

STAFFORD COUNTY PLANNING COMMISSION MINUTES
November 12, 2014

The meeting of the Stafford County Planning Commission of Wednesday, November 12, 2014, was called to order at 6:30 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

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

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Are there any declarations of disqualification?

Mr. Coen: Mr. Chairman, I did meet with parties involved with I believe it's number 7... nope, number 6... last week as well as residents along Musselman Road.

Mr. Rhodes: Okay, very good. Just identification of discussion though not necessarily declarations of disqualification, but thank you for that transparency. Anyone else? Mrs. Bailey.

Mrs. Bailey: Mr. Chairman, I just wanted to make mention that several months ago I did speak with the agent for item number 1 on the agenda, and I also spoke with a couple of the adjacent lot owners recently in regards to item number 1.

Mr. Rhodes: Very good, thank you. Again, items of transparency though not necessarily declarations of disqualification, but certainly appreciate that. With that we'll move onto Public Presentations. This is an opportunity for any member of the public to speak on any item they wish to, except those that will be heard for public hearing. There will be an opportunity for members of the public to comment on items of public hearing. So if anyone would like to speak on any item, any item whatsoever, except other than items 1 through 5 that are on the agenda this evening, you may come forward and do so at this time. When you do, it's an opportunity to address the Planning Commission as a whole; it is not a participative question and answer, but an opportunity to make your statements or present items. You would come forward, you'd state your name and your full address. Once you do so, a green light will come on indicating that 3 minutes are available to you. A yellow light will come on when there's 1 minute remaining, and then a red light will come on and we would ask that you wrap up your comments at that point in time. So, again, if there's anyone that would like to speak on any item except items 1 through 5, they may come forward and do so at this time. Please, Ms. Hazard.

PUBLIC PRESENTATIONS

Ms. Hazard: Good evening, my name is Holly Hazard. I come to you tonight again about sort of the same topic, but not in a different sense. We have to be cognizant of Courthouse Road and what is going on in that area. I have shared with several of you about last Thursday; we had a traffic guard in front of Colonial Forge High School almost hit by a vehicle. That is of grave concern to me as a citizen of this County. So, I wanted to say, we also will have Colonial Forge High School getting an expansion coming up, so we're going to have construction traffic there next fall. The fog this morning... I don't know how many of you drove to work this morning. I couldn't even see Mountain View High School when I dropped off my daughter. I can't imagine if there was a guard standing in front of Colonial

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Forge High School this morning, you would have never seen them. So, what I bring tonight is not to say what we should do with development -- approve or deny. I would like to say I appreciate the inclusion of the current Liberty Knolls project; an appreciation for making sure that that area is safe, that we want to come up with some measures. And I guess what I would ask tonight, whether you can do this as you're in your position as being a Planning Commissioner, we need to get a dialogue among our schools, our safety, our transportation, to make sure, in front of all our schools, that we remain safe. And we need to get that dialogue going I think on so many levels. And I just wanted to throw that out tonight that I think that we can be a voice of making sure that we make sure that the voice is heard of making that the safest area, and around all our schools, and around our whole County obviously, but many times these schools cause a lot of traffic at one point with young drivers -- okay, drivers also zipping to work, I've passed many of them. And just, you know, unaware drivers in the morning. The amount of fender benders every morning I have been called is amazing. So, like I said, I'm just asking as you all think through this as community leaders, that we try and get that dialogue among all of us to make sure that we continue to make our entrances to our schools safer, especially as we continue this construction. Thank you.

Mr. Rhodes: Thank you very much. Is there anyone else that would like to speak on any item except items 1 through 5?

Mr. Coady: Good evening, my name's Patrick Coady. I'm Chairman of the Northern Virginia Conservation Trust. We are the owner of the 70-acre blue heron rookery. I just wanted to... the TDR is going to be discussed later and I just wanted to say a couple of things. I appreciate the Planning Commission's patience. Needless to say, my wife was getting suspicious why I go to Stafford so much so I would hope that we could all figure this out pretty soon. I don't have anything really new to say. I will apologize... in the process leading up to this, we delivered two letters which were confusing to me so we've sat down and sorted those out to make at least our thoughts more clear. And we hope to have a chance to put those forward going forward. There was a hike on Crow's Nest last weekend which was highly attended and there will probably be another one coming up. Once again we want to thank you for your patience.

Mr. Rhodes: Thank you sir. Is there anyone who would like to speak on any item, except items 1 through 5? Seeing no one else coming forward, I'll close the public presentations and we will move onto the public hearing items. I do note that we have 5 items for public hearing. Certainly we will want to be thorough and get all information out that's necessary and receive all information we possibly can. I'd also like to... the Planning Commissioners will need to work to make sure we stay targeted in our discussion in items to move these forward. With that I will hand over item number 1, Mr. Harvey, CUP14150252, the Conditional Use Permit for Courthouse Manor.

PUBLIC HEARINGS

1. CUP14150252; Conditional Use Permit – Courthouse Manor - A request for a Conditional Use Permit (CUP) to allow a cluster subdivision of up to 2.25 dwelling units per acre within the R-1, Suburban Residential Zoning District, on Assessor's Parcels 30-136 and 30-78. The property consists of 33.43 acres, located on the north side of Courthouse Road, the west side of Dent Road, and the south side of Hope Road, approximately 1,000 feet east of Stafford Avenue, within the Aquia Election District. **(Time Limit: February 10, 2015)**

Mr. Harvey: Thank you Mr. Chairman. If you could recognize Erica Ehly for the presentation.

Mr. Rhodes: Wonderful.

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

Mr. Rhodes: Good evening.

Ms. Ehly: Computer please? Item number 1 is an application for a conditional use permit for a cluster subdivision with an increase in density in the R-1 zoning district. By-right development would permit 50 units and the applicant is requesting 75 units. The property consists of 2 parcels totaling 35 acres, and is located at the intersection of Courthouse Road and Dent Road in the Aquia Election District. Single-family residential units surround the property on the north and the east. To the south is a place of worship and Stafford Elementary School is to the west. The Comprehensive Plan identifies this site as being within the Suburban and the Courthouse Urban Development Area future land use designations. The western parcel is located in the Courthouse UDA and the eastern parcel is located in the Suburban future land use designation. The proposal reflects a density that is consistent with the Suburban land use designation and more consistent with the UDA than the by-right development, and is generally consistent with the recommended development standards as described in the plan. Additionally, the property is located within the Courthouse Redevelopment Area. The entire property is zoned R-1, Suburban Residential, and is surrounded by R-1 zoned property on all sides, in addition to A-1 zoning to the south. The GDP depicts the proposed design of the site to include 75 lots at a density of 2.24 dwelling units an acre, which is under the 2.5 maximum permitted with the approval of a conditional use permit. The proposed development identifies 10 acres, or 30% of the site, as common open space, meeting the 30% requirement. The proposed development will have two access points, one to Dent Road and the other to Courthouse Road. The proposal received approval for access to Dent Road which currently has an unposted speed limit. In these instances, a 55 mile an hour speed limit is assumed for design purposes. The applicant conducted a speed study which determined an appropriate speed limit of 30 miles an hour which VDOT has found to be acceptable. Staff notes that it does not appear that VDOT intends to post a speed limit sign for Dent Road in this location and recommends that a sign is placed either by VDOT or the developer before access occurs. Additionally, the GDP shows future connections to Dent Road and Hope Road via two access points on the proposed Northeast Courthouse Bypass Road. There is also an inner-parcel connection to parcel 30-79 identified between lots 16 and 71 to the north. The applicant is dedicating right-of-way along Hope Road, Courthouse Road, and Dent Road. In addition, the applicant is dedicating a 60-foot right-of-way, together with the necessary construction easements, for the proposed Northeast Courthouse Bypass Road which is identified as a future improvement in the Comprehensive Plan. The dedication is shown on the GDP along the eastern property line. The applicant has submitted an analysis to determine which classification of roadway would be necessary to maintain a 4-lane design of Route 1, and it was concluded that the future roadway could meet functional objectives as a 2-lane divided section which 60-feet of right-of-way would allow. The GDP reflects the construction of a 6-foot sidewalk connecting the development to the existing sidewalk network of Stafford Elementary School through an open space area adjacent to lot 1. The School Division has requested an additional pedestrian easement at the north end of the development at lot 15 to come out near the baseball field. The applicant has not shown that easement on the GDP, but staff supports the request made by the School Division for a pedestrian easement. There are no wetlands or streams located on the property; however, approximately 32 acres of wooded area will be removed as a result of the proposal. A 17½ modified transitional buffer with a fence is shown along the western property line with Stafford Elementary School. The full 35-foot buffer is shown at the southern end of the property. Additionally, the GDP shows a 20-foot wide buffer along the proposed Northeast Courthouse Bypass Road right-of-way of a double row of evergreen trees consistent with the suburban land use description in the Comprehensive Plan which states that buffering should be required along major arterial and collector roads to limit road noise in residential areas. A tree will also be provided in each rear yard. The GDP does not show a traditional buffer between the proposed development and the church property to the south. However, this will be required and staff

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recommends that it is shown on the GDP. The applicant has included examples which appear consistent with the standards identified in the Neighborhood Design Standards Plan related to variations in roof lines and consistency of mass and scale within the development. Front stoops and porches are also shown. Sidewalks within the subdivision contribute to an inner-connected network of sidewalks. Staff has recommended a condition that all building permits are reviewed for consistency with these elevations, in addition to conditions for minimum 20-foot driveway length and provision of foundation landscaping in front of homes. Staff finds the following positive aspects to the proposal: the proposal is consistent with the established development pattern in the vicinity; the proposed uses and development pattern meet the intent of the Comprehensive Plan, including land use, transportation, pedestrian connectivity, and open space recommendations; the proposal accommodates planned transportation improvements to the surrounding transportation network. Those are the positive findings. And the negative is access to Dent Road presents a safety concern if the speed limit that is consistent with the speed study remains unposted at the time of access. Staff believes on balance that the positive aspects outweigh the negative aspects, and recommends approval of the conditional use permit with the application of the proposed conditions, which include: additional buffering and landscaping; provision of a utility easement for sewer force main consistency with the Neighborhood Development Standards; Phase 1 Cultural Resource Study performed; dedication of right-of-way for Hope Road, Courthouse Road, and Northeast Bypass Road; construction dedication for pedestrian connectivity to the elementary school; and residential fire sprinklers provided within each residential unit or each side yard setback to be 10 feet. The applicant has submitted a letter requesting minor changes to the language in the conditions which the Commission has received, and staff is willing to accept these changes. I'll be happy to answer any questions.

Mr. Rhodes: Very good. Questions for staff? Mr. English?

Mr. English: Where is the historical area in that? Is there a historical area?

Ms. Ehly: Mr. Chair, Mr. English, the historical area is on this slide to the left-hand side would be the north, and it's the northern... it actually goes further down toward the cross-street and the subdivision street -- down south to the right.

Mr. English: So that's not going to affect the subdivision, that area?

Ms. Ehly: The historic area?

Mr. English: Yeah.

Ms. Ehly: It won't, except if artifacts are found they'll be required to do a Phase 1 Cultural Resource Study.

Mr. English: Has anybody done that or do you know...?

Ms. Ehly: It has not been done.

Mr. English: Well, I guess this is for the developer.

Mr. Rhodes: Other questions for staff? Mrs. Bailey.

Mrs. Bailey: Mr. Chairman, in regards to the bypass -- can you elaborate on that? I mean, what is the likelihood of the bypass going through this particular property? Can you give me more detail on that?

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Mr. Harvey: Computer please.

Ms. Ehly: Mr. Chair and Mrs. Bailey, the bypass road is identified in the Comprehensive Plan. The location of the bypass is identified as a future improvement. It is not on any plan right now as far as research and design or funding. So, it's well into the future.

Mrs. Bailey: Okay. The easement that is a part of this, is that a large enough easement to, I thought I was reading in the impact information that it was only about 71% of the easement that would be required?

Ms. Ehly: Mr. Chairman, Mrs. Bailey, it's 71% of the length of the road.

Mrs. Bailey: Okay.

Mr. Harvey: Mrs. Bailey, this planned road would have essentially 3 segments. There would be a segment from Courthouse Road to Dent Road, opposite of where Hospital Center Boulevard intersects with Courthouse Road. There would also be another segment from... I'm sorry, two segments... that segment and then also this segment.

Mrs. Bailey: And then it ends there at Hope Road, correct?

Ms. Ehly: It does, yes ma'am.

Mrs. Bailey: When that bypass goes through and connects with Hope Road, are there any plans for improvement to Hope Road? Where that comes out?

Ms. Ehly: Mr. Chairman, Mrs. Bailey, I understand that there are upgrades planned for Hope Road. But I think it will remain a 2-lane design upgraded roadway.

Mr. Harvey: Yes, it's in the County's current transportation plan. It will remain as a 2-lane road. Most of the area on Hope Road's been developed out. This road segment would also be a 2-lane road connecting in, and in discussions with the engineer that was doing the layout for the subdivision, they noted that the site distance right now where this road would intersect with Hope Road is insufficient, so there'd have to be a reconstruction in that area. As you can see from the diagram, there's a curve in the location of the road where this bypass road would intersect and that would cause a need for reconstruction in that whole area.

Mrs. Bailey: Okay. And then another question -- traffic just seems to be a big thing these days. But currently Courthouse Road, as you're exiting and headed towards Route 1, you have one right turn lane onto Route 1 and then you have the other lane that you can either go straight or left. So, I know currently with the amount of traffic that we have, Stafford Avenue gets backed up, Courthouse Road gets backed up, Route 1 gets backed up. So, are there any plans in the future for that widening of Courthouse Road and that segment? Because I know when this particular development even... whether this goes through or not or if they go with the regular by-right, there is still going to be a lot of traffic that will be coming out right there in front of the school.

Mr. Harvey: Mrs. Bailey, currently the County is working towards securing funds towards the improvement of Courthouse Road and Route 1. The project is not fully funded and has not started engineering yet, but it's in the preliminary scoping stages at this point.

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Mrs. Bailey: Alright. And then maybe the one last question that I have is in regards to... could you go back and show the additional buffer that would be needed down by the courts, the pedestrian walkway, where that exactly would be?

Ms. Ehly: Mr. Chair, Mrs. Bailey, the additional request by the School Division?

Mrs. Bailey: Yes.

Ms. Ehly: That would be up to the north right where the cursor is; just an easement to allow for future pedestrian connectivity. So it's not a construction of the sidewalk like it is down to the south.

Mrs. Bailey: And I just want to make sure that with the 10 acres of passive land that they have for recreational purposes, there's nothing in the plan that currently provides any type of tot lot or recreational facility per se.

Ms. Ehly: No ma'am.

Mrs. Bailey: Okay, thank you.

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

Mr. Coen: Yes, just 3 quick hopefully. Do I understand, because of the pork chop that is along Courthouse Road, that if unless you're going to VRE, if you're coming from Route 1 and you want to get into this subdivision, the only way to get in is to go up to Dent and in that way, correct?

Ms. Ehly: Mr. Chair, yes Mr. Coen.

Mr. Coen: Alright. And... well, it's actually going to end up being 4, sorry... and since the bypass isn't anywhere specifically outlined, all of those homes basically, unless they're coming from VRE or Brooke Point High School or the Middle School, will have to go up that way and in through that one route, because there is no other way to get in through the bypass because the bypass doesn't exist.

Ms. Ehly: Correct.

Mr. Coen: Okay. And if memory serves me, one of the complaints by people who live along Stafford Avenue is, is that's a rather quick and easy way for people who are trying to get to VRE who live over off of Hope Road and other subdivisions that way, to get to the VRE or to go to school in the morning. So, were this bypass to be put in, it's really just going to be the same 2-lane road that Stafford Ave. is and you're just going to have the same basically; the traffic will be diverted, instead of going down Stafford Ave. they'll go up a little higher to this road to get over that way. I mean, has VDOT really given, or do we have a mindset of what the purpose of the road is? Is it a throughway that we don't want things coming in and out of to blockade it, or is it just another road that we'll end up building up on?

Ms. Ehly: Mr. Coen, I believe that the intent of the bypass is to maintain the 4-lane design of Route 1 so that it's not 6-laned in the future to handle the future trips on Route 1, or at the intersection of Courthouse Road and Route 1. But also it does contribute to the network of streets in the area.

Mr. Coen: Okay. And then, if I get it right, the parcel is 33.445 acres and we're going to wipe out 32 acres of trees but then stick one tree in every back yard.

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Ms. Ehly: Yes sir.

Mr. Coen: Okay, I just wanted to make sure I got the concept.

Mr. Rhodes: Mr. Apicella?

Mr. Apicella: Mr. Chairman, respectfully, I'm not the Aquia District rep but I used to be. And I also happened to have lived on Hope Road, so I'm very familiar with the windy nature of that road and the unsafe nature of that road. So, several of my questions kind of springboard off of that, as well as some questions that were asked by Mr. Coen. My first question is, do you have a sense and did you talk with the applicant about why they were pursuing a cluster CUP rather than an R-2 rezoning?

Ms. Ehly: Mr. Chair, Mr. Apicella, we did suggest a zoning change to increase density consistent with the UDA.

Mr. Apicella: And isn't that normally the way we would proceed with the UDA, is respectfully pursuing a rezoning rather than a CUP for the most part? That was what was envisioned with the UDA concept, right?

Ms. Ehly: An increase in density in the portion of the parcel in the UDA would definitely be recommended. This is a unique case because half of it is in the Suburban future land use and half of it is in the UDA. It's kind of a middle ground.

Mr. Apicella: Okay. How far is the bypass from Stafford Avenue?

Ms. Ehly: Mr. Chair, Mr. Apicella, I don't know.

Mr. Apicella: A couple hundred feet maybe? Five hundred feet? A thousand feet?

Mr. English: Stafford Avenue, that's about a half a mile, isn't it?

Mr. Apicella: It can't be a half a mile.

Mr. English: From Stafford Avenue to...

Mr. Apicella: To where the bypass would be, to that church.

Mr. English: Oh, to the church.

Mrs. Bailey: About 2 blocks.

Mr. Apicella: About 2 blocks, right?

Mr. Rhodes: Well, I mean, just looking at the GDP, on the front page 1/8 inch equals 2,000 feet and that's probably somewhere close to 3/4 of an inch, so I'd say about 1,500 feet.

Mr. Apicella: Still, I mean, in the realm of a couple of blocks sounds about right to me, having lived there and used Stafford Avenue as a cut through, rightfully or wrongfully Mr. Coen. What's the length of the bypass, from Courthouse Road to Hope Road?

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Ms. Ehly: Mr. Apicella, I do not know the exact length. The applicant is here and they might be able to give you the exact length.

Mr. Apicella: Okay. The applicant has provided a summary which, the summaries they provided on these different projects that they have tonight are great, in terms of providing details, so one of the things that they provided in the summary was an indication from their perspective that the value of this bypass was somewhere around 2.4 million dollars. What's the County's perspective on the value of that bypass, as well as any improvements necessary to get that bypass... well, it says that they're going to do the right-of-way dedication, associated grading, and I presume an easement itself. Is that 2.4 million in concert with what the staff thinks its value is?

Mr. Harvey: Mr. Chairman and Mr. Apicella, we've not consulted with our engineers on that. Again, that's something to where the County's requiring it as a condition rather than a proffer.

Mr. Apicella: Understand, but I'm just curious to get a sense... I'm trying to understand again the CUP route versus the rezoning route. That's one of my vantage points by which I'm asking my questions. I'm still trying to understand, just the same line of inquiry as Mr. Coen, what the value is to the community of the bypass when Stafford Avenue is 1,500 away from Stafford Avenue. Because, at the end of the day, you're driving up or down Courthouse Road, you're still going to get onto Hope Road; either way, is it going to reduce traffic? Are people who are impacted or currently utilize Stafford Avenue going to change their behavior? Again, I'm just trying to understand what the benefit is. Irrespective of this proposal, I understand it was in the Redevelopment Plan, I'm just trying to understand where it sits right now, what the value is to the County.

Mr. Harvey: Mr. Apicella, Mr. Chairman, this in addition would be part of the Redevelopment Area Plan. It was part of the Courthouse Small Area Plan in which we worked with VDOT and their consultants to map out a way in which we could keep Route 1 to a 4-lane pedestrian scale. That included a number of road segment improvements; this was one of them. So, it would enhance the overall grid circulation pattern of traffic in the area. It certainly wouldn't take up all the traffic; some of the people that live or work in the area still will take Stafford Avenue, but it would help relieve some of the traffic you see on Stafford Avenue, and also traffic that will occur in the future as the new interchange is built and the Hospital Center Boulevard becomes more of an attraction for overall traffic flow.

Mr. Apicella: At the end of the day you still end up on Hope Road, a small, very...

Mr. Harvey: Yes, it's designed for local traffic.

Mr. Apicella: Right, so it's primarily for the people who live on Hope Road?

Mr. Harvey: That's primarily who it will serve, but people could use that again as a bypass alternative to Route 1 if necessary. They still would have to come down to the Route 1 and Hope Road intersection traffic light.

Mr. Apicella: Right, so they still have to get on Hope Road and turn left and go to... 1,500 feet further down they're still going to have to go up Hope Road to get to Route 1. That part of it doesn't change as compared to Stafford Avenue.

Mr. Rhodes: After the light.

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Mr. Apicella: Right.

Mr. Rhodes: You get around the light.

Mr. Apicella: No, there's no light there.

Mr. Rhodes: You get around the light at Courthouse and Route 1.

Mr. Apicella: That's not my point. You can do the same thing with Stafford Avenue. I'm just trying to understand what the value of this bypass is in the context of Stafford Avenue which already exists. So, 1,500 feet further down... you've still got the same number of people who live on Hope Road now and into the future. I'm trying to understand how this relieves the pressure given its proximity to a road that already does the same thing.

Mr. Rhodes: I'm not trying to challenge it. I see the small driveways that are right now coming out to Stafford Avenue. You can build this to not have that design. You can have it connecting to the hospital. I can see a lot of elements that go along with it.

Mr. Apicella: But it's also going to impact the people who live along that roadway, at least on one side of that road. So, right now, the people who live along Stafford Avenue are adversely impacted by Stafford Avenue. People who live along this bypass are going to be equally adversely impacted. That's my only point. Can we pull up the layout again?

Mr. Rhodes: Computer please?

Mr. Apicella: So, we've had several cluster subdivisions come before us in the past and, myself included, but I think some of my fellow PC members said the same or raise the same concern about the separation of the open space. It looks like we're getting the same net affect here with the open spaces separated rather than being contiguous. All the houses, perhaps rightfully so, are all condensed or concentrated. Where are the kids in this development going to play?

Ms. Ehly: Mr. Chairman, Mr. Apicella, perhaps the applicant can answer that question.

Mr. Apicella: Okay. And we still don't have any positive reaction on the pedestrian easement issue thus far?

Ms. Ehly: Regarding the easement to the north with the school?

Mr. Apicella: Right.

Ms. Ehly: I have not received any.

Mr. Apicella: Okay. My last question for the moment has to do with the conditions. It may be something we want; I'd be surprised that the applicant would support it but... or I'm trying to understand what the language actually says. So, under 15 it says, residential fire sprinklers shall be provided within each residential unit or each side yard setback shall be 10 feet. What's the purpose of that condition? Either/or?

Ms. Ehly: Yes, the Fire and Rescue division, because of the increased density from cluster subdivisions and the smaller side yard setback, you are allowed to have an 8-foot side yard setback in a cluster

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subdivision per our code. And through their industry analysis and opinion, an 8-foot side yard setback is too close and they would like a minimum of at least 20 feet between structures for safety reasons. So, if the side yard setback isn't at least 10 feet or 20 feet between each structure, then they would like it sprinkled so a fire wouldn't spread throughout the development.

Mr. Apicella: So, bottom line, as long as they meet the minimum 10 feet requirement they wouldn't have to put sprinklers in each home.

Ms. Ehly: That's true. The code allows for 8 so that's why it's in there.

Mr. Apicella: Okay. Thank you Mr. Chairman.

Mr. Rhodes: Thank you very much. Other questions for staff? Okay, applicant please. Thank you.

Mr. Payne: Mr. Chairman, and other members of the Planning Commission and staff, my name is Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant. I want to thank staff for their presentation and their diligence through this process. As always, it's a pleasure to deal with staff and they're always respectful of the applicants before them, as well as this Planning Commission. As noted, I represent the applicant who is Miller and Smith at Stafford, LLC. The representative of the applicant is here tonight, along with the civil engineer, the consultant, Bowman Consultants, is here as well. As staff has noted, I'm going to briefly go through the application and try to cover a few key components that we interpret as key and also to answer some of the questions that were raised; obviously, always good dialogue from this respected board. Property owners are the long time Stafford County residents, Ronnie Bowling of the Bowling family, and a Presbyterian of the James Church located respectively at Tax Map 30-136 and 30-78. As you saw in the presentation, part of the property, I believe, 30-78, is within the UDA, the Courthouse UDA which is obviously encourages high density development and uses, and the remainder within the Suburban land use district but all of it encompasses the Redevelopment Area of the Courthouse. As staff has noted, it is generally located at Courthouse and Dent Road. Its surrounding uses are very similar uses so the development pattern is very similar to what we're proposing. We also are connected to the Stafford Elementary School and a church to our south. There are no wetlands on the site and this is within the Aquia District. As noted, the project is a cluster subdivision proposal. The property is already zoned R-1 and we are proposing to develop 75 single-family detached lots. The configuration of the site, Mr. Apicella, as always, asks great questions about clustering, it's always sort of his focus at times we bring these projects forward. Obviously the configuration of the site drives a big part of that, as well, you know, when we put these plans together we meet with staff, look at your Comprehensive Plan, we try to determine priorities within the County, the Redevelopment Plans, specifically the Courthouse Redevelopment Plan which was adopted by the Board of Supervisors and I believe this board as an advisory capacity to be included in the Comprehensive Plan. Part of that plan, this northeast collector road was a component to it. And it was a component to relieve traffic and to basically get traffic off of 1 and at the intersection of Route 1 and Courthouse Road as the Chairman noted. This also will play a role in the redevelopment opportunities for the County in that particular area. As noted, it's within the UDA, the Courthouse UDA, and will help facilitate development at the hospital. So, when we see a plan like that and we have a piece of property that is, as noted earlier, encompasses about 71% of that link, we plan our project accordingly, and hence the dedication and hence the structure of our project. The project is, density wise, is within the Comprehensive Plan and within the zoning district allowance. In fact, we're well under the Comprehensive Plan density allowances, below 2.25 units per acre. Home prices -- we sometimes seem to forget the importance of having folks with disposable income moving into our area. We range from 450 to 525,000 dollars. We meet the open space requirements that are required under R-1 cluster. We're within the Urban Service district so we'll connect to public water and sewer. We will have 2

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access points, a right-in and right-out only on Courthouse and a main entrance at Dent Road, obviously before any of the improvements are made to the collector road. As noted, the northeast connector to this site includes about 71% of that link. There's a question about the dedications and the value. A lot of times we put those in there; sometimes folks think that the dedications are an automatic requirement. I think we sometimes forget that the applicant is paying full fair market value for those properties, for that property, so when they dedicate acres of that property, they are dedicating it at full value and consideration and obviously at no cost to the County. The dedications do include essential elements of improvements in that particular area. I heard some discussions about concerns about traffic patterns in that area. The dedication includes a 30-foot right-of-way for Hope Road. For those of you who travel on Hope Road, that will be important. A dedication of right-of-way along Dent to widen the right-of-way to 25 feet from the centerline. A dedication as we noted for 60 feet, together with constructions easements and partial grading and clearing for the northeast Courthouse bypass, which we do hope gets constructed in the near future. And dedication of right-of-way along Courthouse Road; always key to widen the right-of-way 55 feet from the centerline. Staff also noted, and hopefully for the record and hopefully for your consideration, that we did respond to the conditions that were proposed by staff and they would adopt or recommend adoption, if you will, to this well respected body, our minor adjustments and comments to those conditions. A couple of them I'd like to point out because they were questions raised by Planning Commission members. The first one, Mr. English raised a question about cultural resources on the site. We are required to perform a cultural resources study of Phase 1. If the Phase 1 determines that you should... recommends a Phase 2 I should say, we would then move to a Phase 2 which would be a more in depth archeological analysis and/or dig, if you will, to remove... actually to identify and remove archeological artifacts if there are some there. We did ask that the words prior to submission be changed to prior to approval of the preliminary plan which we thought was a simple minor change. The next point about fire sprinklers -- you know, as noted, what the fire department is asking is not consistent with the building codes (inaudible) asking above that. We've responded that the proposed development would be consistent with the R-1 cluster setbacks. The current R-1 cluster setbacks require minimum separation of 18 feet between foundations. Based on the current Stafford County Utility requirements, development needs a minimum of 1,000 gpm on one hydrant, or 2 at 1,500 gpm to meet the fire protection standards. So we think the way that we have this planned, and certainly our construction plans will be submitted and reviewed by the fire department at that point in time. And then also, for number 17 if you will, the applicant shall dedicate access to accommodate a 6-foot wide pedestrian connection to the school at lot 15. We're providing one sidewalk area in which we are going to construct which we have discussed with the school system. But we understand this particular recommendation 17 is not being required by the School Board. So we ask that that be removed. In addition to that, my client, fair to say, is relatively new to the area although a well-respected developer and builder in Northern Virginia. In understanding that the County has priorities, certainly preservation priorities, we have as you noted from staff, not a recommendation or requirement of our project, but we have voluntarily obligated if you will ourselves in regards to this project in order to offset any potential impacts to the new... to the proposed project which will add units to... 25 extra units to the site, we have proposed that we would acquire if you will up to a certain amount of money -- this is pursuant to a letter that I submitted that I assume all of you have dated November 10th -- that we would acquire property in conjunction of working with the PDR Committee and the PDR Program to help us identify property that would be a priority for the County to preserve. So, we are not only undertaking extensive efforts to provide what I believe is a very positive project from a net revenue perspective, from a disposable income perspective, that's consistent with your Comprehensive Plan, that's consistent with the zoning district, that's obviously also providing extensive transportation improvements or transportation dedications I should say, and likewise we're looking to preserve rural areas and preservation areas within the County. So, again, I think overall a very positive project and I'm happy to answer any questions you may have.

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Mr. Rhodes: Mr. Payne, just because it's been raised a couple times, I'm just curious -- what is the difficulty or objection on the easement for a future potential sidewalk and connectivity to the school property?

Mr. Payne: I think one of the issues is they haven't asked for it necessarily. So we would... I don't think we personally have an issue with it. I think the question becomes if they haven't asked for it, why are we providing it at this time. Is that fair to say?

Mr. Rhodes: It's been a dead property and it's a future planning flexibility because who knows what happens on different sites.

Mr. Payne: If the school system, and this is certainly something staff can follow back up, if the school system wants it, we'll provide it. But our understanding is they're not asking for it.

Mr. Rhodes: And the other reference to PDR and resourcing, just to confirm that's not really something that would be a CUP item, correct Mr. Harvey? The last reference of Mr. Payne's on resources provided for PDR...

Mr. Harvey: Mr. Chairman, Mr. Payne in his letter expressed a desire to include something to that effect in the conditions and staff did not include that in our report.

Mr. Rhodes: Right, okay. That's what I understood; I just wanted to make sure (inaudible). Alright, questions for the applicant?

Mrs. Bailey: Well, I do have a question in regards to the bypass. And forgive me, but one of the conditions that was mentioned was number 11 -- the applicant shall clear grade and sod the area within the full right-of-way of the Northeast Courthouse Bypass Road. You mentioned partial clearing and grading. So, is that different than what the recommendation was?

Mr. Payne: Yes.

Mrs. Bailey: And how so?

Mr. Payne: You want to address that question?

(Inaudible from the audience).

Mr. Rhodes: If this is the answer, we need to do it at the microphone. Or if you're going to relay it, Mr. Payne, that would be fine.

Mr. Payne: Mark King from Bowman Consulting is going to provide the answer.

Mr. Rhodes: Thank you, thank you very much.

Mr. King: Sorry about that. We're not trying to put this road on grade. We're grading the site to balance the site and, as a part of that, areas within this proposed dedication will be disturbed. We're going to seed it, mulch it... you know, that's what we're trying to say with the partial grading. It's not trying to set the road grades, but just trying to balance the site.

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Mrs. Bailey: Okay, and then another question that I'm just going to go ahead and throw it out there. Because the bypass easement is out there and we are discussing it, I'm just curious because there is going to be a little bit greater impact if we go to the cluster. By more houses being there, why wouldn't you just go ahead and build the road?

Mr. Payne: It's not economically feasible (inaudible). That's about as honest as you're ever going to get. You know, Mrs. Bailey, I know you've got a lot of background in real estate in Stafford County and values of real estate and cost of real estate and cost of development and the feasibility of development and the cost of that, and the projects have a reality to them. That's just the way it is. And the reality is, is we can't afford to construct that road. And that road will be utilized obviously from other citizens and the public and other businesses from off our site will benefit from it, so I think what we're dedicating... and the impact of that dedication on the project itself... I mean, the clustering in many ways is derived from the impact of dedicating that right-of-way.

Mrs. Bailey: And what would the impact be to the developer if you just stayed with the current zoning that's there, by-right, R-1?

Mr. Payne: We wouldn't provide the bypass. It wouldn't work. We'd use all the area.

Mrs. Bailey: Alright. I did have a phone call from Mr. Tremblay who is one of the adjacent property owners up on the north end. And he has a big concern in regards to the amount of foot traffic that might be caused because we only have... there's no buffer in between his property and -- if you want to look at the map --

Mr. Rhodes: Computer please.

Mrs. Bailey: He's down on the bottom left, those 3 parcels right there Mr. Tremblay owns. So he's very concerned that there will be a lot of foot traffic going across his property to try to get over to Courthouse Road and that there's not an adequate buffer there for that. And of course the concern with the pedestrian walkway from, what is that, lot 15 or lot 17 over to the school, might help alleviate some of that.

Mr. Payne: Like we said, we'll provide it if the school system wants it. We can put it in the condition. I don't think we have a problem with that. If the school system wants it, we'll provide them the easement.

Mrs. Bailey: So as far as the balance of the lots...

Mr. Payne: And the reasons why they may or may not want it we're not privy to. I don't know if it's too much traffic they're concerned about coming to the school site; I don't know. But if they want it, we'll be more than happy to give it to them.

Mrs. Bailey: And then looking at that same area, why does the buffer stop? Why is there a break in the buffer?

Mr. Pyle: Bill Pyle with Bowman Consulting. The 20-foot double row of evergreens is a street buffer which is designed on the... as it follows the bypass, is designed to separate the houses from the road. The individual lots owned by Mr. Tremblay and the lots here are both R-1 zoned and residential and the Zoning Ordinance does not require a buffer between like uses.

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Mrs. Bailey: That's all that I have for now.

Mr. Rhodes: Okay, very good.

Mr. Payne: Mrs. Bailey, if I can real quick, we're happy to put a similar buffer along his side if that's feasible.

Mrs. Bailey: Okay.

Mr. Payne: If that's acceptable to you, we're happy to do that.

Mr. Rhodes: Mr. Apicella.

Mr. Apicella: Mr. Chairman, Mr. Payne, again I'm trying to understand from a Planning Commissioner's perspective why you all chose the CUP cluster route versus an R-2 rezoning?

Mr. Payne: My engineering consulting group can back me, I'm not going to pretend to be an engineer and I didn't stay at a Holiday Inn last night, but my bet is the collector road is driving the development plan.

Mr. Apicella: Could that not have been proffered though as part of the R-2 rezoning?

Mr. Payne: I don't think it would have worked from a density perspective.

Mr. King: If we looked at doing it, I mean, you'd be looking at a higher density. You'd have to be looking at townhouses. And it was something the developer did not want to do. They felt it was more valuable to be single-family homes instead of, you know, 130 townhouses which I know in a lot of cases the Planning Commission board members are not always fond of townhomes. And it does allow the developer to dedicate this. And you're right; if we rezoned it, it would be proffered. In this case, it's a condition that we're going to dedicate these right-of-ways. So, you're getting it either way. It's not like this goes away, the decision was made not to do the higher density because it was more townhouses to make the higher density.

Mr. Apicella: So, is the... and maybe this is a lesson learned... is the reason why higher density single-family detached homes won't work is because you get the setback relief under the cluster? I'm trying to understand why you can't get that density you're looking for under an R-2.

Mr. King: I mean, you could; R-2 is 3 units per acre. We're at 2.24. I mean, it's close to an R-2 density without going to a townhome and it just seemed like... you know, a more sensible way to go was just to do a cluster concept and get a CUP for it.

Mr. Payne: It's less units.

Mr. King: Yeah, it's going to be less units. It'd probably be a hundred or more.

Mr. Apicella: While you're still standing there, a question I asked earlier of staff so I'll ask the same question of you. And I've asked this on other projects as well (inaudible) townhome projects. I'm trying to understand, you've got a lot of kids who are going to be in this subdivision. Where are they going to play?

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Mr. King: Part of it being adjacent to the school site with the playing fields and all, that's really I guess the thought process.

Mr. Apicella: So, there's no onsite play area.

Mr. King: No there's not.

Mr. Apicella: No amenities for the subdivision, just a kind of a hope and desire that they're going to play at the school.

Mr. Rhodes: Computer please.

Mr. King: I would say if there's an opportunity it would be down in this area where we could put, you know, a tot lot or some type of playground. But it'd be close to a future road and, you know, having the kids or anybody down there. The other thing... consideration that doesn't show up in here, in this area here we are planning a stormwater management facility as well that's going to control the runoff from the site. So, there's not a lot of opportunity. I mean, you've got this area as well that goes uphill from here. This could be an area as well but, again, it's close to the road. The road really has been a driving force of how this subdivision laid out.

Mr. Apicella: Okay. My last question -- and I'm sorry to ask it but I feel like I have to -- if somehow this PDR proposal becomes difficult to achieve, have you thought about any alternatives?

Mr. Payne: I'm sorry, any alternatives to... our desire to acquire property for purposes of County priority preservation? No, we have not thought about an alternative, because this is not a condition. This is something that we're volunteering to do from outside that process. It's not a staff condition.

Mr. Apicella: So, the letter that we received is essentially a commitment letter?

Mr. Payne: Yes.

Mr. Rhodes: But it's not part of the CUP.

Mr. Apicella: Okay. But, with respect, I mean, it's signed by you so it's not necessarily the applicant who's signing. I'm just trying to understand the legality of...

Mr. Payne: I represent the applicant obviously as their agent as you probably well know in the application package which is very clear. But what we're proposing, and certainly you have counsel here who can advise you on the legalities of it, but what we're proposing is on the record via my letter obligating ourselves, before we build the 51st lot, to have acquired up to a certain value as outlined in the letter, the equivalent of that value of properties that the County prioritizes for preservation, whether that's through the PDR Program or other programs. And that's something that we will commence evaluating as we move forward with building the project. We're limiting, we're intentionally limiting... I'm sorry Mr. Chairman, I didn't mean to cut you off... we're intentionally limiting our development plan until we offset that process.

Mr. Rhodes: But that is not part of the CUP application.

Mr. Apicella: I understand. I guess I would...

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Mr. Rhodes: That's a separate independent proposal that's being presented to the County, and not really an element of our CUP consideration.

Mr. Apicella: Okay.

Mr. Rhodes: Yes please, Mr. Coen.

Mr. Coen: Just one real quick question. In reading the material, I thought that lot 15 being dedicated for a cut-through to the school was sort of discussed with the school system. But since it wasn't, well, not as of this point...

Mr. Payne: Mr. Coen, I didn't talk to them but I understand we did, one of our representatives... Mr. King spoke to them and Mr. Horan... is that who you spoke to?... stated that it was not being requested by the school.

Mr. Coen: Okay. But you have subsequently indicated that if it were... indicated by the School Board that they would like a cut-through, you would facilitate the desires of the school system.

Mr. Payne: It's not our position to tell the school system what it should and should not have, so if they want it, it's open. And if they want to provide...

Mr. Coen: And if I can finish. So, say they decided that they thought the cut-through should be in lot 8 or 9 or 10, would that even be something conceivable? Because if you're living in lots 36 through 47, that's a long hike to get to what would be the only play areas, if that's your mindset, let alone to walk to school. I mean, it almost would be more useful to get a bus then have your kids walk all the way down that way to get to the bottom parcel heading towards that area. So, if it is deemed by the School Board that they would like to have this cut-through and they indicated therewith, you're open to other parcels or is it lot 15 or walk around?

Mr. Pyle: I believe the intent was to have it beside lot 15 and not on lot 15, but I don't see any reason why, if the School Board desires it to be between lots 7 and 8, that we could not shift the lots over and accommodate that.

Mr. Coen: Thank you sir.

Mr. Rhodes: Anyone else for the applicant?

Mr. Payne: (Inaudible) trying to find a reference to where you're talking about; I don't think that's going to be a problem.

Mr. Apicella: Mr. Chairman, I don't have a question for the applicant, but before we go to public hearing, we do have staff from the school system here. I would think we can kind of put this issue to bed one way or another.

Mr. Gibbons: I have a technical question?

Mr. Rhodes: Please Mr. Gibbons.

Mr. Gibbons: Under the current zoning, how many units does he have?

Mr. Rhodes: By-right is 50.

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Mr. Gibbons: Fifty, right?

Mr. Rhodes: Yes sir.

Mr. Gibbons: Okay, so if he goes to what Steven's saying, through an R-2, what does he get?

Mr. Rhodes: Mr. Harvey, staff?

Mr. Harvey: Mr. Chairman, it would depend on how many total units they're looking at because the R-2 zone allows for up to 3½ units an acre. So it would probably be, I'd have to do the math, over a hundred.

Mr. Gibbons: I can't hear.

Mr. Rhodes: He said probably over a hundred but he'd have to do the math.

Mr. Gibbons: And what he's asking for tonight is...?

Mr. Rhodes: Seventy-five.

Mr. Gibbons: Seventy-five.

Mr. Rhodes: Yes sir.

Mr. Payne: With the collector road.

Mr. Gibbons: I have the same concern that Steven has.

Mr. Rhodes: Mr. Harvey, do we know if there was a specific query of school staff on the easement, on the back half there? I know there was some future planning consideration for potential just like we ran into at Liberty Knolls; if we had had that easement we could make it a couple different subdivisions, but we don't now.

Mr. Harvey: Mr. Chairman, Ms. Ehly can address your questions.

Mr. Rhodes: Thank you very much.

Ms. Ehly: Mr. Chair, that easement was requested by Mr. Horan of the school division and that's the reason why staff included it.

Mr. Rhodes: Very good. Thank you very much. Other questions for the applicant before we go to public comment? Yes, please Mr. Apicella.

Mr. Apicella: Again, before we go to public comment, if we could just ask the school staff while they're here what their thoughts are about this cut-through, because the staff report indicates that they thought that the school system wanted the cut-through.

Mr. Rhodes: No, that's what staff was just saying. I know you were reading the paper but, that's what staff was just saying, that they actually got it from the School Board... the school staff that they do want that easement.

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Mr. Apicella: Okay, gotcha.

Mr. Rhodes: Thank you.

Mr. Gibbons: That came from staff, not from the School Board.

Mr. Rhodes: Correct, from staff.

Mr. Gibbons: And we've been asking 2 or 3 times now that the board deal with the board so the School Board comes back and says what it is rather than staff.

Mr. Rhodes: Roger. Okay, I will now open this to public comment. If there's any member of the public that would like to speak on item number 1, the Conditional Use Permit for Courthouse Manor, you may come forward and do so at this time. When you do, again, you will be addressing the board as a whole. I would ask that you state your name and your address, and then a green light will come on indicating 3 minutes. And then when the yellow light comes on, it indicates 1 minute left. And then a red light, we would just ask that you begin to wrap up your comments if you could at that point in time. Thank you sir; please.

Mr. Grant: Good evening, my name is Mike Grant. I live just off the cul-de-sac that's on the drawing on the computer screen here, and just above what's being referred to as the Northeast Bypass. So my concern is not so much the density; y'all will make a good decision on that and the applicant will be happy in terms of the money they're able to make. My concern is I'll be in with this Northeast Access Road. It's a concept on a map (inaudible) development in the County, but it abuts the property where I reside, a number of people reside along Little Rocky Run Lane. So if in acting in good faith the applicant uses what parts of the parcels that they can and they concede something for further development a la the access road, I'm not sure how the interests along Little Rocky Run Lane are being looked at in terms of buffering, noise abatement, or anything else. And I understand it's really beyond this applicant's concern, but I'm hopeful it's a concern of the panel that's sitting in front of me. Because right now it would look like the access road would go up pretty close to the property line where I live and my neighbors live, and right now we back to mature trees and everything else. So I'm hopeful a buffer zone, fringe area, or something could be considered as part of this approach that y'all are taking as the Planning Commission and the applicant could still do what they're trying to do in terms of building out in an undeveloped parcel right now. So I don't think they're (inaudible) interest but I'm not sure that those of us living along Little Rocky Run right now are being considered as part of this. And that's all I have. Thank you.

Mr. Rhodes: Thank you sir; appreciate it. Anyone else who would like to speak? Seeing no one else coming forward, I'll close the public comment portion of the public hearing and bring this back in to the Planning Commission for discussion. Just one quick question Mr. Harvey; just to confirm, on the bypass road there's not been any engineering or any other efforts on that, it's just the concept on the map right now, correct?

Mr. Harvey: That is correct.

Mr. Rhodes: So, based on our past experience, even if we started in earnest to begin some of the preliminary engineering on it, 7, 8 years away?

Mr. Harvey: Likely that long or longer. Right now it's not on the CIP or CIP for financial planning purposes. We look at a 10 year horizon and right now it's not on (inaudible).

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Mr. Rhodes: Not on that one either, okay.

Mr. Harvey: It could come on if the priorities change, but as you are kind of alluding to, there's a number of years of work that goes into design of the roadway, ultimate right-of-way acquisition, and construction.

Mr. Rhodes: I just wanted to give context to that thought there. I think that probably if it became a priority to start working on now, we're probably looking 7 years. Okay, just for context. But not to diminish any of the comment on that, I just wanted to get that construct out there. Okay. Other thoughts? Certainly if there's anything particular you wanted to rebut on that, you have the option. I don't know that there really is.

Mr. Payne: There's nothing to rebut. I thought the citizen's comments were fair. I just... it does reiterate this concept of the collector road and either its importance to the impact of our project and I think what's kind of being lost a little bit here is the importance it is to the future redevelopment of the Courthouse area. I know that we can't see it today, but there... you know, various times when it is very difficult to redevelop an area which, by the way, the Courthouse area has many challenges -- it has 140, 150 different properties that potentially could be redeveloped for its overall future concept -- there are so many times that you don't have right-of-way that you lose that opportunity. So we're providing a key link to that opportunity. And it is impacting our project. So we don't want to be punished by and, at the same time, I think it's important to understand that it's in your plan for a reason. It's in your plan to provide this Courthouse area an opportunity to redevelop. So I don't want us to lose that vision as we proceed forward. That's all I've got.

Mr. Rhodes: Thank you.

Mr. English: Mr. Payne, is it possible that you all can reach out to the (inaudible) Little Rocky Run Lane and see what their concerns are? That you could just reach out to them?

Mr. Payne: We can certainly talk to them. And we don't... you know, we own only obviously up to the area of the property line and then obviously the right-of-way dedication as required...

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

Mr. Payne: Oh sure, yeah, if the gentleman is still here we'll get his contact information and we'll reach out to him. I mean, you know, it's us and what the County is looking to do, etcetera, so we'll make sure we jointly work with them.

Mr. Apicella: Mr. Chairman, I would just ask as they're pondering potential options here, if they would consider any adjustments that again might provide more contiguous open space and/or a play area for the kids because, you know, I realize that they're trying to maximize they're...

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

Mr. Apicella: It's not a motion; I'm asking them if they will consider it if we decide not to take action on it today -- how about that?

Mr. Rhodes: So, I did here... I do, just looking back at my notes, the one thing that seems to be a little bit of an open item just that I caught was a little bit of changing on some language concerning what the

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Fire and Rescue folks had asked about. And so a different approach to it that was presented by the applicant that would probably merit some consideration or further feedback from...

Mr. Gibbons: You know Mr. Chairman, they keep bringing up about the suppression units in home, yet the Board did not make that a priority this year for the legislative. So, I mean, it comes up at every zoning and if their heart is in it, then they've got to convince the Board to take it forward to Richmond.

Mr. Rhodes: Agree with you. I don't disagree. The applicant did come with a counter-proposal... a creative one. I don't know what the hell... excuse me, I don't know what it means, but it was a creative approach to it. But it would be interesting to get the feedback to know what that means. Because if that is indeed a good way to address that, that might be a consideration before.

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

Mr. Payne: Mr. Chairman, I'm sorry, may I address Mr. Apicella's request regarding the play area?

Mr. Rhodes: Certainly.

Mr. Payne: Charlie Payne, representing the applicant. We will go back to the drawing board, if you will, and see if we can find some open space area for a play area. Thank you.

Mrs. Bailey: Thank you.

Mr. Rhodes: I did hear that as one that might be worth some feedback on and certainly this... I don't know what other thoughts folks have and certainly it's in the...

Mrs. Bailey: Mr. Chairman.

Mr. Rhodes: Please.

Mrs. Bailey: I'd like to make a motion that we defer CUP14150252 and I believe some of the items that we're looking at would be the issue regarding the tot lot, the buffer for the Tremblays, finding out more information about the 15-foot walkway and the school's position on that, and items in regards to speaking with the residents on Little Rocky Run Road.

Mr. Rhodes: So, a motion to defer to our next session. Is there a second?

Mr. Apicella: Second.

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

Mrs. Bailey: No further comment.

Mr. Rhodes: Further comment Mr. Apicella? Any other member? Please Mr. Gibbons.

Mr. Gibbons: I would like to have the concern about the difference between the CUP and the zoning request laid out.

Mr. Rhodes: So, further clarity from staff's perspective, the differences, density and otherwise, between the CUP application versus if it was done as a rezoning. Okay we can ask staff to do that for next time.

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And again, just to restate on the items that Mrs. Bailey mentioned is getting the feedback on the minor modifications of wording, staff was generally comfortable with but confirming it, especially Fire and Rescue's perspective on the CUPs; further consideration of different approaches towards a tot lot or a play area; confirming on the GDP the buffering for the Tremblays property; and I'm missing one here... oh, reaching out to the Rocky Run -- I think we already have is the CUP, the easement for next to lot 15 so that kind of addresses that; and then getting the understanding from staff, CUP versus rezoning differences just so we understand what the implications of those are. Please.

Mr. Coen: And if I may, I mean I raised the tree issue that got cut down like most of the other trees will be so I'm going to go on the premise that they're going to go... they're just going to clear the 32 trees and put on in the yard. But one of my questions continues to be the purpose of the road. And I'm not sure whether we need that from staff, Transportation Commission, VDOT, but in looking at and listening to it, if for 7, 8 years now there will be enough ways for people to get into the subdivision off of Dent Road, then why the bump-out to a bypass? And if the purpose of the bypass is to ease traffic off of Route 1 and have people basically zip over to go over to VRE or the schools, why have cut-throughs of homes going that way? And, again, and it's not necessarily, as I said this may be something we get from staff or VDOT, but if this is going to be envisioned as a major way for people to get into this development, then they would have to make a wide enough road for a turn lane. Or else if it's a 2-lane road, you'll have people who are trying to turn into the subdivision blocking everybody else from coming that way. And so all of that, to me, needs to be sort of thought out before we do that if Dent Road is good enough for 7 or 8 years, in theory then it would be good enough for eternity, you could get rid of those cut-throughs and those roads, make the connection for the open space all the way straight through and that would solve Mr. Apicella's question, it would solve other people's questions. And so that concept needs to be to me an idea of planning.

Mr. Rhodes: So, Mr. Harvey, if staff could bring back from the past plans where we have this laid in, just a summary of what the construct was there and concept and benefits.

Mr. Harvey: Yes, Mr. Chairman, we'll provide the Commission with a diagram from the plans that shows the road network and where this was a piece of that road network and provide some more narrative about (inaudible).

Mr. Rhodes: Great, just for context, thank you. Very good. Okay, all those in favor of the motion to defer this to the 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? Very good. Item number 1 done. Alright. Okay, items 2 and 3 are Reclassification and Conditional Use Permit of Winding Creek, so RC1400221 and CUP1400222. I assume we'll do these together Mr. Harvey?

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2. RC1400221; Reclassification – Winding Creek - A proposed reclassification from the A-1, Agricultural Zoning District to the R-1, Suburban Residential Zoning District, to allow a greater density single-family detached subdivision, of up to 97 units, be developed on Assessor's Parcels 29-4 and 29-5C. The property consists of 63.13 acres and is located at the intersection of Winding Creek Road and Embrey Mill Road, within the Garrisonville and Rock Hill Election Districts. **(Time Limit: February 10, 2015)**

3. CUP1400222; Conditional Use Permit – Winding Creek - A request for a Conditional Use Permit (CUP) to allow a cluster subdivision of up to 2.25 dwelling units per acre on Assessor's Parcels 29-4 and 29-5C, which are concurrently under consideration for a reclassification from the A-1, Agricultural Zoning District to the R-1, Suburban Residential Zoning District. The property consists of 63.13 acres, located at the intersection of Winding Creek Road and Embrey Mill Road, within the Garrisonville and Rock Hill Election Districts. **(Time Limit: February 10, 2015)**

Mr. Harvey: Yes Mr. Chairman.

Mr. Rhodes: Very good, please.

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

Ms. Ehly: Good evening again Mr. Chairman, members of the Planning Commission. The applicant is requesting a reclassification from A-1 to R-1 zoning district for property that's approximately 63 acres and is located at the intersection of Winding Creek and Embrey Mill Road, within both the Garrisonville and Rock Hill Elections Districts. The property is surrounded by single-family residential uses. An existing underground utility easement transects the southern portion of the property, Winding Creek Road transects the western portion of the property, and Austin Run transects the northern portion of the property from west to east. The property is currently zoned A-1, Agricultural. The applicant is requesting a change to the R-1, Suburban Residential Zoning District. The surrounding zoning includes PD-1 to the north, A-1 to the north, south, and east, and R-1 to the west and east. The property and the surrounding area have the Suburban future land use designation. The proposal is generally consistent with the development standards as identified for that designation. The GDP depicts the proposed development of 97 single-family detached homes at a density of 1.54 dwelling units an acre, which is above the 1.5 maximum for a cluster subdivision in the R-1 zoning district; which is why the applicant has also submitted an application for a Conditional Use Permit to allow for additional density which will constitute an additional 3 dwelling units. The proposal identifies over 35 acres, or 57% of the site, as common open space, well above the 30% minimum requirement. All residential units will be located on the portion of the property to the east of Winding Creek Road and build-out is expected to occur by 2021. Open space parcels encompass a Virginia Dominion Power easement which transects the southern portion of the property and jurisdictional wetlands. The proposed development will have two entrances on Winding Creek Road and a secondary access will be provided via a connection with Fireberry Boulevard to the east. The Comprehensive Plan identifies a future upgrade to Winding Creek Road between Courthouse Road and Shelton Shop Road to an urban 2-lane major local standard. The upgraded design would provide safety measures such as wider travel lanes, a 5-foot shoulder, and a 5-foot sidewalk, and is not necessarily related to providing additional capacity.

Mr. Rhodes: Now how would... that's another one that there's no engineering, nothing has been done on that, right, on Winding Creek?

Mr. Harvey: Not that I'm aware of Mr. Chairman.

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Mr. Rhodes: I mean, that's just the concept. Ultimately we'd like to have a lot of these roads with a higher travel access be more traditional standard versus the country road standard that they currently are.

Mr. Harvey: Correct.

Mr. Rhodes: Okay, so it's just the concept. Okay. Because that'll be a long time. Okay.

Ms. Ehly: The applicant is dedicating .84 acres of right-of-way along both sides of Winding Creek Road to achieve 60 feet in width, but has not agreed to upgrade the road to future design standard as recommended by staff. The TIA, which was submitted by the applicant, identifies the intersections on Winding Creek Road operating at a Level of Service A and B in 2021 and does not show a need for an increase to capacity in this location.

Mr. Rhodes: Would there not be a requirement to create any kind of a turn lane to go into either of those entrances off Winding Creek?

Ms. Ehly: Mr. Chair, we did have a pre-scoping meeting with VDOT regarding access and the condition of Winding Creek Road, and what's on the GDP reflects what VDOT has recommended.

Mr. Rhodes: Yikes.

Ms. Ehly: Or supports. So it's not warranted.

Mr. Rhodes: Okay.

Ms. Ehly: The staff report identified that the applicant has proffered to construct a sidewalk along Winding Creek Road; however, a revised proffer statement was submitted in the meantime which removed that item. The Transportation Impact Assessment submitted by the applicant identifies an increased delay of approximately 5 seconds and 13 feet in queuing for the intersection of Eustace Road, Northampton Boulevard, and Hampton Park Road in the p.m. peak hour with development in 2021. Consistent with the Comprehensive Plan which recommends that any degradation is mitigated below Level of Service C, staff has recommended that the applicant offset the additional impact to this intersection. The intersection is located in the circle to the north. The applicant submitted a revised proffer statement which incorporates most of the conditions which the Commission saw in the CUP resolution with the CUP application and they've incorporated that into the original statement. So the proposed proffers include a commitment to consistency with the Neighborhood Development Standards, dedication of right-of-way along Winding Creek Road, and also a dedication of right-of-way for the potential relocation of Embrey Mill Road to the south. Fire sprinklers are offered as an option to homebuyers. A Phase 1 Cultural Resource Study will be completed if artifacts are found on site. Installation of signage and required plant material and the inclusion of deed restrictions related to any residential lot area within the Critical Resource Protection Area buffer if lots do end up being located with buffer on them. The proposed development shall be limited to 97 single-family detached dwelling units. A 20-foot and variable buffer between the residential lots and Winding Creek Road will be provided. A sign will be placed within 30 days of the approval of the reclassification stating that the inner-parcel connection with Fireberry Boulevard stating that Fireberry Boulevard will be extended through the Winding Creek development. And dedication of approximately 10.326 acres of land, which is labeled as open space parcel E on the GDP for County recreational purposes upon final subdivision planned property. However, the Director of Parks and Recreation responded when we reached out to her that this land would not be beneficial to the County for recreational purposes in accordance with the information available to date. That is the response that we received from... Yes, it's shaded in yellow.

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Next slide please. A revised proffer statement has been submitted with the application so the amounts have changed since the staff report was completed. Monetary proffers did include per unit contributions of just over \$27,000 for school, transportation, and fire and rescue. The new statement identifies a total of just over \$34,000 with additions to library and general government facilities. Staff finds the following positive aspects of the proposal. The proposal is consistent with the established development pattern in the vicinity; proposed uses and development pattern meet the intent of the Comprehensive Plan; the dedication of right-of-way would accommodate planned transportation improvements; monetary proffers exceed the Fire and Rescue category recommendation. And the negative aspects are that the applicant has not proposed to upgrade Winding Creek Road to an urban 2-lane major local standard, and the potential impacts to the intersection of Eustace Road, Northampton Boulevard, and Hampton Park Road which will continue to operate at a Level of Service E.

Mr. Rhodes: Could you go back and just remind, what is the proposed change to Embrey Mill?

Ms. Ehly: Currently, Mr. Chair, Embrey Mill, if we... any aerial... as you can see at the bottom of this slide, Embrey Mill Road has a curve so it has been pointed out the possibility that when Embrey Mill Road is upgraded, that that would be straightened out. And they have dedicated right-of-way on the southern property line to accommodate that.

Mr. Rhodes: And that's right along the Dominion easement, right?

Ms. Ehly: It is.

Mr. Rhodes: And is that anywhere on any plan?

Ms. Ehly: Mr. Chair, I'm not aware that that is on any plan at this time.

Mr. Rhodes: Is it just a concept that maybe it would be straightened if they were to do an improvement to it?

Mr. Harvey: Yes, Mr. Chairman, on our Comprehensive Plan it shows Embrey Mill Road, like many of the roads in our area, for a 2-lane modern upgrade at some point in time. And it does show as being a straight road in that location.

Mr. Rhodes: Gotcha. Okay, now I understand. I just didn't recall (inaudible). Questions for staff?

Mr. Gibbons: Mr. Chairman, on this one here, Erica, can you draw on here really where Winding Creek Road is on the map you've got here?

Ms. Ehly: Mr. Chair, Mr. Gibbons, the cursor was just following through it. I'm not sure if this pen draws anymore on this screen, but right where the cursor is going.

Mr. Gibbons: Okay. So, this tract to your left there, who owns that piece? Do you know? Right next to the Berkshire subdivision.

Ms. Ehly: The piece that's...

Mr. Gibbons: No, the one...

Mr. Rhodes: The shaded one?

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Mr. Gibbons: Right there.

Mr. Rhodes: That's this applicant; that's what they would be providing as some of the open space.

Mr. Gibbons: Okay. Is this is old home on the Musselman property? Okay, thank you very much.

Mr. Boswell: Back to your slide on positive and negative, the fact that the Director of Parks and Rec doesn't want the 10 acres, shouldn't that be a negative that we're not providing anything for Parks and Rec if she's not willing to take the 10 acres and can't use it? They're actually not proffering anything for Parks and Rec?

Ms. Ehly: Mr. Chair, Mr. Boswell, yes, the lack of that dedication would mean that there would be nothing mitigating the impacts to the demand for Parks and Rec.

Mr. Boswell: Thanks.

Mr. Rhodes: Other questions for staff before we go to the applicant? Mr. Apicella.

Mr. Apicella: As I understand it, I could be wrong, isn't there a power line easement in close proximity to some of the homes?

Mr. Gibbons: That's further up.

Mr. Apicella: Further up?

Mr. Rhodes: But part of the open space...

Mr. Gibbons: By Rodney Thompson.

Mr. Rhodes: But part of the open space, right there, that's an easement. Is that where they actually buried...?

Mr. Gibbons: Yes.

Mr. Rhodes: They could still build more on that I think, Dominion could. They had the right for about 3...

Mr. Gibbons: Or you could use an access road to connect Walpole back down (inaudible) if you wanted to.

Mr. Rhodes: Yep.

Mr. Apicella: It's my understanding that there's been some legislative change that would, I don't want to say prohibit, but possibly keep Dominion from doing a below-ground and actually doing an above-ground power line. So again, my question goes to, if that's the case, how would residents in proximity to the easement know that there might be potential of an above-ground power line in close proximity to their property?

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Mr. Gibbons: Mr. Chairman, I think that parcel... and Holly is in the audience, she was the lawyer for that initiative... that this power line here is buried. There's two channels; there will be no overhead on this (inaudible). I think it's 5 or 6 miles.

Mr. Harvey: Mr. Chairman, Mr. Gibbons, my recollection was the SCC approval granted the major transmission line for underground, but there would be a possibility in the future of an above-ground for...

Mr. Rhodes: Two secondaries.

Mr. Harvey: ... local serving distribution.

Mr. Gibbons: Right.

Mr. Rhodes: Yeah, so this is part of that 5 mile or so section that they did bury below-ground, but they still have the right to put some other above-ground.

Mr. Gibbons: But local only, not for...

Mr. Rhodes: Yeah, secondary -- secondary transmission. That could still occur.

Mr. Apicella: Again, there's still an issue of disclosure or visibility that that might be a potential for folks who are going to be living in this potential subdivision.

Mr. Rhodes: Was that ever raised or addressed?

Ms. Ehly: Mr. Chair, no it was not.

Mr. Rhodes: Okay, we'll pitch that to the applicant. Other questions for staff? Okay, very good; thank you. Applicant please.

Mr. Payne: Mr. Chairman, other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer. I want to first thank the Chairman and Mr. Harvey for providing me the land use legal challenge tonight of having back to back to back to back to back cases; I appreciate that. Hopefully I can stand on my feet and stay on my feet and not hit the floor in front of all of you because that'd be quite embarrassing, and certainly to my client. I represent the applicant, Winding Creek Owner, LLC. As many of you may or may not know, this tract is 29-4 and 29-5C which is owned by the Musselman family which is a long time family of Stafford County. The property is currently zoned A-1. We are proposing a rezoning to R-1 to develop 97 single-family detached units. The average lot size, as discussed, is a little under a quarter acre. The project is, as staff has noted, consistent with the Comprehensive Plan. The site is located off Winding Creek Road and intersects with Embrey Mill. It is within the Suburban land use district. This is again one of those infill projects that are part of your Comprehensive Plan. The project includes a lower density than is authorized under the Comprehensive Plan, or about 1.54 units per acre, versus the 3.0 that's encouraged under your Comprehensive Plan, so just about half, and 2.25 units per acre under the R-1 cluster. Adjacent nearby properties are very similar. And as you very likely saw, most of the... all of the development, for purposes of the units, are on the east side of Winding Creek Road. We have preserved the west side of the site. There was a... I understand, it's the first we heard that the head of Recreation did not think that she could utilize the site. We have not spoken to her. We were encouraged to dedicate it obviously for the purposes that we dedicated it. If it cannot be utilized for active recreation or is no plans for active

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recreation, it can certainly be utilized for passive recreation. And I'm sure the folks at Berkshire are very excited about the fact that we're not developing on that side. And certainly our residents and other residents will be able to use that site in the future for all those purposes I just stated. The home prices will be around \$525,000. Again, a project that pays for itself on an annual operating basis; also, a project that brings, as we always talk about, folks with disposal income to our community which has great ripple effects, especially with commercial investment to offset those residential tax impacts.

Mr. Rhodes: When you say 525, what size home are you looking at there?

Mr. Payne: I think it's 3,000 square foot base with upgrades, typically goes to about typically 450 to 525. The average we believe it's going to be is going to be about 525. It's in our fiscal impact analysis. As I stated, depending on what school number you use, the fiscal impact positive number can be anywhere from \$244,000 to \$546,000. We have preserved an extensive amount of open space, about 35.77 acres, about 56% plus of the site, which exceeds obviously the requirements by almost double. Within the County's Urban Service Area, it will connect to public water and sewer. Primary access again to the site is off Winding Creek Road, and we are building a connection to Fireberry Boulevard via inner-parcel connection that was planned many years ago. As you know I love to do, I love to provide as much mass confusion as possible with last minute changes to proffers because that always works so well. But I apologize for that. We have provided some last minute changes to our proffers and if you could bear with me I'll walk through them fairly quickly. The total cash and in-kind proffer totals about \$3.677 million. If you were to allocate that to all of the units, that would be roughly about \$37,909; that includes with our dedications and cash. If you were to apply it to 77 units, meaning if you took away our by-right units, you would be looking at about \$47,756 in total. The cash proffers are about \$2.62 million; not about, that's exactly what it is. If you applied that to 97 units, you're looking at about \$27,000 a unit; if you took away the by-right number, you're looking at about \$34,000 a unit. Again, a very strong number certainly in comparison to other projects, but similar projects that have been approved by the Board. Schools, the change we have for schools is now 1.616 million, 923,000. You apply that on a by-right basis it's \$20,999 per unit. Recreation, we did not provide any dollars for recreation. Again, we have preserved about 11 acres for that purpose. We believe that that's a significant dedication. And obviously it would benefit folks both at the Berkshire development and on our site and the surrounding area. Transportation, staff had commented that we had not provided any sort of in-kind contributions for transportation; I'll get to that in a minute. In regards to our traffic impact analysis study that we did I think you'll see why we did not propose any because none were required pursuant to that analysis. But, nonetheless, we have proffered \$830,437 for purposes of transportation. Libraries, we have contributed, or proffered, \$57,000. In total, Fire and Rescue \$74,000 plus in the general government about \$41,000. Our in-kind proffers again, transportation, we're dedicating about .84 acres of right-of-way along Winding Creed Road to widen the right-of-way width of 60 feet which is important to the improvements to Winding Creek Road. We've also dedicated .78 acres of right-of-way for relocation of Embrey Mill Road. Again, as discussed earlier by the Chairman, that will have a positive impact on folks in this area. We will construct a sidewalk to, not along... that was a misprint on our fault, a typo on our fault... but it is to construct a sidewalk to Winding Creek Road. And we will build a crosswalk, east and west sides, across Winding Creek to the recreational area. We will also provide an inner-parcel connection to Fireberry Boulevard. And I've stated earlier that the recreation dedication will include about 10.326 acres, which is designated as open space Parcel E on your maps that you may or may not have before you. Just to address the staff comments, and I may have already done so with our proffers, to address improvements to Winding Creek Road, but I just think it's important to understand why we didn't proffer any improvements. One, you know, this did not trigger a 527 VDOT traffic impact analysis but it did trigger the County's requirement for an impact analysis. We obviously worked with the County staff to provide the scoping for that; we provide our analysis and they evaluate it. With the development of Winding Creek project, the existing 2-lane

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section of Winding Creek Road can adequately accommodate the increase in traffic. Our traffic impact analysis notes that the intersection analyzed along Winding Creek Road will all operate at A or B or better without the development of the site -- with or without development of the site I should say. The TIA also notes that no turn lanes or tapers, as the Chairman eluded to earlier, are warranted at either of the site entrances along Winding Creek Road. There's 2 site entrances along Winding Creek Road. In summary, the analysis basically provided that there are no upgrade requirements other than entrance requirements and dedications which... for Winding Creek Road improvements which we have made. And again, I think we have addressed these concerns with our most recent transportation proffers. We've not earmarked those proffers; that's certainly up to the Board of Supervisors to do in regards to whether they apply to Winding Creek or not. But again, we did allocate well over \$800,000 for that purpose. And again, we are dedicating 60-foot of right-of-way along Winding Creek Road. In regards to staff comments regarding the per unit contribution closer to the proffer guidelines, I think one of their focuses was on transportation. We've bumped up that number so hopefully they're maybe not perfectly happy but more happy in that regard. And also in regards to compensation for proffers 4.a. and 4.b. which the aforesaid dedications I just discussed. As I have stated before, there's no consideration given for land that's dedicated to the County, so to us that is value and I think that to anyone else it that would be value so the County wouldn't have to condemn it in the future. And in regards to the sidewalks being constructed, again it's to Winding Creek and not along. And, again, for the CUP question regarding the fire residential sprinklers, at least with a comment regarding fire, again we would follow state code and abide by state code. The Fire Marshal always tries to get us to agree to that but we, again, will follow what the state code requirement is. And I'm happy to answer any questions you may have, including over the most recent changes to the proffers. I think this application, the proffers may be a little more feasible in regards to the transportation concerns. With that, I'm happy to answer any questions.

Mr. Rhodes: Yes please, Mr. Gibbons.

Mr. Gibbons: I got a quick one here Charlie. You're going from A-1 to R-1 and you're going to 97 units, right?

Mr. Payne: Yes sir.

Mr. Gibbons: I want to make sure I get my math right. They accused me of alternating days in school with my neighbor but I got by anyways. Then you go to the CUP and you're going to take the CUP up to 2.25 dwellings per acre. Are you going to still limit the overall to 97 units?

Mr. Payne: Yeah, we're capped at 97 units, yes sir.

Mr. Gibbons: You're capping both the CUP and...?

Mr. Payne: The overall development is capped at 97 units period. What we're showing is the comparison of what the project is providing at 1.54 units per acre versus what would be allowed under the Comprehensive Plan under a cluster.

Mr. Gibbons: Alright, so you're capping it at 97.

Mr. Payne: Yes sir, and that's in our proffers.

Mr. Gibbons: Thank you. That's in your proffers?

Mr. Payne: Yes sir.

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Mr. Gibbons: Thank you.

Mr. Rhodes: Other questions for the applicant? Please, Mr. Coen? No? Mr. Apicella?

Mr. Apicella: Are there any onsite amenities on the parcel?

Mr. Payne: We're not showing any at this point.

Mr. Apicella: Since the Parks and Rec Department has indicated that they don't have a high degree of interest in the dedicated parcel and it is kind of sandwiched between another existing development and this proposed development, would the applicant consider adding some kind of park-like amenities on the dedicated parcel?

Mr. Payne: Well, that's an open-ended question of course, Mr. Apicella. You're talking about tot lots or something of that nature?

Mr. Apicella: Something like that.

Mr. Payne: We'll take a look at it I think as to where we could locate that. But I want to... this is the first we've heard that the Parks and Rec Director is not interested in that site and that's above my pay grade in regards to who makes that decision. So, you know, we work with local... in this case we've got 2 districts; we've got Rock Hill and we've got Garrisonville. And we've talked to both Supervisors and their priority was to preserve that area for recreational purposes.

Mr. Rhodes: But, an minimum, you'd look at some amenities, possibly on the other side of the developed site?

Mr. Payne: Absolutely, yes sir.

Mr. Apicella: Thank you Mr. Chairman.

Mr. Rhodes: Other questions? I did have a question I guess more so of staff. I just wanted to confirm -- does the way this is structured as currently postured if it went forward on that dedicated 10 acres, can that only be used for Parks and Rec purposes, just to confirm?

Mr. Harvey: It's limited to whatever restriction the proffer states. So if the proffer says for Parks and Rec, that would be the case.

Mr. Rhodes: Or it can just be dedicated to the County for Parks and Rec or whatever purposes the County needs (inaudible).

Mr. Payne: We're happy to dedicate it any way you want.

Mr. Rhodes: Okay.

Mr. Gibbons: I guess what my concern is, and I'll get with Rysheda later, if you do this zoning, and you're capping it, if I read the proffer, then you come back in and put a CUP on top of that, then the underlying 97 stays with the property, correct?

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Ms. McClendon: Mr. Gibbons, from what I understand they are proffering, that they will cap the development at 97 units and the CUP and the rezoning both run with the property. So they will be capped at 97 units.

Mr. Gibbons: And so when the CUP comes in, it's only dealing with the 97 units that already have been approved by the zoning.

Ms. McClendon: That's correct. What I understand, staff proposed adding the 97 units to the proffers because the difference between the proffers and the CUP was such a small number of units, they wanted to ensure that that cap was in place in the rezoning.

Mr. Gibbons: Thank you ma'am.

Mr. Payne: And Mr. Gibbons, to answer your question a little bit further, by-right... I mean, not by-right, but under R-1 we could have done 94 units and with the CUP we picked up 3 extra. So, what we did was we just absorbed them into the proffer statement to limit that number.

Mr. Gibbons: That's what I'm trying to do Charlie.

Mr. Payne: We're capping it (inaudible).

Mr. Gibbons: Maybe I went to the wrong school but I came up with 94 Mr. Chairman, and it's got 97. So how can you cap something when it's more than what was authorized?

Mr. Payne: Because a CUP... it's a cluster. We have a cluster as part of this application, so it's a rezoning... The Chairman has combined, I assume Mr. Chairman... correct me if I'm wrong... you've combined 2 and 3 on the agenda, correct?

Mr. Gibbons: So my question is, if the R-1 says 94, we're going to give them 3 more? More than what the R-1 calls for?

Mr. Rhodes: Ms. McClendon, Mr. Harvey, I think what Mr. Gibbons is just trying to understand how we have a proffer that limits them to something that's above what the reclassification would allow. But you're okay with that as a controlling dynamic even though it's stating something even beyond what they're allowed in the reclassification?

Mr. Harvey: Mr. Chairman, the reclassification to the R-1 zone, if there were no restrictions, could allow more units than what's being proffered.

Mr. Rhodes: Okay. So the reclassification actually would allow, if using all the acreage, the reclassification would allow actually well beyond 97. So this is a limiting number that they're putting in the proffer.

Mr. Harvey: Yes, they could achieve approximately 150 units if they went to the full allocation under a CUP.

Mr. Gibbons: So, there's a difference between a CUP and the rezoning. We go right back to the case we had earlier tonight. So, it's... okay, thank you very much.

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Mr. Rhodes: We'll dig through that a little bit more. Okay, any other questions for the applicant? Mr. Coen.

Mr. Coen: Just real quickly -- if I'm looking at the map correctly, the residents in say lots 45 through 57 might want to traverse through Fireberry. But the majority of the residents on this, the 97 parcels, most of them are going to come out through 2 entrances onto Winding Creek Road.

Mr. Payne: Correct.

Mr. Coen: Alright. And roughly that's about at least 2 cars per household -- roughly. I think the latest census is more above 2. Thank you.

Mr. Payne: If you say so.

Mr. Rhodes: Okay, any other questions for the applicant? Okay, I'll now open it up to public comment. If any member of the public would like to speak on items 2 or 3, they may come forward and do so at this time. Again, we would ask you to state your full name and then your address, and then once you do so a green light will come on indicating 3 minutes are available to you. A yellow light will come on when there's a minute remaining, and then a red light and we would just ask that you wrap up your comments. Please sir, thank you.

Mr. McCormick: Thank you. My name is Don McCormick. I live just where Fireberry goes into the property, or to the parcel. So, I've got... and thank you all for your service up front, I'll say that. I've got two concerns; one is that our street become a cut-through to the middle school that's there, H. H. Poole, and into 610. I don't know if the Board's considered doing something like they've done at Cathedral where they limit the hours that traffic can go through. But that's a real concern, especially because of what Winding Creek Road is like. You asked a question, sir, and said will they exit and not go through Fireberry? If you've been on Winding Creek, it's got at least two hidden site points. There's a 90 degree curve on one end and then there's a rise that you can't see over and there's an immediate left on the other end. It's not a safe road for additional traffic the way it is now. So that would be a definite concern of mine. The fact that they're not going to put sidewalks on there, the fact that they're not going to have an entrance into... an entranceway into the property are additional concerns that say that when you come upon that road you're going to come upon immediate traffic. So I think you've just made a bad situation worse with that road. I think what's going to happen is rather than take Winding Creek Road, they're going to cut through Fireberry. So they're going to go past all of our homes and make that more dangerous. So that's my opinion. I hope that the Board would consider that Winding Creek Road is a real concern for additional traffic. You just have to drive it to experience it and to know it. So, that's really all I have to say. I'll leave now and let the other people voice their concerns. Thank you.

Mr. Rhodes: Sir, thank you very much. Anyone else would like to speak, please come forward at this time.

Mr. Burkett: Mr. Chairman and committee, I'm Jim Burkett. I live just at the changeover point and the concerns, along with Don, is a lot of the traffic coming this way because Winding Creek is a rather treacherous road. One of the big concerns that I have is at the end, which doesn't show on your map here, there's a cul-de-sac at the end of Fireberry; it's on our property. And one of the concerns I have is, is the sidewalk and everything going to be continued and tied into Fireberry? Because I don't want that cul-de-sac left there and have it be a parking lot right in front of my house. The way it is now but I mean everybody pulls the other way, if the road goes through then everybody's going to be parking in

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towards our house. And that's a concern that we have. That's the main thing that we'd like to have addressed and removed if possible, because it was put there I guess by the County order when the developer built the area so fire trucks and school buses could turn around. Thank you, that's all I have.

Mr. Rhodes: Thank you very much. Anyone who would like to comment?

Ms. Sykes: Good evening. First I'd like to thank you for giving us the opportunity to express our concerns about the reclassification of this property.

Mr. Rhodes: Could I ask you to just say your name and address?

Ms. Sykes: I'm Stacey Sykes. I've lived here about a year. And I am against the reclassification of this property. As I understand it, the property was currently zoned for 20 homes on 3-acre lots and the application is requesting for 97 homes on quarter-acre lots. This is a significant population increase in our area. I feel it would impact our community in several ways. Number one, we already have a bunch of construction going on, on Mine Road, Courthouse Road, and we don't have the roadways to even support those current projects. The traffic to Courthouse... I don't know if you've been on it from Winding Creek to get to Courthouse and trying to get to I-95... is hard on a Saturday morning. So, I don't know how we can ask our fellow community members to absorb yet another housing development. Number two, our schools are already overcrowded. Colonial Forge and Rodney Thompson are already nearing capacity and I know that we're adding more; we're trying to add to Colonial Forge. But I don't think 97 more homes is going to help the situation. And I know they've said that it will be 1.3 students per house. I don't know how you get a .3 child, but I don't think they can guarantee that there won't be 2, 4, 6 kids in a house. When they're going to be \$450,000 to \$525,000 homes, they can support maybe more than 2 kids in a household. Number three, the increase in traffic pattern, as my fellow Autumn Ridge residents have suggested, that it will become a cut-through just like Cathedral is for Northampton. It will end up... people will end up going on Eustace Avenue and go right down Live Oak, right through Fireberry, because they don't want to go on Winding Creek or they don't want to go all the way around down Embrey Mill. Many of our children in that community walk to H. H. Poole. We already have a problem with people speeding on Eustace. How is that going to impact our children who are walking to school every day? And number... and my fourth thing is, I'm a new resident here, but I love it here. Okay. And I came from upstate New York where it was very rural. We had K through 12 in one building. But one of the things I loved about when I moved to Autumn Ridge is that when I turn the corner, I could see that there was forest and trees and that Stafford County was appreciating and keeping those things. I would *hate* to think that we would become one of these urban communities where people just drive by on I-95 and say, well Stafford County used to be but now it's just like everybody else. I would like us to keep our forests and our rural sections of Stafford County because it keeps us beautiful. So, I hope you can appreciate what I had to say this evening. I appreciate your time and consideration. Have a good evening.

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

Ms. Leathers: Good evening. I'm Sandy Leathers. I would like to say thank you for giving us a 2 minutes speech. I wanted to know if anyone had made any consideration about there is a mass grave that is just off Winding Creek... not Winding Creek... Embrey Mill Road and Wet Rock Lane. It is in that area near the power lines. Is this grave that had 29 people or so in it going to be affected by all of this new reconstruction? And the other question I had, our property butts up to that back part where Fireberry is, and we're right there at the Musselman property line, which is like feet from the back of our home. My question is, how is... you know, if they're going to put all these extra people and things in here, are they planning on giving some of us who are back in the woods, per se, some kind of

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opportunity to the main roads so that we would be able to get out during the winter without worrying about all the wooded area and having to plow it out with a tractor? Just a curiosity and just a question or maybe somebody would like to, you know, answer some of my questions. Thank you.

Mr. Rhodes: Thank you very much ma'am. And anyone else who would like to speak? And as you come forward, I would just highlight during the public comment portion it is not an interactive question and answer portion. But certainly if we can subsequently find appropriately and further discourse to get some of these comments addressed, we will certainly attempt to do so. Please sir.

Lt. Col. Bobeck: Hello, my name is Lt. Col. Gregory Bobeck. I'm not from here, I'm in the Army and we chose to live here. I work at Fort Belvoir. When my wife purchased the property, I was in New Mexico and I asked her, the woods behind probably will be developed. And sadly that area has become developed. We chose to live here because it was semi-urban, semi-suburban, and also some forest. As it's transitioned, I understand it'll look much more like Fairfax where I work up at Fort Belvoir. Know that people like myself, when I retire, I'm probably going to seek a different location. And so the questions I have, and I don't expect to be answered, was I was told there was a conservancy behind me that I couldn't develop it at all because I have an intermittent creek that you need to know that in that 10 acres it gets very wet and the water does flow and there is wildlife. I stood on my deck and there was 8 deer looking at me as my eyes adjusted. So, as you develop... in Wisconsin, we have the Department of Natural Resources, DNR, so I would hope that you would include that in your plan, either get the hunters to, you know, hunt them, do something because they come to my back yard and my bushes that I have purchased, I feed them. I didn't mean to do that but they come to my house at 4 in the morning and eat all my bushes. So, just know that you have that and that has to be part of your plan; how are you going to assist with that? I also was not notified. I abut the 10 acre, so I was wondering the process of how I was to be notified. Maybe I should have been more active on coming to the Boards. Maybe I should have gone to the internet. But I would have suspected that if this was meant to be a public forum and open and for all to see, I should have received a letter notifying me because it will affect me. I have spent a substantial amount of money. I have improved the property. And now I have to make a decision how we go forward. I think you for your time and I hope you have a great decision cycle here and that you do the right thing. Lastly, I would like to know in the future how that 10 acres will be paid for. It's a tax; someone has to pay the taxes. So I do see it being developed in the future. Thank you.

Mr. Rhodes: Thank you very much. Anyone would like to speak on this item, items 2 or 3?

Ms. Hall: My name is Amy Hall. I live in the Berkshire subdivision. To follow up on Mr. Bobeck, while my property does not abut directly, I found out about this this afternoon at about 5 o'clock when one of my neighbors came by saying do you know anything about this. So, I also was going to ask the question how it is determined and by whom who should be notified about these meetings? Because I know that a majority of my neighbors that were home at 5 got a knock on the door today and that's how they found out about it. I would like to primarily talk about Winding Creek Road. As a Berkshire resident, I drive it a lot. It is dangerous. It is dangerous today and it will be incredibly dangerous with 2 new intersections on it. If there are not enhancements to the road, it is ludicrous to talk about sidewalks and crosswalks. It's dangerous in a car; I can't imagine a pedestrian on that road. That would be crazy. With regard to the 10 acre spot, as a Berkshire resident, if it is not used for Parks and Rec, I'm wondering what it will be used for. According to the proffers, as I understood it, it will be dedicated to the County. And at that point, the County, I assume, can do whatever it wants with it. And at what point will we be notified what that will be if it's not Parks and Rec? I also wonder, who will maintain that? If it is proffered to the County, who maintains it? Berkshire has one of those little public green areas that was supposed to be maybe given to the County. The County didn't want it. Berkshire now pays to maintain it; have the grass mowed, because it had to be prepared as if it was going to be a park.

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And now we maintain it at a great expense to our community. So who's going to be responsible for maintaining the 10 acres? And who's going to pay for it? I guess that's enough. Thank you for your time.

Mr. Rhodes: Great, thank you very much. Anyone would like to speak? Yeah, the middle's the best.

Mr. Liebe: Good evening and thank you for the hearing this evening. My name is Bob Liebe. I am in Berkshire. And for the record, thank you to my wife and my daughter who went out and knocked on everybody's doors to let them know this was occurring, because there's this blanket letter to somebody, that wasn't addressed to any of us individually, but somehow or another our HOA found out about and sent moms and kids out to let people know what was going on. Thank you for the folks and the consideration for their offer for the 10-acre rec area. It is wet, it's very wet. Perhaps that's why the Recreation Committee says I don't want anything to do with that. Um, there's wildlife in there. Maybe that's why the Rec community wants nothing to do with it. It's very marshy and I think that you'll find that that was one of the attractive pieces that sent people to Stafford was there's trees there. There's wildlife there. In fact, I used to live in Stafford in another place. My first night in this home, I sat out back with my wife and I said, listen. I didn't hear a car. I heard a bird. I heard a cricket. Not one cricket -- I heard thousands of crickets. What I didn't hear was neighbors slamming his gas grill, neighbors slamming his car. I love my neighbors, I love the tranquility that Stafford provides, in little places like this. The road has been mentioned. It is treacherous. The 90 degree turn near Walpole is a deathtrap. When will that be on the front page? I don't know; it's going to happen, unfortunately, regrettably. The intersection at Winding Creek and Courthouse -- when's the next teenager going to come jumping out thinking they can make that turn while some truck or somebody rushing to school comes barreling over the hill and crushes them? It's going to happen. That's going to happen soon. Now I'm not all about complaints, I am about solutions. I think item number 1, the offer there was to go buy some land for whatever the County wanted to do with it. How about they buy the 10 acres and tell everyone to stay off it? Except the trees, except the crickets, except the foxes. What's the value to the community? I think Mr. Coen mentioned earlier, all the residents in item number 1 that get tired of just looking at their one tree can drive down the road, peacefully and slowly and carefully, down Winding Creek and look at all the trees that are there, that are left in Stafford if the County chooses to preserve them. So my point here is that there's a lot of value that goes into these tiny little spaces that while they seemed wasteland, how about we pave it, throw a basketball court there. I don't think that's what the people expect that of Stafford County. I think the people that move here, that were lead to believe that they're going to have trees behind them, and that the roads will be safe, and that it'll be a beau colic and rural area, that they kind of have some sense that they just get a little hint of that. Not to mention that their kids can walk to school like the rest of the residents mentioned. So... out of time. Thank you.

Mr. Rhodes: Thank you very much. Anyone else who would like to speak? Okay, I'll close the public comment portion of the public hearing. If the applicant would like to come up and address some of the comments that were there.

Mr. Payne: Mr. Chairman, other members of the Planning Commission, Charlie Payne representing the applicant. And thank you very much for the opportunity to respond. As always, we appreciate public comment. We think it's important to this process. Certainly the neighbors from the immediate area have fair and legitimate concerns about their neighborhood changing and why that's changing and how it's changing. I think we have presented a very good case for our project and our rezoning as to why that change will not have an adverse impact. Just to answer a few of those questions, or actually I'll try to answer all of them, just please remember that the Musselman family has been here all their lives and their generations of Stafford residents, and they have been in this area and, again, have the opportunity to develop this site and to take care of their families. Access question in regards to Fireberry, that has

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been planned for some time. There is an inter-parcel connection and a dedication for that purpose from the Fireberry development to our east. And so we will make that connection and we will remove the cul-de-sac, we'll connect sidewalks as the other gentleman had asked as part of his comments.

Mr. Rhodes: Is that actually a... I apologize, I just never thought to ask this before. Is that actually a requirement when one connects to an inter-parcel connection?

Mr. Harvey: Yes Mr. Chairman. Typically we find with these types of inter-parcel connections that a cul-de-sac is a temporary cul-de-sac and an easement. As the gentleman said, the cul-de-sac is actually in part of his yard. When the through connection is made, the area is restored back to lawn and thus the appropriate street and sidewalk connections (inaudible).

Mr. Rhodes: And that's the requirement of the developer who's connecting to the inter-parcel connection?

Mr. Harvey: Yes, it's a VDOT requirement.

Mr. Rhodes: Okay, thank you.

Mr. Payne: And our plan shows it as well, Mr. Chairman. The grave site that the nice lady raised is not on our site and, of course, if it's adjacent to us, state law and County requirements require us to buffer from that site. So, I'm not sure exactly where it is but it's not on our site. In regards to...

Mr. Rhodes: You would have to comply then for any buffer that may be if it is abutting.

Mr. Payne: By state law we would have to.

Mr. Rhodes: Right.

Mr. Payne: And if it was on our site and it wasn't ours, we would have to provide access as well. In regards to the growth question to the young lady that moved here from New York, you know, we're living in an area for purposes of our Comprehensive Plan that's planned for growth... that's planned for modest growth I should say. It's in the suburban land use district. We had anemic growth for 8 years so there wasn't a whole lot of growth and then the cycle changed because the economy changed. So that's why there's a lot of new construction, a lot of activity going on. But, the planned growth that is occurring in this corridor is growth that the County has planned for. So let's not forget that vision. And I think... I know that how we have proposed our project has been done in a very modest way. We didn't maximize the site in regards to units. I did a quick math for Mr. Gibbons; if we zoned it R-1 we could do 102 units. Instead we're doing 97. If we went with a cluster, we could do 155 plus units. So, for purposes of density, we're well under. Like I said, almost half what the Comprehensive Plan is encouraging -- or allows, I should say. We're not... I heard several folks from the Berkshire development. I don't know if my presentation wasn't very good or clear. We're not developing that side, so that 10 acres will remain unchanged. The tranquility will continue. We're not touching it; we're going to dedicate it to the County. It's up to the County whether they want to utilize it for recreational purposes, whether it's active or passive, or they simply want to dedicate it for preservation.

Mr. Boswell: Can I ask you a question on that? Right here.

Mr. Payne: I'm sorry Mr. Boswell.

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Mr. Boswell: Is that 10 acres, when you all were looking at the subdivision, is it actually able to be developed? Is it buildable?

Mr. Payne: Yes, it can be developed. Certainly not where the wetlands are but a good portion of it can be developed.

Mr. Boswell: Just some of it could be.

Mr. Payne: Yes sir.

Mr. Boswell: Thank you.

Mr. Payne: And again, the Berkshire development, to my knowledge, I don't think accesses Winding Creek Road. It doesn't mean you folks don't utilize that road so they won't have immediate impact. And of course, they'll be buffered with that 10 plus acres in between us, Winding Creek Road, that buffer, and then our development. And again, we've also, for purposes of our proffers, have proffered a significant amount of money for Winding Creek Road, although our Traffic Impact Analysis very clearly said we did not have to make any improvements to Winding Creek Road.

Mr. Apicella: Mr. Payne, before you go any further, you heard a couple of folks who had public comments say that they were concerned about the current state of Winding Creek Road and that it would become, in their minds, that much worse with additional development. So, what are kind of your responses to that?

Mr. Payne: Well, Mr. Apicella, again, when we go forward with a rezoning application, we look at a couple things for transportation. One, does it trigger a 527 VDOT analysis. This project did not. It wasn't dense enough to do that. It didn't create enough daily traffic or a.m. and p.m. peak hour traffic generated, right? It did trigger the County's TIA threshold, which we scoped with the County to evaluate what the analysis is going to be. The analysis is then prepared; it obviously delivers an outcome that says you should make improvements, where those improvements would be, etcetera. Our study clearly showed that no improvements were required to Winding Creek Road. The amount of traffic that we're adding to it would not adversely impact it for that purposes. Now, notwithstanding that fact and listening to comments from staff and their concerns about the future improvements for Winding Creek Road, we dedicated... not dedicated, we proffered over \$800,000 for that purpose; even though our TIA said something to the contrary. And again, just to, you know, just in closing, we respect again the opinion and the positions of our residents and hopefully soon-to-be neighbors. We think we've planned this project in a way that would reduce and in some cases not have any impact I think on the Berkshire side in regards to our project. And I'm happy to answer any other questions you may have.

Mr. Rhodes: Please Mr. English.

Mr. English: Mr. Payne, why was not the residents on Berkshire notified of this?

Mr. Rhodes: That would be more for staff. Mr. Harvey, now, we notify all those that are abutting. Is it because this portion of the property was not being developed or modified?

Mr. Harvey: No sir. It's the fact that, as one gentleman said, there is an open space strip that goes behind the lots.

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Mr. Rhodes: Oh, so they weren't abutting.

Mr. Harvey: Correct. So the Homeowners Association property was abutting. That's why...

Mr. Rhodes: And so you notified the Homeowners Association and they had the right to...

Mr. Harvey: Yes sir.

Mr. Rhodes: Okay. Because typically, all those that are actually abutting, you would send a letter to every property that's abutting. So, in this case, the property that was abutting was the Homeowners Association who you did notify per ordinance and then they took care of the subsequent notification.

Mr. Harvey: Correct.

Mr. Rhodes: Okay, got it.

Mr. Payne: And just the other question... I'm sorry, Mr. Chairman, I forgot one other thought that came up. Schools of course were a question. Our proffers, I think, adequately generate or contribute towards schools, and the project itself would generate enough revenue to handle operational costs.

Mr. Rhodes: Okay, other questions for...? Please Mr. Apicella.

Mr. Apicella: Mr. Chairman, I'm sorry, I asked it of staff; I didn't ask it of Mr. Payne, so I'll just re-ask the question about the potential for power line, an overhead power line being constructed by Dominion. I know we can't know for certain whether that will or won't happen. That would be at least in the viewshed of several of the homes. So, how will those homeowners know that that potential might exist? We had certainly an issue with the power lines that ultimately wound up underground and that was a big victory, but for the, I don't know, it looks like there's 15 plus homes that might be in proximity to those power lines.

Mr. Payne: Yeah, anyone who would be abutting that easement would have, in their disclosure documents, prior to purchasing the home, the fact that that line may very well be there.

Mr. Apicella: Okay, thank you.

Mr. Payne: Yes sir.

Mr. Rhodes: Okay, any other questions for the applicant at this point? Okay, thank you very much.

Mr. Payne: Thank you Mr. Chairman.

Mr. Gibbons: Mr. Chairman, I'd like to make a motion (inaudible).

Mr. Rhodes: Certainly Mr. Gibbons.

Mr. Gibbons: I'd like to defer this to the first meeting in January. I'd like to meet, since it's in your district and mine, I'd like to meet with the homeowners. Because I want to remind everybody that the reason Walpole Street was built up through Rodney Thompson, the school, is because VDOT could do nothing with Winding Creek. It's almost impossible to fix and that's what the recommendation was on Walpole. So, we've got to be very careful about what we do with any traffic on Winding Creek. And if

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you go at the end of Winding Creek where the school is, Mr. Chairman, you'll understand that VDOT didn't even want to put a traffic light in there; they put a flashing light that said, you know, when the yellow light is flashing and somebody's in the intersection, and so... But that's my motion right now.

Mr. Rhodes: Okay, so a motion to defer this to the first session in January.

Mrs. Bailey: Second.

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

Mr. Gibbons: No sir.

Mr. Rhodes: Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Rhodes: Any other member? I do know that there was a discussion that there would be in the intervening time an opportunity maybe to look at some recreational or tot lot or other opportunities within the developed portion, and just some consideration on that area there. Mr. Gibbons wants to have some discussions and I'll join with you in those, Mr. Gibbons, and possibly we'll circle back with the applicant on some of these other items in the intervening time. Okay, if there's no further discussion, all those in favor of the motion to defer this to the first session in January 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 all very much.

Mr. Harvey: Mr. Chairman?

Mr. Rhodes: Can that motion handle both items since we're just deferring right? I just want to make sure. Okay, thank you.

Mr. Harvey: Mr. Chairman, for the Commission and the audiences' information, the first meeting in January is January 13th.

Mr. Rhodes: Thank you very, very much.

Mr. Harvey: Excuse me, January 14th.

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Mr. Rhodes: Fourteenth. Okay, very good. Mr. Harvey, if I could just circle back on one open item from some of the comments of the public. Just to confirm, if that goes over to the County whether it's specifically only for Parks and Rec and they decide to develop or openly, anything they did there would still have to go through some notice process, right? If the Park wants to develop soccer fields there and a soccer complex, they'd have to...

Mr. Harvey: Mr. Chairman, first of all, if the land is offered to the County, the Board of Supervisors has to accept it.

Mr. Rhodes: Right.

Mr. Harvey: And then secondly, if the County decides to develop it, a site plan would be required in which we would provide notice to adjacent owners that a site plan has been developed and filed with the County. But at that point in time, there's no special public hearing or zoning (inaudible).

Mr. Rhodes: Okay, so there would be a public notice though to adjacent land owners of site plan development?

Mr. Harvey: Correct.

Mr. Rhodes: Okay, good. I just wanted to make sure I was clear and understood that. Alright, very good. With that we are moving onto item number 4. We are rolling! RC1400159, Reclassification, Reserve at Woodstock Lane. Mr. Harvey.

4. RC1400159; Reclassification – Reserve at Woodstock Lane - A proposed reclassification from the B-2, Urban Commercial Zoning District to the R-1, Suburban Residential Zoning District, to allow for a single-family detached residential subdivision, of up to 41 units, be developed on Assessor's Parcels 21-167 (portion) and 21-170. The property consists of 36 acres, located at the intersection of Telegraph Road and Woodstock Lane, approximately 1,100 feet east of Jefferson Davis Highway, within the Griffis-Widewater Election District. **(Time Limit: February 10, 2015)**

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

Mr. Rhodes: They're all yours, you lucky soul. You and Mr. Payne, very good. Okay, please.

Ms. Ehly: Good evening again. The applicant is requesting a reclassification from B-2, Urban Commercial, to R-1, Suburban Residential zoning district, on a 35-acre site located at the intersection of Telegraph Road and Woodstock Lane in the Griffis-Widewater Election District. A future hotel site lies to the north. Carl Lewis Park is to the east. And to the south is the Aquia Harbour subdivision. And undeveloped land to the west contains the Brent Family Cemetery. The property is currently zoned B-2, Urban Commercial, and is surrounded by R-1 zoning to the east, south, and west, and B-2 to the north. The area is designated with the Suburban Future Land Use and Critical Resource Protection Area buffer future land use designation. The proposal is generally consistent with the development standards described in the plan for this area. The proposed development will include 40 single-family detached homes at a density of 1.15 dwelling units an acre, which is below the 1.5 maximum permitted in the district. The lots are shown outside the Critical Resource Protection Area buffer on the portion of the property that abuts Woodstock Lane. And the proposal includes 23 acres of open space, almost twice the required amount for a cluster subdivision. The proposed development will have one access point onto Woodstock Lane. Woodstock Lane is a 2-lane undivided roadway between Route 1 and Telegraph

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Road, and is currently an unimproved roadway south of Telegraph Road. The applicant will be required to construct Woodstock Lane in accordance with VDOT standards to the entrance of the proposed development. The applicant has received approval from VDOT of a Secondary Street Acceptance Requirements Exception, which basically allows them to have one access point. Also reflected here on the GDP is a crosswalk to connect the proposed development with Carl Lewis Park. According to the capacity analysis submitted by the applicant, a southbound left turn lane is warranted on Route 1. The proposed development will account for approximately 10% of the a.m. peak hour traffic making this turn, and 30% of the p.m. peak hour traffic. Consistent with this recommendation, VDOT has completed an intersection safety study which determined that the intersection of Route 1 and Woodstock Lane currently experiences a pattern of southbound rear-end crashes, which a left turn lane and signalization will mitigate. And I have to say that I think in the staff report, it did say Telegraph Road rather than Woodstock, but it is the intersection with Route 1 and Woodstock. Additionally, the school division has requested signalization of the intersection in the past to assist but access to Route 1. The VDOT study also showed that the intersection of Route 1 and Woodstock Lane is operating at a Level of Service F. The Comprehensive Plan states that the Level of Service of the existing network should be maintained at a Level of Service C or better, which would occur with planned VDOT intersection improvements. The proposed development will result in the clearing of 13.6 acres of wooded area. The applicant has clustered development away from mature forest area and other environmentally sensitive areas, and has proffered one tree in each yard, the utilization of evergreen trees in buffer yards, and to preserve identifiable tree stands in reasonable. The GDP shows the required 15-foot buffer along the Telegraph Road right-of-way, which is an urban collector roadway. The buffer includes a row of evergreen trees and a 6-foot wooden fence. A buffer is not required along Woodstock Lane because it's not classified as an arterial or collector roadway. However, the GDP does show a 6-foot wooden fence between the lots lines and Woodstock Lane and, in addition, a row of evergreens along property lines of lots 38 through 40. The applicant has submitted proffers which propose to require a Phase 1 Cultural Resources Study and a Phase 2, if warranted, prior to site plan approval; reserve identifiable and significant tree stands, if reasonable; buffer the development from preservation areas; utilize evergreens within all buffer yards; require at least one tree planted in the rear yard; require that within 180 days of approval, the existing well shall be capped appropriately; require cash contributions toward Parks and Recreation and Fire and Rescue in the total amount of \$32,000 per unit; and the applicant has also proffered a commitment to a design consistent with the renderings submitted as Exhibit B. And a revised proffer statement was submitted to day to include specificity such as foundation walls will be treated such that they do not have the appearance of bare concrete; a minimum driveway length; foundation plantings shall be provided in the front façade; and the treatment of unadorned wall planes will be such that a window, false window, other architectural feature or tree will break up the wall plane. A proffer statement has been submitted with this application. Monetary proffers include per unit contributions of \$32,000 for Fire and Rescue and Parks and Recreation facilities. This amount is below the guidelines and does not include, or may not include, contributions for transportation, schools, general government, and library categories. The applicant has not proffered in-kind proffers. The applicant also submitted additional language to proffer 3 in a revised proffer statement related to the allocation of Fire and Rescue proffers. It states that notwithstanding anything to the contrary within this section 3 of the proffer statement, in the event that the cash proffer is unable to be applied to the Aquia Harbour Rescue Squad Company 9, the \$730,000 will be applied to schools and/or transportation within the Griffis-Widewater District. Staff finds the following positive aspects to the proposal: it's consistent with the established development pattern; the proposed uses and development pattern meets the intent of the Comprehensive Plan; right-of-way dedication accommodates planned transportation improvements; monetary proffers meet or exceed the Parks and Recreation and Fire and Rescue category recommendations... sorry Mr. Chair, I made some changes to my presentation as a result of the revised proffer statement that we received late this afternoon. The negative findings include a safety concern noted at the intersection of Route 1 and Woodstock Lane, which intersection improvements will

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mitigate. The intersection of Route 1 and Woodstock Lane is operating at a Level of Service F. The next statement should say that monetary proffers may not include per-unit contributions toward transportation and schools and does not include per-unit contributions towards library and general government. And the applicant has included specificity now in the revised statement with regard to architectural design. Staff believes that the benefits of the proposal outweigh the detriments and, therefore, recommends approval of the application for reclassification. Staff recommends that the Planning Commission consider the following recommendations: that the provision of per-unit contributions are closer to the proffer guidelines, and that the full amount of transportation proffer amount be proffered considering the Route 1 and Woodstock Lane functional safety concern and operating Level of Service.

Mr. Rhodes: Thank you very much. Questions for staff?

Mr. Boswell: The \$16,754 that they're not proffering for transportation, if my math is correct, if they did proffer it we're looking at about \$670,000. How far would that go to the left turn lane at the intersection of Woodstock and Route 1? I'm sure it won't pay for it completely, but anybody have an idea or an estimate on that?

Mr. Harvey: Mr. Chairman and Mr. Boswell, that project is currently being scoped out by the County. We don't have a cost estimate yet but, as you suspect, I also suspect the same answer will come that the project costs will exceed that dollar amount.

Mr. English: The motel that's right there at Woodstock and Telegraph, are they helping with the road at all?

Ms. Ehly: Mr. Chair and Mr. English, the hotel dedicated right-of-way, it was a by-right development.

Mr. English: Okay.

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

Mr. Coen: Yes, I'm looking on the proffers, number 6, environmental a. The applicant further agrees for both subject parcels to preserve identifiable and significant tree stands, if reasonable, so long as such preservation does not adversely impact the proposed development. Do I understand correctly that the entity that decides if its reasonable is the developer?

Ms. Ehly: Yes.

Mr. Coen: Okay.

Mr. Rhodes: Mr. Gibbons?

Mr. Gibbons: I'm concerned about Brent Cemetery and I don't see anything...

Ms. Ehly: Mr. Chair and Mr. Gibbons, the Brent Cemetery is, if you... computer please... on the General Development Plan, it's located right over here. It's on the same parcel but is not part of the reclassification application. It is designated as a historic district, a County historic district, and includes a 200-foot buffer around it. It will not be impacted by the proposal.

Mr. English: It'll be impacted by the people who move there.

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Mr. Gibbons: It sure will. And Darrell will tell you it will too.

Mr. Rhodes: Okay. Mr. Apicella?

Mr. Apicella: Mr. Chairman, I'm looking at page 5 of 14. The parcel that abuts this proposed project, pretty large -- do we know what's happening there? Is anything happening now? What could happen there? And how large that parcel is?

Ms. Ehly: Mr. Chair and Mr. Apicella, I can find out. That actually is part of 21-167.

Mr. Rhodes: Computer please.

Ms. Ehly: So, I can look through and find out the total acreage of that parcel. But it's my understanding that it is covered with Critical Resource Protection Area, wetlands. As you can see from here, it does not have very much development potential.

Mr. Apicella: Okay. Can you tell me... I haven't been on this Commission as long as Mr. Rhodes, but it seems to me that we have very rarely, if ever, during my tenure, rezoned from a residential... from a commercial to a residential use. I'd be curious to know, if it does not go forward tonight, how often that's happened in the last 5 or 10 years. And I'd also like to get staff's perspective on what they think are the pros and cons of converting from commercial to residential, in general, but more specifically in this particular place. Did you discuss the rationale or apprehension that the applicant might have about committing to the Neighborhood Design Standards? And I know there's some specific language, but there seems to be some, on a couple different projects, this willingness to commit to the Neighborhood Design Standards although they're recommended, they're not required.

Ms. Ehly: Mr. Rhodes, Mr. Apicella, did you mean before they revised the proffer statement? Why they had it, because they did revise the proffer statement and added...

Mr. Apicella: So they are now adhering to the Neighborhood Design Standards? Okay, I guess I missed that part.

Ms. Ehly: Well that was submitted late this afternoon.

Mr. Apicella: Oh, that's why I didn't catch that. Thank you.

Mr. Rhodes: You've got to keep up Steve.

Mr. Apicella: I'm reading as fast as I can Mr. Chairman. The last thing is, is there any willingness to be more flexible in the way that the proffer amounts... I realize there's a proposed change that might provide some funding to the school system or for transportation, but again, we've talked before about being very specific. And I don't know, perhaps in this case the district representative wanted these specific allocations and the way that they're earmarked, but it always concerns me about the specificity and lack of flexibility to the County to ultimately decide how those funds might be best allocated to serve the County's needs as whatever time this thing moves forward. So it's more of... it's a question to you but it's ultimately a question to the applicant.

Mrs. Bailey: Mr. Chairman, I do have a couple of questions. Woodstock Lane, the improvement to that, how far is that going to go?

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Ms. Ehly: If we can have the site plan...

Mr. Rhodes: Computer please.

Ms. Ehly: ... it'll be just past the entrance.

Mrs. Bailey: Okay.

Ms. Ehly: Which is what they're required to do.

Mrs. Bailey: And the other question I have would be the open space parcel where the RPA is at, the lots 28 through 37. It appears that those lots in that open space back up to Aquia Harbour, and is there any type of a buffer in place or planned?

Ms. Ehly: Mr. Chair, Mrs. Bailey, it's my understanding that it's wooded and we can verify with the applicant this evening. But it's my impression that they would leave that wooded area. Yes. Mr. Payne said yes.

Mr. Payne: As is shown on the GDP.

Mrs. Bailey: Thank you.

Mr. Rhodes: Any other questions for staff before we move to the applicant? Okay, thank you very much. Applicant please.

Mr. Payne: Mr. Chairman and other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer. We represent the applicant. Thank you for bearing with me tonight and thank you Erica for your presentation. As always, you're doing a good job and thank you for hanging in there with us tonight. Hopefully we won't keep you out too late. The project name is The Reserve at Woodstock Lane. As you see in your packet, the owner, Mr. Bernstein and Mr. Horacio Magalhaes... I messed that up, Horacio, forgive me. The property, just to give you some insight on the size of the property and the portion that's being zoned or requested for rezoning here tonight, parcel 167 and parcel 170, 167 being owned by the Compton Trustee... I'm sorry, the Compton Family. Mr. Bernstein and his partner own parcel 170. Parcel 21-167 we're only proposing a portion of that rezoning, so 25 acres of the 75.3; the remainder would be untouched. So, to Mr. Gibbons' and Mr. English's question regarding Brent Cemetery, the County ordinance requires a 200-foot buffer around it. And then, my bet is, there's even a more extensive buffer in that particular area between the cemetery and our site which will go undisturbed. So we're not going to do any sort of development activity in that area whatsoever. It'll be buffered completely. Again, the site is located at the intersection of Telegraph and Woodstock.

Mr. English: Mr. Payne, have you contacted the church about that property or are they aware of what's going on?

Mr. Payne: I'm not sure if they were contacted, because that part of the property is not part of the rezoning. Mr. Harvey, I don't know if you guys contacted them or not for purposes of... We attempted to contact them and no one returned our call. I believe the Archdiocese of Arlington owns that cemetery if I'm correct, Mr. Gibbons, is that correct?

Mr. Gibbons: Well it's run out of the Manassas area by the Knights of Columbus.

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Mr. Payne: Yeah, we attempted to contact them.

Mr. Gibbons: But I'll take it and I'll get it to who has it. So I'll do that in the next...

Mr. Payne: Sure. Again, absolutely no disturbance near their site. Do you have any other questions on that, Mr. English?

Mr. English: I know that if you put those houses in and you get those kids in there, there's going to be some disturbance and I don't know how you're going to mitigate that. But as far as helping with the church, but maybe that's something that...

Mr. Payne: Aquia Harbour's been there for years; I'm not sure if there's been any issues there or not. They're a block closer than our site. I don't know if there's any incentive from our folks because there's no real road that connects to it.

Mr. English: It doesn't have to be really; they get in there how they get in there. Okay, I understand.

Mr. Payne: I'm not responsible for the youth of our County. At least thank goodness I'm not responsible for them. We promise we'll have good citizens at that location. The Comprehensive Plan, and I guess to the question regarding changing the zoning, calls for Suburban Land Use. The surrounding uses are mostly residential in this area so this is a compatible use for that purpose. Except to our north which there is a suburban discount hotel that's proposed, which is quite surprising to me, but that is proposed for that area. And, of course, this is within the Griffis-Widewater magisterial district. The rezoning request asks for B-2 to R-1 to develop a very modest small low-density development of 40 single-family detached homes. Again, infill development, lot sizes consistent with the Suburban Land Use Plan of a quarter acre. Again, consistent with the development pattern in the area. The project is consistent with the Comp Plan and is actually... has a very low density of 1.15 units versus what's encouraged under the Comprehensive Plan of 3. Again, so a very low dense project for those purposes. We have proffered architectural design features and added architectural proffers just today, so we apologize, Mr. Apicella, that we keep changing. But hopefully we're moving in the right direction. The home prices will be approximately \$450,000. So, again, these are homes that we believe will pay for themselves on an operating basis. The open space is about 23.3 acres which is a significant amount. It's about 66% of the space... of the site I should say. Again, this project will have a very small footprint in regards to its by-right use. If we were to develop this by-right, the impervious area would be impacted by about 13.5 acres versus 5. The site does generate positive revenues, as I talked about earlier. It also will provide much needed cash for some... in proffers, if you will, for investments in that area. The Carl Lewis Center has gone woefully uninvested in the past several years and I know they're in need of improvements at that site, including at their field and at their facility. And, as you know, many of our youth, some of our best youth in Stafford County, our Boy Scouts, utilize that facility. Aquia Harbour Fire and Rescue likewise in need of improvements, so we have allocated the proffers which, by the way, are fairly significant if you compare us to other projects; in fact, probably the second highest per unit proffers offered for, and certainly again, a very small project. Within the County's Urban Service Area so we'll connect to water and sewer; no septic on the site. The property access will be along Woodstock Lane and we will be dedicating right-of-way along Telegraph and Woodstock, and a crosswalk to the Carl Lewis Center. Total proffers are \$1.28 million; again, \$32,000 a unit and I've outlined that it will go to Fire and Rescue and Parks and Recreation. We've also proffered environmental elements. And Mr. Coen's comment was correct, but typically you would not get that proffer period from a developer. I think we're very sensitive to that area because of its natural particular habitat in the wetlands, etcetera, the environmentally sensitive area. So we're very sensitive to it and believe that we can successfully and reasonably fulfill those proffers. To address some of the

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staff comments regarding the Neighborhood Design Standards, I think we've addressed that and thank you Erica for clarifying your comments in that regard. In regards to the road network and improvements being requested for purposes of Telegraph Road, the intersection of Telegraph and 1, our TIA clearly shows that this project generates a very, very small amount of traffic for purposes of impacting that intersection. Today, the intersection needs improvements. And I think you heard Mr. Harvey say they're looking to scope it for that purpose. If we were to do this by-right, instead of contributing 453 new trips from our site, we'd be contributing over 16,000... I'm sorry, 12,265 during the week and 16,386 on weekends. So, we're downsizing the site for purposes of impacts. That relates to about a 96% reduction in trips. We could, if given a by-right, 0.3 FAR, we could develop 248,000 square feet of commercial space there. I don't think that would work in that particular area. The Comp Plan is encouraging another use, if you will. We think our use is more compatible to the surrounding uses, certainly recognizing the fact that we back up to Aquia Harbour in the uses along Woodstock residential. With that, I'm happy to answer any questions you may have. And I appreciate your time this evening and your patience.

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

Mr. Coen: I just have one, because this is the third or fourth one tonight, either we have or we will have about the one tree in the back yard. And I'm just curious where the one tree in the back yard comes from. And to be honest, I'm sort of taking piecemeal from various presentations. We hear that a lot of these units that are coming in are because people are selling their homes in established parts of Stafford to come up to these and get a bigger home or, you know, the \$400's or the \$500,000 homes. And so I'm sort of thinking if they're leaving an established area with, most of us know that they have some type of established trees, and then they go up to this parcel... I mean, 9 through 27 will abut the area you're not knocking down but why just one tree? I mean, if you're getting a \$400,000 or \$450,000 home, wouldn't you want a little bit more than just one little tree stuck in the back yard?

Mr. Payne: What an excellent question Mr. Coen.

Mr. Coen: I try.

Mr. Payne: That's why you're an excellent teacher. I think the... just a couple things. I think this site would be a little bit different than the other sites we've talked about regarding sort of internal movement because you're closer north so you're probably going to get a lot more commuters who are coming from somewhere else, whether they're working at Dahlgren or Quantico. So I think the buyer is going to be different, just to answer that question. But secondly, and I'll defer to staff a little bit on this why it's their push for us to ensure there's at least one tree in the rear yard I think is so that we go to clear the site, you know, you clear a lot of the natural vegetation to put the lot in and put the home in. So, I guess the assurance is you'll leave at least one tree in the back yard and not just completely clear the site. I think this site is very conducive for us to allow, at least on the back lots, some of the natural vegetation. But I think that's the purpose for it.

Mr. Coen: Thank you.

Mr. Payne: Yes sir.

Mr. Rhodes: Other questions? Mr. Apicella.

Mr. Apicella: I'll just go back to the proffers and flexibility. Again, I appreciate that there's been a change that says if the proffers are unable to be applied. I'm not sure how to read what that means. I

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always think that we should provide maximum flexibility in the proffers to allow the County to allocate those proffer funds in the way that the County deems most appropriate. So, I just ask you to take another look at that, especially just... even if we just kept it as it is, I'm still not clear on what unable to be applied might mean or how it might be interpreted.

Mr. Payne: I think the evaluation is, and look, the process is... I've said this before... you know, when we have a project in a particular district, we reach out to the leadership in that district and we ask them what their priorities are. And, in all fairness, every column is a priority for all of these leaders. But there are some that are more priorities than others and you have a limited amount of dollars for that purpose. And so, when we propose what we believe the proffer amount will be and what's affordable in works for purposes of the project, the allocation and analysis of that goes through a process of the leaders' discussion about where to apply those. That, in all fairness, is the way it should be. In my opinion, it happens. Again, not necessarily saying none of these categories are important, but saying that this is the particular need in my district. Because we do have such a small footprint, a very low impact on schools, a low impact on roads, there are other impacts that need the investment and that's how it's applied. I don't know if that makes a lot of sense but that's how it's applied. And the Carl Lewis Center and the recreational area there, again, has been underinvested for many, many years and I know that as I have worked with some of the local folks in that regard and this was a priority for them.

Mr. Apicella: Again, my point is this. Even if the language provides the flexibility that's proposed here, I still have concerns about the unable to be applied. You can always apply money to some project. It doesn't necessarily mean that it remains to be a priority. So, I just ask you to take another look at those four words, if we do nothing else, just to see if there might be some better language than that.

Mr. Payne: I think the language there, which is language that I came up with, is language to address if that particular project doesn't move forward, you don't then apply the dollars of that project because it doesn't move forward so therefore it would fail, and then fall back to the safety net, if you will, which would be to apply to roads and schools in a particular district.

Mr. Apicella: Well, I'll just ask our counsel, again if this does not move forward tonight, to take a look at that and see what the ramifications might be. Thank you.

Mr. Payne: I'm very happy to talk to your counsel.

Mr. Rhodes: Okay, very good. Any other questions of the applicant before we go to public comment? Okay, thank you very much.

Mr. Payne: Thank you Mr. Chairman.

Mr. Rhodes: And now, if there's any member of the public that would like to speak on item number 4, you may come forward and do so at this time. Again, we would ask that you state your name and your address. Once you do so, a green light will come on indicating 3 minutes; a yellow light at 1 minute; a red light we would ask that you summarize your comments. Thank you sir.

Mr. Emond: My name's Bill Emond. I've been there for 35 years. My property butts up against the applicant's project. My only concern is the curve at the intersection of Woodstock and Telegraph Road. It's pretty significant there. I've seen, especially when school is in session with the two schools on Telegraph, the buses back up from Route 1 all the way to Telegraph and beyond to try to get onto Route 1 because of the traffic situation. I've also seen buses make that sharp turn onto Woodstock Lane and they get stuck in the ditch, and it just ties up the whole intersection. I have to leave when school's in

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session by 7:15 or I can't get out because of the school traffic and the buses. So, that's the other concern. Answer Mr. Gibbons' question about Brent Cemetery, I'm on the Brent Cemetery Committee. The property is owned by the Catholic Arlington Diocese; they're aware of the project and there's going to be some improvements to the cemetery. They're going to remodel everything. There's a budget set aside for that. They're just waiting to see what happens with this project, but there is going to be improvements to the cemetery forthcoming, to answer your question. I'm not against the project. It's no problem, but like I said, that one bad turn right there concerns me. Thank you.

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

Ms. Glauner: Hello, I'm Brandy Glauner. My property would abut to 28, 29, and 30, the lot numbers. I just want to make sure, like you had mentioned, he's hoping that they won't just rip down all the trees. I want to have that barrier. That is why I moved to Stafford and that is why I chose that lot there. I love watching the deer, I love watching all the wildlife, as does my 89 year old grandmother that lives with us. So the big deal for me is to make sure that it's much of that wooded area that can remain remains. If they come in and end up ripping down all the trees, that they think about placement of that one tree they're going to put in the back yard; they don't just go and put one there. They maybe look at the lots that are behind to make sure that it's going to cover. And I'm not against the neighborhood either. I think that I would much rather have that there than a commercial area. But also being a mother, I have two children that came through Shirley Heim Middle School and that traffic situation is already a disaster. It has to be looked at, whether it's during this project or VDOT. It's very dangerous. In fact, my youngest is now at Brooke Point so I don't have any more over there. And when she left last year from Shirley Heim, shew, I'm never going to have to pull out of that intersection again. It is that bad. So those are my concerns and that's about it.

Mr. Rhodes: Thank you very much. Anyone else would like to speak on this item?

Mr. Cole: Hi, my name is Phillip Cole and speak on not just on my behalf but on the behalf of my father, Eric Cole. And good to see you again Professor Coen. Now, I did some research on this because my father got a letter in the mail. But the properties that are uphill, some have and some have not received notification of this meeting. Now, the American Council on Historic Preservation considers this a, you know, historic property. And as such it is governed by federal law, it is protected by federal law, 43 CFR 2653.5, Section M, which says that there's a 330 foot buffer around that cemetery. Federal law overrides state law, supremacy clause. So that goes for there. My main concern is not so much about Brent Cemetery although that is a historic landmark. It is two reasons; the first is aesthetics. When my father bought this property in 1989, the real estate agent and Aquia Harbour both guaranteed him that because of the location of Brent Cemetery, there would be no development in the back of his yard. Aesthetics is certainly important to Stafford County and it's what separates us from Prince George's... I mean, from Prince William County up north, and it gives us a... gives us a greater experience. My main point is about the construction itself. Because there's a creek that runs... there's a creek that runs behind the Aquia Harbour buffer zone which is about 10 feet so there wouldn't be enough woods to actually block anything. But there is a creek that runs along. You can see from your map on the southern cul-de-sac...

Mr. Rhodes: Computer please.

Mr. Cole: ... There on the bottom of the southern cul-de-sac there is a small creek that runs through there and both the USGS and the EPA say that erosion due to construction is very significant. It would block up the Aquia Creek and cause flooding. Also, you have to remember that it just takes one rainfall during the construction period to release toxins into this creek which is where families and young

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children play. So you also have to factor that into account. You know, who's going to pay for the damages associated with flooding due to the erosion from this construction site, because they are removing a lot of the natural vegetation. All that dirt before the grass is cemented in there is going to move into the creek and is going to flood the homes adjacent to it. So it's not just the bordering houses, but it is also the houses bordering the creek which, you know, according to the USGS and the EPA, you know, according to the erosion rates, will flood as a result. Thank you for listening to my opinions.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to speak on this item? Seeing no one come forward, I'll close the public comment portion of the public hearing and bring it back to the Planning Commission. Certainly offer up the applicant an opportunity to rebut or respond to the comments.

Mr. Payne: Thank you Mr. Chairman. Charlie Payne with the law firm Hirschler Fleischer and I represent the applicant. I'll be brief. We are improving the intersection at Woodstock and Telegraph, including curb and gutter, which will address many of the issues regarding, hopefully regarding buses going into ditches. So, that intersection I think will be vastly improved as compared to its current condition today. It's good to have a contact now from the Brent Cemetery, so we'll work with them in regards to alleviating their concerns about any issues with our site and work with them otherwise. As to the Aquia Harbour development, as you see on our GDP, there's a 50-foot buffer there that's going to be open space. It'll be undisturbed; we're not encroaching in that buffer so they can rest assured that it will be there when our development's in place. In regards to any sort of archeological, historical, or cultural features on the site, we are required by our proffers to perform a Phase 1. If the Phase 1 indicates there are such assets on the site, we would have to move to a Phase 2. And for those of you who hear Phase 1 and Phase 2, Phase 1 is really sort of an analysis of the site in certain key areas in the site where there may be historical artifacts. If it's deemed that they are there, a Phase 2 would then be required to go in for a more detailed analysis and either to buffer those areas or to remove those artifacts. And then... and also just looking at our map in regards to the Brent Cemetery, I think our closest point is well over 300 feet. There are areas that are well over a thousand... well, I shouldn't say well over a thousand, but close probably to a thousand feet towards the center of our development from the cemetery site. Remember, you're looking at the site, not just the box around it. That's the 200-foot buffer. But probably the closest home to the cemetery is well over 300 feet. And again, you know, for purposes of any concerns with erosion, the applicant would be required by the County to follow building code requirements and erosion requirements in developing its site. With that I'm happy to answer any other questions you may have.

Mr. Rhodes: Any follow-on comments or questions of the applicant? Okay. Yes, please Mr. Coen.

Mr. Coen: Just real quickly. Are you and the applicant willing to look at, I think it's lot 28 that's the closest by the creek, to look at the proximity and runoff and whatnot, besides what's required? I mean, are you willing to sort of look at that and see if there's anything that can be done to help mitigate that aspect as well as some of the other (inaudible)?

Mr. Payne: We'll be happy to look at that, yes sir.

Mr. Coen: Thank you.

Mr. Rhodes: Okay, very good; back to the Planning Commission.

Mr. Payne: Thank you Mr. Chairman.

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Mr. Rhodes: Thank you very much sir. This is in Griffis-Widewater.

Mr. Boswell: Mr. Chairman, I'd like to make a motion to defer this to the first meeting in January.

Mr. Gibbons: Second.

Mr. Rhodes: Okay, first seconded by Mr. Coen... okay, we'll give all credit to Mr. Gibbons. So, motion to defer this to the first session in January. Further comment Mr. Boswell?

Mr. Boswell: Yes, I'd just like to say that I share a lot of the concerns addressed here tonight. I'm very concerned with the traffic situation at Woodstock Lane and Route 1. I could only hope that we could fix that problem for the amount of money we were talking about earlier, I think \$670,000, but I don't think we're going to be able to do that. I would still like to see some money for transportation in these proffers. And also I'm concerned about the impact on the schools. I'd like to see some money for that. One of the residents brought up at that intersection, Route 1 and Woodstock, the school buses trying to turn onto Woodstock. There's been a patchwork done by VDOT; they were almost turning over trying to make that turn. So it is a bad intersection and we do have a lot of rear-end collisions there. I think that's all I've got.

Mr. Rhodes: Very good. So, further comment Mr. Gibbons? Any other member? So, a motion to defer this to the first session in January to give us an opportunity for further dialogue on the application. For 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: Any opposed? None opposed; passes 7-0. Thank you very, very much. We are now moving onto public hearing item number 5, Amendment to the Zoning Ordinance, proposed Ordinance O14-37. Mr. Harvey.

5. Amendment to the Zoning Ordinance - Proposed Ordinance O14-37 would amend the Zoning Ordinance, Stafford County Code Section 28-57, "Flood Hazard Overlay District (FH)." The proposed amendment is necessary for Stafford County's continued participation in the National Flood Insurance Program (NFIP), which ensures that County residents have an uninterrupted ability to maintain flood insurance policies on their residences (and contents) and businesses **(Time Limit: January 5, 2015)**

Mr. Harvey: Thank you Mr. Chairman. Will you please recognize Rishi Baral for the presentation?

Mr. Rhodes: Rishi, we haven't seen you in a while.

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Mr. Baral: Mr. Chairman and members of the Planning Commission, this is item 5 today, amendment to Zoning Ordinance. And every 10 years or so FEMA updates their maps for most of the communities. And this map is called FIRM, Flood Insurance Rate Map. The current floodplain map we are using is from 2005. The new map will become effective in February 2015. The new FIRM will show changed floodplain pattern in certain water bodies such as Aquia Creek, Austin Run, Potomac Creek, Quantico Creek, Rappahannock River, and the Potomac River. Actually, in addition to continuation of the floodplain, this is going to have a new zone. And the new zone is called Zone VE and this is due to storm surge; and wherever the storm surge depth is more than 3 feet, that area is called Zone VE. And when the new floodplain map comes, communities are required to update our Floodplain Ordinance. And what it does is it reflects as to what the latest FEMA maps are. And we prepared a draft of the updated Ordinance and DCR and FEMA have unofficially reviewed it already. And actually, this is a short animation FEMA has prepared as to how floodplain will affect in terms of Zone VE.

FEMA animation presentation played.

Mr. Baral: And this is the letter we got from FEMA. Again, it is unofficial so there is no signature in the approved by. And they have reviewed, like I mentioned before, and they have given the word that if it is approved the way it is drafted, it is approved by FEMA and DCR as well. Once that is done, the residents in Stafford County will be able to purchase flood insurance as they are able to do now. And this is the area of delineation where the floodplain map changed, or a new flood zone is being introduced. It approximately follows the floodplain we had in the 2005 map. And we did an initial evaluation as to what kind of effect it will have to our residents and the initial evaluation was done on the basis of the new FIRM map that FEMA developed and the aerial pictures we have. And on the basis of that, 15 new structures will be in the floodplain, whereas 56 structures will be out of the floodplain. Again, this new floodplain map is based on the better data than it was in 2005, so this is a result of that. And, actually this is what I have copied from the Ordinance. What it does is actually 44 C.F.R., this is the part of our draft, The Flood Hazard Overlay District shall consist of the SFHA, which is special for hazard area. The basis of delineation will be the FIRM and FIS for the county prepared by FEMA, dated February 18, 2015, and any subsequent revisions or amendments. We recommend approval.

Mr. Rhodes: Questions for staff?

Mr. Apicella: I guess more of a comment. So, I read the last part of the staff report, last paragraph, and it says the time limit for Planning Commission to consider a public hearing and make recommendations is December 6. And if Mr. Gibbons hadn't suggested that we move forward with the referral, I don't even know that we had the full language at that point in time, we wouldn't have made the deadline. I just wonder how we get to that point in the process where we have to hurry up and make a decision. I'm not saying that's bad in this case, but just kind of another lesson learned that we just need to give ourselves enough time to be able to properly dispose of these things. Because in the absence of doing it... we would have had to hold a special meeting if we didn't take the approach recommended by Mr. Gibbons.

Mr. Harvey: Mr. Chairman and Mr. Apicella, I can provide a little bit more background. This summer, the staff participated in a meeting with FEMA where they rolled out the maps to the community. So it wasn't until the summer when we actually got the maps finally presented, and then FEMA and DCR agreeing that our ordinance met the requirements. So that partly played in to the timeline as far as getting this to the Board of Supervisors who referred it to the Planning Commission and authorized the hearing.

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Mr. Rhodes: Further comments for staff? Okay. Thank you very much. I'll now move it to public comment. If there is any member of the public that would like to speak on item number 5, you may come forward and do so at this time. Seeing no one come forward, I will close the public comment portion of the public hearing and bring it back to the Planning Commission.

Mr. Gibbons: Mr. Chairman, I propose Ordinance O14-37.

Mr. Rhodes: Motion recommending approval of the proposed Ordinance, O14-37, by Mr. Gibbons. Is there a second?

Mr. English: Second.

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

Mr. Gibbons: Outstanding presentation.

Mr. Rhodes: Thank you very much. Staff always does a great job. Mr. Gibbons, further comment? I mean Mr. English? Any other member?

Mr. Apicella: So, do I take it that Mr. Gibbons gave it four stars or four thumbs up or...?

Mr. Rhodes: Oh, my left and right. Okay, very good. Okay, no other comments. All those in favor of the motion to recommend forward approval of the proposed Ordinance O14-37 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. We have now finished with the public hearing portion and we'll move onto Unfinished Business. With that, we hit item number 6, SUB1400090, Rappahannock Landing, Sections 2, 3, and 4, Preliminary Subdivision Plan. So this is the action to approve the preliminary subdivision plans as being consistent. Mr. Harvey.

UNFINISHED BUSINESS

6. 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) (History: Deferred on October 22, 2014 to November 12, 2014)**

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

Mr. Rhodes: Thank you very much. I thought Erica had them all? No?

Mr. Harvey: Not tonight.

Mrs. Hornung: Good evening Mr. Chairman, members of the Commission. On... well, at the last Planning Commission meeting there were a number of concerns the Planning Commission had with this preliminary subdivision plan. And those items were the reduction of the access connections from the required 7 to 2; the inter-parcel connections; the timing of the amenities; the timing of the improvements to Musselman Road; adequate parking; and Fire and emergency service concerns. Mr. Coen and staff and the applicant and developer and engineer all met on November 4th and many of these items were addressed. You have a copy of the revised preliminary with the memo, as well as the graphic that we have -- may I have the computer please? -- in which details those items that have been revised and improved as a result of that meeting. There are, or at least it's more clear as to where those inter-parcel connections are. At the top of this graphic you'll see one inter-parcel connection; that's to Krieger Lane. That will also be improved to 20 feet in minimum width to comply with Fire and emergency service requirements which will be a fire access only at this time until the future development of that parcel. Also, continuing to the bottom of this graphic, there's an inter-parcel connection that will happen also at the time of future development for that parcel below that. The entrances are at Musselman Road and Middle Run, you see to the top and to the bottom. There's also more detail in the middle where the hand was at the top of the amenity. They're showing... at the lower part is a more detailed graphic of the community center that will be built. Some of the milestones for these amenities, in addition to this community center with a pool and clubhouse, will be additional tot lots in the other sections of the subdivision. The milestones for the Musselman Road will be at the... will be prior to the 201st occupancy permit, or Section 2 or Section 3 build-out. Some of the other milestones were that the reduction... to clarify the reduction of the entrances going from 7 to 2 was based on the topography of the area being bordered 95 to the left of the graphic, Rappahannock River to the bottom of the graphic, and connecting through Section 1 of Rappahannock Landing and then the Musselman Road and at the bottom Middleton... I mean Middle Run, excuse me. So those are the only viable connections, but you will still have inter-parcel connections. So it doesn't mean that there's only 2 entrances into this subdivision. You'll see 2 dark circles; those are the locations of the tot lots that are being proposed so that there's at least some additional amenities that will be built with those sections until the larger community center will be built. But that'll be at the 201st... I believe that one is also at the 201st occupancy permit.

Mr. Rhodes: And the tot lots were the bottom black dot and the one on the left, correct?

Mrs. Hornung: I'm sorry, there's 3.

Mr. Rhodes: Three? Okay.

Mrs. Hornung: Yes. And then the other item of concern was the adequate parking. But the applicant has detailed the... not only that there'll be notes that the driveways will have garages and will have at least a parking space for each unit, but there will also be some adequate parking lots spaced throughout, and some on-street parking that will give room so that there'll be still adequate thru-way. If you bring the graphic down, please, you'll see that there's some areas that are shaded. This doesn't show the color as well, but there's some areas of shading that's the shaded and a little bit of red that shows additional parking spaces. But they've exceeded the minimum requirement by adding over 700 additional parking

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spaces. But all the concerns appear to have been addressed as a result of the meeting with staff and Mr. Coen and the engineer.

Mr. Apicella: Andrea, can you just help me understand what was done about my concerns with regard to traffic calming.

Mrs. Hornung: Traffic calming -- the roads within the development will be maintained by... will be public roads maintained by VDOT. So as much as what will be allowed working with VDOT, they'll put in some traffic calming; there'll be some additional stop signs for the intersections and, if it's allowable by VDOT, we'll have some speed bumps, speed humps, but that will have to be with the... during the development and what VDOT will allow. Typically, if there's issues with traffic on a public road, they'll have to be additional studying... study period to make sure that the speed bumps or speed humps are adequate and can be put in place.

Mr. Rhodes: Other questions of staff?

Mr. Coen: Just real quickly, does my memory serve me that when we were meeting with them and we raised Mr. Apicella's concern about the traffic and the going through, the applicant mentioned that in their first development part of that section that's already in existence, that when there were concerns about traffic that once they heard from the residents they went and got the approval and did what they needed to do. So they've actually been... you know, they react in a timely fashion once they know the specifics.

Mrs. Hornung: Yes sir.

Mr. Coen: Okay.

Mr. Rhodes: Okay, further questions for staff?

Mr. English: The inter-parcel connector you have up there for the Fire and Rescue... did you say that's just going to be for emergency use only? Will that ever be open as a third entrance? Could that ever be opened as a third entrance? Down the road.

Mrs. Hornung: It's a possibility, but I think right now, and the applicant is present, Mr. Leming, and the engineer will address that because I think that property this is going through is still owned by Rappahannock Landing as well.

Mr. English: Okay.

Mr. Harvey: Mr. English, that property right here to the north is currently zoned residential and has proffers with regard to that. So it's likely it'll develop sometime in the future and extend the public road system.

Mr. English: Okay, thank you.

Mr. Rhodes: Any other questions for staff?

Mrs. Hornung: And built to VDOT standards as well.

Mr. Rhodes: Okay, thank you very much. Applicant please.

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Mr. Leming: Good evening Mr. Chairman, members of the Commission. Each of you should have received a memorandum from me going into some detail on the issues that were raised at the October 22nd meeting. Just to provide a little more detail on the traffic calming, recall that this is a subdivision that has a mixture of public and private roads. What Andrea said was correct regarding the public roads; we have to deal with VDOT on those. But we've already added stop signs to the plan on the roads that we can control. So that is already done and they are shown on your plan sheets 9 through 12. So that has already been accomplished. I don't want to belabor the point; we found additional parking spaces. As Andrea indicated, we are over code by over 700 spaces. But we gave you a breakdown of where the spaces are and the nature of the spaces, you know, how they're counted for purposes of the ordinance. We've moved up the timing of the widening of Musselman Road so that that will coincide with one of the first two sections. And I think that's going to happen before the 201st unit. So that note has been added to the plan. With regard... I think Mr. Harvey has advised you correctly Mr. English with regards to the adjacent property and the likelihood that there will be a road through there at some point. That's another zoned piece of property also owned by Kettler, so I think probably that will become an entrance at some point when that develops. We've given you a timeframe... all these things are beyond the requirements of the subdivision ordinance; I want to be sure everybody understands. We've given you a timeframe on the recreation center and the amenities; we tied that to the 201st unit and put a note on the plan to that effect. They are continuing to work with Old Forge and make improvements along that route and do what they can to improve the appearance of the access along that road.

Mr. Rhodes: Very good. Questions for the applicant?

Mr. Leming: Alright, thank you all.

Mr. Rhodes: Sir, thank you very much. We'll come back to the Planning Commission. This is in the George Washington District.

Mr. Coen: Yes, I move for approval.

Mr. Rhodes: Motion to approve the preliminary subdivision plan; is there a second?

Mrs. Bailey: Second.

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

Mr. Coen: Yes, just real quickly. Here's the process where... a situation where the process worked rather well. If this was a rezoning this would be a totally different conversation. But this is just a question of does the plan follow the various codes. To remind people that this was okay'd in the 1970's so this is not a situation where we're sitting here saying we want to, you know, we're going into this thing, we want to put 561 new homes in this area. It's just does the plan meet the requirements? What I was very pleased about is when we met a month ago, members of this Commission brought forth a lot of great ideas and a lot of great concerns, many of which were raised during the Technical Review Committee. And so, when I met last week with them, we had the list that staff had and it sort of kept pressing the different issues that you all raised and that we were concerned about. To me the largest one was about Musselman and I'm very pleased that they're actually going to be doing the work on Musselman early, most likely prior to the 201st unit. As I walked around the neighborhood and went around and talked to people this weekend, that was their big concern, was the fact that they understood that there was going to be something coming but what was going to be the impact with the traffic. And so the fact that that dealt with it was really good. One of the big things, it's funny, we keep hearing a phrase, you know, code says all we have to do is worry about does this meet code. And the issues that

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were raised by the members of the Planning Commission and the issues that were raised by staff at the Technical Review Committee may have gone beyond code but it's against an area of quality of life. Mr. Apicella is known for (inaudible) parking spaces. And quite honestly, anybody who lives in any type of community knows that if there are not adequate planning for parking, that ruins the quality of life for the people who are living there. It's a constant thorn. To the people who are on Musselman or whatnot, if they were worried about it, by doing this early that improves the quality of life; it makes good neighbors. So, by going the extra mile and going beyond code, the applicant has really done a lot not only just to improve his own project, but to make it better for the whole community, as well as the outreach they have done to Old Forge, which is very noticeable what they've done. And so that's why I'm in favor of approving this and I'm hoping the Commission will support it.

Mr. Rhodes: Very good. Any further comment Mrs. Bailey?

Mrs. Bailey: Mr. Chairman, I'd just like to make mention that the previous sections of Rappahannock Landing that are now being built out, you know, that is one area in Stafford County that while I'm not very... I mean, it's difficult to put 500 and some units in a small area where you don't have a lot of ingress/egress and you're limited with that. But I do think that one of the positive aspects is, the price point of the properties out there and those are affordable properties, that many people in Stafford County might not be able to have home ownership, but these are at a price point that do allow that. So I'm very much in favor.

Mr. Rhodes: Very good. Further comment by any other member? Mr. Apicella.

Mr. Apicella: Mr. Chairman, I just want to echo the comments made by Mr. Coen and, in particular, the fact that the applicant went above and beyond what was required and addressed all of our concerns. I really think that speaks well of them. And I hope it's a model of the kind of negotiation that could go forward even in the absence of a requirement to do so.

Mr. Rhodes: Here, here; very good. Any other comment by any other member? Okay, the motion is to approve the preliminary subdivision plan SUB1400090. 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: Any opposed? None opposed; passes 7-0. Thank you all very much. Appreciate the effort and the discourse. We'll move onto item number 7, RC1400004, the Reclassification for Liberty Knolls II. Mr. Harvey?

7. 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

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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) (History: Deferred on October 22, 2014 to November 12, 2014)**

Mr. Harvey: Thank you Mr. Chairman. Again recognize Ms. Ehly.

Mr. Rhodes: Very good.

Ms. Ehly: Good evening again Mr. Chair, members of the Planning Commission. A public hearing was held last meeting regarding the reclassification of parcel 29-17 from A-1 to R-2 to develop 52 single-family detached homes. The property is approximately 30 acres and located on the north side of Courthouse Road, approximately 1,100 feet east of Winding Creek Road, in the Garrisonville Election District. New information and revisions to the proffer statement have been provided as requested at the last meeting. Concerns... well, first, requests for information regarding the Courthouse Road widening project. And we received... well, the applicant reached out to VDOT and received correspondence which basically stated that the construction phase of the widening project will be advertised in early 2016 and is anticipated to be completed in 2019. Additionally, a request was made that we reach out to the school district to receive comment regarding the impacts of the proposal and schools that are already reaching capacity or over capacity. The applicant did that as well. And staff also looked at the agenda for the School Board's meeting regarding redistricting. And school division staff did identify a concern with current and forecasted student membership at Rodney Thompson Middle School which is the middle school where these students that are generated by this development would attend. It is being proposed for redistricting and it appears that that will be resolved in the 2019-2020 period to equalize attendance at the schools in the area, the five middle schools to balance out the attendance.

Mr. English: What was the year?

Ms. Ehly: 2019-2020.

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

Ms. Ehly: That's according to the staff report for the School Board, regarding the redistricting process. It will be finalized then. So when exactly this school will be addressed, I'm not sure if Mr. Horan is still here this evening, but overall the project will not have a direct impact on the redistricting process. They're already looking at Rodney Thompson Middle School. So then we have revisions to the proffer statement. We did receive revisions today, to the proffer statement with some amended language, but the majority we received before that. So a concern by staff was the potential impacts to the critical resource protection area buffer, but that delineation was based upon a future delineation. The boundaries could be based upon a future delineation. The applicant has added that no unit lot shall include any area of critical resource protection area as determined at the time of preparation of preliminary plat or construction plan, whichever occurs first. We also asked for specificity in the proffer statement regarding the neighborhood development standards plan, and the applicant has added specificity and included a reference to design elements being utilized in the adjacent Liberty Knolls Subdivision. And a concern was also raised at the last meeting regarding the entrance into the development from Courthouse Road and that left turning movements should be prohibited. The applicant has added that the entrance to Courthouse Road will be designed such that a left turn cannot be made from Courthouse Road into the development and from the development onto Courthouse Road. And finally, the applicant has added additional plant material via the provision of a tree in the rear yard and additional buffering between the residential lots and Courthouse Road. Those are the changes.

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Mr. Rhodes: Questions for staff? Perfect. Applicant please.

Mr. Payne: Sorry.

Mr. Rhodes: No, that's fine. You fell asleep from the first five of them.

Mr. Payne: I never fall asleep in your meeting Mr. Chairman. Mr. Chairman, other members of the Planning Commission, my name is Charlie Payne. I represent the applicant. Thank you for your time this evening and thank you staff for your report. I think what you've heard clearly from staff is we've addressed all the concerns that were raised at the last meeting by the Planning Commission, including impacts on school redistricting, access issues, issues pertaining to proffer concerns on CRPA, when the road improvements would be in place. Let's not also forget, from our last meeting, and I'll quickly just reiterate, this is a small in-filled low density project consistent with the Comprehensive Plan. It includes extensive open space. It also includes extensive proffers for a project its size, some of the highest proffers per unit that had been approved recently, about \$1.58 million in cash, a total \$1.725 million in in-kind and cash, totaling about \$33,000 per unit, including \$1,020,000 for schools. I think you heard a School Board member, a former member of this Commission, talking, expressing her support for this project and the fact that we recognize the school crossing challenges. There's also much needed dollars for the construction of Fire Station 14 in this project and we have also included the much needed right-of-way dedication for the improvements that are planned for 2019 along Courthouse Road. Again, I recollect there was no opposition to this project from the community and the staff did recommend approval. And the staff did follow-up with you on your questions regarding some of the potential impacts.

Mr. Rhodes: Questions for the applicant?

Mr. English: I asked you at the last meeting about the entrance that you had, the second entrance, I mean the main entrance just up from Colonial Forge that it not be used until the 630 widening. What was the response to that?

Mr. Payne: Subject to VDOT's approval is what we talked about. We contacted them and I believe I sent an email to both the Chairman and to you, Mr. English. Forgive me if I sent it to the wrong email. And staff just reported that we have to provide that pork chop entrance so they can only be a right-in/right-out. They would not allow us to prohibit access.

Mr. English: So you could not close that? They will not let you close that?

Mr. Payne: We wanted to; we couldn't do it, yes sir. We reached out just like you asked.

Mr. Rhodes: Further questions for the applicant? Okay; very good. Thank you very much.

Mr. Payne: Mr. Chairman, Planning Commission, thank you very much for this evening and your time this evening. I appreciate it.

Mr. Rhodes: Okay, I will... is there any further discussion? I'm throwing my gavel down, unless Mr. Coen has any...

Mr. Coen: No, I'll wait until after the motion.

Mr. Rhodes: Okay. I'm throwing my gavel.

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Mr. Apicella: Mr. Chairman, this is in your district. I just have a question. Do we need to accept the modified proffers first?

Mr. Rhodes: Thank you very much. Okay. So I would entertain a motion to accept the modified proffers as received this evening.

Mr. Apicella: I'll entertain a motion, Mr. Chairman. Is that your motion?

Mr. Rhodes: Yes, that's my motion.

Mr. Apicella: Okay. Is there a second?

Mr. Gibbons: Second.

Mr. Apicella: Okay, there's a motion and a second to accept the modified proffers. Mr. Rhodes, any comments?

Mr. Rhodes: No further comments.

Mr. Apicella: Mr. Gibbons, no comments? Any other comments? Okay, seeing none, all those in favor of accepting the modified proffers say aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. Rhodes: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Apicella: Aye. All opposed?

Mr. English: One, me.

Mr. Apicella: Okay, modified proffers accepted by a 6 to 7 vote.

Mr. Rhodes: 6 to 1.

Mr. Apicella: I'm sorry, 6-1 vote.

Mr. Rhodes: I'm with you. I would like to make a motion to recommend approval of the reclassification of RC1400004, Liberty Knolls II.

Mr. Apicella: Is there a second?

Mrs. Bailey: I'll second.

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Mr. Apicella: Okay, there's a motion and a second to accept RC1400004, reclassification, Liberty Knolls II. Any comments Mr. Rhodes?

Mr. Rhodes: I just appreciate the applicant working with us on this. There's never everything perfect and it is a heavy area, but it is the area, the next area that we are going to develop up the road network on and that's where a lot of effort is being focused on. I think the value level scale, scope of the homes will be beneficial to the County and the tax base as we go forward. So I just appreciate the efforts and the intention of all the members of the Planning Commission to work to make this as strong as we possibly can. Thanks.

Mr. Apicella: Thank you, Mr. Rhodes. Any comments Mrs. Bailey?

Mrs. Bailey: No comments.

Mr. Apicella: Any comments from anybody else? Mr. English, did you have some comments?

Mr. English: Yeah, I'm not going to be able to support this because I feel like another subdivision on Courthouse Road is, again, the impacts it's going to have on the schools, especially Rodney Thompson and then Colonial Forge, even with the redistricting, it's going to be overcrowding this, and again, that's another subdivision on Courthouse Road. We don't know when that's going to be widened and I feel like it, just like the School Board member said, that there's just a problem with the traffic right there in front of Colonial Forge, not only at night time, but during the day and the games that they have. So I feel like I can't support this, another subdivision on Courthouse Road. I just can't see it. I just feel like it's a safety issue; it's come to that.

Mr. Apicella: Thank you, Mr. English. Mr. Coen, looks like you had some comments?

Mr. Coen: Yes sir. Just to agree with Mr. English and to sort of add on. I mean, I understand it's a rezoning, so it's different from what we just were dealing with. And I understand the concept of infill, but there's several reasons why I just don't feel in good conscience I can support this project. One on the proffers -- granted that if you take in-kind and you put it in there, it might boost the proffer amount up. But the proffer dollar amount is really \$30,383 per home. At 52 homes that comes out to \$860,000, and a little bit more. If this was, you know, in some cases we'd say oh it's almost a million dollars we're not getting. And I understand that this may be around or slightly above what we've been taking in proffer money, but as I've crabbled and many other people have commented the time that I've been here, staff comes up with a dollar figure for what we think the costs of development is going to be for rezoning and then we accept down here and down here becomes the new normal. And so we'll never get any closer. If this development is sort of in line with Liberty I, which are around, if memory serves me, in the mid-400s, I would sort of think that the people who are buying these homes, if you added another \$10,000 for the proffers, they would still buy those homes. The argument many years ago was, because of the fact that the economy was in such a state, and with the cost being such, that if we added the proffer, full proffer amounts in there, people would not buy the homes, and we wouldn't sell homes and we wouldn't get development growth and people buy in stores and etcetera. But we're not at that point anymore. Mr. English mentioned the schools. One aspect is that there was in there supposedly money for a crossing guard and then Mr. Harvey very nicely pointed out that proffers can't go for salaries. So what the really money is, is \$20,000 will go for painting lines, and as the School Board member pointed out tonight, people get hit who are on duty.

Mr. Gibbons: Mr. Chairman, we got a technicality. We've got to take a quick vote to go past 10.

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Mr. Coen: I'll waive the floor if I get it back, after we do our... it's after 10 o'clock Mr. Chairman.

Mr. Apicella: Okay, it's 10 o'clock. Our by-laws indicate that we should take an up or down vote on whether we should continue or not, so is there a motion to continue?

Mr. English: Motion to continue.

Mr. Rhodes: Second.

Mr. Apicella: Okay, there's a motion that's been first and seconded. Any comments? Seeing none, all those in favor say aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. Rhodes: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Apicella: Aye. All those opposed? The motion passes.

Mr. Coen: Thank you. So then what we're paying for is getting \$20,000 that could be used for painting lines. The people who do the traffic out in front of Colonial Forge High School will be out there with a car with flashing lights, wearing safety vests, holding flash lights, often with flares, and they almost get hit. I think we've received information from the police department there have been 80 accidents in that area in the recent years. Another area that I have concern about is just the roads, as Mr. English has said. The theory is, is that 70% of this development is going to go out into the regular Liberty Knolls and come out at, what will hopefully be, a future light. But if you take 70%, that's around 35-36 homes and that goes down and up around the little shepherd's hook into the main road that goes down. And I don't know that common sense is going to say they're going to go up and around and stop at a stop sign and then wait for, what also wasn't really pressed, the other 99 people that are coming in and out of... 99 homes that are coming in and out of Liberty Knolls to go out. And so I think they're going to come out at the pork chop and I think we've all been around enough places in this County where there's pork chops and they're either going to try to make the left-hand turn anyways, or they're going to go up and go up by Winding Creek, which we've talked about tonight. The information about the light is that is going to be in the main entrance and exit for Colonial Forge High School. So, from around 7:15 in the morning till about 7:40 in the morning, that light would have to be rigged so that students, who are travelling to get into that school, can get into that school. So that light will be stopped, so those people will not be able to get out that easily. And also it will be the main way that buses leave. So the buses will have to have egress from Colonial Forge High School, and then that will repeat again at 2:20 to 2:40 in the afternoon. Let alone, as Mr. English pointed out, football games, graduations, back to school nights, so that, if we believe that VDOT is actually going to work on this road in a timely manner, which according to several people who are on Rappahannock issues, that's all up in the air right now because of the funding on priority situations that we're doing. It's going to be problematic and I just think that's just way too many homes and I'll sort of end, because it is getting late, anybody who's been in the

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County for the last decade keeps hearing, or being yelled at them, why is it that the people in decision making keep approving homes when the infrastructure is not in place for it. Well we know that the Colonial Forge High School is getting an addition but will be overcrowded when that addition comes in and according to the school system CIP, the next high school won't be built and open until 2025, so a good decade from now. So there is not the capacity for the high school. There is a plan for redistricting, but having shared 3 redistricting committees for the school system, I know how problematic that is and how parents will advocate to keep their kids in a school. And so, how much relief is going to be at Rodney Thompson we don't know. We don't know definitively what VDOT's going to do. According to the people on the Transportation Board and people at VDOT, everything, all of the Courthouse Road project, not just the interchange, but widening of Courthouse Road, is on the table. And so we don't know how long this is going to happen. And then one of the things that we keep saying is, and we've heard this several times tonight with other developments, the by-right is 40, this redevelopment or this plan would be 52. We're talking about no proffers versus some proffers. The by-right for this is 9 homes, which I think, I did my math earlier this weekend, is about \$446,000 if you use the full proffer dollar amount, which if you look at what we're not getting, by not getting the full proffer amount for this property that's \$860 and only 9 homes is only half of that. And so this is a burden onto our County, it's a burden on our roads. It doesn't meet the public safety or the general welfare and I just personally, in good conscience, can't add more people and more homes onto a road at this time. Thank you.

Mr. Apicella: Thank you, Mr. Coen. Any other comments? Seeing none, all those in favor of the motion signify by saying aye.

Mrs. Bailey: Aye.

Mr. Rhodes: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Apicella: Aye. All those opposed?

Mr. Coen: Nay.

Mr. English: Nay.

Mr. Apicella: Okay, motion passes 5-2. Turning it back to you, Mr. Chairman.

Mr. Rhodes: Thank you sir. And we had determined previously that we were going to wait on the block length waiver I think until after action from the Board. Therefore, we had an actual reclassification and then there would be something back done with the block length waiver. I believe we are now onto item number 9 which is the amendment to the Stafford County Comprehensive Plan. Mr. Harvey.

8. 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. **(History: Deferred on October 22, 2014 until further action by the Board)**

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9. 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) (Deferred on October 22, 2014 to November 12, 2014)**
10. 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 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) (Deferred on October 22, 2014 to November 12, 2014)**

Mr. Harvey: Thank you Mr. Chairman. Nine and ten are both dealing with Transfer of Development Rights. The Planning Commission held a public hearing on Transfer of Development Rights at your September 24th meeting. At that point in time, there was a number of citizen comments. The Commission took those into consideration and asked the Board for additional time to develop a subsequent amendment to the Zoning Ordinance that could incorporate some of those comments and issues. The Board has granted the Planning Commission additional time till the end of the year. The staff, based on the discussion at the last meeting, drafted a new version of the Ordinance which is referred to as O14-44. That amendment incorporates language allowing a conservation easement being granted to a qualified holder as mechanism for the severance and restriction on sending property that’s sending development rights from that area to a receiving area. Also, there was additional language throughout about allowing a permanent conservation easement, as well as the covenants, which was in the original draft. There was also modifications to eliminate special criteria for determining the number of development rights that could be yielded within the park designated area of the Comprehensive Plan. And also two references to the park sending area and specific guidance as far as, again, residual uses and how that property could be used. And that’s the summary of the changes that were made. The Commission, if so desires, could forward this onto public hearing or ask for modifications. Staff would ask that you come to conclusion on this because, based on our timeline, we need to have an authorization for a public hearing for the ordinance amendment to keep track with the December 10th public hearing and taking action before the deadline at the end of the year.

Mr. Rhodes: Very good.

Mr. Gibbons: You had a committee on this, didn’t you Mr. Chairman? Because we got a wonderful report from one of the committee members.

Mrs. Bailey: The committee report would be that the changes were made as we discussed at our last meeting. And there being no further comments, the changes were made accordingly.

Mr. Gibbons: So you’ve got to make the motion to advertise?

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Mrs. Bailey: Yes.

Mr. Apicella: Mr. Chairman, just so I can clarify, I think we have... at a minimum we have to recommend for the public hearing the original proposal or the amended proposal that the Board asked us to consider.

Mr. Rhodes: No, that's already been through public hearing.

Mr. Apicella: It's already been through public hearing.

Mr. Rhodes: We just deferred forwarding it with an endorsement, so we need to do the new one.

Mr. Apicella: Okay, thank you.

Mr. Rhodes: Yeah, so right now the other one's all ready to go forward; we just kind of deferred action on it. But we do have O14-44, the new version, that we do need to vote... we can modify tonight but we do need to vote forward to public hearing and then we would have to act on it next... by our timelines.

Mr. Gibbons: I'll second Mrs. Bailey's recommendation.

Mrs. Bailey: Motion is made.

Mr. Rhodes: Motion to recommend to public hearing and seconded by Mr. Gibbons. Further comment Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Rhodes: Further comment Mr. Gibbons? Any other member? All those in favor of moving this forward to public hearing 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; it moves forward, so which is... and 10 is the one we're still holding on, correct?

Mr. Harvey: Nine there's no need to change the Comprehensive Plan. We did need to change the zoning text.

Mr. Rhodes: Gotcha, okay.

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Mr. Harvey: So the public hearing would be authorize for number 10.

Mr. Rhodes: On 10, right. And that's the O14-44 for confirmation?

Mr. Harvey: Correct.

Mr. Rhodes: Okay, good. Then we got that right. Okay. And 11, we haven't heard back and so I owed yesterday and I'll owe today and I will owe tomorrow and I'll do tomorrow just an email to kind of prod the Board Chair and Vice-Chair just to see if there's anything else they need both on our public notice and our UDA letters we sent to them, so we can try and move those forward. So, with that, we're at New Business.

11. 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

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Yes, Mr. Apicella.

Mr. Apicella: (Inaudible - microphone not on.) Mr. Chairman, over the past year or so, the County has reviewed and approved several R-1 cluster subdivisions. During this period of time, some of us have raised concerns that most of the proposals that have been submitted don't appear to warrant higher density than what otherwise would be allowed absent a rezoning. And, in particular, the open space areas that have been identified by applicants have been scattered around the parcel rather than being usable and/or contiguous open space. So that trade-off of higher density for open space, in my view, primarily serves the applicant; it does not necessarily provide a significant public benefit to justify the bonus density. I would request that the Planning Commission research the County's experience thus far with cluster subdivisions, and the ordinance in particular. That we look at the provisions that allow for R-1 parcels to obtain bonus density for open space, whether they are achieving the desired and worthwhile ends to merit continuation. As part of this review, we may want to consider three options: maintaining the status quo, consider adopting criteria and/or performance standards as may be allowable under the state code, or discontinuing offering bonus density which is a discretionary provision in the state code. Should the Commission agree, I would recommend that the initial research include background on the state code's clustering provisions; data or table identifying the results experienced thus far including the original zoning density, revised zoning, and non-CUP density in the final approved density just for comparison purposes to see what ultimately happened; and for each approved R-1 cluster subdivision, either by-right or with bonus density, a visual representation of the project's subdivision layout, including the open space areas. I would also recommend that we get a list of Virginia jurisdictions that provide bonus density to the extent that could be determined. And lastly, examples of cluster subdivision bonus density related performance criteria or standards. Again, I've raised concerns about what's been happening. I believe there was a meeting at the Board's Community and Economic Development Subcommittee, but nothing has been forthcoming from that committee thus far. So I think we can help inform whether or not we should take some additional action.

Mr. Rhodes: So what I hear, just to restate, is a suggestion that we take on certainly doing some more review to see what we might consider collectively suggesting as modifications. And if we deem

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modifications are appropriate to suggest, then we would prepare to go to the Board with those suggested modifications and the case for them, such that they might consider referring to us so that we could go forward with the process and public hearing to consider modifying our ordinances as appropriate. Because, again, we need to have it referred to us from the Board to be able to do that on the public hearing process. But there's nothing to preclude us from making the case and suggesting to them at the rationale and logic for why they might pursue referring something forward to us.

Mr. Apicella: Yes sir.

Mr. Rhodes: Okay. Thoughts?

Mr. English: We can give them something to work with.

Mr. Rhodes: Yep, okay. And I think you've got a good outline there that we could ask staff to gather some on. Is there more you would need, Mr. Harvey, on that?

Mr. Harvey: Mr. Chairman and Mr. Apicella, we understand what the request is. Based on what we've got going on for the December meeting, it would probably end up being January before we could get that information back out to the Commission.

Mr. Rhodes: That seems reasonable. Very good. Okay, thank you very much. With that we'll go to the Planning Director's Report. Mr. Harvey?

PLANNING DIRECTOR'S REPORT

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

Mr. Gibbons: Yeah you have, you have one item. The Christmas Party on the...

Mr. Rhodes: Oh, yeah! Yeah, the 3rd... no, 2nd of December, Christmas Party.

Mr. English: At your house, you said?

Mr. Rhodes: Yeah, Bob's buying.

Mr. Harvey: Yes, the Board of Supervisors is sponsoring its annual Boards and Commissions Christmas gathering... or Holiday gathering, on December 2nd.

Mr. Rhodes: Very good. Okay, County Attorney's Report?

COUNTY ATTORNEY'S REPORT

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

Mr. Rhodes: Thank you. Committee Reports? Mr. Apicella?

COMMITTEE REPORTS

Mr. Apicella: Mr. Chairman, the Stafford... the Joint Stafford Airport Committee had an open house and comments session last week. We have advertised to elicit comments through November 20th. That

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process is still ongoing so members of the public and/or members of this Commission may comment on the documents that we've provided; it's available online. And the Subcommittee will meet again in early December and adjudicate those comments and ultimately hopes to provide a product shortly thereafter for the Planning Commission's consideration.

CHAIRMAN'S REPORT

Mr. Rhodes: Very good, thank you. Anyone else? Okay, Chairman's Report. The one thing I would highlight is I volunteered us for an extra meeting. At our next session on Wednesday, December 10th, we have a normal scheduled Planning Commission meeting at 6:30. I volunteered us to have a joint meeting with the School Board at 5:30, for those who can make it. I know I didn't really share the thought of the opportunity here. What transpired is that the School Board really wanted to get a presentation from VDOT, particularly on Courthouse Road and what's going on there. VDOT could not make their schedule. VDOT could make the 10th. We've been wanting information anyways from them so it seemed like a good opportunity. The best way to collectively do that without modifying our own traditional standard structure was just to have a joint session with them, so they had the pitch last night, Ms. Hazard did to them at their School Board meeting. They all agreed to it and so, if you can make it, I understand you may have some other commitments and certainly that's understandable, but if you can make it we'll have it here at 5:30. I anticipate we'll be done by 6:30, our regularly scheduled time, and then we will also have advertised our 6:30... our normal meeting will have been advertised for 6:30.

Mr. Gibbons: Will it be over there in the School Board...?

Mr. Rhodes: No, it'll be over here. So we'll be in the Chambers here. Is there anything we need to do to vote to approve that or are we just announcing it publicly to take care of the first step of it Ms. McClendon?

Ms. McClendon: Announcing it publicly at this meeting takes care of it. I will remind the Commission that a quorum of the Commission does need to be present for the meeting to go on.

Mr. Rhodes: Okay, okay. So try. But the good part is, this did get us... we were wanting a VDOT presentation anyway so it kind of scratches a couple itches at one time. Okay, very good. With that, TRC information. Everybody have what they need?

OTHER BUSINESS

12. TRC Information - December 10, 2014

Mrs. Bailey: Yes, me.

Mrs. Hornung: We have two projects, they're both in the Aquia District. So Commissioner Bailey will be able to have two projects, the Aquia Towne Center, the apartment buildings, and then the Aquia Medical Office which was a result of the previous rezoning for the Generations of Women, at the Hills of Aquia, up Route 1.

APPROVAL OF MINUTES

October 8, 2014

Mr. Rhodes: Okay, very good. I'd entertain a motion for approval of the October 8th minutes.

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Mrs. Bailey: Mr. Chairman, I incorrectly abstained to vote last time. I need to correctly abstain this time.

Mr. Rhodes: Fair enough, okay. Very good. I still would entertain a motion for the approval of the October 8th minutes.

Mr. English: So moved.

Mr. Rhodes: Motion by Mr. English. Seconded by Mr. Coen. Do I hear a third? A fourth? Okay, I was going to auctioneer, I can't do that. Okay, any further comment? All those in favor of the motion to approve the minutes of October 8 signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. Last bids? We can make it to 11 if we want to... no? Okay. Thanks.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 10:23 p.m.