

STAFFORD COUNTY PLANNING COMMISSION MINUTES
January 28, 2015

The meeting of the Stafford County Planning Commission of Wednesday, January 14, 2015, was called to order at 6:30 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

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

DECLARATIONS OF DISQUALIFICATION

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

Mr. Gibbons: Mr. Chairman, on item 1 and 2, I did meet with the applicant. And we need to have a public meeting.

Mr. Rhodes: Very good. Thank you very much. Okay, certainly not a disqualification but a clarification to ensure folks its transparent that there has been some communication discourse. Any other items? Okay, we'll move onto Public Presentations. This is an opportunity for any member that's here this evening to speak on any item except for item number 1. During item number 1, during that Public Hearing item... oh, excuse me, that's being continued... so, on any item at all, you may speak on them at this time. So sir, when you come forward, if you'd state your name and your address, a green light will come on indicating that there's 3 minutes. A yellow light will come on when there's 1 minute. And then a red light will start blinking and we would just ask that you work to conclude your comments at that time. Sir.

PUBLIC PRESENTATIONS

Mr. Wemple: My name is Chris Wemple. I have been a Stafford County resident and original owner since 1999. I'm here to speak about the Winding Creek development, items 2 and 3, and the proposed connection to Fireberry Boulevard. There are aspects of this development that are concerning to me and many other residents. And I am speaking specifically in opposition to the connection of Fireberry as part of this development. The proposed development would bring 97 single-family households into our midst. The reality of today is that both parents would be employed and therefore commuters. Winding Creek Road is not going to be their travel option because it would mean left turns onto a narrow, high-speed country road more suited for 1960's Stafford than today, and even more left turns to get anywhere towards any employment sites. The reality is that the significant majority of those trips would be through the Autumn Ridge Subdivision, cutting through Fireberry to Live Oak to Eustace. There will be no less than 194 vehicular trips outbound in the morning and another 194 trips home in the evening, just from the residents. That's 388 trips per day, 5 days a week, 52 weeks a year, for a realistic traffic load of 100,880 vehicle trips as a result of this subdivision every single year. Even if as little as two-thirds of the drivers in that neighborhood take Fireberry as a cut-through, it would mean 258 additional vehicle trips per day, or in the neighborhood of 67,000 vehicle trips per year, through the Autumn Ridge Subdivision. This does not include cut-through traffic that will ensue from other neighborhoods further away who are looking to circumvent Courthouse Road and reach I-95 at Garrisonville, avoiding the new

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traffic back-ups caused by the HOT lanes. In a meeting Monday night, the developer's representative made it clear that they were not willing to make any improvements to Winding Creek Road other than to donate the land necessary for its future widening to modern standards. This development is proposed with no roadway improvements to the most affected roads. After hearing our concerns, however, the developer did offer to cul-de-sac their side of Fireberry Boulevard until such time as Winding Creek Road is upgraded to the standards necessary to make it the superior travel choice for the residents there, but advised that both Planning and the County would have to waive the connection requirement. The Planning Commission members present informed us that Winding Creek is not on any near plans for improvement, save for the Courthouse Road intersection. Any future connection between the two halves of Fireberry would then be up to the County to complete. Speaking for myself and on behalf of several owners, we recommend that the Commission adopt this offer regarding the dead-end of Fireberry and waive the connection requirement with the provision that once Winding Creek Road is properly improved to modern standards from Walpole to Courthouse, Fireberry would then be reconsidered for its connection. I thank you for listening to my concerns and I welcome any comments or questions that you may have.

Mr. Rhodes: Thank you very much sir. During the public presentation, there's not really an opportunity for interactive dialogue, but it does give an opportunity to present. So thank you very much sir. Is there anyone else that would like to speak on any item this evening? Yes sir.

Mr. James: Thank you. My name's Kelvin James. And I'm also here to speak on behalf of 2 items on the agenda, as well as on behalf of my son who's graduated Colonial Forge High School and couldn't make it this evening. First I want to thank Mr. Robert Gibbons for attending the neighborhood informational meeting on January 26 at the Hampton Oaks Community Center to give explanation behind the Stafford County proposed Planning Commission project. This is RC1400221 and CUP1400222. As was previously mentioned, I am here in concern for the development that is to occur on Winding Creek Road and, in particular, the development that is being proposed. While I do greatly appreciate the work that the Planning Commission staff has done, it can't be easy, I'm also here to express concern and objection to the development. And, in particular, because Winding Creek Road, in and of itself, needs some improvement. Likewise, I support the cul-de-sac should that development proceed by Planning Commission vote to help mitigate some of the traffic issues and concerns. Those are my two items there. On behalf of Austin James, Colonial Forge graduate, he is now 18 years old and finds that there's not much recreation here for students and youth inside during the winter. And so he has asked me to speak on his behalf, if there was a way that the Planning Commission could find itself to influence others to provide recreation for youth inside during the winter. Thank you very much.

Mr. Rhodes: Thank you sir. Is there anyone else who would like to speak? Seeing no one come forward, I will close the... we will move on from the Public Presentations. There's not a Public Hearing item but I would ask, Mr. Harvey, have we received anything yet on some of the updated information? I know last time we met there was a lot of changes that were going to be coming forward on item number 1, which we won't hear that till next.

PUBLIC HEARINGS

1. RC1400155; Reclassification – George Washington Village - A proposed reclassification from the A-1, Agricultural; A-2, Rural Residential; R-3, Urban Residential – High Density; B-2, Urban Commercial; and M-1, Light Industrial Zoning Districts to the P-TND, Planned Traditional Neighborhood Development Zoning District, to allow for the development of a planned community. The project is proposed to include up to 2,957 residential units and up to

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1,550,000 square feet of commercial floor area, on Assessor's Parcels 28-87; 29-32, 29-36, 29-38A, 29-39C, 29-81, 29-82 and 29-83; 37-63; and 38-1, 38-1A, 38-3, 38-4, 38-4C, 38-55, 38-58C, 38-58D, 38-66, 38-69, 38-70, 38-70A, and 38-71, consisting of 1,051.59 acres, located on the north side of Ramoth Church Road and south side of Courthouse Road, west of Interstate 95, within the Hartwood Election District. **(Time Limit: March 10, 2015) (History: December 10, 2014 Public Hearing Continued to January 14, 2015) (January 14, 2015 Public Hearing Continued to February 11, 2015)**

Mr. Harvey: Mr. Chairman, I've had discussion with the representative for the applicant and they are working diligently on providing us with additional information. To date, nothing has been filed... nothing new has been filed with the County.

Mr. Rhodes: Okay, alright; thank you very much. So, we'll move onto Unfinished Business, item number 2. I believe... yes, please Mr. Gibbons. Sorry.

Mr. Gibbons: So where are we? I'm worried about the clock.

Mr. Rhodes: Yeah, on George Washington. So, we've got the deadline associated with that is the 10th of March. We'll hear it again on the 11th of February and then we will have the 25th of February, we'll have those two sessions to complete it, is as it stands right now.

Mr. Gibbons: And the counsel is here tonight; he can't extend it a month or two?

Mr. Rhodes: Well, we can certainly raise that with him or staff can raise that with him. I know it was discussed last time. But as it stands right now, we have two sessions that we'll be able to hear it. Any other indications Mr. Harvey?

Mr. Harvey: Mr. Chairman, that'd be something that the Commission would need to direct to the applicant's representative and the staff would need to get a copy of any correspondence in writing.

Mr. Rhodes: Okay.

Mr. Gibbons: I guess what I'm worried about is that staff doesn't even have the information yet either and so how in the world...

Mr. Rhodes: Hopefully it can come in as soon as it's available.

Mr. Gibbons: Either that or we'll pass it on to the Board with no action and tell them they can handle it.

Mr. Rhodes: Yes sir. Would you like to comment? You certainly may... the agenda item that doesn't exist.

Mr. Payne: I was just pretending I wasn't out there Mr. Chairman. Mr. Chairman, other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and we do represent Augustine South Associates. We've made extensive progress. Everything is in draft form being reviewed by the client so hopefully we will have it to the County staff by Friday or first thing Monday. That's what I'm pushing for. So, everything has been pretty much completed, just getting it through the client, final review, and then getting it to the staff. And I've indicated the same to Mr. Harvey; they want to make sure they get that in his hands and staff's hands fairly quickly.

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Mr. Rhodes: Okay, thank you.

Mr. Payne: And those items include, just so you know, revised GDP, a draft CDA agreement, and revised proffers, and revised regulating plan. So all that is pretty much done so we should have it to staff fairly quickly.

Mr. Rhodes: Okay.

Mr. Payne: Thank you Mr. Chairman.

Mr. Rhodes: Thank you very much. So we have items number 2 and 3, Unfinished Business. I believe we'll present those together, correct Mr. Harvey?

UNFINISHED BUSINESS

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) (History: Deferred on November 12, 2014 to January 14, 2015) (Deferred on January 14, 2015 to January 28, 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) (History: Deferred on November 12, 2014 to January 14, 2015) (Deferred on January 14, 2015 to January 28, 2015)**

Mr. Harvey: That's correct Mr. Chairman. If you'll recognize Erica Ehly for the staff update.

Mr. Rhodes: Very good. Mr. English.

Mr. English: Mr. Chairman, I would like to excuse myself on items 2 and 3. They're not directly... I mean, they're related but directly related to me and I feel like just to keep an open board, I'd just like to excuse myself.

Mr. Rhodes: Thank you very much; understood. So, you'll observe.

Mr. English: Yes, I'll observe.

Mr. Rhodes: Very good. Okay, very good. Good evening.

Ms. Ehly: Good evening Mr. Chair, members of the Planning Commission. If I could have the computer please. Just as a reminder, the applicant is requesting a reclassification from the A-1 zoning district to the R-1 zoning district, and a conditional use permit for a cluster with increased density in the

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R-1 district for property that is approximately 63 acres, located at the intersection of Winding Creek and Embrey Mill Road within the Garrisonville and Rock Hill Election Districts. The property is surrounded by single-family residential uses. The 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. A public hearing was held on November 12, 2014, and the item was deferred to the meeting on January 14th. At that meeting, the item was deferred for continued dialogue between Commissioners and the surrounding residents. There was a meeting held on January 26, 2015. Staff provided additional information in the staff report for the January 14th meeting and also the staff report for this meeting to address concerns raised by the public and the Commission during the public hearing at the November 12th meeting. So in the presentation, I'll just summarize the issues. So, the issues that were brought up included a disclosure notice for property owners abutting the VEPCO easement that there may be some above-ground power lines in the future. And the applicant has agreed to include disclosure notices will be provided in the proffer statement. There was a concern with the lack of a Parks and Recreation proffers. We did receive a revised proffer statement this afternoon which does add \$150,000 in Parks and Rec proffers to the statement. The concern with the safety of Winding Creek Road has been brought up and staff does recommend the upgrade of Winding Creek Road to a 2-lane major local standard which is called for in the Comprehensive Plan. The proffer statement, there was a concern about the proffer statement referencing 97 dwelling units when the reclassification would only permit 94. The conditional use permit is for 3 additional units. The 97 units can only be built with the approval of the conditional use permit even though this statement is in the proffer statement. There was a concern with the lack of provision of recreational amenities onsite and the applicant has revised the GDP and the proffer statement to provide a tot lot and a possible picnic pavilion area. And this is just showing you where that would be located on the GDP, as you have seen in your backup material. Additionally, there was concern with the possibility of a cemetery on the site and the applicant did verify there's not a cemetery located on the subject property, and the Commission did receive information to that effect in backup documentation. There was a concern expressed by residents of the Autumn Ridge Subdivision regarding the restoration of the property currently impacted by the temporary cul-de-sac and the potential use of Fireberry Lane as a cut-through to Eustace Road. And staff has recommended the consideration and inclusion in the proffer statement of an alternative design for the inner-parcel connection utilizing a modified traffic circle or roundabout. Because the inner-parcel is required by the County Code, Fire and Rescue did request that that inner-parcel connection be made at the time development occurs, and VDOT would require a waiver to not have to go through with that connection.

Mr. Rhodes: Mr. Harvey... I'm sorry, thank you, I apologize for interrupting. There was a good bit of discussion on the inner-parcel connector. Could you just clarify what the process is with VDOT on not doing an inner-parcel connector?

Mr. Harvey: Mr. Chairman, VDOT has a connectivity standard that applies for all new development. In particular, residential neighborhoods of this type would be required to provide connection to adjacent properties and connect to other state roads. More than likely, this would meet the threshold for the required connection. They would have to go through an exception process with VDOT and VDOT would review it to see if the connection could be prohibited or not made. And my experience is that VDOT normally would not grant this type of an exception when an existing road is provided to the property line.

Mr. Rhodes: When was the last one that you can recall that there was an exception granted? I thought there was a topo one.

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Mr. Harvey: It was regarding a... the one I most recently recall was regarding a cluster subdivision in an agricultural zone. And there was some question about connecting to two parts of the same piece of property. There was an intervening stream and one side of the property had connection to an existing subdivision. However, they were breaking the subdivision into two pieces to minimize the connection across the stream. VDOT agreed that the connection across the stream was not reasonable in that particular case and did not require the connectivity.

Mr. Rhodes: Topo land issues.

Mr. Harvey: Yes.

Mr. Rhodes: Okay, thank you. Please Mr. Gibbons.

Mr. Gibbons: And then the circle, that would be acceptable to VDOT? Same way as we did it down in...?

Mr. Harvey: Mr. Gibbons, Ms. Ehly did speak to Mr. Beale of VDOT and I'll let her characterize the discussion.

Ms. Ehly: Mr. Chair and Mr. Gibbons, Mr. Beale did talk with other engineers at VDOT this afternoon and verified that they would support the modified traffic circle or roundabout in that location, if it was requested by the County in a condition or a proffer.

Mr. Gibbons: Thank you ma'am.

Mr. Rhodes: Thank you. Yes, please Mr. Coen.

Mr. Coen: Has there been any visualization of what that would look like and where? I mean, it's an interesting concept but I'm not quite sure if I was living on the other side of where it's going to connect, I don't know what you envision what you actually want to be doing.

Ms. Ehly: Mr. Chair, Mr. Coen, a modified traffic circle that we're talking about would be a 2-legged roundabout with an island in the middle. VDOT also calls it a mini roundabout. It doesn't require a lot of additional right-of-way in order to complete. And staff would recommend that it be entirely built on the applicant's property so that we would not affect those residents in Autumn Ridge.

Mr. Coen: So, just conceptually, if a person's coming from the new development, all they'd really have to do it just slow down, do a half, and then go straight, and likewise, because it's only a one-way. Thank you.

Mr. Rhodes: Just a flow impeder. Yeah, okay, thanks.

Ms. Ehly: Okay, Mr. Chair, so the next issue after that was a question regarding, you know, how much buildable area there is on open space Parcel E which is the parcel of land the applicant is intending to dedicate to either the HOA or the County. It's approximately 10 dwelling units. There was a question about the impact to schools...

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Mr. Apicella: Erica, before you go there, I thought we talked about open space Parcel E in our previous meeting. At least some portion of it was not conducive to development. I could be wrong but, I mean, this is 10 acres, so...

Ms. Ehly: Mr. Chair, Mr. Apicella, there is an area, there's wetlands on there and the one... we requested the applicant to submit the buildable area and I think they said 7½ acres was buildable. And, of course, when we're doing that type of review, we're looking at everything the code would allow them to do outright. So, it's not that staff would recommend 10 dwelling units be built there; we'd probably... you know, we would look at the Comprehensive Plan and we would say we would want the environmentally sensitive areas avoided and things like that. But if you're just looking at the acreage, it could yield approximately 10 dwelling units.

Mr. Apicella: Thanks.

Ms. Ehly: And regarding the impact to schools, the only school with a capacity issue is the Rodney Thompson Middle School, and the school division has said that these schools that are at capacity or almost at capacity will hopefully be mitigated by the 2019-2020 school year through the redistricting process that's undergoing.

Mr. Gibbons: Mr. Chairman?

Mr. Rhodes: Yes please.

Mr. Gibbons: The other night the Chairman of the School Board said that their calculation of students and ours was off. It doesn't match.

Mr. Rhodes: Oh, from this application?

Mr. Gibbons: Right.

Mr. Rhodes: Does anybody what the application indicates to the impact to schools to be on this one? I meant to go back and look at the earlier package; I apologize.

Mr. Harvey: Mr. Chairman, we can go back and look at the information and respond.

Mr. Rhodes: Okay, thank you. Yeah, if we could circle back to that. There was a point of contention so it'd be nice just to know. A hundred and twenty-six students is what's in the application?

Mrs. Bailey: (Inaudible - microphone not on).

Mr. Rhodes: Thank you very much.

Mr. Harvey: Mr. Chairman, in the past, our planning staff's estimate of school children has been higher than the observed countywide numbers that the school system had been using.

Mr. Rhodes: Okay. I think, and it may have just been I think a comment about schools was at a much lower number and so that was just probably a misstatement because Ms. Kidby did indicate a higher number similar to what is in the staff package. So it was probably just a misstatement there. Thank you.

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Mr. Coen: Mr. Chairman?

Mr. Rhodes: Yes, please Mr. Coen.

Mr. Coen: Does memory serve me correctly that those students would be going to Colonial Forge? Which, if memory serves me, is at 110% capacity now and is slated even with an addition to still be at 110%. So I'm just surprised that it says the only one that would be impacted is Rodney Thompson when the high school would be impacted. And there is no plan for redistricting in that either. Didn't I see in one of the reports that they would be going to Forge?

Ms. Ehly: Mr. Chair, Mr. Coen, yes, that's correct. And this response was received from the school division. So the concern is the middle schools I think...

Mr. Rhodes: The schools are only working redistricting for elementary and middle schools. They're not for high schools because of the expansions they're doing and their intent to ultimately find another high school. But right now they're not doing anything on the high schools.

Mr. Gibbons: And the other statement she made the other night is that this is a new subdivision and the figures that they had did not include this new subdivision.

Mr. Rhodes: Was not included in their plans, yep. So, right now, Rodney Thompson's plans are current projections to be 27 over their limit by 2019 and they're redistricting proposals, if they go with the... to reduce it between 135 and 195 aggregate, but that doesn't include something like this.

Ms. Ehly: The next issue was there were comments made about the public notification process. And we just noted that notices provided to all the adjoining property owners and so this went because of the open space parcel to the HOA instead of the individual property owners. And then they're notified however they are from their HOA.

Mr. Rhodes: Because we've interrupted you on every comment, I'll do it again. I'm sorry. I would just share with the Planning Commissioners that there was a strong consensus among... there was a good turnout on Monday night, but there was a strong consensus among the owners there for the proposal that we were trying to push forward towards something along the lines of a public meeting or some process in advance of the application formally being submitted. We may try and work that again with the Board during the coming year.

Ms. Ehly: Okay, and the next issue is there was a request by staff that in order for the right-of-way dedications to be considered as an in-kind proffer that without compensation should be noted in the proffer statement. The proffer statement has been revised to remove without compensation for the right-of-way dedications that are required, and remove the amount of an in-kind proffer from the Winding Creek right-of-way. And then there was also a question about whether a sidewalk would be constructed along Winding Creek Road and that was verified by the applicant that there would not be a sidewalk along Winding Creek Road. Additionally, the GDP was revised to respond to a concern by the property owner in Autumn Ridge Subdivision about buffering. I can't read his parcel ID number but it's at lot 44; you can see the additional buffering there on the GDP responding to that. And in response to additional information requested by the Planning Commission, this table shows the residential development potential for each piece or section of the property on either side of Winding Creek Road, and also the entire site. So the area of land dedication is 10.4 acres. By-right development is 3 dwelling units. And the reclassification would allow 15 dwelling units maximum, and the CUP would allow for

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23 dwelling units. And then the area east of Winding Creek Road, 52.73 acres, would allow 17 dwelling units by-right, 79 dwelling units with a reclassification, and 118 dwelling units with a CUP. And the entire site would yield 21 dwelling units by-right, 94 with a reclassification, and 142 if the CUP was maxed out.

Mr. Apicella: Just to be clear, those bottom 2 CUP numbers aren't yet taking into account the perennial streams, the CPRA, and any other peculiarities about the site that may not allow for that number to be reached?

Ms. Ehly: Mr. Chair, Mr. Apicella, that's correct. This is a maximum dwelling unit potential for the site without considering any type of limiting features or topography or anything else. This is just the absolute maximum that could be generated. And we also received a request for the assessed value for the land dedications. The assessed value was determined from the Commissioner of the Revenue's records for the current value of the property. The 10.4-acre land dedication piece is valued at \$102,782. And then the right-of-way for the Embrey Mill Road, \$7,764. And Winding Creek Road right-of-way is \$8,361.

Mr. Apicella: Mr. Chairman, before Erica goes on, with regard to the open space land dedication... you may already speak to this further on in your brief... but what was the County or at least the Parks Department's position on the land in terms of whether they thought it was viable or that the County should take it?

Ms. Ehly: Mr. Chair, Mr. Apicella, the Parks and Recreation Director did comment that she didn't see the value to the County for that dedication for Parks and Recreation at this time. So, staff finds the following positive findings with the application. It's consistent with the established development pattern; meets the intent of the Comprehensive Plan; and the dedication of the right-of-way accommodates planned transportation improvements. And with regard to negative findings, the Comprehensive Plan identifies an upgrade to Winding Creek Road to an urban 2-lane major local standard. There are also 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 and to which trips generated from this development will add a few seconds of delay. It's a minimal delay but the Comprehensive Plan does call for that to be addressed. And then there's also the inner-parcel connection to Fireberry Boulevard. Staff is recommending the modified traffic circle or roundabout. Staff would note that these are transportation related issues and that during the review process, the per unit transportation proffers have significantly increased per unit, although they still are under the proffer guidelines of \$17,005 per unit. They have gone up from \$2,062 to \$10,309. This slide shows a comparison between the current guidelines and the proposed proffer statement amounts, and then also there are the recent reclassifications that the Commission has seen.

Mr. Rhodes: Just to... I apologize, I don't recall... the package we sent forward to the Board for the modified proffer guidance, that came up to what, about 37 a unit plus the transportation impact? I'm trying to remember what that one was.

Mr. Harvey: Mr. Chairman, my recollection is it was something to that degree and then that included a reduction that the Commission had recommended...

Mr. Rhodes: Based on the calculations.

Mr. Harvey: Yes.

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Mr. Rhodes: Yeah, as a percentage. Okay. I was just trying to get context, thanks.

Ms. Ehly: And this next slide hasn't been updated with the Parks and Rec additional amount, but this gives an idea of the proffer amounts differing from new development units which are 77 units and approximately 20 by-right units. And staff is recommending approval of the applications; also it's an application for a reclassification and an application for a conditional use permit. And staff does recommend the following considerations: provision of per-unit contributions closer to the proffer guidelines overall with the additional consideration, especially to the proffer guidelines recommendation of \$17,005 for transportation facilities considering the transportation issues, the surrounding network. And staff also does recommend considering the modified traffic circle at the inner-parcel connection of Fireberry Boulevard. And just as an additional note, there is a condition for the CUP which is similar to the Woodstock Lane condition that you did see a few meetings ago with the option for a 10-foot side yard setback or fire sprinklers because it's a cluster subdivision. The proffer statement does include proffer number 8 which states that fire sprinklers will be offered as an option, but that fire sprinklers shall not be required in this development. Staff does recommend that in order for those two to be in accordance with each other, if the Commission is going to accept the proffer statement with the language that fire sprinklers will not be provided, that the condition be that the side yard setback be a minimum of 10 feet.

Mr. Rhodes: Okay. Where did... I apologize, I don't recall... where did we end up on the Woodstock one? Did it work out to 10 feet, or where did that one conclude? Did we end up writing that in?

Ms. Ehly: Mr. Chair, I'm sorry, it's Courthouse Manor.

Mr. Rhodes: Okay, thank you.

Ms. Ehly: I'm sorry. Yes, Courthouse Manor has the minimum side...

Mr. Rhodes: And we did include the 10-foot minimum.

Ms. Ehly: Yes.

Mr. Rhodes: Okay, thank you. I just couldn't remember. Okay, thank you. Okay, questions for staff? Okay, thank you very much. Applicant please.

Mr. Payne: Mr. Chairman, other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer. Please forgive me for my voice; I'm fighting a little bit of a cold. Some people would wish that I couldn't talk; that was last Friday. That's not happening today, I'm sorry. Thank you very much for your time and I appreciate staff's presentation. I would say there's a couple of new curve balls we haven't seen, both in regards to the fire/sprinkler alternative and also to the roundabout connection with Fireberry Boulevard, which we haven't had a chance to analyze -- of course, both of those coming up tonight.

Mr. Gibbons: So could I interfere for a minute?

Mr. Rhodes: Please.

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Mr. Gibbons: On the roundabout, I have it from your engineer that he contacted the County because when we were there Monday night, the neighbors brought that up and he had done it during the day. So hopefully it didn't catch you blindsided.

Mr. Payne: Well, he recommended two options, neither of which was a roundabout. We're in agreement about eliminating a parcel connection to Fireberry Boulevard and provide a permanent cul-de-sac on our property, but that would require a waiver from the County which may very well be overruled by VDOT.

Mr. Gibbons: I can't hear.

Mr. Rhodes: He was saying they agreed with the cul-de-sacing and not connecting, but it would require a waiver from the County which is correct.

Mr. Payne: Right, and this is the email that was sent out... can you hear me Mr. Gibbons? I'm sorry. This is the email that was sent out Tuesday, January 27th, at 12:58 p.m. by Mr. King. Is that what you're referring to?

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

Mr. Payne: We're happy to eliminate the inner-parcel connection and request the waiver.

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

Mr. Payne: It may very well impact lots. We may lose some lots. But we'll... like I said, we haven't had a chance to look at it so we'll take a look at it. If that's the alternative, and it's on the table, it is what it is. We'd like to move this process forward. Does that make sense? But we are in agreement to eliminate the inner-parcel connection.

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

Mr. Payne: That's correct.

Mr. Gibbons: And then, the alternative, if VDOT doesn't agree with it, we can't get the waiver, would you default to the roundabout?

Mr. Payne: One of the tough things about, you know, being up here and trying to negotiate final proffers and move a project forward is, is when things are presented at the actual hearing for the first time and not to the applicant, it's a little frustrating. Sorry. So, in order for me to evaluate whether or not I'm going to lose 2 or 3 lots, which could have an economic impact on a project which we have put forward 300 plus new thousand dollars in proffers. Now you're asking me to take the risk of losing 2 more lots maybe.

Mr. Gibbons: Yeah, but you're just a nice guy Charlie.

Mr. Payne: I know I'm a nice guy, but I represent folks who are trying to stay alive, right? Who are trying to make this economically feasible, and I assure you, I am typically in the middle of it. Mr. Gibbons, you know how much I respect you and how much I want to appease that your constituents concerns which is why we're in agreement not to connect that inner-parcel connection.

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Mr. Apicella: Mr. Chairman, I think it's just as important to also point out that our deadline for taking action is February 10th and our next meeting date is February 11th.

Mr. Rhodes: Yeah, we have to act on it tonight. That's correct.

Mr. Gibbons: Maybe he can extend it a day.

Mr. Payne: We will, in good faith, take a look at it. If this does proceed forward, we will... one way or the other I guess it will proceed forward. We will take a look at it, I will give you that.

Mr. Gibbons: Can we have a one day extension?

Mr. Payne: No sir. Remember, I mean, we started this thing in November. And I think it was your deferral last time, Mr. Gibbons, if my memory serves me. Respectfully. In regards to the setback on the Fire Departments comments again, I haven't had a chance to evaluate that, what the impact is, and certainly this Planning Commission could act pursuant to its discretion on that. I will like to highlight a couple things. Erica covered most of our changes I think, but this is hot off the press, you have it in front of you, I believe, is our most recent revised proffers. Of course they're dated as of today. And just to go through some of the cash proffers real quick, just so that I can just outline these, we did remove the credit for the dedication of the right-of-way under section 4a along Winding Creek Road and it will be dedicated without compensation. We did convert the recreational park land to open space pursuant to the request of staff and of Counter leadership. We did also increase our cash contribution from \$2.62 million to \$2.939 million; that includes \$1.6 for schools, \$150,000 for Park and Rec, a million dollars for transportation, \$57,519 for libraries, Fire and Rescue \$74,151, and general government \$40,964. If you take that into account on 97 units, that's over \$30,304.71 which has been very much in line with other approved projects, if not slightly higher. If you take out the 20 by-right units, it's at \$38,176.06 just on cash. If you add our in-kind contribution calculations with the cash, you're looking at a total of \$3.922 million and some change, which comes out to about \$40,437 for 97 units and for 77 units over \$50,000. I think there's been significant movement on our front to address many of the concerns raised by the Planning Commission. And in addition, as staff noted, there are other changes to the proffer statement that Erica went over. Um, in regards to staff's conclusions on Winding Creek, I think it's... I think it's fair to say that Winding Creek is not programmed in the County's transportation construction plans at this point. A million dollars in proffers may very well help get that program for improvements. Our TIA did not require... or should I say, did not conclude that we would have any offsite improvements or require any offsite improvements. We are improving the entrance obviously at our site with a taper lane and also dedicating right-of-way on both sides, and preserving 10.3 acres on the west side of Winding Creek so there will not be traffic coming from that side. And in regards to comments regarding the value of the open space site and our in-kind evaluation, of course we're looking at fair market value which is a little bit different than assessed value, as the investor has to acquire property at the fair market price, not at the assessed price. We'd love to do that; that'd be a great opportunity for many people I'm sure. And if it had to be condemned by the County to preserve it for recreational purposes or for open space preservation, I assure you I haven't seen a condemnation case yet where the assessed value was the determining evaluation at the conclusion of a case as that. So, what you typically look at is highest and best use. So that's what we evaluate it for purposes of that dedication. Um, I think I've covered everything Mr. Chairman. If I missed something, I'm happy to answer any questions you may have.

Mr. Gibbons: Mr. Chairman.

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Mr. Rhodes: Yes, please Mr. Gibbons.

Mr. Gibbons: On the proffers now, under transportation I go down to d and what you're saying isn't in writing here. You said you would support the...

Mr. Payne: Well, this just came up as of I guess, well, really tonight and as of yesterday, but we will... we can remove d completely from our proffer statement. You are correct. We need to revise them.

Mr. Rhodes: It sounds like we probably would want to do a little modification to d then, based on the conversation tonight, if that is the conclusion of all.

Mr. Payne: Correct Mr. Chairman.

Mr. Gibbons: So, we'll suspend it until they get the wording done?

Mr. Rhodes: Yeah, so we had two points that were raised between staff and other discussion; one was dealing with proffer number 8 and the fire sprinkler residential unit and a 10-foot minimum setback if not sprinkled. And then there was the discussion on the inner-parcel connection which I know there are a lot of people with a lot of different views. I think if you did something at 4d, it would probably have to be would agree to a cul-de-sac... you know, I think it was a cul-de-sac until such time that Winding Creek is improved subject to County and VDOT approvals, because they... you don't know that you're going to get the waiver. So I think the wording would probably be something like that. And then the other discussion up here, and if the waivers not received then it would be that whether or not you have some language here on the consideration of the 2-leg roundabout. Other comments or questions for the applicant?

Mr. Apicella: Mr. Chairman, there's at least a procedural issue I think under b that's been mentioned by staff. It doesn't seem to have been rectified and maybe counsel can speak to it. So, again, staff has indicated that at least in terms of the proffer statement, it should say 94 units, not 97. It's the CUP that gains them the additional, if it gets approved, the additional 3 units. But I don't know what the right fix is but it sounds... it's been repeated several times. But I think it needs to be looked at.

Mr. Rhodes: And just to confirm, Ms. McClendon, your thought on that? Should that be 94 there?

Ms. McClendon: Mr. Chairman, this is the first time I'm hearing about this issue so I'm not prepared to opine at this point.

Mr. Rhodes: Okay, all right.

Mr. Harvey: And Mr. Chairman, just to clarify...

Mr. Rhodes: Yes, please Mr. Harvey.

Mr. Harvey: From staff perspective, the 97 should include the reference to the CUP.

Mr. Rhodes: Okay, so just reference CUP... 97 subject to CUP approval or...?

Mr. Harvey: Correct.

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Mr. Rhodes: Okay. So it sounds like a half a sentence added in there.

Mr. Payne: Well, the last sentence provides, the proffers provided herein apply only to the cluster development and applicable density as shown on the GDP. I think that was the line which staff asked us to insert under b.

Mr. Rhodes: Okay, we've got a couple sentences to... potentially there are sentences to add. One way or another there's either a no go or a delay on this, so maybe Ms. McClendon can just... or we'll look at that last sentence. So that's what you believe was addressing that disconnect?

Mr. Payne: Right.

Mr. Rhodes: Okay. So we'll try and make sure everybody's comfortable with that. So that was in 1b. Other questions for the applicant? Okay, thank you very much. So, back at the Planning Commission for a minute. I'm not hearing strong objections; I'm hearing suggestions on modifications to try and accommodate a few issues here. And those are just confirmation that everybody's comfortable that 1b addresses what we want it to address; questions on modifications that would be necessary under 4 delta; and then possible modifications associated with 8. Were there any other items or do we...? Yes, please Mr. Coen.

Mr. Coen: And this is probably just for Mr. Harvey and staff, I guess it's a logistical question, which I think I know the answer but it's always nice to ask questions to make sure you. So, if we put in here that there's a cul-de-sac basically depending upon granting a waiver from and/or approval from VDOT and the County for this roundabout, and, as Mr. Harvey said earlier, the trend is that VDOT will not approve said roundabout, then...

Mr. Rhodes: No, not approve, said.

Mr. Coen: Right, but I mean...

Mr. Rhodes: Inner-parcel connector.

Mr. Coen: Right. They want an inner-parcel connector and roundabouts may or may not work. So then what are the residents stuck with? I mean, are the residents stuck with going back to just a straight cut-through? I have strong problems with the roundabout, but I'd just like to know what's the fallback? If VDOT says no to absolutely no cut-through and then the applicant says I don't want to lose the units, then a roundabout...

Mr. Rhodes: No, the indication is that VDOT will not approve a waiver and will require the inner-parcel connector. And the preliminary indication was that they would be receptive towards the small circle roundabout as a traffic hindrance or slow-down (inaudible).

Mr. Coen: Right, but if the applicant is saying that it may be prohibitive to the applicant and the applicant comes back and says nay, then that's my question. (Inaudible).

Mr. Rhodes: Then you have the inner-parcel connector. You just have the inner-parcel connector.

Mr. Coen: Right. So, in effect, we would be... even if we put in these changes, the great possibility is that the residents would be facing a status quo...

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Mr. Rhodes: Inner-parcel connector or roundabout, yep.

Mr. Harvey: Mr. Chairman?

Mr. Gibbons: But that could be... we're recommending to the Board and when he goes before the Board in public hearing, it could be ironed out there. But our recommendation forward is he make the request like he said he would and that the roundabout would be the default. That's what we recommend to the Board. And then if he can't do it and it's cost prohibited when he goes before the Board with his comments, then the Board can take it out or leave it that way because they're the one who has to make the application.

Mr. Rhodes: Mr. Harvey?

Mr. Harvey: Mr. Chairman, I was going to ask for the computer please.

Mr. Rhodes: Computer please.

Mr. Harvey: Just to have a picture to go with the discussion. This is the General Development Plan and this is the area that's being discussed. Assuming that a connection is required, there would be a...

Mr. Rhodes: They actually can see it, we just can't see it, so that's okay.

Mr. Harvey: So assuming the connection would be required without a roundabout or some other mechanism, then this would be what would be constructed; basically an extension of the street into Fireberry Boulevard. As you can see from this layout, there's not a direct connection out to Winding Creek Road. It requires a number of turns which typically what staff recommends for inner-parcel connections in neighborhoods to try to minimize the cut-through traffic. Again, that was another thought about the logic behind the idea of a traffic circle, if it was permitted or desirable in that, one, it would again further deter traffic from trying to use it as a cut-through, and also two, it would help delineate the difference between the two neighborhoods. I understand the applicant's concern about the proximity of these few lots in relation to this area here because of the depth of this lot to the corner of this property. So it wouldn't be a perfect situation where the circle would be here without impacting the number of lots.

Mr. Rhodes: Okay. Thank you. I think that was you all came up with that just after you were exploring... after you heard the questions about putting in a permanent cul-de-sac until you could do the Winding Creek expansion, and with your experience on what likely was going to be VDOT's reaction to trying to find other alternatives. Did you all come up with that one?

Mr. Harvey: Yes, Mr. Chairman, that was a staff recommendation. I was conferring with Ms. Ehly and that was something that was provided in staff comments a few meetings ago to the applicant. But knowing that there are some design issues that have to go through VDOT, I don't think it gathered that much importance until more recently.

Mr. Rhodes: As an alternative, okay. So, my sense from the discussion here is that it seems to be there is, with the increased proffers and the other discussion in trying to address this, particularly 4d, that there is some inclination to possibly setting this aside for just a minute and letting the applicant work on a little bit of modified language that we could vote to accept or not, and then dispose of this application possibly or not. Does that sound right? Okay. Mr. Payne, you're going to work on those couple little

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sections? Okay, that's what I was assuming. So we will set this aside for a minute and move onto item number 4. Mr. Harvey.

4. Discussion on Cluster Development Standards within Virginia

Mr. Harvey: Thank you Mr. Chairman. I'm just going to give the Commission an update. At our last meeting, Ms. Blackburn provided the Commission with a series of cluster ordinances from different localities...

Mr. Gibbons: Who's going to work with the language for that?

Mr. Rhodes: Well, he'll present it back up, we'll look at it and...

Mr. Gibbons: So you don't think staff should be reviewing it?

Mr. Rhodes: Oh yeah, it'll have to go to Ms. McClendon first then staff. They'll look at it and think if we've got it or not.

Mr. Harvey: Yes, Mr. Chairman, again, Ms. Blackburn discussed a little about the various ordinances that we've collected from throughout the Commonwealth on cluster regulations. There was some desire from the Commission for us to take a look at Dinwiddie County and Goochland County because they had some performance standards in their ordinance. And we're continuing to do that and work on it. One thing we observed in further discussions with representatives from Dinwiddie County is that their ordinance is set up as an overlay district, and their performance standards apply when there's an increase in density. So, for a by-right application, we would not be able to utilize those types of performance standards, but we could potentially do it in the context of our current R-1 zone where we have a possibility of a density bonus. Again, staff is going to continue to work on that and report back at a future meeting.

Mr. Rhodes: Do you have any projected timeline?

Mr. Harvey: Not at this point.

Mr. Rhodes: Okay, very good; that's fair. Okay then, so how do we look from down there Mr. English? Pretty impressive? Yeah, okay, sure. Okay, item number 5, we'll start into Liberty Knolls Block Length Waiver. I don't think this will... we've discussed this a good bit when the last application came through.

5. 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)**

Mr. Harvey: Thank you Mr. Chairman. Again, please recognize Erica Ehly for the discussion.

Mr. Gibbons: Maybe she can get through her presentation without...

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Mr. Rhodes: Without us interrupting? Yeah, we'll see.

Ms. Ehly: This one should be quick. Okay, just as a quick review, at the meeting on October 22, 2014, this request for a waiver of Section 22-156 of the Subdivision Ordinance, Block Length, was considered concurrently with a reclassification application for the proposed Liberty Knolls II Subdivision. The Planning Commission deferred the vote for the waiver until the reclassification would be approved, because the waiver was not required in the A-1 Zoning District, but is required in the R-2 Zoning District. The reclassification was approved by the Board of Supervisors at their meeting on January 20, 2015. As a quick review, the subject parcel is Tax Parcel 29-17. It's approximately 30 acres and is located on the north side of Courthouse Road approximately 1,100 feet east of Winding Creek Road, in the Garrisonville Election District. The original submission of the GDP showed a substantial impact to wetlands and Critical Resource Protection Area by the internal road network, including three cul-de-sacs, an encroachment by structures, and yard area. Staff recommended that the applicant consider an alternative design in order to avoid environmentally sensitive areas consistent with the Comprehensive Plan. This is the revised GDP and...

Mr. Rhodes: Computer please.

Ms. Ehly: Oh, sorry... I thought I asked for the computer. So, here's the aerial of the site. There's the original GDP and here's the revised GDP showing the extended block length and avoidance of that RPA wetland area. And staff recommends approval of the waiver for Section 22-156. The impacts to the wetland area is reduced by the location of the road as proposed. The GDP balances the density that is supported by the Comprehensive Plan on property with significant natural resource area and the avoidance of environmentally sensitive areas is supported by the Comprehensive Plan. And the waiver will not have an adverse effect upon the future residents on the adjoining property.

Mr. Rhodes: Okay, questions of staff? Yes, please Mr. English.

Mr. English: Ms. Ehly, I think... I just want to clarify that VDOT would not let them close that road off until something was done with Courthouse Road, correct? In other words...

Mr. Rhodes: That was on the other application.

Mr. English: This is the same... this too, right?

Ms. Ehly: Yes. Mr. Chair, Mr. English, yes, VDOT would not support temporarily closing that road, and I'm sorry, I forget the name of the road. But yes, the access point to Courthouse Road from the internal subdivision road.

Mr. English: Okay, thank you.

Mr. Rhodes: Okay. Any other questions for staff? Okay, applicant please. I mean, I don't know that there's much to this. Interrupting your train of thought there Mr. Payne.

Mr. Payne: I was working very hard on your proffer statement Mr. Chairman. Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant. I think staff has covered all the issues and as you all may recall, this was deferred until the Board of Supervisors weighed in on the application. They did and they voted 5-2 in approval. So if I can answer any questions...

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

Mr. Gibbons: Mr. Chairman, I'll second your motion.

Mr. Rhodes: Ah, this is Garrisonville. I'm handing my gavel down to Mr. Apicella.

Mr. Apicella: I've taken position of the gavel -- momentarily only. Mr. Chairman, this is in your district. What's your preference?

Mr. Rhodes: Thank you. I'd like to make a motion to recommend approval of the Waiver of the Subdivision Ordinance for Section 22-156.

Mr. Gibbons: Second.

Mr. Apicella: Okay, there's a motion to approve that's also been seconded. Any further comment Mr. Rhodes?

Mr. Rhodes: I just submit I think we did this in the proper order as staff had recommended. Typically, we don't like to do these long block lengths, but this has a very logical reason getting around that sensitive area so it'd make perfect sense and it is what the staff recommended.

Mr. Apicella: Thank you Mr. Rhodes. Mr. Gibbons? No comment Mr. Gibbons. Anyone else? Mr. Coen?

Mr. Coen: Just for when this first came up, I had a concern about the extended length of the road, the block. And so, I reiterate a concern about that. I also agree with the comments by Mr. Milde and Mr. Thomas last week at the Board meeting where they had reservations about this. In particular, Mr. Milde was raising the question that we're doing this for open space and yet there's no guarantee that the HOA in 5, 10, 15 years from now is just going to turn around and try to do something else with it. And had it been put into an easement or something, it would have been guaranteed. I know of an HOA that had an area that was designated as open space and then they really wanted to pave it over and put in basketball and tennis courts and whatnot. And the only thing that could stop it is something else, other than, you know, then the HOA could do what they want. So, I may well vote in favor of this in the idea that we're, at least for a time period, protecting the environmental aspect of this. But it still troubles me and I still have a concern, as Mr. Milde and Mr. Thomas pointed out last week.

Mr. Rhodes: Thank you very much... oh.

Mr. Apicella: Anyone else? I do have some similar concerns as raised by Mr. Coen, Mr. Milde, and Mr. Thomas. And my biggest concern is this is kind of a deviation from practice in the past, that we're doing this as part of a rezoning. And I hope we're not going down a slippery slope here. But, nonetheless, I'll ask for the motion to proceed forward. All those in favor signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. Rhodes: Aye.

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Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

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

6. 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) (Chairman coordinating with Board of Supervisors)**

Mr. Rhodes: Thank you very much. I think the Comp Plan UDA update will take a minute and so we'll set item 7... so we'll let staff confer. We'll just stand in place for a few minutes.

Mr. Gibbons: Well, on the Urban Development, if you would wish to set up a committee we could discuss that, because I'd like to volunteer for that.

Mr. Rhodes: Okay, yeah, in fact, my anticipation of the presentation that we're going to receive is going to indicate that we've got a lot of work to do in just a couple months. And I think we will, rather than doing it as a committee of the whole, might be better served if we have a committee. Thank you for volunteering, Mr. Gibbons. Mr. Coen had already volunteered. If there were a third member that would like to participate? You all can arm wrestle. You're going to defer? Okay. So, Mr. Coen, Mr. Gibbons, and Mrs. Bailey, thank you very much.

Mr. Gibbons: And I think seeing the Airport Committee work good and come back with an outstanding product, it works.

Mr. Rhodes: They did, so we're expecting the same from you. That'll be great. So, it's good to know; thank you all very much.

Mr. Gibbons: You won't have no fear of that with Mrs. Bailey on the Committee.

Mr. Rhodes: I do appreciate you taking that on because I know that's in addition to all the other things you're doing, so I appreciate it. I think that would be the most effective use of the staff's time as well as all involved to be able to move this forward. There is some pretty... as we'll see in the presentation... there is some pretty specific guidance that has come back, so that'll I think help move it along. But still, there's going to need to be some shaping of that.

Mr. English: There'll be some notice of when they're having these meetings in case one of us wants to sit in, correct?

Mr. Coen: Oh yeah.

Mr. English: Okay.

Mr. Rhodes: Yep, okay. Great. Okay, we stalled the best we could Mr. Harvey. How are we doing?

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Mr. Harvey: Thank you Mr. Chairman; I think we're on track.

2. RC1400221; Reclassification – Winding Creek - Continued

3. CUP1400222; Conditional Use Permit – Winding Creek - Continued

Mr. Rhodes: Okay, I think we're ready. Back to items 2 and 3. So, just to confirm, Ms. McClendon, you've seen this at least?

Ms. McClendon: Yes Mr. Chairman.

Mr. Rhodes: We'll decide if we all are comfortable of the construct, but you're comfortable with it from the County's legal perspective.

Ms. McClendon: That's correct and I think Mr. Payne will be addressing that for you.

Mr. Rhodes: Okay, Mr. Payne?

Mr. Payne: Mr. Chairman, other members of the Planning Commission, Charlie Payne with the law firm Hirschler Fleischer. I represent the applicant. And thank you staff and Rysheda for working with us on this modified language. I will first address 1b. In speaking to the County Attorney, we've agreed that the language should change as follows: the last sentence will read "the proffers provided herein apply only to the cluster development plan and applicable densities shown on the GDP and subject to the CUP approval." I should say "Conditional Use Permit approval."

Mr. Rhodes: Okay. Any questions on that from anyone? Very good. And then we had 4 Delta.

Mr. Payne: Uh, 4 Delta... if you could bear with me on the language here, Mr. Chairman, it's quite lengthy. I guess I get paid by the letter. So forgive me but I wanted to make sure I included everything.

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

Mr. Payne: Letter is more profitable Mr. Gibbons. "The applicant agrees not to provide an inner-parcel connection to Fireberry Boulevard, but will show a permanent cul-de-sac on applicant's property as shown on the GDP and subject to the County and VDOT... and subject to County and VDOT approval. Notwithstanding the foregoing, in any event VDOT rejects the waiver request the applicant agrees to review the possibility of constructing a modified 2-legged roundabout on applicant's property in the area shown on the GDP." It covers, one, our agreement not to build the inner-parcel connection, and the County would have to request the waiver from VDOT. If that's rejected, we will then look at the modified roundabout as part of our final plans.

Mr. Rhodes: Okay.

Mr. Payne: Which is consistent with what I said (inaudible).

Mr. Rhodes: Comments and questions on that?

Mr. Apicella: Mr. Chairman, I've got to be honest -- it was a little hard to follow the entirety of that statement.

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Mr. Rhodes: Okay, could you restate it please? Thank you.

Mr. Payne: This is 4d again, Mr. Chairman.

Mr. Rhodes: Four Delta, please.

Mr. Payne: "The applicant agrees not to provide an inner-parcel connection to Fireberry Boulevard, but will show a permanent cul-de-sac on applicant's property all as shown on the GDP and subject to County and VDOT approval. Notwithstanding the foregoing and in the event VDOT rejects the waiver request the applicant agrees to review the possibility of constructing a modified 2-legged roundabout on applicant's property in the area as shown on the GDP."

Mr. Rhodes: So the key thing there is it's not committing to the roundabout; however, it has been introduced. I would also suggest it's also been introduced late and there's time to change that as the Board hears it or challenges it. We can all highlight to our Supervisor what has transpired here, if we're willing to consider this.

Mr. Apicella: So, Mr. Chairman, is it therefore clear that if the County/VDOT does not approve the waiver and the applicant does not foresee or does not determine that the roundabout is economically viable, then it will default back to an inner-parcel connection.

Mr. Rhodes: It would be an inner-parcel connection. Is there any question with that in this? Because they have to do an inner-parcel connection short of a waiver, correct?

Mr. Harvey: Yes, Mr. Chairman, at this point in time we don't have engineering to determine what the real impacts of that type of design would be.

Mr. Rhodes: With a roundabout.

Mr. Harvey: Correct.

Mr. Rhodes: Yeah, understood.

Mr. Payne: And we promise to look at it between now and the Board of Supervisors hearing.

Mr. Rhodes: And we all know what has transpired here and it's incumbent on us to also raise to our Supervisor what the intent was in there to ensure that there's been some opportunity to look at that... I think.

Mr. Payne: And, Mr. Chairman, the next component... you know, we have included section 8 of our proffer statement regarding sprinklers in that we would offer sprinklers to buyers of all units versus the requirement that we include sprinklers in all units that's in the Conditional Use Permit or agree to the 10-foot setback. The problem with the prior one is you're talking about a lot of extra expense for sprinklers in every unit and I don't know a house in... a development I should say... in Stafford where all the units have sprinklers in them. And then the second part about the setback is these are 50-foot lots. We would lose a lot of lots if we had to have... if we agreed to the 10-foot setback. So we can't agree to it. But what we can agree to is obviously offering the sprinklers which has been the language in many other rezoning proffers that have come forward. And this is not a special use permit like

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Courthouse Manor, but this is... I'm sorry, it is a Conditional Use Permit because we do have a Conditional Use Permit tied to this on the cluster. But for the rezoning part, we cannot agree to that.

Mr. Harvey: Mr. Chairman, from a staff perspective, we would want to have the CUP conditions harmonize with the proffers because right now they're potentially in conflict.

Mr. Rhodes: And, again, what are the CUP conditions?

Mr. Harvey: Ms. Ehly has the specific language.

Ms. Ehly: Mr. Chair and members of the Planning Commission, the CUP conditions were included in the November 12th staff report information. There are 3 conditions, and the first one is "the approval of this Conditional Use Permit allows for a cluster subdivision in the R-1 Zoning District which shall be limited to 97 single-family dwelling units." That one's just your standard language. The final condition also has standard language which just states that the Conditional Use Permit may be revoked or conditions amended by the Board for violation of any of the conditions. And the only substantial condition that was included is "the residential fire sprinklers shall be provided within each residential unit or each side yard setback shall be 10 feet." And that has been the condition all along.

Mr. Rhodes: Okay. And please remind, Mr. Harvey, the requirement for the 10 feet comes from where? Or Ms. Ehly?

Ms. Ehly: Mr. Chair, the... that's a request of the Fire and Rescue. And I do believe that the justification was included in your back-up documentation, but it was also included in the Courthouse Manor. It's the same documentation that... with the reduction of... with an increase in density with the clusters and the reduction of the lot size and the close proximity of the houses to each other, that adds a safety concern for Fire and Rescue.

Mr. Rhodes: Okay, thank you.

Mr. Payne: And Mr. Harvey, correct me, but just to be clear, I mean, we initially harmonized if you will the Conditional Use Permit conditions with the proffers in one document. I think the difference is now the fire sprinkler component which staff is recommending at this point. Is that the...?

Mr. Harvey: Mr. Chairman, Mr. Payne, I believe probably in your initial submission you had proposed that they be harmonized and apparently what I'm seeing now is that our staff report included two components which is not consistent with the proffers. So, it would still need to be clarified and resolved at this point in time.

Mr. Rhodes: Those CUP, that was just read, those were from the November presentation?

Mr. Harvey: Yes sir.

Mr. Rhodes: Right? Okay.

Mr. Payne: Because we have a whole miscellaneous section in the proffer statement that was supposed to reflect, correct?

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Ms. Ehly: Yes. The initial conditions included quite a few conditions and they were revised and all the conditions were incorporated into a proffer statement except for the one condition for the 10 yard side setback.

Mr. Payne: Okay. And the difference... just for clarity Mr. Chairman, so the difference is that recommendation for either sprinklers in every unit or a 10-foot setback is inconsistent with section 8 of our current draft proffer statement.

Mr. Rhodes: Right.

Mr. Payne: That's the difference. And, as we stated, different in Courthouse Manor where's those lots were 54 feet or 52 feet wide, there was more flexibility I believe for them to agree to that. This would have an adverse impact on the lots, the number of lots that we would be able to develop with 50-foot lots that are proposed in this project. That's correct. I'm sorry, the house is 50-foot.

Mr. Gibbons: It makes that roundabout a good deal (inaudible).

Mr. Payne: I feel like... no, I won't say that.

Mr. Rhodes: So, where we stand right now, they're 8-foot setbacks, right? Is that what we've got right now?

(From audience): Ten on one and eight on the other (inaudible).

Mr. Payne: We're meeting the County Code requirement. The total is 18 feet. It's either 9 and 9 or 10/8, one of the two. That's how it works.

Mr. Apicella: Can staff respond to that?

Mr. Harvey: Yes, Mr. Chairman, the minimum setback in a cluster is 8 and, as they indicated, the combined both side yards have to total 18. So that could be 9 and 9 or 8 and 10.

Mr. Rhodes: Okay.

Mr. Payne: The minimum is 8.

Mr. Rhodes: And what Fire and Rescue is suggesting is that it be 20 total.

Mr. Payne: Ten and ten, correct.

Mr. Harvey: Yes.

Mr. Rhodes: Okay. Well, they have presented some modified proffers. They have not modified 8, which would mean you would then, if we accepted that we would then be accepting modifying the CUP, right, to join there. Thoughts? Reactions?

Mr. Apicella: Whatever we come up with, Mr. Chairman, I think we've got to strive towards some consistency. And I don't know what that consistency should be but, on one project that we recently

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approved, we went with the wider setbacks. But, again, on that same token I appreciate that the current requirements are less than that. So somehow we need to address it one way or the other.

Mr. Rhodes: We might need to modify the County Code or something, yeah, to make them consistent. It's hard to have one out as a...

Mr. Gibbons: But to gain in density from the CUP versus the... it's quite a substantial increase... the number of units. So if he doesn't have the CUP, then it's, what...?

Mr. Rhodes: Ninety-four.

Mr. Gibbons: Ninety-four. And with the CUP he gets...

Mr. Rhodes: Ninety-seven.

Mr. Gibbons: So there's 3 difference between the two, right?

Mr. Rhodes: Correct.

Mr. Gibbons: So, I guess the question is, is it worth the CUP for 3 units?

Mr. Rhodes: Okay, so we would need to vote to accept the new information that's received tonight, if we were going to act on it. And that would also depend on whether or not we're willing to accept the paragraph 8 as it is or not. So that would include in the decision there. I kind of think we ought to be, as much as possible, clear and open and transparent with external folks and that's what our code says and that's the 18 feet. I appreciate very much what Fire and Rescue says but it's kind of hard to do something different than what the code says. I don't know where we missed that in the Courthouse Manor one but that strikes me a little bit. I don't know what other thoughts are.

Mr. Boswell: (Inaudible) folded on Courthouse Manor (inaudible).

Mr. Rhodes: Yeah, I think they just accepted it and we... yeah. But I'm kind of struck a little bit by the fact if we've got something out there that people plan to and then modify, that's kinda hard. I don't know... what are other thoughts? Please, Mr. Coen.

Mr. Coen: Well, and just a couple things. One, I often in supporting our Fire and Rescue, the fire people, I've done so and I think I've barraged poor Mr. Harvey with loads of questions about how do we up the standards that the fire people say it should be X and we don't have it quite at X. So...

Mr. Rhodes: That's change of code.

Mr. Coen: Yeah. And so I've been pretty consistent that I really think that that's a concern. I also think I would be remiss if I didn't pay attention to the news reports about how new construction of homes with open floor plans and etcetera changes how fires and whatnot happen. And I'm not saying that these are going to be castles, but I do think that all the reports have been that the newer constructions, the way people wants these homes to be open floor plans and whatnot, help the spreading of fires faster. So, I lean towards that we should go (inaudible). I remember the conversation about the Manor and the idea was, you know, we should set a precedent that with closer units, it is for safety sake. And I'm going to go lean for safety sake.

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Mr. Rhodes: Fair. Okay.

Mr. Apicella: You know, having worked on the cluster subdivision ordinance change. I think now, looking in hindsight, we may have been remised that we didn't run it by the Fire and Rescue department to see what, if any, issues or concerns that they had. So I don't know that we contemplated this as a potential problem. You know, on the one hand we wanted to provide flexibility and incentivize cluster development, but I don't think in setting that 18 feet setback combo that we knew that this was going to wind up being an issue. Now I think we do.

Mr. Rhodes: So, actually what's before us is to accept the new information so we can act on the application one way or another, positively or negatively. And the new information that has been presented is with paragraph 8 as it is. That before we can act on the application we first need to decide if we want to accept the overall new information which is the increased proffers close to \$3 million, etcetera, all the other strike-in/strike-out changes. So, I guess I can... this is all Garrisonville. Or it's split right? You've got a little bit, you've got a little wedge over on the side, in Rock Hill. I'll hand the gavel over, so we might as well get this moving. I guess this is really not about a district. So I guess we need to entertain a motion to accept the new information received tonight.

Mr. Gibbons: I'll make the motion to accept.

Mr. Rhodes: Motion from Mr. Gibbons.

Mr. Boswell: I'll second.

Mr. Rhodes: Second by Mr. Boswell. Further comment Mr. Gibbons? Mr. Boswell? Other members? This is an order to act on the information we received. Okay, all those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. So now we do have the modified proffers that we can act on; they have been included and incorporated with the modifications there. Now I'd like to hand the gavel over.

Mr. Apicella: Mr. Chairman, I think we need to modify the CUP conditions then.

Mr. Rhodes: We'll have to when we get to that one. Do we act on this one first or should we modify those now?

Ms. McClendon: You should act on the reclassification first.

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Mr. Rhodes: Yeah, I think the reason for that would be if we decided not to recommend approval, then we wouldn't necessarily have to change the CUP.

Mr. Apicella: Okay. Thank you Mr. Chairman. So, this is in your district. Do you have a motion to put forward?

Mr. Rhodes: Yes I do. I'd like to make a motion to... and I'll discuss it... but I'd like to make a motion to recommend approval to the Board of Supervisors of RC1400221, Reclassification, Winding Creek, with the modified proffers as were received tonight.

Mr. Gibbons: Second.

Mr. Apicella: Okay, there's a motion to approve this reclassification and it's been properly seconded. Any discussion Mr. Chairman, Mr. Rhodes?

Mr. Rhodes: Yes please. Thank you. I just wanted to share a couple thoughts behind this, for what it's worth. If I were... if this... I don't care... if any application is going to bring something with an inner-parcel connector, I, as a person living there, I'm probably going to oppose it. But from a planning construct, I actually support the inner-parcel connectors. I just want to be out and open with that. We've got the modified proffers that are going to pursue putting in the cul-de-sac and seeing if we can get the waiver and so forth, but I just want to highlight that I actually support the inner-parcel connectors. They are important to Fire and Rescue. They are important to emergency services. They're important to snow plows. They're important and effective use of the school buses for the schools to ensure the safest transport of our students on the buses by making things connected and not having a bunch of little islands. So that's why VDOT tends to very rarely waive them. So I'm not necessarily opposed for the planning construct. I know if I were... if it were my street, I'd be the first one to be up there trying to fight it. So I understand and appreciate peoples' view on that. The other dynamic I have here that causes me to recommend approval is, if you go back to the by-right, we get... there's nothing there. This is bringing about a million dollars in from a transportation perspective. It's bringing \$1.7 million in for the schools. It's bringing 150 for Parks and Rec, etcetera. It's just short of \$3 million. Would you like more? You'd always like more. But this is bringing resources in that can assist on some important areas for the County. And lastly, the reason is our next major enhancement to our infrastructure for transportation, is Courthouse Road in about the next 4 years. I know there's a lot of question, is it going to be 4? Is it going to be 3? Is it going to be 5? But that's our next major thing we're focused on that goes up through Ramoth Church; it's actually going to fix that horrible Winding Creek/Courthouse intersection, and so we need to be leveraging that as we look at the 20-year plans and all the homes that are coming. And I think from that perspective, this tends to do that. And for those reasons I'm going to... that's why I made the motion that I did. I will be highlighting to my Supervisor the dynamic on the roundabout just to make sure there's awareness on the dynamics there. But that's the reason I'm supporting this forward. I do think we ought to consider and discuss changes to the setback. If we believe it ought to be 20 feet, then we ought to change the ordinance to say it's 20 feet -- if that's the right thing. And I don't disagree with Fire and Rescue, but I think we just ought to do it for deliberate and open transparent planning purposes. Thank you very much sir.

Mr. Apicella: Thank you Mr. Rhodes. Mr. Gibbons, any comments?

Mr. Gibbons: The Chairman and I only disagree on one minor issue and we have a great difference in this. But I don't believe in inner-parcel connectors in all subdivisions. I'm from the old school that says a neighborhood is a neighborhood, and sometimes I don't like to share my neighborhood with

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everybody in the United States. So, there's major roads you can travel and that's VDOT's responsibility. But we respectively disagree, but I back the motion.

Mr. Apicella: Thank you Mr. Gibbons. Any other comments? Mr. Coen?

Mr. Coen: Yes, I'm going to... I may well be alone in this -- big surprise... but I'm going to be voting against this for numerous reasons. One, I have a great concern about the impact this is going to have on Winding Creek. While we hope that VDOT is going to do something about Courthouse in the next 5 whatever years, there is no guarantee of when we're going to address Winding Creek. And, as far as the quality of life for the people in school buses and other entities that are going up and down that road, I have a concern about that. I understand the difference between doing a by-right and jumping up, but a by-right at 20 homes versus redoing this to 97 homes is a large difference. And I'm not quite certain that the proffers sufficiently mitigate the impact of the development on our County. Yes, we're getting up towards \$3 million, but I don't really think that the cost is going to make... to is going to be the same. I have grave concerns about the cut-through aspect, the inner-parcel connector. I really don't envision that it's going to be feasible for the applicant to put in a roundabout. I have strong concerns... maybe it's just because I go to Spotsy mall too often... but I have really strong concerns about roundabouts and I really can envision, and I don't really fault the applicant for this because it's coming at them in this manner, but to do the roundabout, they eliminate X number of homes so it probably won't be feasible so then the residents are right back to where we were back in November which is there's going to be a cut-through. And it will be a cut-through. People are going to zip through there because that's human nature. And so I just have a concern about the general welfare for the people in the County, particularly the people in both subdivisions. And so I just really don't believe that this is in the best interest of the County and I cannot support it.

Mr. Apicella: Thank you Mr. Coen. Any other comments? I'll just say that I appreciate the comments of both Mr. Rhodes and Mr. Gibbons, as well as Mr. Coen. I think your comments before, Mr. Rhodes, were well-taken and apropos. I appreciate your concerns Mr. Coen; in particular, the cut-through. I think that's beyond the control of the applicant and that's a VDOT requirement, so there's not really much they can do about it. Whether it makes sense or not, it is what is required in this case. I also appreciate the applicant made many positive changes in regards to concerns that we raised along the way and, in particular, the additional modifications they made today. I think it makes it a much better package. And the proffers I think are that much more reasonable going forward. So, for those reasons, I'm going to support it as well. So, all those in favor of the reclassification of Winding Creek with the modified proffers, RC1400221, signify by saying aye.

Mrs. Bailey: Aye.

Mr. Rhodes: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Apicella: Aye. All opposed?

Mr. Coen: Nay.

Mr. Apicella: Okay, the motion passes 6 to 1.

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Mr. Coen: Five to one.

Mr. Apicella: I'm sorry, that's right; 5 to 1.

Mr. Rhodes: We've got one more.

Mr. Apicella: Okay. Now, in regards to the CUP.

Mr. Rhodes: I would just suggest that we need to make a modification to the one CUP to be consistent with this one so that it's... the language of 8 would become the condition. Is that... I think that's what I understood staff to be suggesting; we should have consistency.

Mr. Harvey: Yes, Mr. Chairman, to avoid conflict between the two.

Mr. Rhodes: So, I would just, Mr. Vice-Chair, I'd just suggest that we modify the CUP to reflect the language of the CUP associated with the fire sprinklers and/or the 10-foot setback be modified to be consistent with paragraph 8 of the proffer.

Mr. Apicella: Is that a motion Mr. Rhodes?

Mr. Rhodes: Yes sir.

Mr. Apicella: Is there a second?

Mr. Gibbons: Second.

Mr. Apicella: Okay, there's been a motion, properly seconded, to modify the CUP conditions...

Mr. Rhodes: That's conditional on if that's how staff would modify it.

Mr. Apicella: Any concerns or reservations, staff?

Mr. Harvey: Well, Mr. Chairman, Mr. Rhodes, we would again recommend that the CUP condition be consistent with the proffer.

Mr. Rhodes: So that would... I think that would do it then. Okay.

Mr. Apicella: Okay, so trying to reinterpret that, what I hear is that we're going to make the condition consistent with the proffer that's already been approved as part of the reclassification approval. Is that your understanding Mr. Rhodes?

Mr. Rhodes: Yes.

Mr. Apicella: Mr. Gibbons? Okay, Mr. Rhodes, any comments?

Mr. Rhodes: No, I would just... I'm going to make a motion to recommend approval of CUP1400222, the Conditional Use Permit for Winding Creek with the modified proffers as discussed... or modified conditions as discussed.

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Mr. Apicella: Okay, so there's a motion on the table to approve the CUP with the modified conditions as stated, and it's been properly seconded. Any comments Mr. Rhodes?

Mr. Rhodes: Nothing further sir.

Mr. Apicella: Mr. Gibbons? Anyone else? Okay; all those in favor 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. Apicella: Okay, the motion passes 5 to 1.

Mr. Rhodes: Okay, very good. Thank you all very much. And, as Mr. English comes back up, we are moving onto item number 6. So that action will now go to the Board of Supervisors and they'll advertise it for public hearing and it'll go through the process again. So, we're now to item number 6, the Comprehensive Plan Amendment, Urban Development Areas. Mr. Harvey?

6. Comprehensive Plan Amendment; Urban Development Areas - Continued

Mr. Harvey: Thank you Mr. Chairman. Mr. Zuraf will lead the discussion on this matter.

Mr. Zuraf: Good evening Mr. Chairman and members of the Planning Commission. This item is further consideration of Comprehensive Plan Amendment for modifying Urban Development Areas as they currently exist in the Comp Plan. At the January 20th Board of Supervisors annual planning meeting, the Board discussed the issue. The intention was to get additional direction for the Planning Commission regarding the effort. Staff presented background information and posed several questions to the Board to kind of assist in their consideration. And in considering the conditions, the Board is providing specific direction which in the memo I provided you all the specific points of direction that they're providing to you. I'll go through that briefly. First was the desire to eliminate the UDA terminology throughout the plan and use some other terminology, whether it's TGA or something else. That was something that had been recommended before and they just reinforced that desire. The second point, there is a desire to retain the Brooke UDA as a targeted growth area. I think the additional consideration there was they're open to some type of intensity, development intensity that would be less than the full UDA density. But they would still like that as some sort of targeted area. They did recommend elimination of the Eskimo Hill UDA, and that had been recommended by the Planning Commission before. This would lead to the redistribution of those units to other targeted growth areas. And then in the targeted growth areas, as far as how much future growth should be received in those areas, the Board does want that current ratio of 50% of all future growth to be consistent. So, currently 50% of all future planned growth over the next 20 years is recommended in UDAs. They'd like that ratio to continue in the TGAs as that moves forward. So, in doing so, in the removal of the Eskimo Hill UDA, we're going

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to have to put more lots in these fewer TGAs. Also, the maximum density for multi-family units, those should be no more than 14 dwelling units per acre as currently recommended in the Comp Plan under UDAs. The previous recommendation from the Planning Commission had suggested up to 20 dwelling units per acre in some of the UDAs, and the Board wishes that to not be that high. And then also, on I guess the question of other adjustments or new TGAs, the Board said there should be no new TGAs added. And also then, the next point, point 7, that there should be no more boundary change adjustments except for any recommendations that might come out of the results of the Airport Compatibility Study. And that's no more changes from what was provided to the Board back in June. There were some slight modifications to the Courthouse UDA and the Southern Gateway UDA. There were no problems with that but, as far as going into new areas and the other areas and making other changes, there's no desire for that. Point 8, there is desire then also for staff to go into some of the details and see how we can provide the fewest number of townhouse and multi-family units in the TGAs in relation to the land area. So, if we can still fit the same amount of growth in these areas under single-family detached units, then that's the desire there. Staff does note that since the rate of growth needs to be maintained, and we do need to redistribute other units, that the ability to reduce the number of townhouse and multi-family units might not be that great. But we're going to go through and see what we can do with that. So we're going to go through and evaluate site constraints and run through some scenarios on the staff level and see how we can redistribute the numbers and mix of units. Also, one question we had was, well, will there be appetite to allowing for multi-family or townhouse units in the Suburban Land Use district to help absorb some of that growth. And there is no desire for additional multi-family or townhouse units to be allowed in the suburban areas at this time. And then from that, we did raise that we're up upon the 5-year update and that is required by state law. And so the Board did agree that this effort could serve as providing that 5-year update through refreshing the Comp Plan with updated build-out data and projections, but no new substantive changes beyond the UDA/TGA changes. And there's a desire to have the work completed and back to them by June. And I'll take any questions.

Mr. Rhodes: So, if they... let's round up on their behalf... if it's by June means their first session in June, I think that's like the 2nd or 3rd, it's one of the first days in June, correct?

Mr. Zuraf: It's pretty early.

Mr. Rhodes: So, if we're having it to them, we would have to vote out any final whatever we're sending to them by the second session in May, which means we're going to have to do public hearing on this. Just kind of working through. So if we give ourselves an extra work session to work it, that's the first session in May. If that's when we did the public hearing, even that you'd probably need to advertise the first session in April. So we're really talking February/March to get some product developed and go forward. Does that sound about right to Commissioners or to staff perspective?

Mr. Harvey: Yes.

Mr. Zuraf: Yes.

Mr. Rhodes: Okay. Questions for Mike. I just wanted to get horizon in mind. I know some folks have volunteered to help us move this along, but are there other questions for Mike at this point? Please, Mr. Coen.

Mr. Coen: And I know, I asked Mr. Harvey this, but I just... I'm not sure if it has to officially go through you to get an answer. I know in watching one of the Board meetings that they had a concern

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about the shifting of the RDAs, and I remembered rather clearly why we shifted it. But then I didn't... and I think I saw it in some of the background material that was sent to them, but I wasn't sure if in the item that says no boundary... number 7 about boundary changes, from Mr. Harvey they didn't actually RDAs. But we might want to just feel them out and see if that was their scope or they were just talking about the general boundary. So that was just something that occurred to me because they had a question and I don't know that it came up, because given all the other items I don't think it was the most glaring. But it would be an inconsistency if we had done it and then we sent it to them and they said, well, I told you no changes and we didn't interpret it. So, I think clarification that would be helpful.

Mr. Zuraf: Mr. Chairman, yeah, just confirming what you've heard that, yeah, the Board did not address that. So that's up to the Commission if they want to get further clarification.

Mr. Rhodes: Other questions of staff or comments to staff on what we've got here? I would note, with much thanks and gratitude from all the Commissioners and (inaudible) that Mr. Coen, Mr. Gibbons, and Mrs. Bailey have volunteered to serve as a subcommittee to work on this with staff over the next couple months to try and incorporate all the direction from the Board, identify any other areas that need to be highlighted, ensure inclusion of all the appropriate technical changes and other items consistent with item number 7 or 8 or 9 from the 5-year perspective just to make sure we've got those things incorporated, in order to come back with something that hopefully we might be able to vote for public hearing by the first session in April. So, thank you all very much for taking on that additional work. Appreciate that. Is there anything else we need to address on this Mr. Zuraf or Mr. Harvey?

Mr. Harvey: No sir, unless the Commission has questions.

Mr. Rhodes: Mr. Apicella.

Mr. Apicella: I guess my question would be when would this subcommittee try to have its first meeting? Again, you've referenced, and I agree it's on a short bell. So, I'm not sure it should necessarily wait until our next PC meeting.

Mr. Rhodes: Oh, no, I think they'll get together and work with staff and see how soon they can get together.

Mr. Coen: I guess, not to be pushy, but Mike, do you have a timeframe of certain materials that you think... so that as we're going forward we can sort of have an idea this is what staff thinks is doable on this? I mean, some of the items are pretty straightforward or they were already done. So now just, maybe it's me, but I just think it's a question of massaging where those numbers are going to be, to a large part. And then the airport one which is up to us a body to move on but that's sort of (inaudible). I'm not trying to put you on the spot.

Mr. Zuraf: We'll adjust accordingly. I mean, there are tasks that are minor and some that will take a little more time. So, if the committee wants to meet sooner, we may be ready to kind of... we can go through some of the quick things and definitely address that. But if we need another meeting for the major kind of scenario work that we've got to work through, then maybe we can do it that way, so we can keep making progress.

Mr. Coen: So, I guess my question would be, which would be the best way to facilitate this? For us to meet and then come to you, or for you to sort of bullet-point items and send them out to us so then we can turn around and meet based on what you're saying?

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Mr. Zuraf: I would suggest maybe just scheduling meetings, you know, whenever you guys are ready. And we've got all the points and then we can go through them and try to... you know, when we have a meeting set, then staff can work on providing maybe things that can be addressed right away. And then at the meeting, or in advance, let you know what we're not going to be ready for.

Mr. Coen: Okay. And then, I'm sure our legal eagle will let me know, but since there's three of us, then technically there's a certain requirement of timeframe, correct?

Ms. McClendon: Yes, Mr. Coen. There needs to be at least 72 hours' notice for a public meeting.

Mr. Apicella: Mr. Chairman, one more point. Just to re-emphasize that the scope and the charter of the subcommittee is not just to work on the UDA changes... UDA/TGA changes, but also the, I'll call it the Comp Plan refresh.

Mr. Rhodes: Yep. Okay, very good. Thank you very much. We'll move onto item number 7, New Business, Comprehensive Plan Amendment, the Regional Airport Compatibility Land Use Plan. Great work of our other subcommittee.

NEW BUSINESS

7. Comprehensive Plan Amendment; Stafford Regional Airport Compatible Land Use Plan - Amend the Comprehensive Plan to incorporate airport compatible land use recommendations for portions of the County in the vicinity of the Stafford Regional Airport.

Mr. Harvey: Yes, and thank you Mr. Chairman. There will be a discussion being led by both Mr. Zuraf and Ms. Ehly.

Mr. Rhodes: Thank you.

Mr. Harvey: And if we could have the computer please.

Mr. Rhodes: And our guests who are willing to be here for this appreciate that New Business comes at the end of the agenda, so thank you all very much.

Mr. Zuraf: Okay, Mr. Chairman, members of the Commission, myself and Erica is here to present to you the Stafford Regional Airport Compatible Land Use Plan that was the work of a subcommittee over this past year. So, what really the Commission has to consider is adoption of Airport Compatible Land Use guidelines around the Regional Airport as an element of the Comprehensive Plan. As the document has been provided to you, it's identified as a potential section, 3.6, of the Land Use Plan chapter of the Comp Plan. That's how it's kind of been formatted but that can be adjusted if so desired. Looking back at the timeline of this work, this started back on April 2nd of 2014. There was an initial meeting at that time between the Planning Commission and Stafford Regional Airport Authority that was to discuss the concerns with conflicting land uses at the time. And, as a result of that meeting, a subcommittee was formed to develop these guidelines. The subcommittee thereafter, from June to October, met 6 different times at the Regional Airport to work on the guidelines. And on November 6, the committee did hold an Open House when the guidelines were presented. And the public comment period was open through November 20th. After November 20th, on December 18th, the subcommittee held its final meeting to finalize the draft document and incorporate any changes resulting from the Open House and other comments provided to staff and the committee. So looking at the... in reviewing the plan itself, it's

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broken up into different sections, and we'll go through each of these sections in a moment. There's an introduction and background of the airport area of impact, or the areas that are subject to this plan; the zoning land use analysis; and land use compatibility guidelines themselves. So, first looking at the introduction section, this kind of covers the basis for this document. It refers to some of the basic existing policies and there's policy 4.9.1 in the Comp Plan which does state that the County should develop the land use compatibility standards for new development to conform within the aircraft approach patterns of the airports and landing strips. And just in general, also good planning practice would be to minimize conflicts between conflicting uses, and so there's a potential for that in this situation. And we do know that growth potential is high around the Stafford Regional Airport so there's definitely benefits in doing this. Now looking at the background section on the airport and the plan, this is the section that reviews kind of the history of the airport. It does go over the existing conditions and operations of the airport; discussion of the future plans. The image here is out of the airport's master plan highlighting how they plan to grow in the future, and a brief discussion on the economic impact that the airport does provide to the County. The next section goes over the areas of impact, the areas that would apply under these guidelines. This map highlights the areas that would apply. This area, it's basically the airport impact zones. These airport impact zones closely correspond to the County's Airport Impact Overlay Zoning District which is currently in place in the Zoning Ordinance. Some of the zones have been divided into finer detail and sub-areas which I'll discuss in the next slide. So, the airport zones, there are approach zones. Those are the blue shaded zones. And those areas, you have AP-1 which is identified as the area closest to each end of the runway. Then you have an approach mid-area identified as AP-2. That extends from the end of AP-1 out 14,000 feet to the southeast and 10,000 to the northwest. And then AP-3 is the outer approach and that is running off of the screen in the lower right-hand side. That extends out 50,000 feet from the runway, actually out into King George County. And then to the side of the approach area you have an approach transitional area. Along each side of the runway, the T Zone in green, that's the transitional zone. And then you have a horizontal zone which is kind of the circular area around the runway. That, during the effort under the Overlay Ordinance, that's just identified as 1-H Zone, but through the work of the subcommittee and discussions, it was the desire to kind of break that up because it is such a large area. There's different impacts. The H-1 area is kind of where there's straight stretches for small and large aircraft to run along each side of the airport if the airplane is circling. But then there's the H-2 Zone which is kind of the outer edge of that pattern, where it was identified that that area might be less of a concern. The H-3 Zone area, that's the turning area within the horizontal zone which was identified as maybe an area where there'd be a little bit more concern with what uses might be going in those areas. And then the outer conical area is the kind of outer buffer around the horizontal areas. Part of the document we do provide an analysis of the zoning and land use in this area. And in doing so, the document includes the zoning and land uses in these areas. The analysis section helps to determine the type of potential development that might occur by comparing the zoning districts to the future land uses in each of the overlay zones. Several of the areas do show kind of land use consistent with current zoning. For example, the outer approach areas in AP-3, those areas are primarily all A-1 zoning and then the corresponding future land use is agricultural and rural; so, those all kind of match up. But then when you look, this does identify areas where there is potential for changing land use. These two charts and graphs highlight the H-1 Zone, and this identifies a zone that might be impacted by future development. The table does show, under zoning on the top, that the majority of the zoning in this area is zoned A-1, the second amount of M-1, but then when you look at the corresponding future land use acreage in that same area, the largest land use area is Urban Development Area, and second most, Business and Industry. So, there's potential for a change from that A-1 zoning over to zoning that supports Urban Development Area.

Mr. Rhodes: Mike, the H-1, that starts a little under... is that about a mile, the outer boundaries of H-1, is that about a mile from the center of the runway?

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Mr. Zuraf: It would be almost 2 miles. It goes out... the outer edge of the H zone is 10,000 feet.

Mr. Rhodes: Ten thousand feet.

Mr. Zuraf: That's the full outer edge of H-2 and H-3.

Mr. Rhodes: Left and right of the runway.

Mr. Zuraf: Yes, yes.

Mr. Rhodes: Okay, thanks.

Mr. Zuraf: So then the next section of the plan which I'm going to turn over to Erica would be the section that does include the compatibility guidelines.

Ms. Ehly: Good evening again. So, the next section is the guidelines that were established there. The form they appear in, the document, is through the goal objective and policies which staff did complete research, looking at nationwide standards in adopted documents from various states and also national document. There was a study that was FAA supported, and so I just have the list there on the slide. And then the policies from that research created development standards and a review process. So, the land use compatibility matrix, which is table 1 in your backup documentation, which is the table kind of identifying what's compatible and incompatible and then what would require additional review. It's a tool to help identify compatibility between use and functional activities related to the airport. Particular uses may be compatible or have incompatible elements with an airport when located in a particular zone which Mike just described the different zones. The level of incompatibility is related primarily to safety, but also to the viability of the airport and the surrounding development. So here is the table which you've all seen. So this is just showing the institutional and residential uses called out there. It goes on to commercial, industrial, recreation open space, and agricultural. And so, what I did was I took a... well, actually, I'll just go back really quick, sorry. So you can see the red is the non-compatible use and the zones are across the top. The green is for compatible and then you'll see an AR which is Additional Review, which means that these uses can be compatible in these zones with additional review which would provide standards that can mitigate the incompatibility. And additional review standards in the document are concerned with externalities and that's usually with industrial uses such as smoke and glare and population concentrations, amount of usable open space, minimum distance from the runway for certain residential development, height limitations, management of vegetation and wildlife, navigation easements, and disclosure notices and noise mitigation measures. So, an example of a lot of the reclassifications that we see are to develop a residential subdivision, which is a request for additional density. The table 1 shows that that would be compatible in the AP-T and the C zones; not compatible in the AP-1, AP-2, T and H-3 zones; an additional review in AP-3, H-1, and H-2. And I have map there. So, basically where the red is, is where a reclassification for increased density for residential subdivision would not be compatible. And then the additional review is required in AP-3, H-1, and H-2, which I'll go back to the map. Sorry for going back and forth, but just so you can see where... And the AP-3 is to the south towards King George County, so that's not really shown here; and then the H-1 and H-2. So, when we would receive a reclassification for a single-family small lot, that's usually what we're saying quarter acre lot residential development in the AP zone, the standard would encourage clustering with usable open space, minimum requirement of 50% open space, and the notification statement on all plans of development and marketing literature that it's in close proximity to airport operations and things like that. In the H-1/H-2, residential uses are prohibited within 3,000 feet of the centerline of the runway. Areas of a proposal located within routine overflight zones should meet the usable open space

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requirement and site open space requirements. Development should be clustered outside of the overflight zone areas, and this would also require the real estate disclosure notice and a notification on all plans and encourage noise mitigation measures. So, when we would receive a reclassification in the H-1/H-2 zones, those would be the things that we would be applying. As for mitigation measures, we would want to see that in a proffer statement or something like that. That's what these standards would lead to. And then, just as an example of a commercial site, outright they are compatible in AP-3, AP-T, H-2, and C zones; not compatible in AP-1 zones. Those are just the zones right at the end of the runway. Additional review in AP-2, T, H-1, and H-3 zones. So, the only place where the commercial development is outrightly incompatible is the A-1 at the end of the runway. And additional review for general retail and service uses include population concentration limits for the site and for single acre. There's thresholds later on in the document. Larger shopping centers should provide usable open space and parking lot lighting should not be linear in design to avoid confusion with runway lighting. And the population thresholds are something that was identified in the California Airport Land Use Planning Handbook, and they have established threshold numbers which are... I'm just going to read how they determined that. The site-wide average intensity is calculating the total number of people expected to be on a site at any given time under normal conditions divided by the total number of acres of the project site. The single-acre intensity is calculated by determining the total number of people expected within any 1-acre portion at one time. So that would be, you know, wherever you would have the building or you would have a higher concentration in a certain area for a certain reason. You can determine the number of people per use; it can be determined by parking calculations or it can be determined by building code, occupational load; there's all various ways. We used parking calculations because that's something that's pretty standard in the code and that's something that, if we go forward, we can certainly discuss what the best way to calculate or even if you want to keep the population threshold in the document. So, we have an example of two applications we've seen recently. So, for McWhirt Loop, the size is 2.92 acres for the site and the use is the retail fast food coffee shop. It's a little over 10,000 square feet. And the parking requirements for that is 41 spaces, so that yields... when you use parking space calculations, it's 1.5 people per parking space. That's the standard that we saw in the literature. So it's 62 people site-wide, 22 people per acre, and then if you go back... so it exceeds the AP-2 site-wide average. So if you go to the threshold table, the AP-2 site-wide average is 40 to 60 people per acre.

Mr. Harvey: Mr. Chairman, just to clarify, that example is not located within any of the zones, but we use that as sort of a mental queue for the Planning Commission because you're familiar with that project.

Ms. Ehly: Yeah, sorry, these are just examples, yeah, and then we would pretend they're in the area just to kind of get an idea of what we'd be looking at. And so then we did North Stafford Office Complex also. And, so the other element of this is you have the population threshold and you also have the usable open space. And the usable open space in the document is basically 300 feet by 75 feet, and usable open space is required as a safety measure in case a plane needs an open area to land or crash. So, in certain zones you want to have that. And that's basically half an acre of open space. So that would also be a consideration for certain development in certain zones. And that is...

Mr. Rhodes: Comments or questions for staff or many of our guests?

Mr. Coen: Hi.

Mr. Rhodes: Mr. Coen.

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Mr. Coen: Big surprise. Just a quick question and I don't expect you to know the answer right off the top of your head. But one of my other hats is to serve on the CIP Committee so it would be sensible to ask. And my eyesight really is getting bad with all the different colors. So if you could, at some point, just shoot me an email about, or answer now, where the Clift Farm property is in those zones because I could tell some streets but I wasn't quite certain. And then, if we were to use the average, the site-wide average intensity, population threshold, how would that apply to other types of either recreational, schools, or whatever? Because I see there's recreational open space but the Clift Farm I think is under one of those zones and I just was curious. Thank you.

Mr. Zuraf: As far as...

Mr. Rhodes: Computer please.

Mr. Zuraf: Yes, if we could have the computer please. The Clift Farm, the school site?

Mr. Coen: Yes.

Mr. Zuraf: Okay. That would actually be... is down in this conical area next to AP-2 -- if you go down lower Jeff... lower... over then to the left... a little bit more... right there, yes. So it's in the conical zone. And as far as populations thresholds, that would... there are no specific thresholds for the conical. Yeah, there are not population thresholds for the conical because it's the outer edge.

Mr. Coen: Thank you.

Mr. Rhodes: Mr. Apicella? Mr. English?

Mr. Apicella: I mean, I don't have any questions. I would just say a couple things. Number one, it's a lot to take in, it's a lot of material. As noted in the staff report, we had six meetings on this and I'd say we started with a big package of information and kind of weaned it down. We asked a lot of what if questions and ran through a bunch of scenarios. The real devil in the details is in the table and the additional review guidelines, as well as in the population thresholds. And, again, we spent a lot of time asking ourselves did it make sense, you know, what kind of adjustments did we need to make. In many cases... not in many cases, but in some cases we changed what was recommended because, in reality, it needed to be tweaked. So, a lot of time and effort went into this, a lot of research was conducted. Again, I think it's a good model, it's a good package, it's a good set of criteria in terms of additional review, because we wanted to make sure that both the public and the development community, as well as officials, knew what on its face would be compatible, what on its face would be not compatible, and what might be potentially compatible based on additional review in this different pockets around the airport. And I think we achieved that goal. You know, some may disagree with what should be compatible versus not compatible or what should require additional review. But at least we provided some context and, again, some specific criteria to bounce specific proposals that might come before the County to see how they marry up with the different criteria that's in place.

Mr. Rhodes: Very good.

Mr. English: Yeah, and this document I think was long overdue. I think a lot of residents needed that and the community needed that in that district. And I'm hoping that we're going to keep that population threshold document in. I think it's another good tool for when doing that. And my hats go off to staff;

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they're the ones that did, I'd say, 95% of the work for us. And then, of course, the airport; they're input too. And I don't know if they had anything to say but they were a major help.

Mr. Rhodes: You've been here the whole time; you're more than welcome to come up and comment if you'd like to. You patiently sat there in those very comfortable chairs.

Mr. Palmer: Hamilton Palmer and I'm Vice Chair of the Airport Authority. And we did work with Mr. English and Mr. Apicella, and Lindy Kirkland also with the Airport Authority, and Ed Wallis, our Director. And I can't say enough about staff and what Stafford County has provided, the technical expertise or the resource to go along and bring us the information so that we could put this packet together and bring to you. And I think it's comprehensive; I think that it provides objective criteria for anybody that is going to develop or planning on developing around the airport. We strive to be objective with this and use existing technical criteria, so that's what you're seeing in the document. But my hats off to everybody who worked on it. Thank you very much.

Mr. Rhodes: Thank you. So what are the next steps?

Mr. Harvey: Mr. Chairman, this is a proposed amendment to the Comprehensive Plan. There's two routes in which this can travel: one could be that the Commission, assuming that the information in the proposed amendment is satisfactory, could authorize a public hearing; or two, if the Commission is satisfied with the information and would like to get some feedback from the Board of Supervisors prior to conducting a public hearing, send it forward for their review and a referral.

Mr. Rhodes: I'm strongly inclined towards number two, but...

Mr. Apicella: Mr. Chairman, again, it's a lot to take in. Although, again, I think it's a very good product. And I think it would help us and it would help the public ultimately if we ran this by the Board and got their review and direction before we proceeded forward, because they may have a different view of the world and it would be good for everybody to know what they're viewpoints are and what kind of direction they want to give back to us going forward.

Mr. Rhodes: So, two paths there. One is, we keep it, look at it, maybe do something else to it; I'm not necessarily suggesting that, and then send it to the Board. Or two, we go ahead and develop a communication and send it to the Board now. Where are folks on this?

Mr. English: I would like to send it onto the Board and get their input.

Mr. Rhodes: Do people need some more time to digest and think through it?

Mr. Coen: I like that, and excellent work by the staff and the subcommittee. Also, when we send it to the Board for their feedback, we might just want to remind them that this would be part of what they want back in June and so that's why we'd like their feedback before public hearing... is to get it so that when we have a hearing, it's really moving forward in a good way. I guess this is... if I could ask a question to the other Mike... and this is just a conceptual question because I know from asking way too many questions, this plan is based on the 1,000-foot extension to the runway. If, in the future, at some point somebody's desire is to try to improve the current airport so they can handle other types of planes, other types of whatever, at that point in time, I mean, this is made for the status quo ante so, therefore, if 20, 30, 40 years from now they'll be looking at the fact that we made a zone with thresholds based on

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this when at some point, and then that future Board would have to try to change the language and change the zones and change all that, at that point in time.

Mr. Zuraf: Yeah, if there was a desire to make any changes or extend the runway further or anything else, then it'd be wise to further modify the Comp Plan to modify the zones and the County would likely also need to modify the Overlay District to address whatever changes (inaudible).

Mr. Coen: And just from a, again, a kind of (inaudible) because the Comp Plan is sort of this blueprint for the future, and it maybe you or Erica's mindset, is there enough flexibility in what's been proposed that we're not setting up a situation where we've said, okay, these types of homes are compatible in this and then 30, 40 years from now, if something changes, we've just set ourselves up for a problem. Or is there enough flexibility to address that or to do that? Again, I'm not expecting you to, you know, be a soothsayer and predict in the future, but you just sort of want to set it up that we're not here 20 years from now or 15 years from now saying well why didn't you think of that.

Mr. Zuraf: Well, I think the way the matrix was set up, we did keep the uses... we tried to keep it general because the different examples we've looked to, there are some states that had guidance that was very specific on every different type of use. And I think the desire of the Committee was to kind of keep this general for as in example of residential, we kept it general to large lot residential single-family detached under an acre, townhouses, and multi-family, and not get into too much detail as to trying to guess all different kinds of unit types.

Mr. Coen: Thank you.

Mr. Rhodes: So, Mr. Harvey or Mr. Apicella or Mr. English, did you all envision a certain communication going with this to the Board? Or just have staff present it up on behalf of the Planning Commission to gather their comments? Or does anybody have a thought?

Mr. Gibbons: Mr. Chairman, I'd like to make a recommendation that the Committee brief the Board. They have work sessions.

Mr. Apicella: I'm happy to participate but I'll tell you flat out that staff are the experts here; they did the yeoman's work on it and I'm not going to say we were bystanders, but again, I think it was a collaborative effort and I can't replace the knowledge or experience that staff brought to the table.

Mr. Rhodes: I am Kentucky educated and I am absolutely sure I still don't understand what half that stuff said but I'm trying; it's going to take me a while to get there. Mr. Harvey, thoughts?

Mr. Harvey: Mr. Chairman, certainly if the Commission so desires to send this forward to the Board, the staff will work with the Administrator's Office to try to schedule this on a future meeting with the Board. I'm not certain if it would start at a Committee and work its way up, or go directly to the Board. But that would yet to be determined. Certainly we would reflect the Commissions' overall desire with regard to moving forward.

Mr. Apicella: There's one other thing I would add. It wasn't necessarily a part of our charter or portfolio, but I understand that the Board of Supervisors were briefed on the Research Park, on the strategic plan for the Research Park. And I think one or more Board members suggested that a similar effort be undertaken for the airport. So, I'm not saying that we would do it; I think they had a consultant do it for them. But I think it, in concert with this effort, with the modifications to the Comp Plan, the

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desire for more business and industry in Stafford County, and in particular around the airport, I think it would behoove the County to kind of create a vision and a plan going forward on how to best maximize this asset that, for the moment I think and everyone would agree, it's not completely and fully utilized -- which I think the desire is there but we're not there yet. And I think it's going to take some steps to do it. So, I think perhaps, I hope, my fellow Commissioners would endorse the notion that the County, in concert with the suggestion made by a couple of Board members, should consider moving forward with a strategic plan for the airport and its environs.

Mr. Rhodes: Fair. From the perspective of the Airport Compatible Land Use Plan, so is it... I'm hearing a developing consensus to possibly have a motion to recommend that it be brought forward... staff bring it forward to the Board acknowledging the Planning Commissions' willingness to meet with them at any time to help understand, discuss and work it forward with the intent of getting their feedback on it so that we could go forward with public hearing?

Mr. Apicella: I would just say the Committee, not just the Planning Commission reps, but again, there's certain questions that I certainly lack the expertise on that I think the airport...

Mr. Rhodes: I was just referring to Mr. Apicella would take it himself. Yes, in fairness, yes. But just acknowledging that certainly we're not just handing it off but we're more than willing to come forward and discuss with the Board or interact with them in any way for them to understand, but with the intent and desire of getting it back as soon as possible with their feedback so that we can take it forward to public hearing. Do we have a motion?

Mr. English: I make a motion to do that.

Mr. Rhodes: Motion by Mr. English to move this forward to the Board with said communication and desire to move it forward.

Mr. Apicella: I'll second that.

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

Mr. English: No sir.

Mr. Rhodes: Further comment Mr. Apicella?

Mr. Apicella: Again, I just would ask that we not lose sight of the other thought that I had about the County moving forward with a strategic plan, sooner rather than later, on the airport as well in concert with everything else that's going on that we've been tasked to do.

Mr. Rhodes: Fair.

Mr. Coen: Do you mean that as a friendly amendment?

Mr. Apicella: If it helps, yes.

Mr. Rhodes: So, there's an amendment that in the communication that staff brings this forward, they also acknowledge the Planning Commissions' observation of the need and desire for an overall strategic plan for the airport and that this could be a part of it. Okay.

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Mr. Harvey: Mr. Chairman, just to clarify, is that...

Mr. Rhodes: We made up all kinds of stuff there.

Mr. Harvey: ... is that an Economic Development strategic plan for the airport? Because I know that the airport itself has its own master plan.

Mr. Apicella: I would leave it open-ended. I don't want to frame it beyond that. I think the Board...

Mr. Rhodes: We think this could be part of a larger plan, larger strategic plan associated with the airport and we'd like to assist in any way possible to see one go forward. But particularly, we'd like some feedback on this so we can move this one forward. Thank you. Okay, any other comment? Yes Mr. Gibbons, please.

Mr. Gibbons: Mr. Chairman, I don't think the public really realizes the significant importance of what has been done. We've lacked this for 20-25 years and within 6 or 7 months, everybody brought it forward and we are where we are today thanks to the heroic effort of a few dedicated souls.

Mr. Rhodes: And it's going to be exciting to take it to public hearing when we can get there.

Mr. Gibbons: Yep.

Mr. Rhodes: Okay, all those in favor of the motion to move this forward to the Board for feedback with some other commentary signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None? Passes 7-0. Thank you all very much. Thanks for joining us! And we'll move onto the Planning Director's Report; Mr. Harvey.

PLANNING DIRECTOR'S REPORT

8. 2014 Annual Report

Mr. Harvey: Thank you Mr. Chairman. As a reminder, we have the Annual Report from last year.

Mr. Rhodes: Right. Were there any comments or feedback from anybody? I do know... I will acknowledge and I would ask if folks would allow me, I would like to add a paragraph on the end which I have failed to do. But, before we send it out, I'd like to add a paragraph at the end just to formally,

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from the Planning Commission perspective, acknowledge the great work of our staff. And if you'll give me the leeway, I'll add that in there. Were there any other edits or comments to it from the review?

Mrs. Bailey: Yes Mr. Chairman.

Mr. Rhodes: Yes, please Mrs. Bailey.

Mrs. Bailey: Mr. Harvey, I also completed the Certified Planning Commission course.

Mr. Harvey: Thank you.

Mr. Rhodes: We'll get that; great. Anyone else? Okay, all in favor of the Annual Report as written with the one amendment and the flexibility to add a paragraph at the end 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? Nope. Thank you very much for doing that great work Mr. Harvey, and I'll get you that last bit of information and you'll make the edit Mrs. Bailey raised. Anything else Mr. Harvey?

Mr. Harvey: That concludes my report Mr. Chairman.

COUNTY ATTORNEY'S REPORT

Mr. Rhodes: Very good. County Attorney's Report.

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

COMMITTEE REPORTS

Mr. Rhodes: Thank you very much. What Committee? ARB meet? Any other Committee Reports? There will be one soon. Okay, very good.

CHAIRMAN'S REPORT

OTHER BUSINESS

Mr. Gibbons: I've got one item Mr. Chairman.

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Mr. Rhodes: Yes, please.

Mr. Gibbons: I gave you and Jeff a copy of the proposed Bill down in Richmond, of changing of zoning and they were supposed to be meeting today and I can't find out what the progress was. But it changes the whole way we zone.

Mr. Rhodes: There was basically preliminary approval would come from staff until such time that we actually got to see it on the Planning Commission. I mean, it's just the bizarre-est language.

Mr. Gibbons: Yeah, but there was supposed to be a hearing today on it. We haven't heard anything?

Mr. Rhodes: Did you hear anything on that Jeff?

Mr. Harvey: No sir, I haven't connected with any other staff members (inaudible).

Mr. Rhodes: Preliminary assumed approved until the Planning Commission can see it and decide whether or not... I mean, it was just really weird. Okay, well we'll look out for some feedback on that one.

Mr. Gibbons: Okay. Jeff, what I would do in the morning, you might want to have somebody get ahold of Delegate Cole and have them give an update on it. That's the most significant change I've seen in that code in many a year.

Mr. Rhodes: It was crazy.

Mr. Gibbons: And then the other item, sir, is that when we're getting into the Comp Plan change, I think it's time that we get some newer technology. And I've seen... it's a long time and we're so paper orientated that we can't interact with technology. Now there's new smart boards that are touch screens, the new Surface Tablet where 5 or 6 people can get up and change things and do, and I think we ought to start asking the Board to look into that as we go through the Comp Plan edits. The more automated we can make it for the residents and the industry, the better off we'd be.

Mr. Rhodes: So, I would think that we would ask staff to explore some options, but certainly Mr. Gibbons, you touch all this stuff, if you have some suggestions too and we could see what we can incorporate. I can't operate any of that stuff. You're much smarter than I am on that.

Mr. Gibbons: Right. That's why we disagree on the neighborhood.

Mr. Rhodes: Yeah, that's right. I would like to actually, I think we need to get the technician out here. It used to be that after I got my every other week haircut I had no white hair and now I'm seeing on this thing here, it's there even after the haircut. There's something wrong with the screen. I think it's the lighting; we need to turn down the lighting. Chairman's Report. I would... I apologize Mr. Coen, I'm not sure if I ever responded. You had an email with a suggestion the Planning Commission formally thanking the School Board for their responsive actions on the George Washington Village. I mean, they turned very fast to get some feedback to us and I think that was a great suggestion. And we'll work with staff to try and do some type of a communication back to the School Board thanking them for that partnership in that effort. I didn't really have anything else from a Chairman's Report perspective. I would entertain a motion for approval of the minutes, November 12, 2014 minutes.

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APPROVAL OF MINUTES

November 12, 2014

Mr. Gibbons: So moved.

Mr. English: I'll make a motion.

Mr. Rhodes: I think Mr. Gibbons was like half a second ahead of you and you can second it Mr. English. Is there any other comment Mr. Gibbons? Mr. English? Any other member? All those in favor of the motion to recommend approval of the November 12, 2014 minutes 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. I'd also entertain a motion for approval of the December 10, 2014 Joint School Board and Planning Commission minutes.

December 10, 2014 Joint School Board and Planning Commission

Mr. English: I'll make a motion.

Mr. Rhodes: Ah, Mr. English beat you. Okay, good. Mr. Gibbons second. Further comment Mr. English?

Mr. English: Mr. Coen seconded.

Mr. Rhodes: Who did I give the motion to? I gave it to everybody. Okay, motion by Mr. English, second by Mr. Coen. Any further comment Mr. Coen or Mr. English? Anybody?

Mr. Apicella: Mr. Chairman, I'm going to abstain. I wasn't here.

Mr. Rhodes: Very good. All those in favor of the motion to recommend approval of minutes for December 10 Joint School Board Planning Commission meeting signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

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Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; 6-0-1 is the score. You get 1 point, we all get 2. Very good. Any other things we've missed? Mr. Harvey?

Mr. Harvey: No sir.

Mr. Rhodes: Okay, Mr. Coen.

Mr. Coen: Also in the email, there were a couple other things that I didn't know if either the Commission wanted to think about, dwell about, ask about, besides the item about the School Board. One was to sort of take... there's been a lot of discussion at the end of last year about retail and how box stores are dying and that the whole nature of retail is shifting. I know a senior citizen who is exceedingly adept at using her Kindle and did most of her Christmas shopping on that. And so if the nature of retail is shifting, as we go forward, there may be something that we need to be aware of and think about. So I didn't know if we wanted to check with Economic Development and get their take of that aspect. Because as we're looking at items that are coming in with all sorts of basically brick and mortar stores as a large component of it and a major attribute of it, if that's not the way the Country's going because people are going and buying things online, then maybe we need to be of cognizance of that and start rethinking how we look at development. So that was one thing and that's just a question that I don't know if we can just ask Economic Development for.

Mr. Rhodes: Would you like to, if you could Mr. Harvey, just probe them to see if they have some views that maybe they might want to share back?

Mr. Harvey: Yes, Mr. Chairman, I will contact them. We also have been reading that there's changing in the industry with regard to square footage of office space. They're also finding that the square foot per person for office space nationally is decreasing.

Mr. Rhodes: Okay, very good.

Mr. Coen: And then the other thing that I raised, and I know staff did a great job tonight with it, but and I'm not sure if it's a new element, but we keep seeing as part of proffers is an offset. If they are giving us parcel in for right-of-ways or for Parks and Rec or whatever, and we saw a bit tonight where the question is, the assessed value versus their best practices value. And I just think it would be helpful for us and I think staff has already worked on this to come up with a matrix that we understand and that it's pretty transparent of, this is what they're saying, this is what our assessment is or whatever.

Mr. Gibbons: Isn't that at the Board level now Jeff? They never did give it back to us, have they?

Mr. Harvey: Mr. Chairman and Mr. Gibbons, the proffer guidelines have been reworked by the Board of Supervisors' Finance, Audit, and Budget Committee. It is to come back up at a future Board of Supervisors date for consideration of another public hearing. So it's not been adopted yet.

Mr. Gibbons: But part of that recommendation is, is there a process of assessing?

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Mr. Harvey: Correct. The draft guidelines speak to how to determine the value of proffered land or construction. In the case of proffered land, it would be based on an appraisal provided by the applicant and it would be reviewed by the Commissioner of Revenue's Office for determining whether it followed normal appraisal practices and/or use of the assessed value from the Commissioner of Revenue's Office. Either one of those two mechanisms for determining the value of the land.

Mr. Coen: And my point is I think it would be helpful for everybody, granted it's still up on there, but I think it's helpful as we go forward to sort of understand the differences. I think staff did a great job tonight. We're saying this is what the assessed value is and (inaudible). And I think that just helps... I think the Chair kept using the word transparency. I think that just helps with transparency.

Mr. Rhodes: And I think, just to clarify, I think part of your point was just ensuring that in the staff reports we make sure to acknowledge what the bases of the numbers are and whose points (inaudible).

Mr. Coen: Right. And again, I'm not trying to... I think staff does a terrific job but often in the last several months a project has come up and different members have asked about a number. And the answer's been well that was developed by the applicant. And I just think it's helpful for everybody, especially if anybody goes online and gathers this material and sees it, they understand.

Mr. Rhodes: Make sure there's no misunderstanding.

Mr. Coen: Right. I mean, maybe it's my day job of citing your sources, but I just sort of think it's good to cite where the information is coming from because then that makes a difference as far as how it's perceived. And I think the staff does a terrific job and I just want to help them out in that aspect.

Mr. Rhodes: Very good; good points. And I think we can work on those. Anything from anyone else? We could stay an hour and then we'd have the right to... never mind. Okay, we're adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:00 p.m.