the proffer, it's on page 4... I'm sorry. Well, yeah, it's at the top of the page 4. Notwithstanding the foregoing, \$20,000 of the one million twenty-thousand shall be allocated for school crossing purposes.

Mr. Coen: Okay. So, how do you envision that working? I mean, you're going to give Stafford County money that would be allocated for the staffing of one crossing guard? Or is it the HOA is going to do it or...? I mean, I'm always thinking three feet ahead. How would that actually work?

Mr. Payne: The County has the money, we've identified what twenty thousand of one million twenty thousand should be used for. Try to coordinate the County school system, perhaps the Sheriff's Department on that. We left that up to the County to try to organize all that. We heard that the priority was we need some assistance, dollars, towards school crossing in that area. We were told what we thought that number might be to work. We set aside that number. It doesn't mean the other million can't be used for that as well; that's up to the discretion of the Board of Supervisors.

Mr. Harvey: Mr. Coen, just to add to Mr. Payne's comments, based on the requirements for proffers, they have to go towards capital facilities so we cannot use it to hire people. So, it could go towards paint striping, better lighting in the area, a lot of other things like that.

Mr. English: It could go to like traffic calming measures, that type of thing?

Mr. Payne: Sure. If VDOT allows it. If you remember, VDOT will control that.

Mr. English: Tom, are you done?

Mr. Coen: Yes sir.

Mr. English: Liberty Knolls, Liberty Knolls II -- they're two different developers, correct?

Mr. Payne: Two different developers but we perceive them as being Section I and Section II.

Mr. English: Have you looked into maybe moving it, and I don't know if you could do that, but moving the main entrance into Liberty Knolls instead of off of Courthouse?

Mr. Payne: It is.

Mr. English: The main entrance is...

Mr. Payne: Well, I mean, we've got two key access points.

Mr. English: Right, but as a temporary measure right now until, is it possible as a temporary measure until Courthouse Road gets straightened out to four lanes or whatever, is it possible they could just kind of cut that off at that point and then just use one entrance?

(Inaudible from audience)

*Planning Commission Minutes
October 22, 2014*

Mr. English: Right, but I'm just asking would it be possible to do a temporary closure of that until Courthouse Road got straightened out...?

Mr. Payne: Are you talking about the right-in/right-out area and everything going through Liberty Knolls I?

Mr. English: For right now until something happens with Courthouse Road.

Mr. Rhodes: Does one want that? If you're turning right on Courthouse Road, now you're going past all the (inaudible).

Mr. English: What I'm saying is, the entrance that you've got coming off of Courthouse Road down from Woodcutter, okay...

Mr. Rhodes: The west entrance.

Mr. English: Right. Is that possible that you just shut that off for right now and not let anybody use that and use the entrance coming into Liberty Knolls as the main entrance until Courthouse Road got straightened out, to help alleviate some of the traffic problems. Instead of having... you've got three subdivisions right there and one way that you can still keep it at two, maybe that would force VDOT to maybe push to put that light in. Is that...?

Mr. Harvey: Mr. Chairman and Mr. English..

Mr. Payne: If you give me just a second to confer with my client.

Mr. Harvey: While Mr. Payne's consulting with his client, some things to point out is that it may require that length of road another type of waiver for length of cul-de-sac. So that's something we'd have to evaluate. Also, from discussions we've had in the past with the fire department, they prefer to have two ways in and out of most areas.

Mr. English: But Jeff, couldn't that be a, again, just a temporary closure right now and the fire department could have access like they do in certain other areas to get in there if need be? I'm just making that suggestion because there's three subdivisions right there in that... and it's a mess. And it's going to be a mess for a third one. And I don't know how to slow that down a little bit.

Mr. Payne: Just conferring with my client, again, I think we need to work with staff to make sure for emergency purposes we're not stepping on the toes of the Fire Chief. But we can restrict access at that point until the improvements come, the widening comes in that location. So everything would go through Penns Charter out Liberty Knolls I.

From audience: I would say subject to VDOT approval.

Mr. Payne: Yeah, subject to VDOT's approval and the Fire Chief and Planning to make sure that that's appropriate.

Mr. English: Just throwing it out there.

Mr. Rhodes: Yes Mr. Gibbons.

*Planning Commission Minutes
October 22, 2014*

Mr. Gibbons: Since it's getting close to Christmastime Charlie, do you think you can get a proffer and give it to the Homeowner's Association, a few dollars to maintain that tree thing... the gift to the neighborhood?

Mr. Payne: Mr. Gibbons ... you always throw me a curve ball, Mr. Gibbons. You know, they're going to be paying. I mean, there will be money that will be contributed to that process. You know, for a while, remember, the declarant in these HOA's are set up. We don't have 52 units that start off right away. So, the property owner, the developer, will be paying much of the HOA dues at that point until it's at full build-out, typically not until 75% of the homes are in place. So, the developer is already going to be paying for it, for the initial term. And maintaining that area, I'm not sure what's going to be required whether it's going to be maybe some grass cutting. But typically they're not going to have to do a whole lot with a wooded area.

Mr. Rhodes: No. That was the answer I heard, I just thought I'd clarify it.

Mr. Payne: But respectfully Mr. Gibbons, respectfully.

Mr. Rhodes: Mr. Payne, I did have... and I might pull staff back into this... so in the dialogue with the staff about any greater specificity associated with the design guidelines, architectural design guidelines, you were comfortable where they were at. Staff was uncomfortable that it was quite generic and was trying to work it towards somewhere across the spectrum to the point of just specifically proffering for the architectural design guidelines, subpart A, residential uses. Is there anything along the spectrum, Jeff, that makes staff more comfortable that the applicant might be willing to go towards that would do a little better on that area? Were there any discussions of something in between? I know the recommendation was just that they proffer the architectural design guidelines.

Mr. Harvey: Mr. Chairman, I'd have to refer to Ms. Ehly about specific discussions that occurred. I note from a staff perspective we like to see some windows on sides of the buildings and allow for the breakup of a flat wall plane on residential homes. Ms. Ehly may have some additional comments.

Mr. Rhodes: Okay, so there are a couple areas that maybe if we can get a little specificity on that. Was there from either perspective?

Ms. Ehly: Mr. Chair, we did have a slide that identified some areas that we would kind of like referenced. We've seen these things referenced in other proffer statements. So there's many examples where they are called out (inaudible).

Mr. Rhodes: Was that something that was a point of discussion and maybe considered or not actually presented over to the applicant or...?

Ms. Ehly: The section of the Comprehensive Plan, the residential design standards, were pointed out to the applicant as to what we're looking for. The submission of this attachment wasn't received until August, so it was after we had had...

Mr. Rhodes: I see.

Ms. Ehly: And so this is what we received which is, you know, I'm sure you've seen these pictures many times before. And so we just wanted to call out that this is very general and in order to be... When we have staff that are reviewing building permits and we're talking about the design standards,

*Planning Commission Minutes
October 22, 2014*

it's much easier for them to have specific information such as materials or location or length or something that they can look at rather than must adhere in general to the design standards. That's very hard to implement. So, we were just kind of looking for some more detail that we can implement those standards.

Mr. Rhodes: So, a couple of the things that were on the slide. Jeff, you mentioned the side windows and the break-up of the front facings, and there's a few things there that gets you part of the way. Are any of those...?

Mr. Payne: Well, this is the first time we've actually seen recommendations specific other than all of our design standards. I mean, yeah, this is the first time we've seen this. So, from our perspective, the model is next door. We're not going to build an inferior home; it makes no sense. So we're going to build basically the same type of quality home in the same price range, which is why we submitted what we thought was very consistent with what's already there. But again, the staff recommendation are specific here is the first time we've seen these specifically other than a generic, would you please take a look at our design.

Mr. Apicella: Mr. Chairman, may I just kind of piggy-back? So, if the intent is to make it similar to Liberty Knolls, which is under construction, right, can we not say something in the proffers along those lines? And we've said it, for example, in other packages that have been approved. I mean, that would give some greater clarity as to here's what's already happening, go look and see if the structures that are proposed are similar to that. Just offering that up as an option, especially since the applicant is suggesting that they want to do the same.

Mr. Rhodes: Mr. Harvey, would you not say that at least the current models and others that are at the current Liberty Knolls I are somewhat consistent with the Architectural Design Guidelines?

Mr. Harvey: Mr. Chairman, I hate to admit that I've not driven out there to look at the houses.

Mr. Rhodes: That's fair. You haven't seen every single house in Stafford County? I was trying to... I mean, that's a good point and similar in nature to those in the current Liberty Knolls I would be just ten words at the end of paragraph 3 there.

Mr. Payne: To us that's the... I guess the best way to do it because without having to drill into this any deeper, I mean, and try to get into the weeds on this...

Mr. Rhodes: We like weeds.

Mr. Payne: ... I mean, it would be very similar to... substantially similar to the design standards at Liberty Knolls I. Is that fair to say? I mean, again, this is kind of unique because we're not kind of building something where there's already not a model going forward. So we, again, it's to our benefit to utilize that model. And again, we perceive this as both... this section is the second section (inaudible).

Mr. Rhodes: Y'all solve everything? All the world's ills?

Mr. Payne: Not yet.

Mr. Rhodes: Oh, okay. I thought that we stalled long enough and they had it all figured out.

*Planning Commission Minutes
October 22, 2014*

Mr. Payne: I thought you and I had that figured out.

Mr. Rhodes: Alright. Well, are there any more questions for the applicant so we can go onto public comment?

Mrs. Bailey: Mr. Chairman?

Mr. Rhodes: Yes, please, Mrs. Bailey.

Mrs. Bailey: I do have a quick question about the entrance road, the right-in and the right-out. How is that going to be constructed and will there be a median there that will only allow right-in and right-out?

Mr. Payne: It's a 200-foot taper lane, I know...

Mr. Rhodes: When it's widened. It's not now but when it's widened.

Mr. Payne: There will be a median there when it's widened.

Mrs. Bailey: Okay, but during construction of this subdivision, it will be just in and out?

(Inaudible from audience)

Mr. Payne: And this is in regards to Mr. English's question. It will have no access at that location until Courthouse Road is widened. So the main access will be out through Penns Charter to Liberty Knolls I intersection at Courthouse. Does that answer your question? Okay.

Mr. Rhodes: Okay, any other questions for the applicant before we go to public comment? Okay, thank you very much. If there's any member of the public who would like to speak on this item, item number 2, you may come forward and do so at this time.

Mr. Payne: Mr. Chairman, thank you.

Mr. Rhodes: No, thank you Mr. Payne. State your name and your address. A green light will come on... I'll explain to you how this works. A green light will come on indicating 3 minutes, a yellow will be 1 minute, a red light we'd ask you to wrap up your comments. Mrs. Hazard.

Mrs. Hazard: Well, I'm Holly Hazard. Again, tonight, I come to you not in my other capacity that I serve, I come actually as a person who drives up and down Courthouse Road pretty much every day. And actually I wanted to come and thank the developer for including that \$20,000 of money for some kind of recognition of the amount of traffic going through there and that there is safety. As Mr. English point out, there are three schools right on that road. I would ask that... we said school crossing purposes. We might add to that language traffic calming measures. As some of you may who drive through the Courthouse Road area, you may have seen there is a flashing sign up there now, which is great. I know that they move around the County; it will probably be on the west side some other time. I won't tell you how fast I was going through there one day.

Mr. Rhodes: It got me tonight.

*Planning Commission Minutes
October 22, 2014*

Mrs. Hazard: What I'm saying is, we want to maybe be able to have the ability to possibly look into more of those things or signs, even though they are subject to VDOT approval. I just did want to come and thank the developer for that because we really want the safety there. As you all may know, there was a terrible accident today again at Courthouse and Winding Creek. We have accidents many mornings, fender benders, other things, in front of Courthouse... I mean in front of Colonial Forge High School. Winding Creed itself in the morning, the elementary school can back up when the... for pick-up and dismissal can back-up there. It is just a very scary area. And I know we all hope that that area is going to be expanded. I'm not willing to bet the store on it that it's going to happen anytime soon. And I think we need to look at the immediate time. So, again, I thank the developer for that. I did also note in, I think it's part 4.b. that the applicant is going to put in the construction work zone requirements and a traffic management plan. I would just ask also that they be aware of the openings and closings of the schools in those areas. If there's any access points that are on Courthouse Road -- and they may not be - - but that they are mindful of the arrival. Because we did have, in a prior project, a truck dumped all of the trusses right before loading at the high school. So, I would just ask that, that may be covered with this plan, but just to put that out there to continue to have the safety of our kids. So, again, thank you so much and I appreciate all you do.

Mr. Rhodes: Thank you. Is there anyone else who would like to speak on this item?

Ms. Erickson: My name is Jackie Erickson. My concern is just these subdivisions in general; nothing against the builder. But, I actually drive a school bus also. So the traffic on Courthouse is unreal. And each house that you guys allow is just making it worse for these kids up and down the road. And, I don't know, that's all I want to say is that I just think that we have too many houses already. And until that road is improved, it's really bad. And each house brings at least 2 more cars and I just don't agree with all this building that you guys are allowing on this road. That's it. Thank you.

Mr. Rhodes: Thank you very much ma'am. Anyone else? Okay, I'll close the public comment portion of the public hearing. Anything further you need to comment based on those, Mr. Payne?

Mr. Payne: Mr. Chairman, I would just state that I appreciate Mrs. Hazard's comments. We certainly recognize the issues at that intersection, you know, at full build-out. We are hopeful that the improvements will be there and we've obviously restricted certain access for that purpose to ensure safety in that location. And the timing of our project, and at full build-out, we hope, and keep our fingers crossed, it's going to be consistent with the improvements to that area of 630. So, hopefully there'll be some relief for all the school bus drivers in Stafford County and for the citizens who live and travel along 630. I did have one other just sort of point regarding the restriction to the access. Our proffer talks about a construction plan with the County and VDOT in accessing this site. We would like to leave that area open for construction vehicles. And obviously it'll be planned around school time, when school is open and when school is out so that we're not interfering with that. Because the alternative would be to bring all those construction vehicles through an established neighborhood, or soon to be established neighborhood, and I don't think that's going to be very conducive having to go through that route only. So, we would like to leave that access point open. That's something VDOT's probably going to want as well and certainly something we'll work with the County at the site plan stage. But that's in our proffer statement already. Just a reminder so we don't have any conflicts.

Mr. Rhodes: Thank you. Other comments for the applicant or for staff at this point? I do know, at minimum, there was a discussion about modifying the proffer statement to clarify and confirm that all lot lines will be outside the RPA, to commit to the one tree per residential back yard, to add some language to the current proffer number 3 regarding ensuring that housing will be constructed also using

*Planning Commission Minutes
October 22, 2014*

materials in the styles and forms consistent and similar to the materials and forms at the current Liberty Knolls I. And, I don't know where we've left off, but I'd leave it to staff regarding the commitment to... dependent upon Fire and Rescue and VDOT approval, limiting access at (inaudible) and again, that would be dependent upon... I mean, those are what I wrote down as the ones potentially that we would want to have identified. What we could do, before we take a...

Mr. Gibbons: Mr. Chairman, one of the things I can't get a handle on, I don't know where VDOT stands with the widening of 630. I understand it's been changed again.

Mr. Rhodes: What is the latest on that as you understand it, Mr. Harvey?

Mr. Harvey: Mr. Chairman, I'm not certain exactly the timing of what the plans are for that section of Courthouse Road. We'd have to check with the Public Works Department. I think what Mr. Gibbons is referring to with VDOT scaling back the Courthouse Road interchange project, some of the improvements that had originally been scoped for that project may have to go onto the Courthouse Road widening project, which could cause a redesign and some delay.

Mr. Gibbons: And the second thing is the School Board's going through a redistricting right now in this area. And we had an application not too long ago with the Austin Ridge homeowners where nobody really knows where their children are going to go to school until this issue is kind of solved in the next 4 or 5 months. So, when you add another subdivision and you start advertising, you say, you know, the children will go here and actually they may be going underneath the interstate all the way over to Stafford Middle, that concerns me. And to come in and say there's no impact on public safety, and you just heard what the school bus driver said. She's absolutely correct. It's a nightmare out there! And when I was on the Board, we fought to put a light in at Winding Creek and 630, and VDOT, you know, just about laughed us out of the room. They put some blinking yellow lights that there might be something in the intersection ahead, be careful...

Mr. Rhodes: Because of the elevations, yeah.

Mr. Gibbons: Right. Thank you.

Mr. Rhodes: Mr. Coen?

Mr. Coen: Just a couple things to add on. Because I've said it before, I'll say it again. When we're dealing with the proffers, yes they are... you know, there was other properties along that road that were a certain dollar amount. But it's still about, I think it was \$16,542 lower per unit than what our guideline is. And it just always seems weird that we're continually lowballing on what we'll accept for the proffers. Mr. Chairman, I emailed staff and then I think they included you on it. But it is possible for us to get a briefing by VDOT on, to me personally I would like it on a lot of major projects, but certainly not just the interchange but on the widening of this area. In a meeting earlier this week there was talk that this whole widening of Courthouse Road *is* up in the air as far as how far and the timing. And I think that that... a lot of these developments were predicated on the concept we are going to widen this road to handle additional cars. But, if that's not going to happen in a time-like manner, then the whole predicate for a lot of our thinking falls through.

Mr. Rhodes: I was going to... and that was a great question... I was going to raise that during the Chairman's Report but certainly to get input from other Commissioners, are there specific things we would like to see them or just a general once over the County, because I want to make sure they target

*Planning Commission Minutes
October 22, 2014*

the things we are most interested in and then we can invite VDOT to come in and possibly also the right County folks to complement their presentation so we can get a better perspective and update on where things stand.

Mr. Coen: Well, definitely the 630 because that the most glaring; that has a lot of impact on not just this project, but other projects that are on our schedule for the next several months. So the interchange and 630 would be a definitive one. But then anything in this grand scheme of the budget problems on the state that VDOT is reassigning and rethinking I think is worthwhile for us to get a briefing on.

Mr. Rhodes: Very good. So, what I might suggest before we decide whether we're going to take any definitive action or anything else on item 2, we need to get the proffer statement modified and signed, and then we can even determine if we're going to go forward on that one or not. But, while they do that, I thought we could jump back to 1.

Mr. Gibbons: Are you planning to vote it up or down tonight?

Mr. Rhodes: I don't know. What is the feeling? What other information would folks like? I'm trying to capture...

Mr. English: (Inaudible) come back with an answer (inaudible).

Mr. Coen: What I was told by somebody in VDOT was we ask Keith Dayton, Keith Dayton will make the official request, and then they could come to one of our meetings. They didn't say what meeting.

Mr. Rhodes: You're probably looking in January?

Mr. Coen: We only meet once next month and once in December.

Mr. Rhodes: Yeah, so, I think we thought based on the calendar, Mr. Harvey, you thought that might be in January?

Mr. Harvey: Correct.

Mr. Rhodes: Okay. What other... I might throw it out there, I was just wondering what other items folks are particularly interested in, because we can...

Mr. English: The main ones (inaudible).

Mr. Rhodes: Yeah, and those were just proffer items. But if there are other things we want to get more information on, I'm happy with that as well.

Mr. Apicella: It's a separate issue, but it's still tied to this issue. And I wonder how we can proceed on this one without getting further clarity on the further down the line agenda line on the block length. Not that it is going to be the paramount issue but it's still something we might want to get a more in-depth discussion and briefing on before we decide how we're going to deal with this matter. Again, I think the two are tied together; that's my personal view. Maybe others feel differently.

Mr. Rhodes: Well, to me the reclassification and how they... the block length all identifies how they design it, when you get into the design stage, regardless of reclassification. And I noticed staff had a

*Planning Commission Minutes
October 22, 2014*

strong recommendation there that we don't even act on the block length until after the Board acts on the reclassification phase so we see if there's even... what scope and scale there they're acting on.

Mr. Apicella: It still seems to me that it could impact the overall number of units.

Mr. Rhodes: Exactly, and that's the reason not to act on it because you'd want to wait and see if the Board approves. Because if they do approve, then it does impact on the units; and if they don't approve, then...

Mr. Apicella: I'm with you, but we've got that much of a discussion thus far on the block length. Still, don't know what I don't know yet because we haven't really got in-depth in to that discussion yet. Again, it may not drive the final answer here, but the two are, still in my mind, somewhat intrinsically tied.

Mr. Coen: Mr. Chair, would it be almost beneficial, not just to us but also to the applicant, I mean, if we defer it outright. They have time to write the proffers and the items we want them to tweak rather than trying to do it right now. And then we turn around and say, well, yeah, by the way, we want to wait until we get some information from VDOT. Just let them do it in a timely manner so they're not trying to rush. I mean, if that's the ultimate goal here by... if that's the feeling of the body, then we're going to wait till we hear from VDOT, then it's sort of harsh to be making Mr. Payne be writing a bunch of stuff down and then we say, oh yeah, by the way, we're going to wait anyways.

Mr. Rhodes: Since we couldn't hear from VDOT till January, I didn't anticipate we'd be waiting till the end of the time limit. But if that's a strong desire of folks to... certainly, if that's the will of the Commission we could...

Mr. Gibbons: Mr. Chairman, maybe we don't have to have a briefing from VDOT, but a letter from the resident engineer explaining what's going on at 630. We shouldn't have to wait till January.

Mr. Rhodes: Okay. So, I'm hearing a desire of the Commission to wait till the next session and to try and get input on the greatest clarity we possibly can on VDOT on the status of Courthouse Road expansion project. That's what I think I'm hearing as the will of the members?

Mr. Harvey: Mr. Chairman, just to remind the Commission, right now we're scheduled to have four public hearings at your next meeting.

Mr. Rhodes: Right. Right, so it's going to be a big one, it's going to be fun. But other than that, and certainly that is an informative item to know about, the only other items we're getting the modifications on those four proffers that I heard at this point.

Mr. Gibbons: Then I'd like to have an input from schools. Where are you going to put these people? You're in a mix of moving people right now.

Mr. Rhodes: So, the two items for staff, in addition to the modification of the four proffers, would be for staff to get input from VDOT, if we could please, request it on the status of the Courthouse Road expansion to the best that they can identify. And then secondly would be query the schools on...

Mr. Gibbons: The redistricting.

*Planning Commission Minutes
October 22, 2014*

Mr. Rhodes: ... the redistricting.

Mr. Coen: And, you mentioned for VDOT to try to get their input on about whether or not they're going to close off that other entrance or not. I mean, Mr. Payne mentioned he didn't think VDOT would like that. So we might as well, if we're going to ask them for their opinion, ask them if they're for that or agin it. And if they're agin it, then that negates that right there.

Mr. Rhodes: So, can you query on that as well, Mr. Harvey?

Mr. Harvey: Yes, Mr. Chairman.

Mr. Rhodes: Okay, thank you very much. So I'm throwing the... I'm preverbally throwing the gavel over. If there are no further comments, I'd like to...

Mr. Apicella: Mr. Rhodes, this is in your district. What would you like to do tonight?

Mr. Rhodes: Thank you Mr. Apicella. I'd like to defer this to the next session; request that... we've already got the points out there on the few modifications to the proffers and with the request that staff query VDOT on the two points of the widening and on their confirmation as to about the closure of that entrance; and the schools about their redistricting status; and then we take this up next time.

Mr. Apicella: There's a motion to defer item number 2, Reclassification of Liberty Knolls II. Is there a second?

Mr. Boswell: Second.

Mr. Apicella: Okay, there's been a second. Any discussion Mr. Rhodes?

Mr. Rhodes: I think there's been plenty sir.

Mr. Apicella: Any discussion Mr. Boswell? Anyone else? Okay, all in favor of the motion signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. Rhodes: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Apicella: Aye. All opposed? It passes 7-0. Mr. Chairman, I'm passing the baton back to you.

*Planning Commission Minutes
October 22, 2014*

Mr. Rhodes: Thank you sir. Thank you all very much. We'll go back to item number 1. We'll try to keep Mr. Hornung here all night, but I guess we can probably maybe close that out or do something with it; at least let him go. So, Mr. Zuraf -- did we rework some conditions?

1. CUP14150252; Conditional Use Permit - Courthouse Manor - Continued

Mr. Zuraf: Yes. And the adjustments are to proposed Resolution R14-251, and follow along.

Mr. Rhodes: Just one second.

Mr. Zuraf: Okay, so the first change would be to condition 1. So, we'll say this conditional use permit shall be limited to one drive-through facility within the HC Highway Corridor Overlay District for a pharmacy on a portion of Assessor's Parcel, and then the rest.

Mr. Rhodes: Okay.

Mr. Zuraf: So that's the first, to specify pharmacy. Then we have three new conditions. A new condition 13, which will read, the drive-through shall be designed to permit adequate U-turn turning radii for large passenger vehicles and passenger trucks.

Mr. Rhodes: Okay.

Mr. Zuraf: New condition 14; a double row of evergreen trees shall be installed to screen loading areas along the southwest side of the subject parcel. And a new condition 15; conduits for a future traffic signal at the Garrisonville Road entrance into the subject parcel shall be installed as part of the associated transportation improvements. And then previous condition 13 will become condition 16.

Mr. Rhodes: Okay.

Mr. Zuraf: Those are the changes.

Mr. Rhodes: Very good. Any questions for staff to clarify or have him restate any of the conditions as modified here? Are you satisfied with that, Ms. McClendon, that they're clear? Okay, very good. So, now we've got some modifications to conditions which was one of the points...

Mr. Gibbons: Mr. Chairman, I'll make a motion for approval with the conditions as read.

Mr. Rhodes: I'm sorry, I apologize, if we could Mr. Gibbons -- Ms. McClendon, these are ours so we don't have to do anything to adopt... Okay, I just wanted to make sure. So, Mr. Gibbons, your motion is to recommend approval of the Conditional Use Permit?

Mr. Gibbons: Yeah, 14150319, with the above recommended.

Mr. Apicella: I'll second that.

Mr. Rhodes: Okay, a motion to recommend approval by Mr. Gibbons, seconded by Mr. Apicella. Further comment Mr. Gibbons?

Mr. Gibbons: No sir.

*Planning Commission Minutes
October 22, 2014*

Mr. Rhodes: Further comment Mr. Apicella?

Mr. Apicella: No sir.

Mr. Rhodes: Any other member? Very good. All those in favor of the motion to recommend approval of CUP14150319, Conditional Use Permit, North Stafford Office Complex Retail Food Store 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. Thank you very much, appreciate it. Now we will move onto, 3 and 4 are deferred so we're moving onto item number 5 which is 5 and 6 kind of discussed together, Mr. Harvey?

3. COM14150326; Comprehensive Plan Compliance Review – Telecom Tower Verizon Wireless Brooke - A request to determine compliance with the Comprehensive Plan in accordance with Virginia Code Section 15.2-2223 for a proposed telecommunication facility including a tower, shelter, and equipment, on a portion of Zoning Parcel 39-40. The site is located on the north side of Montague Loop approximately 1,200 feet east of Eskimo Hill Road, within the Aquia Election District. **(Time Limit: December 21, 2014)**

4. CUP14150327; Conditional Use Permit – Telecom Tower Verizon Wireless Brooke - A request for a Conditional Use Permit (CUP) to allow a telecommunication facility in the A-1, Agricultural Zoning District on a portion of Zoning Parcel 39-40. The site consists of 0.02 acres, located on the north side of Montague Loop approximately 1,200 feet east of Eskimo Hill Road, within the Aquia Election District. **(Time Limit: January 20, 2015)**

UNFINISHED BUSINESS

5. Amendment to the Stafford County Comprehensive Plan (the Plan) - A proposal to amend the "Stafford County, Virginia, Comprehensive Plan 2010-2030," dated January 17, 2012, to implement a Transfer of Development Rights (TDR) program. The proposed amendment would modify Chapter 3, "The Land Use Plan," to incorporate amendments to the textual document and adopt a new map entitled Figure 3.8, Transfer of Development Rights Sending and Receiving Areas ("Map"). **(Time Limit: October 30, 2014) (History: Deferred on September 24, 2014 to October 8, 2014) (Deferred on October 8, 2014 to October 22, 2014)**

6. Amendment to the Zoning Ordinance - Proposed Ordinance O14-26 to amend the Zoning Ordinance, Stafford County Code Section 28-35, Table 3.1, "District Uses and Standards," and

Planning Commission Minutes
October 22, 2014

Table 3.1(a), “Standards for Transfer of Development Rights (TDR);” Section 28-355, “Applicability;” Section 28-356, “Right to transfer development rights; general provisions;” Section 28-357, “Sending properties;” Section 28-358, “Receiving properties;” Section 28-359, “Calculation of development rights;” and Section 28-360, “Transfer of development rights sending property development limitations” to modify the TDR Ordinance. **(Time Limit: October 30, 2014) (History: Deferred on September 24, 2014 to October 8, 2014) (Deferred on October 8, 2014 to October 22, 2014)**

Mr. Harvey: Yes. Please recognize Mrs. Baker for the discussion.

Mr. Rhodes: Okay, very good; thank you.

Mrs. Baker: Good evening Mr. Chairman, members of the Commission. May I have the computer please?

Mr. Gibbons: Mr. Chairman, before we get into this, I want to thank this Commission and the staff for going back to the Board to get this extended and do it right. And I commend everybody. It’s a very serious issue and I’m glad that we’ve got the relationship with the elected body as well as the staff to do this. Thank you.

Mr. Rhodes: Yep. It was good, and we did get the approval of the extra 60 days. We only have 2 meetings in those 60 days but we did get the approval for the extra 60 days. Or we could have more, but we only have 2 right now. Mrs. Baker.

Mrs. Baker: Okay. Transfer of Development Rights -- as you all recall, we had a public hearing on September 24th and you all discussed further on October 8 and that is the meeting that you requested the extension from the Board which they granted yesterday. So you now have until December 30th to take action and have an ordinance ready to go forward, or a recommendation on an Ordinance.

Mr. Rhodes: And just to confirm, that would be to have a public hearing and then make some... on an alternate proposal, and then make a determination and a recommendation forward by that time.

Mrs. Baker: That’s correct.

Mr. Rhodes: That’s not in lieu of the one that they forwarded. We still have to take action or consider the one that they sent us, the specific language that they sent us, correct?

Mrs. Baker: That’s correct. And if...

Mr. Gibbons: They did not allow us to amend what they sent down?

Mrs. Baker: You’re still allowed to amend, but if there are additional amendments that are going to occur that weren’t previously advertised at your September 24th hearing, then those do need to be advertised.

Mr. Apicella: Mr. Chairman, it was my understanding that the desire was to have us vote on the specific package that they asked us to look at, an up or down vote. And if we would like to recommend an alternative version, that we can do that as well.

*Planning Commission Minutes
October 22, 2014*

Mr. Rhodes: So, to pursue with what... the way I understand it, I just want to make sure we're all clear, the way I understand the way we could proceed is, regardless we have to address the one that they sent to us. And up and down recommendation, how we go. In addition, we now have the opportunity of 60 more days to possibly advertise another version, get a public hearing, and vote on that forward as well, correct?

Mr. Harvey: Correct. And, Mr. Chairman, as I was explaining to the Board yesterday, it's my understanding that the Commission's desire was to give the Board the opportunity to weigh both proposals and pick which one they felt was the best to serve the communities' needs.

Mr. Rhodes: Okay, I just wanted to make sure we were all kind of seeing... knew what we were going forward. Okay.

Mr. Gibbons: And again, you're a good recording secretary.

Mrs. Baker: Okay. And just to point out, there are three handouts that you should have received this evening. One was a letter from Northern Virginia Conservation Trust which was dated October 20th; that was previously sent to you and handed out. You also have a letter from Save Crow's Nest that was received, I believe that was dated today. Thirdly, there is an ordinance that was handed out this evening and what was in the package was our original... it was a few revisions that we tried to incorporate based on some of the comments that were received at the last meeting that was inadvertently put in your package. You really should still have the version that was referred to you without any changes and that's what the handout is. They were minor changes that were put in there, the conservation easement language and the very final paragraph that was in there. We had just inserted that as the start of a working draft of changes to that ordinance. So, what I'm going to be working off of tonight is the original ordinance that was referred from the Board. So, with that, I just wanted to recap so that everyone remembers where the sending and receiving areas are; the receiving area being the Courthouse Redevelopment Area to the east of I-95. The sending, which you see outlined in blue which incorporates properties that are designated both agricultural, which is the light green on the Comprehensive Plan, and park, which is the dark green on the Comprehensive Plan, which is generally the Crow's Nest and Crow's Nest Harbour subdivision area. So the Planning Commission, at the last meeting, had asked the staff to review some of the additional considerations and I'll just briefly go through those and then we can have some further discussion as necessary. The first was basically can sending areas with different qualifying criteria and different residual uses be considered, and yes this is permissible. You do have to have a rational nexus for that which you really need to have some distinction as to why you're making these criteria different. That was the first consideration. Next slide. Second was could all the corporate owners be required to participate in the program, and that is not a permissible provision to include. TDR is voluntary and the enabling legislation from the State would not allow us to force anyone, as some of the terms that have been used in the past, to enter into the program. Next. The next question was whether or not the Crow's Nest Harbour lot owners were entitled to at least one development right. And, as the ordinance is currently drafted under that Section 28-359(b), it is stated that any of those lots would be entitled to one development right. Specifically, it says any parcel created as a building lot larger than 2 acres and designated as park is entitled to a minimum of one development right. It is permissible to remove this provision; that would prohibit some lots from transferring a development right based on certain topographical soils or other restrictions that might potentially deem a lot unbuildable. Next. Then the Planning Commission also asked to have us consider a review of the Northern Virginia Conservation Trust letter that was presented at that meeting. There was a request in that letter to add conservation easement. It's now actually been, the letter that you received that was a revision to that letter, or a modified version, which is the letter you received

*Planning Commission Minutes
October 22, 2014*

dated October 20th, that adds the language permanent conservation easement and qualified holder to the general provisions. And that is in addition to the requirement that there be covenants that would run with that property.

Mr. Apicella: Kathy, what does that do? What is the distinction between permanent conservation easement do versus the words conservation easement?

Mrs. Baker: Just a clarification that it's a conservation easement...

Mr. Apicella: But is the word permanent defined anywhere? You know, I'm just trying to understand what's the benefit of adding that word. Is it not just... I've seen conservation easement used without the word permanent in so many other venues. I'm just trying to understand what the benefit of it is. Is there any vagueness in the words conservation easement?

Mrs. Baker: Since we received this, not in time to really have that full discussion within staff, and I'm not sure I really have an answer, I know that under our PDR Program we do specify a perpetual conservation easement so that it is known at that time. But I don't know if Mr. Harvey or Ms. McClendon have any additional comments on that as far as what a permanent conservation easement is. But that's something we did not discuss yet as that was presented in this October 20th letter.

Mr. Harvey: Mr. Chairman, Mr. Apicella, the wording is up to the Commission on how you want to prepare it. The end result will end up being the same, because our covenant that we initially drafted would be a permanent document. If we get involved with a third-party conservation group, we would also ensure that it'd be a permanent document for a permanent easement.

Mr. Apicella: What about the additional Board's qualified holder? What does that add to the mix?

Mrs. Baker: That's just allowing someone other than the County to potentially hold an easement, perhaps a land trust organization or other group that is qualified under, I believe if you look under State legislation, they're going to talk about who is a qualified (inaudible).

Mr. Apicella: Is it necessary to add it? I mean, is it not already provided for or generally understood?

Ms. McClendon: Mr. Apicella, that provision is not currently provided for in the ordinance. What that would do basically, the way it's currently set up is that there would be a covenant recorded and the County would be a party to the covenant for enforcement purposes. If you add the qualified holder language, that means that a conservation easement would then be granted to a group like NVCT and then they would have the responsibility of enforcing the conservation easement.

Mr. Apicella: Thank you.

Mrs. Baker: And the next two are really issues that you all had raised as well; is it permissible to have additional sending property eligibility criteria and then the sending having residual uses that are different. And yes, those are both permissible and we can get into some further discussion on that. What staff is going to recommend at this point is that perhaps the Planning Commission consider a subcommittee over the next three weeks. We can get down... get our language and how we want this written. We can take into consideration any of the comments presented by the public, by the Northern Virginia Conservation Trust, or Save Crow's Nest. We've had so many different inputs at this point that whether any of them are conflicting or whether they're not conflicting, we'd really like to sit down,

*Planning Commission Minutes
October 22, 2014*

particularly with a member or two from the Planning Commission, and make sure that what you all are intending and what the public is intending, are we all reaching for the same goal and trying to get the same language in this draft ordinance. And so that would be our recommendation just so we're not misunderstanding what (inaudible).

Mr. Rhodes: So, your thought being that given the limited number of currently scheduled meetings, at least as it currently stands, a couple members to join with staff to make sure we get it right so that we can vote it out for public hearing next session and then be able to act on it in the following session, in December.

Mrs. Baker: That's correct.

Mr. Rhodes: Okay, questions for staff? Mr. Coen.

Mr. Coen: Very quickly, and in part because it's because it was my guy that said it, but earlier we heard that Mr. Thomas mentioned a different zone. That's not on the table. All that's on, you know, saying we're not going to deal with Crow's Nest but we're going to go to some other part of the County, that's not something we can delve into. It's just solely the semantics of this language, correct?

Mrs. Baker: Well, I know that that was raised at the Board meeting. I think that they left it as something that it would be considered down the road after this issue is one way or another resolved. I think the Planning Commission, if they choose to make that recommendation back to the Board, it's certainly something that you all can do if you choose to look at another area in the County.

Mr. Coen: Thank you.

Mr. Rhodes: Okay, Mr. Apicella.

Mr. Apicella: Mr. Chairman, Kathy, as requested, you all, the staff, went through the NVTC letter that was provided at the last meeting and provided comments on each one of the recommended changes that they put forward. Is that correct?

Mrs. Baker: Yes.

Mr. Apicella: Okay, you also looked at one of the issues that was raised by another group about corporate owners being treated differently than other folks and responded back that that's not permissible under the State Code.

Mrs. Baker: Correct.

Mr. Apicella: And the third issue that was raised at the last meeting was with regard to a particular provision that would entitle owners on park lots to at least one development right, irrespective of the conditions of that lot. And you said it was permissible to remove that; we didn't have to include that if we chose not to in another version of or an alternate version of the TDR Ordinance, is that correct?

Mrs. Baker: That's correct.

Mr. Apicella: So, when I look through attachment 2, which you indicated wasn't really intended for us to have but it just so happens that it incorporates just about every change that you all thought was not

*Planning Commission Minutes
October 22, 2014*

problematic. So you talked about in your staff report those things that you thought were, I would call, doable and those things that NVCT proposed were problematic or not particularly doable or not helpful or counterproductive.

Mrs. Baker: The only things that we really added to this Ordinance that was in your package in Attachment 2 is inserting the language about conservation easement and qualified holder, and that was done throughout. And then also if you look at the very last page, page 9 of 9, letter f, that was added in and that was verbatim. Again, that was not intended for our recommendation and the language at this point. We were just inserting it to show this is the recommendation...

Mr. Apicella: I did a side-by-side of the NVCT letter and, again, all the changes that you all thought were okay, and included every one of those in terms of the word conservation easement; it's in every place where it was recommended. You didn't include the language about the boundaries of what is now the park area and said that that wouldn't necessarily be useful or productive. And I think there were some other restrictions that NVCT proposed with regard to the sending area, also what you said would be counterproductive and actually not particularly useful to this Ordinance. That was not included in the Attachment 2 version. So, again, 90% of what NVCT recommended you included. The things you thought were not helpful you did not include. That was my read of Attachment 2. The only thing that didn't change was the one provision that speaks to, again, the park lots, under Section 28-359(b) which currently says, any parcel in existence on the effective date of (inaudible) that was created as a building lot, is larger than 2 acres and is designated as park land on the land use map of the Comp Plan shall be entitled to a minimum of 1 development right for the purpose of this Article. So that was the issue I raised at the last meeting, again, which I don't think we should include in an alternate version. My point is, Attachment 2 largely reflects those things that were recommended, at least that I recommended, at the last meeting, with the exception that you've identified some additional language in the staff report on page 3, d., it says, on page four, add the following to Sec. 28-360, and then at the bottom of it, it says in addition to the following language, it is suggested to add some additional verbiage. So that's the only thing that is an add-to that wasn't previously discussed.

Mrs. Baker: Well, that and, like you said, the reference to 28-357(b)(4) which was a proposed recommendation for language located within one mile of the banks of Potomac, Accokeek Creek, Aquia Creek, Chapowamsic, or the Potomac River. We did not put that in because, number one, there were questions that we had and we contacted Northern Virginia Conservation Trust to get some clarity on that. The other...

Mr. Apicella: Isn't it already... that area is already identified in the... if we approve the Comp Plan map, it already speaks to the boundaries of what the park land is.

Mrs. Baker: Yes, and that's why we had...

Mr. Apicella: So this would be superfluous, it wouldn't necessarily add anything.

Mrs. Baker: But they were still looking at incorporating this in a different way.

Mr. Apicella: I understand; I just...

Mrs. Baker: It was basically inserted maybe in the wrong location or not clearly worded. And, again, since we did not have a clear understanding and we did not put that in. And, again, this version was inadvertently given to you all; you should have received the other version. This was a working copy

*Planning Commission Minutes
October 22, 2014*

that staff was working on until we came to the point that said well these are some questions we still have so we're not going to put that in there.

Mr. Rhodes: So you haven't finalized confidently from a staff perspective or from a legal review perspective a version that could go to public...

Mr. Harvey: Correct.

Mrs. Baker: No, that was a working draft because you all wanted to hear from us first whether there were implications, whether they were permissible, and so we didn't want to put anything in yet until we hear back from you to say, yes, put this in and put this in and don't put this in.

Mr. Rhodes: So our key next step is to quickly get to something we have a good confidence in that we could likely vote out at next session for public hearing.

Mrs. Baker: That's correct. That's why we recommended perhaps a subcommittee.

Mr. Gibbons: Mr. Chairman, we've got to be careful because we've got 60 days. We only meet once...

Mr. Rhodes: I know. We have to have something that's worked well enough, and that's why I think staff is suggesting a couple Commissioners work with them, that's worked well enough that when we get together next time we're pretty confident we can vote it out to public hearing. And then, at the public hearing in December, we're going to have to conclude our work with it at that time. So, we, again, the importance of getting it good and solid and strong and consistent with the views of an alternative that have been considered by us when we vote it out for public hearing. So, are there... can I get anybody to work with staff? Specific volunteers?

Mr. Gibbons: I think Mr. Apicella should volunteer.

Mr. Apicella: No, I don't volunteer.

Mr. Rhodes: Okay.

Mr. Apicella: I will certainly provide my comments, but I've worked on this for four years. I'm ready to go. I think we have enough to go with.

Mr. Gibbons: Well I'll second that motion. I agree.

Mr. English: Go with it.

Mr. Rhodes: Well, what language... we haven't had a legal review on a...

Mr. Apicella: Mr. Chairman, we have had a legal review. We, at the last meeting, asked staff to look at every one of the provisions that NVCT requested. They've done that. We now have another version of NVCT's comments, different from what they gave us last time. That's three bites at the apple that they've had thus far.

*Planning Commission Minutes
October 22, 2014*

Mr. Rhodes: What we would need to do to vote out for public hearing is have the actual language that would be going for public hearing, and I don't think we have actual language that has had a legal review to go for public hearing.

Mr. Apicella: I would... it's my assumption that in providing the comments that we got in the staff report that legal has already looked at those provisions. Otherwise, why would they even come to us with a staff report.

Ms. McClendon: Commissioner Apicella and Mr. Chairman, the comments provided in the staff report were reviewed by the County Attorney's Office; however, the staff's working document which was inadvertently put in the package was not. And I would encourage the Commission if they would like to give us direction on that draft document and let us come back with some concrete language at the next meeting that could be voted to public hearing.

Mr. Rhodes: I just don't think we have one that is in the form...

Mr. Apicella: I disagree. I think we do. And if we already had the time at the last meeting, if we weren't under our clock, we could have recommended a proposal to go to a public hearing. It just so happens that we were running up against an October 31 clock. I mean, I'm prepared to talk about specific things I think we should include, again, which largely reflects the version that we got from NVCT last time and one additional change that I mentioned over several meetings.

Mr. Gibbons: Could I make a request? We have an item, an unfinished, that we could take and defer this until after we...

Mr. Rhodes: Yep. I was going to just suggest that we, if we have the consensus or if we need to vote for it, we move onto New Business and then come back to this item? Is that okay with everyone? Okay, and then we'll determine how we dispose of this item. So, if we could... thank you very much Mrs. Baker... if we could, Mr. Harvey, if we could move onto item number 8, New Business, SUB1400090, Rappahannock Landing Sections 2, 3, and 4, Preliminary Subdivision Plan?

7. 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) (Staff coordinating with Chairman)**

NEW BUSINESS

8. SUB1400090; Rappahannock Landing Sections 2, 3, and 4 Preliminary Subdivision Plan - A proposed preliminary subdivision plan for 561 townhouse units on 84.22 acres on Assessor's Parcels 53K-22-A, 53K-23-A and 53K-24-A, zoned R-2, Urban Residential, located on the west side of Old Forge Drive approximately 2,100 feet south of Warrenton Road, within the George Washington Election District. **(Time Limit: January 14, 2015)**

Mr. Harvey: Thank you Mr. Chairman. Mrs. Hornung will be making the presentation for this case.

Mrs. Hornung: Good evening Mr. Chairman, members of the Commission. The item before you is the Preliminary Subdivision Plan for Rappahannock Landing Sections 2, 3, and 4, SUB1400090. The Assessor's Parcels are 53K-22-A, 23-A, and 24-A, and it's shown on this graphic that you see here. It's

*Planning Commission Minutes
October 22, 2014*

zoned R-2, Urban Residential, and this one is vested to the 1989 Zoning Ordinance. The size of the parcel is 84.22 acres and it's west of Old Forge Road... the location is west of Old Forge Road approximately 2,100 feet south of Warrenton Road. And the number of lots proposed are 561 townhouse units, in the George Washington Election District. This shows you an aerial of the site where to the top of the graphic, that's Section 1, Rappahannock Landing. Public water and sewer will be connected into these three sections via Section 1. There will be a pump station constructed with Section 4, and when we get to the next graphic I'll show you the overall preliminary with the location of the pump station. The stormwater management facilities will be utilizing existing facilities in Section 1 that will be maintained by the homeowner's association and owned by the homeowner's association similar to how it's done in Section 1. And, if necessary, with phosphorus removal and the drainage, they will construct additional bio-retention facilities, if necessary. In Section 22-190 of the Subdivision Ordinance, there is a requirement that connections for a subdivision... the number of connections for a subdivision is based on the number of lots. Because there's 561 lots proposed, the connections would normally be 7. But because of the location of this subdivision to I-95, the Rappahannock River, and the environmental constraints, they were approved on... I wrote the date... they were approved a few weeks ago, on October 3rd they had the approval of two connections. And the one connection would be to Musselman Road and the other one will be to Old Forge Road. And that was in coordination with Fire and Rescue as well. So, everybody was in agreement that the two connections were appropriate. A Phase I archeological study was completed and the cultural resources plan will be submitted prior to final plat approval to the County. Oh, it doesn't show my pretty pictures. I had on this graphic the location of the pump station. Let's hope I don't... right here is where the pump station is proposed to be located on the overall subdivision. Then, to the... well, it's actually due west, but to the top of the schematic, this is the 20 foot fire access road. That is for emergency. That is not considered one of the connections. If you look over to the far right under the number 10, that's where one of the connections will be to Musselman Road. And then further down will the connection to the Old Forge Drive and Old Forge Subdivision.

Mr. Gibbons: You've got 500 and some lots with 2 connections?

Mrs. Hornung: That is correct. These are 561 townhouse units. Also... see, I did have it look really nice... also, in the area at the top toward the word Sheet 10 there's what looks like a roundabout. To the right of that is an area of open space. That is about 1.92 acres that's going to be reserved for future recreation; but the type of recreation or amenity has not been provided to staff. But they will reserve that area for recreation. And then all the other areas outside of the townhouse units, that's all open space. And 46% of the site will be reserved for open space. And the density for this R-2 subdivision is 7 dwelling units per acre, but for the 1989 Zoning Ordinance. Currently, R-2 is 3½ units per acre.

Mr. English: Where is Old Forge connected to this right now, on this? Is it right...?

Mrs. Hornung: To the bottom, the right bottom.

Mr. English: And the existing Rappahannock Landing now is up further to your Sheet 10, is that correct?

Mrs. Hornung: Right, at the top and to the right side of the title border.

Mr. English: Those are already built out already, right?

Mrs. Hornung: Yes sir.

*Planning Commission Minutes
October 22, 2014*

Mr. English: Okay.

Mr. Boswell: How many of these are going to be built before they tell us what the recreation area is going to be?

Mrs. Hornung: That is unknown.

Mr. Boswell: When will we know?

Mrs. Hornung: When it's proposed on the construction plan? Oh, they are here.

Mr. Gibbons: So let me go back -- this is a 1989 zoning?

Mrs. Hornung: Yes sir.

Mr. Harvey: Actually, Mr. Chairman and Mr. Gibbons, this property, the zoning predates 1989. It was zoned in the 70's; however, they became vested for 1989 regulations based on a prior zoning determination.

Mr. Gibbons: And we didn't have the cul-de-sac in place at that time, did we?

Mr. Harvey: There was a cul-de-sac ordinance but not an ordinance that dealt with connectivity between neighborhoods.

Mrs. Hornung: There are a few notes that are on the preliminary subdivision plan. One that was required by VDOT states, and it's on the cover sheet, is that the signal warrant study has determined a signal will be necessary after the Rappahannock Landing site plans for all four sections have been constructed. Therefore, a signal will be installed before occupancy permits are issued for the final section. That note, in consultation with VDOT, that note was also on Section 1 plans. So that note will carry over to the Sections 2, 3, and 4. Another item of interest for the subdivision is that they also have a note in the plans, it's actually note number 22, and that states that Musselman Road shall be in compliance with the Virginia State Wildfire Prevention Code prior to the issuance of the occupancy permit for the 201st unit constructed for this preliminary plan. So they did put that in there. Currently, Musselman has a variable width of 40 to 50 feet. And while it's a prescriptive easement, they will work with VDOT and the County to widen as best they can for at least an additional 20 feet. Most likely they would be able to utilize the area that's adjacent to Section 1, but any other property, they'll have to work with the landowners for the prescriptive easement.

Mr. Coen: So, when you use the phrase, as best they can, if they go to some of these landowners and they say no, then the road doesn't get widened? Or do we have to then have to go before and do eminent domain and take peoples' property and etcetera?

Mrs. Hornung: Yes sir, it will have to go through the condemnation process for eminent domain, if there's no agreement for obtaining the additional right-of-way.

Mr. Coen: Thank you.

Mr. Gibbons: You mean the Board has to.

*Planning Commission Minutes
October 22, 2014*

Mrs. Hornung: Yes sir.

Mr. Gibbons: Does the owner petition or does the Board do it?

Mrs. Hornung: The Board would have to do it.

Mr. Harvey: Yes, Mr. Chairman and Mr. Gibbons, the applicant would need to make a request to the Board and the Board would have to agree to do that.

Mrs. Hornung: One other item is that no lots will have... shall have direct access to Musselman or Old Forge Road.

Mr. Rhodes: Okay.

Mrs. Hornung: And this subdivision is ready for your consideration. Staff recommends approval.

Mr. Rhodes: Other questions for staff?

Mr. Gibbons: We don't have public hearing on this?

Mr. Rhodes: No, no, we're just going to have the applicant come forward.

Mr. Gibbons: I'll wait until after they come forward.

Mr. Rhodes: Okay. Applicant please.

Ms. Karnes: Mr. Chairman, members of the Planning Commission and staff, my name is Debrarae Karnes. I am an attorney and land use planner working for Leming and Healy and representing the applicant. I'm here on behalf of Rappahannock Landing to ask that you approve their preliminary plan. They'd like to thank the staff for its assistance in working through the issues. I think they've worked through all of the issues. I'll address two of the questions that were raised and then I'll be happy to answer any questions. And we have the engineer and representatives from the development team as well.

Mr. Rhodes: Thank you.

Ms. Karnes: Okay, I heard a question about recreational amenities and timing. And the recreational amenity to be built will be a clubhouse and a pool. And I have handed staff a color exhibit that, if we could figure out how to show it, it would be great. Timing wise -- and just for the purpose of the audience, passing around I think what I would describe as a nice building with an outdoor pool. The construction of the clubhouse will begin early next year. They hope to have everything, including the pool, completed by the end of next year.

Mr. Apicella: If my colleague doesn't ask it, I will. I lived in a townhome subdivision and we only had about 150 units. I've got to tell you -- with that number of units, I can't believe that you haven't recommended a tot lot or several tot lots. So, I don't know if it's required but you're going to have a lot of kids in that very large townhouse subdivision.

Mr. English: Throw a school in there too.

*Planning Commission Minutes
October 22, 2014*

Mr. Apicella: That's going to be adjacent to the clubhouse. But I would strongly recommend consideration of amenities specific to children.

Ms. Karnes: I'd like to introduce a member from Kettler who could respond to that.

Mr. Keeler: Good evening, it's Charlie Keeler with Kettler. There are several tot lots throughout the subdivision. There's one included on that plan. It's the area in reddish-yellow shown on the plan.

Mr. Apicella: Thank you. The parents will be very happy.

Mr. Coen: So, do I understand this right? I'm trying to read the map and ask questions at the same time. I'm just curious -- so this pool is envisioned to satisfy the needs of not just the 571, but... or 561... but also the ones that are already there.

Mr. Keeler: Yes sir. It's a junior Olympic-sized pool; it's a 25-meter pool with swim lanes, as you can see. And then the other section of the pool is a beach-entry type facility where it starts at zero and goes down to the full depth of the pool. Then there's also a wading pool for children off to the side, if you see the little square, the little blue square, next to the clubhouse. Within the clubhouse there's an aerobics room, there's a gymnasium, there's meeting space, there's a great room, and the great room opens up onto a deck which looks out over the pool so that they can open the doors and it effectively doubles the space of the great room. So, there'll be a homeowner's association representative office in the clubhouse. The clubhouse is about 4,500 square feet. It includes full bath facilities for the swimming pool, the guardhouse, whatnot, all the pool equipment.

Mr. Coen: And if I'm quickly doing the math on the map you gave us, it's about 65 parking spaces?

Mr. Keeler: I believe that's correct.

Mr. Coen: Okay. And when I'm looking at the grand, big picture, for those at home these massive maps, I mean it's a big sprawling complex so either people will walk to the pool or 65 of them will get to drive to the pool. Do you have traffic calming measures around there?

Mr. Keeler: As you can see on the drawing that the staff put up, there's a traffic circle very close...

Mr. Coen: Near there, right, but that's it.

Mr. Keeler: Yeah. And there's on-street parking as well near the amenities area.

Mr. Apicella: Mr. Coen, may I piggyback off of that? Will you have traffic calming measures elsewhere in the subdivision? Again, kids will be playing in the street, trust me, in a large townhome subdivision like this.

Mr. Keeler: Well, in terms of traffic calming, there are sidewalks on both sides of the street on all the streets within the entire community. The only traffic calming...

Mr. Apicella: You will have kids playing in the street... ball... while cars are trying to get from point A to point B. I would strongly recommend you consider traffic calming measures because cars will be flying. I don't care what the posted speed limit is, my experience, having been an HOA President for a

*Planning Commission Minutes
October 22, 2014*

townhome subdivision, people will be flying through the streets and kids will be playing in those same streets.

Mr. Keeler: Thank you. We typically wait until we know where the issues are in order to install speed tables and pedestrian crossings and things like that. Obviously, we can do that in some of these areas because the streets are... there are some public streets and a number of private streets within this community. So, yes, absolutely, we do that all the time.

Mr. Coen: And, again, we just got the map, the diagram tonight so I'm trying to scan. But on basketball courts, I don't see any. So, that goes to Mr. Apicella's argument about people playing basketball in the street, if not doing other games of stickball and whatever. (Inaudible) there isn't one (inaudible).

Mr. Keeler: We spent a fair amount of money improving the basketball court at the Old Forge community and so that's the only basketball court we're showing right now.

Mr. Rhodes: Other questions?

Ms. Karnes: Let's see, I think I've not heard any more questions on recreation and so if it's the Chairman's pleasure, I'll discuss the transportation question -- or at least the access question.

Mr. Rhodes: Please.

Ms. Karnes: As you heard in the staff report, this development has two entrances onsite. And that was negotiated with and received approval by the Fire Marshal. One of the access points in Musselman which will be improved, and that commitment is reflected on the plan notes, by the occupancy permit issuance of the 201st unit. Now, let's talk about what improvement means. The engineer tells me that not all of Musselman needs to be improved. And the portions that do, we're talking an additional 1½ feet or so of pavement. And questions were asked about the process. And you heard staff talk about the process of condemnation by the County if that was necessary. My clients do not believe that will be necessary. The actual language the engineer said, not to mix metaphors, but we believe we won't get to that point. That will not drive the design of the expansion. They're pretty comfortable that they can make the proposed expansion work. Supplementing the two access points will be two future inter-parcel connections.

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

Mr. Coen: Real quickly. In driving through this one, before this came before the TRC, there was a good number of units already built up that people were going out onto Musselman. Do you know offhand how many units are in that section that are already built?

Ms. Karnes: I don't know but I would ask the engineer.

Mr. Coen: Hi engineer!

Mr. Keeler: There are 130 units in Section 1.

Mr. Coen: Thank you.

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

*Planning Commission Minutes
October 22, 2014*

Mr. Apicella: Will there be one HOA or multiple HOAs?

Mr. Keeler: One master association, and the master association handles all the common areas, including we'll deed the completed the rec center facility to them unencumbered.

Mr. Gibbons: I don't have a question, but I've got a question for staff.

Mr. Rhodes: Okay, please.

Mr. Gibbons: After she gets done.

Mr. Rhodes: Any other questions for the applicant and then we'll bring it back in for staff? Very good; Mr. Gibbons for staff.

Mr. Gibbons: Well, I'm concerned about the whole layout and the access point. Maybe the Fire Marshal has the right to do that but this Commission has got to take a look at what is good for the welfare and safety of this community. You're talking about a community of almost 2,000 people? And you've got 2... 2½ entrances? And what effect does it have on the schools? When I got it, I was in a state of shock because I forgot all about this thing. I thought it disappeared, but I guess it came back. Like the Phoenix. But we've got to take our time on this one, a little time. I mean, if you haven't driven down Musselman Road, take a look a look at Musselman and a foot and a half on each side is not going to solve this problem.

Mr. Rhodes: Mr. Harvey, the Fire and Rescue comments again? Staff?

Mrs. Hornung: Mr. Chairman, when working with the engineer had requested a waiver for the connections, staff made sure that the Fire Marshal was agreeable to the amount of connections and having the additional 20-foot fire emergency access road to the top, under the words Sheet 11.

Mr. Harvey: Mr. Chairman, just to clarify, the access point issue that Mrs. Hornung is referring to is not the connections to the existing state road, but it's the connections for adjacent properties. Because this project has the connection out to Musselman Road, as well as Old Forge Drive which are existing state roads. So they have two additional connections on the GDP, one above the wording Sheet 9 and the other one below the wording Sheet 11. So those would be additional potential connections if those adjacent properties ever developed.

Mr. Gibbons: Could we not annotate the map for us so we...

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: If I could just go first. So you are referring to the one overall map that was on the computer. So that's the bottom of Sheet 9...

Mr. Harvey: If we could have the computer please?

Mr. Rhodes: Computer please? The bottom of Sheet 9...

*Planning Commission Minutes
October 22, 2014*

Mr. Harvey: Correct. This is the location of the inter-parcel connector through adjacent property, as well as this one up here where Mrs. Hornung was referring to the emergency access. This property here as designated Sheet 11 is currently zoned for single-family detached homes.

Mr. Gibbons: Single-family?

Mr. Harvey: Correct.

Mr. Rhodes: Okay, so that will be... that's the extra 20-foot access?

Mr. Harvey: Yes, and at some point in time that may become a regular street.

Mr. Rhodes: Okay.

Mr. Apicella: Mr. Chairman, again, I apologize, these are all questions or concerns that I have having lived in a townhome subdivision and having been an HOA President and seeing many of the problems that arise. So this question goes to the number of... and I've asked this on every townhome subdivision... how many parking spaces are there for residents? Are they assigned?

Mr. Rhodes: Applicant please.

Ms. Karnes: Mr. Chairman, our engineer is getting that for you.

Mr. Apicella: And a similar question would be how many parking spaces are there for visitors? Generally are they allocated within sections? Ultimately, my concern would be people parking in the road because that was my experience. Despite all the requirements against it, people would park their cars in the road prohibiting through traffic going in both directions.

Mr. Troidl: Good evening, I'm Justin Troidl with Bowman Consulting Group. We're the civil engineers for the site. Generally, the majority of these townhomes are 2-car garage, or 2 parking spaces in the driveway to provide for the majority of the parking for the garaged units. So, you'll have your 2 spaces there as well as you have additional on-street parking throughout the community on the opposite where you don't have the driveways abutting. For the non-garage units, you're going to have 2.2 spaces per unit based on the County Code, plus there's an additional half a dozen here and there for visitors throughout the community, in order to meet for visitors for that site as well as you will have the additional parking at the club space. So it's spread throughout; we try to keep it as close as we can to each unit but we keep the number of visitors required based on County ordinance.

Mr. Apicella: How many...

Mr. Troidl: I can tell you how many total. I mean, in Section 2... yeah, it's on Sheet 3 of 21... in Section 2 there's 289 spaces for the 131 units; Section 3 there are 344 spaces for the 154 units; and Section 4 there are 618 for the 276 units.

Mr. Apicella: Okay, but that still does... it's all well and good. How many total spaces are allocated for guests? Typically what will happen in a townhome subdivision is sometimes you have more than just one family living in that townhome and those people will be taking additional spaces that are not necessarily assigned to them.

*Planning Commission Minutes
October 22, 2014*

Mr. Troidl: Sure.

Mr. Apicella: So I'm just trying to find... determine if there's going to be a problem down the road, so to speak, in terms of people trying to find a space. And if not, parking in the road instead.

Mr. Troidl: Sure.

Mr. Apicella: I know, and a 561 townhome subdivision, it can be pretty significant, especially in terms of Fire and Rescue trying to get in and, again, kids playing by cars and not being seen by cars traveling through. It does cause me concern, again, having experienced that.

Mr. Troidl: Well, the driveway spaces, those are obviously reserved for the owners. But for the individual non-garage units, I don't think they're planning on having assigned spaces for that.

Mr. Apicella: You might want to consider that. That would certainly ameliorate some problems but not all problems.

Mr. English: There's no satellite parking for any of those?

Mr. Keeler: Sure there is, absolutely. So there's 561 units in Sections 2, 3, and 4 and Justin just testified that there's over a thousand spaces in the subdivision. So we're very cognizant of the visitor parking issue and we've provided extra parking for visitors. If we have a constant conversation in the Homeowner's Association, we're still the declarant for the entire project. We have discussions with the community members who are also on the Board about visitor parking and whether it should be allocated or whether it should be available on a first come, first served basis. And we take those matters up as they come along. So, ultimately the Homeowner's Association will make that decision. We decided that we weren't going to make it for them at this point. So, right now it's on a first come, first served basis. But we haven't had issues to speak of in that community so far with visitor parking.

Ms. Karnes: But if I may, Mr. Apicella... Mr. Chairman, if I may... let's look at specific details. One of the pages of the preliminary plan actually itemizes the number of parking spaces in each section, in two subsections. There are for each dwelling unit 2 parking spaces in the driveway. There's an additional number of parking spaces offsite, either for additional residents or for guests. And we could read you the numbers for each but they're quite substantial.

Mr. Apicella: I don't know what's going to happen tonight, but if it does get deferred, I'd like more specificity on the parking. Because, I will tell you, it will become an issue. It has in other subdivisions like this so it would certainly be helpful to get some more specificity.

Ms. Karnes: I mean, it's on the plan.

Mr. Troidl: Mr. Chairman, for instance, the 131, there's 214 designated spaces in the driveways and there's an additional 75 that would be used for their guests. So, in that particular section you have 75 which we called visitor spaces because they're outside of the driveways. In the next section there's 218 designated driveway spaces, so you've got your 2 per each unit plus an additional 126 off... outside of the driveways that would be reserved -- not necessarily reserved, but available for visitors of those units. And then in Section 4, there's 336 spaces with an additional 282 off-street parking spaces that would be used for their visitors as well. So, they have their 2 parking spaces in their driveway, plus the additional close to 300 spaces.

*Planning Commission Minutes
October 22, 2014*

Mr. Apicella: I thought you said there were some units that have parking spaces and some units that don't have parking spaces.

Mr. Troidl: Correct, but the way it works is because of the location of those, the non-garage are... you've got garage units and non-garage units across from each other. So what you've got is you have their driveways and then you've got the sea of parking in front of the other side of non-garaged. So, it's intermixed; you have their two spaces for theirs as well as visitors intermixed for both uses. For instance, if you had 30 units on the one side, you would have your 2.2 spaces for those 30 non-garage units, plus you already have your driveway spaces for the 30 units on the other side, plus the additional visitors mixed in with the parking in front of those 30 units. So you would have... you have a sea of extra parking in front that wouldn't be used; that would be used for visitors for those particular (inaudible).

Mr. Apicella: Okay, I appreciate the clarification. I would still... it's not part of the, you know, what we look at, but I would recommend you consider assigning parking spaces to avoid problems that will occur, especially in a large townhome subdivision -- people fighting over a space closer to their house.

Mr. Keeler: Absolutely, we're willing to look at that and assign the spots if it becomes a problem. Certainly.

Mr. Troidl: You also raised the point for the garages; we actually don't count those as spaces. So you have the 2 parking spaces as well as the parking spaces inside of the unit themselves. We can't count that towards our off-street though. So, while we have the 1,200 spaces, we also have the 2-car garage spaces in there that don't count towards the parking. So, essentially in a 2-car garage unit, you're getting 4 spaces; so you could have your 2 visitor spaces there as well with the people parking inside the garage. But that's not accounted for in these numbers.

Mr. Boswell: Bouncing around just a little bit here, Mr. Chairman...

Mr. Rhodes: Yep, please.

Mr. Boswell: I had asked a question on the recreation facility, what it was going to be. That was answered a pool and a clubhouse. Still it was never really clear on when. I believe Ms. Karnes said hoped to have it done early next year. I'm not too sure I'm comfortable with that. I don't know what we can do, but I'd kind of like to know, you know, link it to a number. I'd hate to see the people waiting on a pool until we got to unit 560/561. Is there any way to link it early on in this? Or is that an option for us? Can we put that in there?

Mr. Harvey: Mr. Chairman and Mr. Boswell, there are no ordinance requirements for these types of amenities, so it would be something that the applicant would have to be willing to add to the plan. By making that modification to the plan, you'd have to wait until your next meeting before the Commission could approve it, because it has to be... plans have to be available to the public 5 days before the Commission votes on them.

Mr. Coen: Mr. Chair, since it's in my district, just a little bit of history on this. Many of the issues, I think Mr. Troidl will probably agree, were brought up during the TRC. When we met about the TRC, and the staff did an excellent job, all the staff, in bringing up many of these issues. And it was rather ironic because I went in there with the same issues about the traffic and going on Musselman Road because, like Mr. Gibbons and Mr. English, I'm used to that road. And it's really a very typical Stafford

Planning Commission Minutes
October 22, 2014

rural road. And as it went around the table, person after person kept bringing up the roads and going onto Musselman Road. And so, to the credit, they're saying they're going to adjust it or deal with it, but I'm concerned about exactly the phrase, you know, as best they can. And I went with this with Mr. Harvey on several times about when we met at the TRC, the Technical Review Committee, for those watching at home, there was a discussion how Musselman Road met the State Code, the Code, at the time it was built. And I always was curious about when they're talking about making it up to code, whether they mean with the houses that are on there in current code, or is it the current code plus the 130 units that are there, is it the current code plus the 560? Like one of our other developments that we've been talking about, the argument was people will go over and go out the Old Forge Road. That's a bigger road, there will be more access. And if you look at the map, and human nature, most of those people are going to go onto Musselman because it's the closest one to their home. So, to its credit, they are saying they are going to do something about the road, but I'm curious about exactly what and how. I'm interested in the map but it would be nice if everybody could get a map so we could look at it and really process it. I thought it was interesting about the basketball because I hadn't heard anything about going and building one at Old Forge. But then if somebody's living in, you know, Sheet 12, are they going to go up to do it in Old Forge which is a pretty good hike. And then there was also mention about the questions about if they need to be additional retention ponds, we'll get into it. But again, that's just sort of if. The same with your tot lots or your parking. The parking one, you'll remember I brought this up. When I drove through there before the TRC, it was hard to get through the section that's already built because people were parked on the road. And, to your credit, you said, oh, I'm going to look into that and you wrote it down because it was sort of awkward driving through that neighborhood trying to get through in a rather normal size pick-up truck, let alone, you know, the humongous SUVs that Mr. Apicella references earlier. So, I'm going to move to defer this so that we can get some of this information. Some of this information will obviously come from the applicant. Some of it's going to have to come from staff, as far as what exactly is going to happen to the road so that we know. As Mr. Gibbons said, a couple feet on either side... and you know people down that way too. It is scary when two cars go down there, let alone a school bus and a car go down there, let alone 560 units times 2 cars per unit, if we're lucky, several times a day -- I mean, we really need to look at how this is going to impact people. And the other one that Mr. Boswell brought up; the timing of the amenities. And again, I'm trying to process what we're reading and hearing. But the clubhouse envisioned to be really nice; it will have a lot of stuff in it, but only 65 parking spaces. So that if you were having a Homeowner's Association meeting about something and people were going to flood there, then there'd be all this off-site parking way off. So I think it would us to have some idea, a little bit more specificity, about those topics. I don't know if anyone else wants to bring up something else, but those are the ones that just jump at me. So I would move for deferring to get at least that information.

Mr. Rhodes: Okay, so I heard a motion to defer to our next meeting.

Mr. English: Second.

Mr. Rhodes: Is there a second? Okay, further comment Mr. Coen?

Mr. Coen: No sir.

Mr. Rhodes: Mr. English?

Mr. English: Also, I would probably ask to see if there's a third entrance that could be put in there, because I don't like that just two entrances. So maybe something to look at.

*Planning Commission Minutes
October 22, 2014*

Mr. Rhodes: So, just a desire for a little more time just to better digest to make sure we fully understand all the elements of the preliminary subdivision plan compared to the requirements. So, therefore, there's a motion to defer this to our next meeting.

Mr. Coen: And, could I tag along? I don't know... Mr. Harvey, is it possible for us to get a visit or something definitive in writing from Fire and Rescue about their mindset and their viewpoint? I know we hear they're okay with it but, again, it's sort of like the one that we had earlier with the school system where they were okay with it. But there's a lot of questions out there. I mean, saying you're okay is not the same as maybe answering some questions.

Mr. Harvey: Mr. Chairman and Mr. Coen, we could ask the fire department to have a representative here at the next meeting.

Mr. Rhodes: Okay, thank you very much Mr. Harvey. Any further comments? All those in favor of the motion to defer this to our next session as we further digest this and get some more discussion to close this out or address it at our next session 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, thank you all very much. And we can move onto item number 9, SPR14150371, Liberty Knolls II, Block Length Waiver. Mr. Harvey.

9. SPR14150371 – Liberty Knolls II, Block Length Waiver - A request for a waiver of the Subdivision Ordinance, Section 22-156, Block Length, to allow for a block length of 2,113 feet, which exceeds the maximum allowable block length of 1,200 feet, on Assessor's Parcel 29-17, currently zoned A-1, Agricultural, located on the north side of Courthouse Road approximately 1,100 feet east of Winding Creek Road, within the Garrisonville Election District.

Mr. Harvey: Thank you Mr. Chairman. Again, recognize Ms. Ehly for the presentation.

Mr. Rhodes: Thank you.

Ms. Ehly: Good evening. If I could have the computer please.

Mr. Rhodes: Computer please.

Ms. Ehly: And, okay. And the next slide please? So this is an application for a waiver of Section 22-156 of the Subdivision Ordinance, Block Length, for the Liberty Knolls II, single-family subdivision which is the subject of a pending reclassification. Again, the location of the parcel is the north side of

*Planning Commission Minutes
October 22, 2014*

Courthouse Road, approximately 1,100 feet east of Winding Creek Road in the Garrisonville Election District. Next slide please. The original submission of the GDP showed a substantial impact to wetlands and the Critical Resource Protection Area by the internal road network, including three cul-de-sacs in addition to building and yard area encroachment.

Mr. Rhodes: But by those, it broke up the block length... this would have met the requirement, correct?

Ms. Ehly: Yes Mr. Chair. Next slide please. Staff recommended that the applicant consider an alternative site design in order to avoid the environmentally sensitive areas consistent with Comprehensive Plan policies 1.1.3 and 4.3.1, which state future development proposals should incorporate protection of natural, cultural, and historic resources, and the County shall discourage development on erodible and hydric soils and cluster development away from steep slopes and potential problem areas. Next slide... well, and also you can see I just put on there the general area that we're talking about with the most significant environmental areas of wetlands and the pond. Next slide please. The applicant submitted a revision of the GDP which showed a decrease in impacts to this Critical Resource Protection Area and the wetlands, as a result of the redesign of the road. However, the block length increased to 2,113 linear feet. Section 22-156 of the Subdivision Ordinance states that no residential block shall be longer than 1,200 feet in the R-2 zoning district. The block length waiver will be required if the property is zoned R-2 and the site is designed as depicted on the GDP. Next slide please. Staff finds the following positive aspects to the waiver request: the impact to the wetland area is reduced by the location of the road as proposed; the avoidance of environmentally sensitive areas is supported by the goals of the Comprehensive Plan; the waiver will not have an adverse effect upon future residents or adjoining property; the block is located between two access points as opposed to a cul-de-sac on one end. Staff finds the negative aspect to be that the minimum block length requirement does not impose an unreasonable burden upon the subdivider, which is one of the requirements, one of the two requirements, the two conditions that Section 22-241 of the Subdivision Ordinance requires to be met in order to grant the waiver. However, staff recommends approval of the waiver for environmental protection. There have been other waivers that have been approved for the same reason. Staff is recommending deferral of the decision though until the reclassification application has been approved. And I'll be happy to answer any questions.

Mr. Rhodes: And as I understand it, from this one and from the couple of past ones that have been approved, the primary reason... I think the strength of the reasoning on supporting it by staff's perspective is because of the dual entrances that are available. You've got alternatives to get in and out. Is that the primary strength that makes you comfortable with that?

Ms. Ehly: Mr. Chair, yes, that the Fire and Rescue is more comfortable with the access points at either end rather than one long cul-de-sac...

Mr. Rhodes: A long cul-de-sac to nowhere.

Ms. Ehly: Yeah, that would be a safety and welfare issue.

Mr. Rhodes: And then the, for the second point that was on that chart there, the reason for waiting is they don't have that many units until they get the reclassification. And so the design doesn't have to worry about dealing with it, right?

Ms. Ehly: Mr. Chair, in the A-1 zoning district, the block length is 2,500 linear feet.

*Planning Commission Minutes
October 22, 2014*

Mr. Rhodes: So it's not an issue in the current zoning.

Ms. Ehly: So it wouldn't be a requirement in the A-1 zoning district.

Mr. Rhodes: So wait until it's actually rezoned and then we have a basis for a block length... okay, got it.

Ms. Ehly: Right.

Mr. Rhodes: I just wanted to make sure I understood the dynamics in those. Okay, questions for staff before we have the applicant come up.

Mr. Apicella: I do have a question, Mr. Chairman. I'm just... we were provided a couple of examples of where we approved waivers. It seems to me that those waivers were granted based on the by-right zoning that was already in place, whereas this is a rezoning. I'm just trying... do we have any examples, can we identify some examples of where we've approved a block length waiver as part of a rezoning, or subsequent to a rezoning?

Ms. Ehly: Mr. Chair, I'm not aware... Mr. Apicella, I'm not aware of any of those. I also noticed that they were by-right.

Mr. Rhodes: Okay.

Mr. Harvey: Mr. Chairman and Mr. Apicella, I don't recall anything specifically at this moment. We could research that topic if the Commission so desires.

Mr. Apicella: Well, it sounds like we're not going to take any action tonight, at least if we go with the staff recommendation. So, I would, at least for curiosity sake, because it seems that the rezoning is driving this need for a block length waiver versus where it's happened in the past where it was on a by-right development.

Mr. Rhodes: Other questions for staff before we have the applicant come forward? Very good; applicant please.

Mr. Payne: Mr. Chairman, other members of the Planning Commission, if you don't recall who I am, my name is Charlie Payne with the law firm Hirschler Fleischer. It's always a pleasure to be here and thank you for your time, especially in this late evening. I know you all have very busy lives. Thank you Erica for your staff report. I think she had all the key points. I want to respond to always good questions from Mr. Apicella. You know, one, we would not be here asking for this waiver but for the fact that we reconfigured our plan to address staff comments regarding additional protection of the CRPA areas which we did which lead to the requirement for the block waiver. And the fact that we have proffered our GDP as part of our rezoning; it makes a smart link, if you will... an efficient one so we don't come here and waste your time and add additional items to your already very busy schedule. It seems to me from an efficiency perspective it made a lot of sense to ask for the waiver now, and certainly it's all condition upon your recommendation and the final Board of Supervisors' approval. So all of those factors are obviously we are subject to. And then just sort of the precedent question -- again, I think there is sort of a precedent here. One, we did act to address the concerns of staff and I think we did so in a very good way. We lost 3 lots during that process. So, if you want to talk about a burden, we can certainly talk about that. There's certainly a financial burden to the client. And then secondly, the

*Planning Commission Minutes
October 22, 2014*

fact that the Ordinance allows this application to move forward, whether it's by-right or through a rezoning is irrelevant, the fact that the Ordinance does allow the request. So, we're not setting any great precedent here. In fact, maybe creating some efficiencies. And again, we appreciate your time and attention to this as we did to the prior matter. And I'm happy to answer any questions you may have.

Mr. Rhodes: Thank you. Questions for the applicant? Okay, thank you sir.

Mr. Payne: Mr. Chairman, thank you.

Mr. Rhodes: I don't know (inaudible), I've just got a curiosity question. Mr. Harvey or Ms. McClendon, is there a conditional... the block length waiver, is that ours or is that a recommendation up to the Board?

Mr. Harvey: Mr. Chairman, that's within the purview of the Planning Commission. The code says...

Mr. Rhodes: That's actually one of ours.

Mr. Harvey: ... that someone can ask for a waiver of any provision of the Subdivision Ordinance and it's up to the Commission.

Mr. Rhodes: We have like three things that are ours. Okay, I was trying to make sure I understood it. Is there a provisional approval? I'm just curious. We've just never explored this. Ms. McClendon or Mr. Harvey, will we approve a conditional upon a reclassification?

Mr. Harvey: Mr. Chairman, we've not ever experienced that in the past. Usually the approval is based on the specific application before you.

Mr. Rhodes: And so to act on this is acting on something that doesn't need a block length waiver because if it were A-1, the length is not an issue. Okay. I just wondered. Alright, other thoughts?

Mr. Coen: I just have quick question for staff, if I could. And I was looking at the map, and I noticed on parcel B, nothing's going to be built on because it's wetlands. And a lot of this is to preserve wetlands. Would, if the road stopped at unit 41 and then, you know, Sherman's Ridge Road went there, would that need a waiver? Is the point of the asking for the waiver is because Sherman's Ridge goes all the way up over and hits Penns Charter?

Ms. Ehly: Mr. Chair, Mr. Coen, are you saying if the road stops at lot 41?

Mr. Coen: Right. So if it stopped... I mean, basically, they're preserving the wetland on both parcel A and parcel B.

Mr. Harvey: Computer please.

Mr. Coen: And I just... when Mr. Payne was talking, and I was thinking your map, I mean, is the reason why we need to do a waiver for this road because it goes up and around in sort of a fishhook/shepherd's staff type of thing, whereas... I'm trying to stay away from a Halloween reference... whereas if there was a, basically you had Sherman's Ridge stopped at 41 and then you had, probably a different name for it, go from 40 and lot 9 over and around, would that need to get the waiver? I mean, they're not building

*Planning Commission Minutes
October 22, 2014*

on that lot anyways; it just... do you understand what I'm saying? Just for distance wise, I know there's a certain distance that you need to get a waiver and that's why I was just asking if the waiver kicks in...

Ms. Ehly: I think that, Mr. Chair, Mr. Coen, I think that Fire and Rescue will probably have an issue with that. You would be basically be creating two dead-end, two long cul-de-sacs.

Mr. Rhodes: Well, I just...

Mr. Coen: Because if somebody was looking at the map at home, I'd sit there and say well if you're not building on there, why can't you just (inaudible - microphone not on), and that's why it makes sense to say Fire and Rescue would be (inaudible - microphone not on).

Mr. Rhodes: So I think there's essentially three courses of action here. We could either act on this just because we want to, because it's in our purview; we could defer this for acting on it until we actually deal with the reclassification request, which we're not even going to take up until the next session; or we could go ahead and let them know we don't plan to act on it until after the Board acts on it just to give them clarity on the way ahead on this aspect of it. There is not a timeline associated with that. I think we have to bring it before us within 30 days of receiving the application, but there's not necessarily a timeline on action per se?

Mr. Harvey: Correct.

Mr. Rhodes: Okay. Just making sure I've got it right. Any strong feelings one way or another?

Mr. Apicella: Sounds to me like option number 3 is probably the smartest one just to see what the Board is ultimately going to do. It's moot if they don't approve the rezoning.

Mr. Rhodes: My reaction is, yeah, if they don't reclassify it, it doesn't really... it's immaterial to do it. And there's not really a strong basis but... So,...

Mr. Apicella: Mr. Rhodes, this one is in your district. What's your pleasure?

Mr. Rhodes: I make a motion that we defer this and defer it on the carryover as unfinished business until we conclude our action on it and the Board makes a determination on whatever we recommend to them.

Mr. Apicella: Is there a second?

Mr. English: I'll second it.

Mr. Apicella: Okay, there's a motion and second to ultimately defer until the Board takes on this item. All those in favor... I'm sorry. Any discussion Mr. Rhodes?

Mr. Rhodes: I would just share that if the reclassification goes through, from my own personal perspective, I think we've got a couple things that people want to address. I don't think there were huge issues. But if the reclassification goes through, I think this makes sense because the alternative, the other designs to break up the block length and make it just arbitrarily keep it under 1,200 feet really wouldn't make sense. The logic behind why they're doing this and we've got the 2 entrances, that would make sense. But I also think it's just out of... we ought to wait and make sure they get it

*Planning Commission Minutes
October 22, 2014*

reclassified before we actually take an action that then has to be... dependent upon it being reclassified. So, that's why I'm making the motion.

Mr. Apicella: Thanks Mr. Rhodes. Mr. English? Okay, anyone else? Alright, there's a motion on the floor. All in favor signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. Rhodes: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Apicella: Aye. All opposed? The motion passes 7-0. Back to you Mr. Chairman.

Mr. Rhodes: Okay, thank you very much. Is there a way we can make them stay later, just because I know they're enjoying it? No? Okay, I'm sorry. Okay, so we're back on items 5 and 6 I believe; trying to figure out how to most effectively address this, move it forward, and ensure we have a good product to go forward for public hearing.

5. Amendment to the Stafford County Comprehensive Plan (the Plan) - Continued

6. Amendment to the Zoning Ordinance - Continued

Mr. Coen: Mr. Chairman? May I ask a quick question?

Mr. Rhodes: Please.

Mr. Coen: In looking at Mr. Harvey and associates gave us a nice list of public hearings for the fall and the winter. And we already have, at our November meeting 4 public hearings. So, do I understand correctly that if we went with whatever staff incidentally gave to us tonight, we either would be saying add a 5th public hearing for November or we'd be saying we're going to be doing it in December anyways.

Mr. Harvey: Mr. Chairman and Mr. Coen, the advertisements for your next meeting went to the newspaper today. So we would be...

Mr. Rhodes: Do it in December regardless.

Mr. Harvey: We'd have to do it in December, yes.

Mr. Coen: Okay.

Mr. Apicella: There you go!

*Planning Commission Minutes
October 22, 2014*

Mr. Rhodes: So we can decide on our language now for the December public hearing or we can decide on the language at our next session for the December public hearing. Yeah, because we're skipping the second session in November, there's over 4 weeks in between so it'll have enough time to actually advertise for public hearing. But the key is, is making sure we are able to assist staff and not having staff guess at what it'd be and coming back and then we don't quite have the language right next time.

Mr. Apicella: Mr. Chairman, I am confident I can walk through the version that they gave us, albeit unintended, to identify those changes that I think would be appropriate, every one of which they have addressed in the staff report. I mean, ultimately the Planning Commission can decide not to move forward with what I recommend, but we've been at this a long time, the staff have already looked at the language, I'm not in favor of some of the additional language that has been provided tonight. Again, if the Planning Commissioners think that they want to add those additional items, then it's certainly, you know, within their purview to do so.

Mr. Rhodes: So, is the desire to work on this in the next few weeks and provide that advice? Is there folks who want to give inputs into the staff to help them work on it?

Mr. Apicella: Again, we have a version; we can start right there. I can walk you through the changes that I would recommend. They're really no different than the ones I talked about 2 weeks ago.

Mr. Rhodes: Okay, so we want to talk through the changes here tonight. We'll start that, that'll be the start of the input for the staff and then they can do the deliberate reviews that they need to do. Okay.

Mr. Apicella: So Mr. Chairman, I would ask my fellow Commissioners to look at what was Attachment 2...

Mr. Rhodes: Inadvertent Attachment 2.

Mr. Apicella: ... inadvertent Attachment 2. Presumably, all the other changes... I presume, I'll just ask this question. All the other changes that the Board asked us to consider are in this version, is that correct, as a starting point?

Mrs. Baker: Yes.

Mr. Apicella: So, again, starting with NVCT's comments, I would ask my fellow Commissioners to go to page 4, section 28-356(a).

Mr. Rhodes: Wait, wait, wait... then I've got the wrong version. Just a second, sorry, sorry, I've got to find it.

Mr. Apicella: Okay. It's in the staff package.

Mr. Rhodes: I've got to get there. Sorry, I was at the wrong place.

Mr. Apicella: No, that's the older version.

Mr. Rhodes: I'm sorry, just one moment. So, you're from the staff report, Attachment 2, page 4 of 9.

Planning Commission Minutes
October 22, 2014

Mr. Apicella: Right. Under Sec. 28-356, NVCT has recommended adding the words permanent conservation easement and qualified holder on line 3. Okay? And I would agree and it's already for the most part incorporated in this version. The only word that's being added, that's not there currently, is the word permanent in front of the word conservation.

Mr. Rhodes: Okay.

Ms. McClendon: Excuse me Mr. Chairman, it's 10 o'clock.

Mr. Rhodes: Ah! Okay. Thank you very much. We will step back for a second. I'd entertain a motion to continue proceedings beyond 10 o'clock.

Mr. English: Second.

Mr. Rhodes: Well, I need the motion.

Mr. English: Well, I'll make a motion.

Mr. Rhodes: Mr. English makes the motion. Is there a second?

Mrs. Bailey: Second.

Mr. Apicella: Second.

Mr. Rhodes: Second Mrs. Bailey... nope, you can't say it, she did. Any further comment Mr. English? Mrs. Bailey? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed? Thank you very much Ms. McClendon; our Parliamentary rules us as always.

Mr. Apicella: Okay Mr. Chairman, the next place where conservation easement is on this page, as recommended by NVCT, is under (a)(1), it says the covenant or and I would add the word permanent before the word conservation.

Mr. Rhodes: Okay.

Mr. Apicella: On the next page, under number (2)...

*Planning Commission Minutes
October 22, 2014*

Mr. Rhodes: So that was 2 permanents.

Mr. Apicella: Right, and I'm just going to keep doing that everywhere the word conservation shows up.

Mr. Rhodes: So page 5 of 9, subparagraph (c)(2).

Mr. Apicella: Second line...

Mr. Rhodes: Oh wait, subparagraph (2) so that's (a)(2), sorry.

Mr. Apicella: ... where it says covenants and, and I would add the word permanent.

Mr. Rhodes: Permanent conservation easements. Okay.

Mr. Apicella: Okay, going further down under number (f), or item (f), second line where it says or conservation easement, I would add permanent before the word conservation.

Mr. Rhodes: Okay. Four times bidden for permanent.

Mr. Apicella: On page 7 of 9, under Sec. 28-359(b), I would ask to remove what is proposed to be (b). And, again Mr. Chairman, my concern is that this is a deviation from what we've suggested elsewhere in the document, which is to exclude portions of parcels that have hydric soils, steep slopes, what have you, ultimately which make part of the parcel or all of the parcel unbuildable. In this case, adding this provision would undo that by giving lot owners, park land lot owners a minimum of 1 development right irrespective of the circumstances on that parcel.

Mr. Rhodes: So, you'd delete the entire paragraph that starts with any parcel in existence and ends of this article xx?

Mr. Apicella: Yes Mr. Chairman.

Mr. Rhodes: Okay.

Mr. Apicella: On the next page, page 8, where it says Sec. 28-360(c), second line, where it says covenant or conservation easement, before the word conservation I would add the word permanent.

Mr. Rhodes: Okay.

Mr. Apicella: Further down, the county attorney shall review and approve the covenant... it's not included but I would recommend adding it, to be consistent, so we would add the words, right after the word covenant, or permanent conservation easement.

Mr. Rhodes: Okay.

Mr. Apicella: Further down the page under (e), second line, where it says covenant or, and it's a typo, the word should be conservation, I would add before the word that should be conservation, the word permanent.

Mr. Rhodes: And up on (d) you would do the same thing on the second line.

*Planning Commission Minutes
October 22, 2014*

Mr. Apicella: Yes, sorry... thanks for catching that Mr. Chairman.

Mr. Rhodes: Yep.

Mr. Apicella: Mr. Chairman, the only other change that I would make, based on the staff report, so I would refer you back to page 3 of the staff report...

Mr. Rhodes: Page 3 of 9 of this attachment or of the staff report?

Mr. Apicella: Of the staff report.

Mr. Rhodes: Okay, sorry.

Mr. Apicella: I'm sorry, for whatever reason, even though it was recommended by staff, it wasn't incorporated. So where it says (d) on page 4, add the following Sec. 28-360... those words, that verbiage has been added. Then it goes on to say this provision would be permissible, however, staff recommends the reference to 28-257(b)(4) be amended. In addition, the following language is suggested to accomplish this intent. My recommendation is the entirety of the paragraph that's proposed there, be included...

Mr. Rhodes: So the paragraph that starts with For sending properties designated and ends with similar vehicular type structures.

Mr. Apicella: Yes sir.

Mr. Rhodes: Okay.

Mr. Apicella: So I would add that under, on page 9, (f), where the last word is or more, I would add it under that section...

Mr. Rhodes: So that's Attachment 2, page 9 of 9, subparagraph (f), at the end where it says twenty acres or more.

Mr. Apicella: Yes sir.

Mr. Rhodes: Okay. Other suggestions from anybody else to be a starting point for staff to do their review along with any other Commissioners that have volunteered to work with them? Okay, are there any Commissioners that will work with staff, volunteer to work with staff over the next few weeks, as they identify other items to make sure we get this strong and off for legal review?

Mrs. Bailey: I will Mr. Chairman.

Mr. Rhodes: Okay, Mrs. Bailey, and... anyone else? And I'll join with you, so Mrs. Baker and Mr. Harvey, Mrs. Bailey and I will work with you as you identify things and we can talk through things to try and get this in final form so that Ms. McClendon can do her magic and make sure we're all set for voting something to public hearing next session.

Mr. Apicella: Mr. Chairman, may I... just a couple of additional comments.

*Planning Commission Minutes
October 22, 2014*

Mr. Rhodes: Please.

Mr. Apicella: There were a couple of items that were recommended by NVCT from the previous version that we were provided 2 weeks ago. I did not add those specific changes because staff recommended, in my view, against those changes and identified in the staff report why those changes were not helpful or where they thought they were problematic or counterproductive. NVCT provided an additional recommended series of changes that we go today. Again, I think I've incorporated all of the changes that are consistent with what the staff has already recommended. They added substantially different language on residual uses. In my view, the language that they proposed is, in my view, very prescriptive, beyond what I think would be particularly helpful. And I think, in my view, it would be counterproductive and would have a chilling effect on what we're trying to do here. We're only talking 350 lots; they've gone to an nth degree about telling people what they can and cannot do on their property. I think it's kind of over the top, in my view. I think we have accommodated the vast majority of what they've asked for. As you know, Save Crow's Nest also provided some recommendations. I think we incorporated at least two of their recommendations that they provided two weeks ago. We were advised that the other recommendation about corporate ownership is not... having a distinction about corporate ownership is not permissible. They've identified some new changes. Again, I don't think they are particularly helpful or change anything. At the end of the day, I think we're doing largely what both Save Crow's Nest and NVCT have asked for, if not in its entirety in very large part. So, I would ask you and Mrs. Bailey, as you look at this, to keep hopefully my points in view as well as any other members' going forward.

Mr. Rhodes: Okay, very good. Any other comment on this? Will we be able to address item 6 and the same... we'll continue to address those together? I mean, I know we're really working on the public hearing for just item 5, right?

Mr. Harvey: Mr. Chairman, we'll have to go back and revisit whether this affects any of the Comp Plan language. If so, then we'll have to come up with a draft of that too.

Mr. Rhodes: Would that need to go to public hearing as well?

Mr. Harvey: Yes.

Mr. Rhodes: Okay. So, we need to work on both, potential language on both. I know we've been particularly talking about item 5, but we'll need to...

Mr. Harvey: Yes.

Mr. Rhodes: Okay, I couldn't remember if had something that went to public hearing last time too. So we did both those when we did public hearing on the Board recommended language?

Mr. Harvey: Correct.

Mr. Rhodes: Okay, thank you. Alright. Any further discussion on this? So the intent is that Mrs. Bailey and I will work with staff, we'll try and collectively work and/or engage others to get to final language certainly for item 5 and, as necessary, item 6, so that we can have something to hopefully vote out for public hearing when we get together next time. Yep.

*Planning Commission Minutes
October 22, 2014*

Mr. Coen: I just want to get a clarification to make sure I understand. So, right now we have a plan that we had a public hearing on that we haven't voted on. Then in December we'll have a public hearing on a plan and that night we'll decide and vote on theoretically both?

Mr. Rhodes: Well, we'll have to vote on both, right? Yeah, because we just deferred the one, we got an extension on, and then we'll vote recommendations on both. So we'll be voting recommendations on four things theoretically I guess; the two Comp Plan items and the two zoning ordinance items.

Mr. Harvey: I guess technically Mr. Chairman, on the item that we're discussing now, the Commission could chose not to send it forward to the Board.

Mr. Rhodes: Yep. Okay, very good. Any other discussion on those two? Whew! Okay, very good. And we are onto Planning Director's Report. Oh, no, wait... what's up with 7? Oh, the letters, the letters are going over. Okay, got it. Planning Director's Report.

PLANNING DIRECTOR'S REPORT

- Planning Commission Expenditures

Mr. Harvey: Thank you Mr. Chairman. It's very brief. I've provided you an expenditure report for the Planning Commission budget items. September 30 was the end of the first quarter. You're well within the spending limits for the individual line items. And that concludes my report.

Mr. Rhodes: Woohoo! Okay. County Attorney's Report.

COUNTY ATTORNEY'S REPORT

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

Mr. Rhodes: Super! Committee Reports. Mr. Apicella - Mr. English.

COMMITTEE REPORTS

- Joint Planning Commission/Airport Authority Commission

Mr. Apicella: Mr. Chairman, the Joint Airport/Planning Commission subcommittee met recently. We basically arrived at a consensus document that should be put out for public review and comment. You'll see at your chair an advertisement that will be in Sunday's paper notifying the public of an opportunity to provide written comments, as well as to attend an open house and a public comment session on Thursday, November 6. You actually have a copy of the current state of the proposed Airport Land Use Compatibility Guidelines. I think it's a terrific piece of work, not because of what the members did, but because of the great work and dedication of staff who really did a tremendous job. I would ask each Planning Commissioner take a look at it and feel free to provide your comments as well directly to the panel on or before the deadline which is November 20. You'll also see that we have a proposed timeline on the page opposite to the advertisement. Again, the advertisement will go in this Sunday's paper, open house November 6; the public comment period ends on November 20. We'll have a meeting on December 4 and potentially other meetings following that to try and arrive at a final recommendation to put forward to the Planning Commission and ultimately to the Board of Supervisors.

*Planning Commission Minutes
October 22, 2014*

Mr. Rhodes: Very good, thank you. Any other committee reports? Chairman's report, just to follow-up on the discussion we had a little bit there, we talked about having VDOT come probably in the January, maybe the February timeframe. In addition to the letter we're going to try and get, or some written input for our next session, but to lay out what they see as a current state of play particularly with 630. But I just wanted to make sure we were highlighting to them particular (inaudible). Certainly, generally what's going on in the County, but particularly the 630 interchange and Courthouse Road and how that relates to the Courthouse Road widening. I think I heard something about the 17 project. Are there any other particular ones we want to at least have highlighted to them as we go forward with this? And then... how can we concurrently at the same time, Mr. Harvey, get information on the different bond projects and so forth and the status. Would that come from the County?

CHAIRMAN'S REPORT

Mr. Harvey: Mr. Chairman, yes, that would come from the Public Works Department. I talked to their Director today and he said he'd be more than happy to come and brief the Commission at your pleasure.

Mr. Rhodes: It kind of seems like if when we have VDOT come talk about the couple major projects, that might be good timing to do that as well maybe, Mr. Harvey, if the agenda looks like it'll handle it.

Mr. Harvey: Yes.

Mr. Rhodes: Okay, thank you. So we'll look for that early in 2015. Very good. TRC information. Has everybody got their cool stuff? Everybody got their times? Everybody happy? Good. I'd entertain a motion for approval of the September 24th minutes.

OTHER BUSINESS

6. TRC Information - November 12, 2014

APPROVAL OF MINUTES

September 24, 2014

Mrs. Bailey: Mr. Chairman, I'll abstain. I was not here.

Mr. Rhodes: Okay, thank you very much.

Mr. Gibbons: I'll move.

Mr. Rhodes: A motion by Mr. Gibbons. Is there a second?

Mr. Coen: Second.

Mr. Rhodes: Second by Mr. Coen. Can I get a third? Oh, no. So, any further comment Mr. Gibbons? Mr. Coen? Any other member? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Planning Commission Minutes
October 22, 2014

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed and one abstention; therefore, a 6-0 approval. We're ready to roll. Anything else folks? Did we forget anything? We're adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 10:14 p.m.