

***STAFFORD COUNTY PLANNING COMMISSION MINUTES***  
***December 10, 2014***

The meeting of the Stafford County Planning Commission of Wednesday, December 10, 2014, was called to order at 6:30 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

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

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Are there any declarations of disqualification this evening? Mr. Gibbons.

Mr. Gibbons: Sir, I talked with the attorney on the George Washington Village.

Mr. Rhodes: Very good, thank you.

Mr. Apicella: Mr. Chairman, I met with the applicant on item number 2.

Mr. Rhodes: Very good. And again... Mr. Coen?

Mr. Coen: Yes, Mr. Chairman, I met with the applicant for item number 2 and then residents and/or workers with number 2, 3, 4, and then theoretically number 7 but I don't know that we're getting to that one.

Mr. Rhodes: Okay, very good. Mrs. Bailey?

Mrs. Bailey: Yes, Mr. Chairman, just a conversation with a homeowner and with the applicant's agent in regards to item number 4.

Mr. Rhodes: That's fair, thank you very much. And again, just to confirm, those were not necessarily declarations of disqualification but, as has been the practice, the Planning Commission in the past year or so, we just like to make sure there's full transparency in some of the other dialogue that has occurred. With that we will move onto Public Presentations. If there's any member of the public that would like to speak on any item except items 1, 2, or 3, those there will be a separate session for public comment, but if you'd like to speak on any item other than those that are on the agenda for 1, 2, and 3, you may come forward and do so at this time. When you do, we would ask that you state your name and your address. When you do, a green light will come on indicating that 3 minutes are available. A yellow light will come on when 1 minute is available. And then when your time expires, a red light will start flashing and we would ask that you wrap up your comments please. Yes sir.

PUBLIC PRESENTATIONS

Mr. Waldowski: I'm the Grinch, Paul Waldowski. As usual, I brought you your bag of coal for retail space, signs that are still living within our County. And since I'm not Santa Claus, I'm just a Grinch, let me go through some of the aspects for the citizens so they understand why we now have more rooftops

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planned than treetops in the County. Now, Lady Justice is supposed to have this blindfold on and yet we go through this aspect in the County and it seems that if you're on the east side of I-95, the blindfold is on the left eye. And if you're on the west side of I-95, the blindfold is on the right side. You know, even the Grinch, even though he was unloving to his dog, at least the dog was loyal to him and what's going on. And I love the invocation. The Grinch is supposedly bitter and grouchy and cave-dwelling, but that's because he has a heart that's two sizes too small. You have to remember, he lives in a snowy Mount Crumpet in Buffalo, New York, where you get 7 feet of snow sometimes. And on those steep high mountains just north of Whoville, he knows that there's the home of merry and warmhearted Who's that also live in Aquia Harbour. Now, I brought my friend Sam I Am today because I'd like the citizens to know that term limits are always possible on Election Day. We have three incumbents coming up. Many of you don't realize that we have 7 people on the Board of Supervisors and 2 of them did not even get 51% of their district. And every year they're supposed to provide a list, just like we provide a list to Santa Claus, of things that we need to fix in our County, especially for representation. So, maybe 2012 will be a bigger year of what's going on. And I wish each and every one of you a Merry Christmas, Happy Holidays, and all those aspects. And even though I brought you the bag of coal, like I said, I'm not Santa -- I'll bring it back next year.

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

Ms. Calender: Good evening, I'm Alaine Calender. I'm not able to stay this evening for the public hearings but I wanted to make some general comments quickly. By the way, you did have on your agenda for your joint meeting that just ended public comment, but I can understand that you were short on time, definitely short on time.

Mr. Rhodes: My apologies.

Ms. Calender: I wanted to comment for one thing on the proffers, the education proffers, that are going to artificial turf. I think it's absolutely ridiculous. I think it sends a very poor message as to what we value as a community when it comes to education. There are many things I could say regarding that; I don't think it even makes financial sense. It certainly doesn't make environmental sense. It's much better for our environment to allow rainwater to run through the soil to the groundwater rather than having the artificial turf. I have a niece who said she has to walk over artificial turf at her school. And she carries with her the little balls that apparently are made from used tires, and they stick to her shoes and her clothing. There have been recent studies showing a link between artificial turf and lymphoma. So, you all need to consider all the aspects of this, but most of all it just is not really benefiting education of our students, preparing them, giving them the skills for the global economy. And I would hope that you would use your clout, if you have clout, with the Board of Supervisors and with the developers regarding that. I just want to make a general comment about massive developments that are being proposed. It's too much, we don't have the roads, we don't have the services in schools to handle it. And you have to ask yourself, who is really benefiting if these proposals go through? I don't think it's the County and I don't think it's our quality of life or financial stability. So I just wanted to make that general comment. And thank you very much for your time.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to speak on any item other than items 1 through 3? Yes ma'am.

Ms. Kirkman: Mr. Chair, we're in a somewhat unusual situation tonight where you have both a public hearing and unfinished business on the same topic of TDR. So, I just wanted to verify with the Chair

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that rather than taking two bites at the apple, if I could speak to both during the public comment period on the TDR Ordinance?

Mr. Rhodes: Certainly. No big difference.

Ms. Kirkman: Thank you.

Mr. Rhodes: Anyone else? Okay, I'll close the public presentations and we'll move onto public hearings. I would highlight to the fellow Planning Commissioners item number 1 really kind of drives what will happen with item number 6 and item number 5 has to happen anyways. I think we can handle all at once, so I would ask to consider a motion to modify the agenda to move 5 and 6 with item 1.

Mr. Gibbons: So moved Mr. Chair.

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

Mr. English: I'll second it.

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

Mr. Gibbons: No sir.

Mr. Rhodes: Mr. English? Any other members? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? Okay, so we'll do that together. So, Mr. Harvey, we're going to move onto item number 1 and in that process, I know there's no staff presentation for 5 and 6 but we'll act on that after we act on item number 1. So thank you.

PUBLIC HEARINGS

1. Amendment to the Zoning Ordinance - Proposed Ordinance O14-44 would amend the Zoning Ordinance, Stafford County Code Section 28-35, Table 3.1, "District Uses and Standards," and Table 3.1(a), "Standards for Transfer of Development Rights (TDR);" Section 28-355, "Applicability;" Section 28-356, "Right to transfer development rights; general provisions;" Section 28-357, "Sending properties;" Section 28-358, "Receiving properties;" Section 28-359, "Calculation of development rights;" and Section 28-360, "Transfer of development rights"

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sending property development limitations” to modify the TDR Ordinance. **(Time Limit: December 30, 2014)**

Mr. Harvey: Mr. Chairman, please recognize Kathy Baker for the presentation.

Mr. Rhodes: Thank you.

Ms. Baker: May I have the computer please? Good evening Mr. Chair, members of the Planning Commission. Kathy Baker, Assistant Director of Planning and Zoning. I am here to discuss Transfer of Development Rights, particularly the zoning ordinance amendment pursuant to proposed Ordinance O14-44. As you know, Transfer of Development Rights, or TDR, is a growth management tool that allows by-right development to be transferred from designated sending areas to designated receiving areas. Each transferred development right would be eligible to be developed as a single-family dwelling unit... single dwelling unit or the equivalent of 3,000 square feet of commercial space once transferred. Transfer of Development Rights does encourage development where public services and infrastructure are in place, such as roads, water and sewer, and other public facilities. As you recall in February 2013, the Board did adopt a TDR Ordinance pursuant to O13-21. And this basically identified administrative procedures for TDR. However, there are still pieces of this to make sure a program would be presentable. So, the Planning Commission needs to consider a Comp Plan amendment which would have to be adopted. They did not adopt it in October in 2013 when that was previously considered. There was a subsequent ordinance amendment that went in conjunction with that Comp Plan amendment. So, again, this year in June the Board did refer new Comp Plan and Ordinance amendments to you all that would establish the sending and receiving areas, as well as additional guidelines for TDR. The Planning Commission held a public hearing on the Comp Plan amendment and proposed Ordinance O14-26 on September 24<sup>th</sup>. And during subsequent meetings, please Planning Commission deferred action as you all looked to create a new version of this ordinance. The Planning Commission did authorize a public hearing for this new version, Ordinance O14-44, which is the subject of the hearing itself tonight. I am going to make some comparisons between the two ordinances so that you all can... so everyone understands what those differences are. Just to recap the sending and receiving areas, this is the actual map that would be adopted with the Comprehensive Plan. The sending areas that you see outlined in blue to the right of the screen, basically east of the CSX railroad tracks, south of Aquia Creek, and north of Potomac Creek. These properties would be zoned... or excuse me, under the Agricultural/Rural or Park Land Use designation and then also would be properties zoned A-1 or A-2. The receiving area within the Courthouse area is equivalent to a portion of the Courthouse Redevelopment Area that's located east of I-95. There are several zoning categories that would be necessary to transfer the development rights from the sending to the receiving areas. The proposed ordinance under both the Planning Commission and the Board versions would add B-3 properties as a receiving district; would also reduce the maximum density in A-1 from 5 dwelling units per acre to 2.25 dwelling units per acre. Both ordinances also propose to revise criteria for properties to qualify as sending properties, and this includes properties being zoned A-1 or A-2 with a minimum of 20 acres in size; be contiguous parcels comprised of 20 acres and under the same ownership; or a minimum of 2 acres and designated as park on the Comprehensive Plan. Both ordinances also require architectural treatments for receiving properties in accordance with Neighborhood Development Standards that the County has as an element of the Comprehensive Plan. There are 3 primary differences in the Planning Commission version, the Ordinance O14-44. It does add a provision for conservation easement as a means of severing the development rights. Right now, the way the ordinance is constructed under the County code, is that a certificate, as well as covenants, would be recorded. This would also allow as an option a conservation easement to be recorded which would specify those restrictions. This version of the ordinance also removes the provision that lots larger than 2 acres and designated as park on the

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Comprehensive Plan are entitled to a minimum of 1 development right. There may be some properties that, based on environmental constraints, steep slopes, or other issues, that may not be developable. So this provision would not be included in the Planning Commission's version. There is also an additional provision to limit residual uses on sending properties that are designated as park, and that includes agricultural uses only on parcels or groups of parcels that are 20 acres or greater, or non-commercial campgrounds. And just to recap, what the Comprehensive Plan amendment does, it modifies Chapter 3 of the Comprehensive Plan and then it would incorporate amendments into the text of the document outlining the TDR Program. It would also include the new state code provisions for Architectural Design Standards, and then adopt the map that I referenced earlier. It would also amend Neighborhood Development Standards element of the Comprehensive Plan to incorporate those Architectural Design Guidelines. So, staff does support adoption of amendments to the TDR Ordinance, as well as the Comprehensive Plan in order to establish an operative TDR Program. We will note that you need to take action on O14-26 and Resolution 14-141; those were the items that were referred to you by the Board of Supervisors and those are the items 5 and 6 from the agenda. And then the deadline for that action is December 30<sup>th</sup>, so you do need to make a recommendation this evening. And then, in addition to that, you all can consider the newly crafted ordinance, O14-44, and take action on that as appropriate. So, with that I will ask for any questions.

Mr. Rhodes: Very good; is there any questions for staff before we go to public comment? I know we've gone over this one quite a number of times. Okay, very good; thank you very much. I will now open this up to public comment. If there's any member of the public that would like to speak on item number 1, you may come forward and do so at this time. Again, please state your name and your address. A green light will come on indicating 3 minutes, a yellow light when there's 1 minute remaining, and then when the red light starts flashing, we would ask that you wrap up your comments. Thank you. Yes sir.

Mr. Coady: Yes, thank you very much, Chairman Rhodes and Commissioners. Obviously it's the season to wish happy holidays. Whatever happens, let's have happy holidays. First it would be helpful to have clarification about how the two ordinances got to be handled. I assume that O-26 probably should be dealt with first. I'm not sure what the procedures are to do that. The one the Planning Commission has recommended and then we've had input to is obviously the one we want to speak to and address. Going back to my address I guess. So the headquarters of the Virginia Conservation Trust is at 4022 Hummer Road, Annandale. And we are holders of 6 lots in Crow's Nest Harbor and own a 70 acres blue heronry. Since the beginning of this process we thought the TDR program was the best path to try to safe particularly the land adjoining the existing Crow's Nest natural area preserve, i.e. Crow's Nest Harbor. We own lots there. We recently purchased other lots and so we've been supportive of the idea and we still are and over the course of probably two long, two years for me, maybe 4 years for some of you. I think a lot of our concerns and priorities have been addressed so we want to thank you, and the Board's not here but thanked them over a period of time, because I think we've actually gone a long way. Ironically I look back to, I think, June 2012 and basically what we saw then, a lot has happened since then, it's not really changed our fundamental position, so we've, I think, taken away the things that were problematical to us, but there were two things that kind of been following us over that period of time. One is the ordinance can't result in a checker board outcome over a period of time and it's voluntary, so that's kind of fundamental to the program. So the question was, how you deal with that, the other is the timing. Once again, it's voluntary, so someone could not participate in the program, so that kind of feeds into the checker board problem. There was another party that spoke at a previous hearing. We took a look at that from a legal point of view and a language point of view and we'll submit a suggestion in language for that. I want to get, with the time left, all those things that kind of popped up late in our meeting, is section 28-359 (b) which deals with what are the steep slopes

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developable lots. And this gives us really great concern because we took a quick run at it this afternoon. It looks like a third of the lots may fall under this category. So from our point of view that really undermines the whole purpose of trying to save Crow's Nest Harbor and I think from a disclosure point of view, I think, to the extent that there is a discrimination between the lots there, first of all the lot owners ought to be notified, secondly I would argue that if you only provide TDRs to two thirds of the lots in Crow's Nest Harbor and have the remaining third, they're developable if sewer and water comes back in. So then the Court actions still apply, so we would recommend preserving the 28-359 (b) as the better way to go, maybe a critical way to go, just to wind up as I would hope, I think as you take action tonight and things to the Board of Supervisors that whatever you approve in whatever form that you would pass along what you think are meritorious issues that the Board might take up. Thank you.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to speak on this item. And again, as the other speaker comes up, I would just highlight for clarification that we are dealing with the Planning Commission's submitted Ordinance which is O14-44 after we dispose of that item and we'll then work on 5 and 6, which is the Comp Plan Amendment and the Board Supervisor's referred Ordinance O14-26. Please.

Ms. Kirkman: Good evening members of the Planning Commission. My name is Cecilia Kirkman. I'm also active with save Crow's Nest. Safe Crow's Nest has always advocated that the transfer of development program could be a viable solution if done correctly to saving Crow's Nest and be fiscally responsible. However both versions of the TDR that you have in front of you, do neither of those things. They do nothing to guarantee the preservation of the lots in Crow's Nest Harbor. And certainly one could argue that they're simply nothing more than giveaways to real estate speculators and developers. Quite frankly both of these ordinances are a mess and I think they are the result of what you see when money, politics, and greed intervene with rational land use planning. We no longer can support any version of the TDR. It's become such a mess. Another sign of what a mess it simply is, because I think this must be the sixth public hearing in front of the Planning Commission on TDRs? You simply cannot get consensus on the bill and you can't get consensus on the bill because it is a mess. So at this time we would recommend that you simply not act on the, let's see, 44 that's in front of you for this public hearing and that you recommend denial for the other bill which is the previously heard on public hearing. Start over. Take it into a district like George Washington or Hartwood where you can have a good project and an honest broker for it. Please recommend denial of the original amendment before you and do not pass or act on the other one that's in front of you for this public hearing. Thank you.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to speak on this item? Seeing no one come forward I will close the public comment portion of the public hearing and bring this back in to the Planning Commission. Again, the item we have before us is the proposed Ordinance O14-44, which the Planning Commission's submitted, modified Zoning Ordinance for this topic. Once we finish discussion and act upon that, we will work on taking similar action on items number 5 and 6, the Comp Plan Amendment and the Board of Supervisor's referred Ordinance to us without further presentation. So with that, are there any further questions for staff or any other discussion? Or any motion?

Mrs. Bailey: Mr. Chairman?

Mr. Rhodes: Yes, Mrs. Bailey.

Mrs. Bailey: I'd like to make a motion to approve the proposed Ordinance O14-44.

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Mr. Rhodes: Motion to recommend approval to the Board of Supervisors of proposed Ordinance O14-44. Is there a second? I will second, I think I can for the sake of discussion, correct? Yup, okay; very good. So there's a motion by Mrs. Bailey, seconded by myself. Further comments, Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Rhodes: Okay, very good. I would just share that as many times as this has come back and as it was referred, it has been back to us way too many times for public hearings, I still have regularly seen that this county ought to try and take advantage in a test sense of what few tools are made available to it by the authorities of the state and the TDR is one of those. It certainly has had by reference to us a focus a certain area of the county and it is not in my mind intended to have any net result out of that certain area of the county that others would like to see. It's simply a tool to help us direct growth to see how we might apply it elsewhere. And certainly I would...I'm almost to the point of suggesting we do look at other areas if it becomes too complicated, but none the less, I have long believed that we needed to give a shot of a TDR tool to see how it might work and see how it might help us guide development. So I will be supporting this proposed ordinance. Any other comments?

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Yes please, Mr. Apicella.

Mr. Apicella: We've been at this for several years. We've noodled the ordinance many times. As you mentioned, TDR is one of the few land conservation and growth management tools the state has authorized localities to use. What we still have in front of us is a pilot program. It's not broad in its affect; it only applies a limited number of parcels in the County at the present time. I believe the Planning Commission listened closely to stakeholder input, considered and assessed the changes that they put forward, and we adopted, in my view, all the viable changes that were presented. Those changes that we did not incorporate either did not have a legal basis for making the change that was recommended, or, in at least my opinion, would have a chilling effect on the program and participation. For those folks who feel like they're not getting a hundred percent of what they want, or have advocated for, I would say that don't let the perfect be the enemy of the good. My overwriting reason for supporting this is because I believe in the absence of a TDR ordinance, one that is workable -- with the associated Comp Plan changes that we'll also talk about in a few minutes -- that this area will ultimately be developed. This is the only path forward that I can see that, in my view, could ultimately protect Crow's Nest Harbour as some have advocated for. So, for that reason, and as well as many others, I believe it's worth pushing this forward, so I would recommend approval and support its approval.

Mr. Rhodes: Thank you. Any other comments before we go to vote? Yes please, Mr. Coen.

Mr. Coen: Just real quickly. I remember getting involved with this way back when we started the Comp Plan about a decade ago and there were all different variations that we looked at in Maryland and in other states for the sending and receiving. And I do think that in this ordinance we did adopt many of the things that were raised by various groups to try to make it a better ordinance. To me this is sort of an issue of two areas of Crow's Nest, one is the Crow's Nest Harbour and the rest is the other parcels in that area. And having been on the Agricultural Commission and worked on the PDR Program, there were parcels that applied to be part of a PDR, but because of various scoring mechanisms didn't score high enough and did not get to take part of that program that could take part in this program; and so, on a theoretical avenue that this gives an opportunity to save land in that area. I understand the concerns raised by the Save Crow's Nest and the other groups but my concern, quite honestly, is that if we don't

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do this and we say we want to do it again, and in fact after last meeting, the last time we talked about this, it was my Supervisor who suggested going to another area as a test area, there didn't seem to be the appetite to go all the way back over this all over again to do that. So my concern is that if we don't do a test case, we don't do a pilot, like we did with the PDR Program, we don't get anything. And we don't save anything. And so to me the quandary in this vote is, it's basically something or nothing. And my concern is that we may get nothing, and that would be a shame. And so that's the hardship in this.

Mr. Rhodes: Okay, thank you very much. Any other comments before we vote? Okay. All those in favor of the motion which is to recommend approval of proposed Ordinance O14-44 signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Are there any opposed?

Mr. English: Nay.

Mr. Rhodes: Okay. Passes 6 to 1. With that I'd ask that we move onto item number 5 that we had moved up on the agenda. There was... this had no contingent before but we held it aside while we were working to re-advertise the second version of the TDR Ordinance and that is the amendments that are necessary to the Stafford County Comprehensive Plan. Is there any further items that you need to highlight Mr. Harvey?

5. *Amendment to the Stafford County Comprehensive Plan (the Plan)* - *A proposal to amend the "Stafford County, Virginia, Comprehensive Plan 2010-2030," dated January 17, 2012, to implement a Transfer of Development Rights (TDR) program. The proposed amendment would modify Chapter 3, "The Land Use Plan," to incorporate amendments to the textual document and adopt a new map entitled Figure 3.8, Transfer of Development Rights Sending and Receiving Areas ("Map"). (Time Limit: December 30, 2014) (History: Deferred on September 24, 2014 to October 8, 2014) (Deferred on October 8, 2014 to October 22, 2014) (Deferred on October 22, 2014 to November 12, 2014) (Deferred on November 12, 2014 to December 10, 2014)*

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

Mr. Rhodes: Okay, very good. Are there any remaining questions on this item that has been presented to us a couple of times before? If not, I'd entertain a motion to recommend approval of the amendment to the Comprehensive Plan as identified in item number 5.

Mrs. Bailey: Mr. Chair, I make a motion to approve.

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Mr. Rhodes: Thank you. Motion by Mrs. Bailey, second by Mr. Gibbons. Further comments Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Rhodes: Mr. Gibbons? Any other member? All those in favor of the motion to recommend approval of the amendments to the Stafford County Comprehensive Plan signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed?

Mr. English: Nay.

Mr. Rhodes: Okay, 6 to 1; passes. Thank you very much. Lastly we have item number 6 here, before we can go back to 2, and that is to dispose of the item which was the proposed Ordinance O14-26, the original one that was referred on TDRs from the Board of Supervisors. Is there any further items... anything else you need to present on that, Mr. Harvey?

6. *Amendment to the Zoning Ordinance - Proposed Ordinance O14-26 to amend the Zoning Ordinance, Stafford County Code Section 28-35, Table 3.1, "District Uses and Standards," and Table 3.1(a), "Standards for Transfer of Development Rights (TDR);" Section 28-355, "Applicability;" Section 28-356, "Right to transfer development rights; general provisions;" Section 28-357, "Sending properties;" Section 28-358, "Receiving properties;" Section 28-359, "Calculation of development rights;" and Section 28-360, "Transfer of development rights sending property development limitations" to modify the TDR Ordinance. (Time Limit: December 30, 2014) (History: Deferred on September 24, 2014 to October 8, 2014) (Deferred on October 8, 2014 to October 22, 2014) (Deferred on October 22, 2014 to November 12, 2014) (Deferred on November 12, 2014 to December 10, 2014)*

Mr. Harvey: No sir, unless there are questions.

Mr. Rhodes: Very good. Are there any questions of staff on that item that we've had presented to us before on O14-26? If not, I'd entertain a motion dealing with the disposition of Ordinance O14-26.

Mr. Apicella: Mr. Chairman, I would recommend denial of O14-26.

Mr. Rhodes: Motion to recommend denial of... disapproval of proposed Ordinance O14-26. Is there a second?

Mr. English: Second.

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

Mr. Apicella: Mr. Chairman, we just approved a modified version of the ordinance, I'll call it the Board's version. I think it lacks some of the necessary fixes that we made as part of the Planning Commission version and for that reason I'm recommending denial.

Mr. Rhodes: Very good. Further comments Mr. English? Any other member? All those in favor of the motion which is recommending disapproval of proposed Ordinance O14-26 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? It passes 7-0. We're now back to item number 2. I appreciate the efforts to continue moving this along. I know we have a lot of people here, probably for George Washington Village, so we will knock this one out which is item number 2. Mr. Harvey.

2. CUP14150372; Conditional Use Permit – Carter's Crossing Freddy's Frozen Custard - A request for a Conditional Use Permit to allow a drive-through facility on Assessor's Parcel 45T-2A, zoned B-2, Urban Commercial, consisting of 1.80 acres within the Carter's Crossing Retail Development, located on the southwest corner of the intersection of South Gateway Drive and Stanstead Road, within the George Washington Election District. **(Time Limit: March 10, 2015)**

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

Mr. Gibbons: Mr. Chairman, you've got a good evening's worth of weather for this application.

Mr. Rhodes: Yes, perfect weather for frozen custard. Any time's good weather for frozen custard.

Mr. Zuraf: Could I have the computer please? Good evening Mr. Chairman, members of the Planning Commission. Item 2 is a Conditional Use Permit for an application known as Carter's Crossing Freddy's Frozen Custard drive-through. This is a request for a Conditional Use Permit for a drive-through facility within the Highway Corridor Overlay District. The property itself is zoned B-2, Urban Commercial, on a 1.8 acre site. The Silver Companies is the applicant. The site... this is the zoning map. The site is highlighted in red. The site, as I mentioned, is B-2; it's surrounded by B-2 zoned property. It's located on the north side of Warrenton Road just off the interchange with Interstate 95, and then bounded also by Stanstead Road and South Gateway Drive. Here's a view of the... the aerial view of the site itself. The site was graded with the overall development of the Carter's Crossing Shopping Center. It includes adjacent roads and access points that have already been developed as part of that project. This is the last undeveloped parcel or pad site in this complex. The site itself is level;

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it's an open field and it doesn't have any sensitive environmental resources. Surrounding the site, on either side, are two drive-through restaurants. To the north is the existing Target shopping retail store. This is the General Development Plan of this pad site. The overall building would include almost 10,000 square feet of a single store retail building. There is a potential here of 3 tenants. The specific use, the Freddy's, is on the left-hand side and the drive-through is shown with a red circle on the left-hand side of this building. There are internal drive isles that provide circulation around the building. The drive-through includes a stacking lane that circles around the back side of the property. Adjacent to the stacking lane there's restricted one-way access and so it basically requires a circular motion around the building, a counterclockwise motion around the building to access the drive-through. Parking spaces are located around all sides of the building. Also, regarding traffic impacts, the drive-through facility itself does not trigger the need for a traffic impact assessment as the drive-through aspect does not increase the amount of traffic over a restaurant without a drive-through, according to the transportation manuals that we utilize. The design of the surrounding traffic pattern also should limit impacts onto South Gateway Drive. There are 3 access points into the site from South Gateway Drive. That includes the access onto Stanstead down here, a right-in only; a right-in only into the site here; and then there's a full service access point on the other side of the building. Now, zooming in a little bit more on the drive-through facility and discussing those issues, staff notes there would be no visual or noise impacts related from this drive-through. The location of the drive-through in relation to the building will mitigate any visual impacts such as headlight glare that might sometimes occur onto the main corridor highway. Also there are no residential uses that might be subject to the noise that is generated from drive-through speakers. The main intent of requiring a use permit for a drive-through is to ensure the facility doesn't have a negative impact on the main corridor highway. There is an extensive setback of this site from Warrenton Road and the overall circulation pattern that restricts access into and out of the site would limit any stacking out onto Warrenton Road or South Gateway Drive. Staff has recommended several conditions, including requiring the drive-through be designed as shown on the General Development Plan, prohibit any additional access points onto South Gateway Drive onto this property, install directional signage -- that was included as one of the attachments to help direct people in and around this site, also coordinate designing...

Mr. Apicella: Mike, I'm sorry... Mr. Chairman?

Mr. Rhodes: Please.

Mr. Apicella: On directional signage, is that just signs or can it be pavement markings as well?

Mr. Zuraf: It could be. I think the signage package actually dealt more so focused on actual signs directing people around the site.

Mr. Apicella: And from a staff perspective, do you think that some pavement markings might also be helpful?

Mr. Zuraf: That could, yes. And I'm sure that's part of it. I'll have to look at that.

Mr. Apicella: I just know that other areas, I'll call it the other shopping center, are sometimes difficult to navigate around, so as much as we can help folks try to figure out where they're supposed to go and how they're supposed to proceed, I think that would be helpful.

Mr. Zuraf: Yeah, the plan does include directional arrows directing people and identifying that it's one-way traffic or exit only as opposed to an entrance that they can't use. So, yes, it does include some lane

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markings. Also, coordinating the design and color of the drive-through canopy as to coordinate with the primary building design. We do have a condition, it's condition 8, that requires buildings be designed consistent with the Comp Plan. The applicant has expressed some concern with this condition stating that they felt it may be a little vague and they were concerned with it. Staff does note that when this project comes to... when they applied for a building permit for this plan, because of the location, they would have to be evaluated for concurrence with our Neighborhood Design Standards and Architectural Design Guidelines. So, staff doesn't have a problem if that condition does go away because we would be evaluating the overall building for consistency with the Comp Plan. So, we're just throwing that out there and the applicant can expand on that concern. And then our standard condition prohibiting carnival style banners, balloons, and other devices. With the Comp Plan review, the site is within one of our Urban Development Areas. We've had a few cases for drive-through facilities in this Urban Development Area. The use doesn't fully meet the recommendations in this land use district that recommend more of an urban pedestrian-oriented pattern of development. The recommended pattern in the UDA is in contrast to the established highway-oriented development that we have existing and developing, so staff has noted in the past and will note here again that development of this site and the surrounding shopping center to be consistent the UDA would require a full scale redevelopment. And it really couldn't be done piece by piece. This is the building design that was provided to us by the applicant. They did note that this is the specific user's prototypical design and they may be modifying this design. So that was part of their concern in not wanting to get tied down into one design at this point.

Mr. English: Mike, is this a chain restaurant?

Mr. Zuraf: Yes it is. Looking at the overall evaluation, with the positives, it is consistent with the established and proposed development patterns in the area. The conditions would intend to mitigate impacts to the surrounding properties. And it is consistent, staff believes, with the Neighborhood Design Standards. As a negative, it is not in conformance with the UDA land use recommendations, but staff will note that full compliance would be impractical on an individual pad site of this size. And overall, staff is supportive of the application and recommends approval pursuant to R15-03 with the proposed conditions. And I'll answer any questions.

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

Mr. Apicella: Mr. Chairman, Mike, the CUP applications for a restaurant specific drive-through, and one that has been specifically identified, the drive-through CUP that's in front of us though does not appear to be specific to a use or uses, so it's pretty broad in the way that it's been presented to us. Do you know if the applicant would be willing to limit the drive-through CUP to a restaurant?

Mr. Zuraf: I'm not certain.

Mr. Apicella: Okay. And if they're not, are there any drive-through uses that you would recommend as staff would not be appropriate or would be problematic on this particular pad site?

Mr. Zuraf: Not particular, because I think generally the restaurant oriented drive-through is probably the most intense drive-through use you're going to have compared to say a drive-through for a pharmacy or for a bank. Those are the other typical drive-through uses. So, I mean, you're right now looking at the most intense drive-through use that you would get.

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Mr. Apicella: Okay. The GDP shows two restaurant uses; one that's been identified. It's not clear what the other potential uses might be in that area in the middle. It's my understanding that there might be a total of four tenants in the building itself. Are there any potential combination of otherwise allowable uses that might cause you some concern that they might not again fit together well on this particular pad site? And this is an example if there were four restaurants on this less than 2-acre parcel and the transportation demand that might be on those four similar kinds of uses?

Mr. Zuraf: Well, the big issue is going to be parking. And we will require when we have these multi-tenant buildings that if there are multiple restaurants, they have to meet the higher parking requirements that might come along with that. So, as long as they're meeting the parking requirements, it shouldn't be of concern.

Mr. Apicella: So, just say, hypothetically speaking, today or when it gets put in place, a year from now or whatever, and there's a retail... it's a retail use, 10 years from now they decide to convert it to a restaurant use, they would have to come to the County for some kind of...

Mr. Zuraf: For a zoning permit, yes.

Mr. Apicella: Okay, thank you.

Mr. Zuraf: A zoning review as part of the overall building permit for the changing use.

Mr. Apicella: Okay, thank you.

Mr. Rhodes: Thank you. Any other questions before the applicant comes forward? Applicant please? Thank you Mike.

Mr. Little: Good evening everyone, Mr. Chairman, my name is Scott Little and I'm Vice-President, Director of Development for the Silver Companies. And I appreciate your time and I will be exceptionally brief. I know you have a full schedule ahead of you. I'm going to jump right to a very quick question that I wanted to answer for you and Mr. Apicella regarding lane and pavement striping and signage. And if you were to turn to the exhibit for directional signage, which is adopted as one of the conditions by the Planning office, you can see in there that we've added a speed bump which is a striped item, in response to some questions that were raised, as well as pedestrian crosswalks that are striped. All of the arrows that are shown on the exhibit on the pavement are, in fact, painted lane markings as well. I'll call one item to your attention also on this exhibit. In the staff report, Mike had as a Generalized Development Plan a slightly previous iteration that in this plan... could I switch the computer?

Mr. Rhodes: Computer please.

Mr. Little: I just wanted to show that taper. This actually does taper out like this and become a larger seating area which forces traffic into a single discharge lane. And again, that's just in response to some of the comments that we've had from Jeff and Mike regarding the Generalized Development Plan. So, of the changes -- I'm going to stick with the computer for a moment -- there is a crosswalk that is painted that ties the two properties together, the Panera Bread, and as well as this crosswalk here is painted. There is a speed bump in this location that is painted. And all of these arrows that you see are painted; just to answer that question more definitively for you. One of the questions that came up a moment ago regarding Freddy's, it is a chain of 130 restaurants in 28 states right now. Family found,

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family operated. It does not equate with fast food as so often we hear with drive-through restaurants; this is quite a bit different than that. The multi-tenant building is 9,600 square feet. To be clear, it does not require... the Generalized Development Plan shows three spaces here, Freddy's and 4,000 feet and 2,400 feet. The truth of the matter is, as a developer we continue and endeavor to find tenants for our space and to occupy the space. Four thousand feet could be subdivided 2,000 feet each or something along that line, so it could be four or it could be five tenants. As far as use, regarding restaurants, the amount of parking that is on the site really governs the number of restaurants and the number of restaurant square footage that could be allowed by ordinance in the building. And we're pretty much right at it with what we've proposed here. Back to that point on the drive-through, typically a Burger King or a McDonald's might have 70% of their revenues associated with a drive-through. Very typically in those 130 units of Freddy's, it's roughly about 25 to 30% of their revenues. It is very much... you know, they pride themselves in food that is prepared to order as of the moment and not sort of before you got there, with no offense to our fast food friends. But I think that that's a pretty defining item when it comes to considering a conditional use permit for the drive-through; it's a pretty limited impact in the drive-through world. We've done a number of things with Mike's office just in terms of traffic calming and taking into consideration the closeness and proximity to Panera Bread next door, to just improve and increase pedestrian traffic as well as vehicular traffic. Regarding the conditions, and Mike touched on this for a moment, the one exception that we would ask is the deletion of number 8. And simply because it is impossible at this moment with this conditional use permit being tentative and the rest of the space being tentative, it is hard to say exactly how architecturally we would tie together the 10,000 square feet. With very strong national brands, like Freddy's and others that we've considered for this building, every effort will be made to tie those brands together into a building that is cohesive and a very good gateway project that we feel like it is in this highway corridor. But that is the one exception to the conditions that we would ask you to consider and certainly ask questions about. The architectural elevations will, as Mr. Zuraf, will undergo another level of review on the permits and I think that that would be the opportunity for staff to continue to make sure that it's in compliance with the neighborhood design criteria in the UDO. Our civil engineer of record for Carter's Crossing is also here, if you had a more specific question about traffic or the parking or striping, anything of that nature, Jon Fairbanks is here. Otherwise, I'm happy to answer questions.

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

Mr. English: What are your hours of operation?

Mr. Little: It's 10 a.m. to 11 p.m.

Mr. English: Is that 7 days a week?

Mr. Little: Yes it is.

Mr. Rhodes: Okay. Other questions for the applicant? Okay, very good. Thank you very much.

Mr. Little: Thank you sir.

Mr. Rhodes: I will now open this to public comment. If there's any member of the public that would like to speak to item number 2, CUP14150372, the Conditional Use Permit for Carter's Crossing Freddy's Frozen Yogurt, please come forward at this time. Hello Mrs. Carlone.

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Mrs. Carlone: Ruth Carlone. I am there in that area so frequently that I'm keeping the economy alive. But I do have grave concerns about getting onto Gateway. We have McDonald's there; you're very familiar with that area. And it does stack up and it's rather difficult sometime to cross over to the... there's three lanes, one goes forward to Riverside and the other two go left and you can take one to the right. But I'm very concerned about the traffic there, the backup. Now, the fire department, did they go over the turns and maneuvering here for this area? Oh, you're not supposed to answer me right now, sorry guys, I know that. But anyway, number one is getting out onto Gateway and then the second thing, just what the fire department has to say. Accessibility is a bit of concern and I really wish we knew more about the other portions, what might be available, something more definitive but I guess there isn't right now. Like I said, it's hard to get across there. We may get six cars through that intersection going onto Route 1. So, that's it. I wasn't going to speak on it but when I saw what was coming up... Okay, thank you.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to speak on this item? Seeing no one come forward, I will close the public comment portion of the public hearing and bring it back into the Planning Commission. I don't know if there were any comments the applicant wanted to make based on comments there to rebut or respond. Are there any other questions that staff, or the Commissioners have of staff or the applicant?

Mr. English: In reference to her question, the fire department, did they address that issue?

Mr. Zuraf: They reviewed this and they didn't have any comments regarding the traffic.

Mr. English: Thank you.

Mr. Rhodes: Very good. Yes, please Mr. Coen.

Mr. Coen: I tried to get you before you sat down Mike. And then as far as the traffic aspect, is it fair to gather that when VDOT was doing its great widening of 17, they sort of looked at this whole area when they were doing it? Had we but known, we could have asked the VDOT lady.

Mr. Zuraf: Yeah, I'm not certain how much they took into account this section of the shopping area.

Mr. Coen: Thank you.

Mr. Rhodes: Any other questions? So this is in the George Washington District.

Mr. Coen: Yes sir. Yes, Mr. Chairman, I'm going to move for approval of R15-03.

Mr. Rhodes: Motion to recommend approval of the Conditional Use Permit; is there a second?

Mr. English: Second.

Mr. Rhodes: Seconded by Mr. English. Further comment Mr. Coen?

Mr. Coen: Yes, real quickly because we have the other meeting. It's good that this aspect is going to expand business in the area which will broaden our tax base. And as we well know that businesses bring in when they pay their taxes, the services required we actually get more money that way rather than residential. What was very nice was, I'm not sure whether they just watch these meetings, but they

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addressed, the applicant addressed many of the concerns of people on this Commission that bring up with almost every development -- trash, turn lanes. So that was very nice that they did that aspect. And so I just think for this area, this has been thought through. I think VDOT has looked at that whole general area and so I'm going to move for approval.

Mr. Rhodes: Okay. And that was for the... with all the CUP conditions that as they currently stand?

Mr. Coen: I'll say, I mean, they would like it removed...

Mr. Rhodes: And staff said they thought (inaudible).

Mr. Coen: They had no problem so we can remove number 8.

Mr. Rhodes: Okay, so can we just do that as a motion, as part of the motion Ms. McClendon?

Ms. McClendon: Yes, Mr. Chairman.

Mr. Rhodes: Okay, so just to confirm, the motion is to recommend approval of CUP14150372, with the CUP as modified to drop item number 8.

Mr. Coen: Yes sir.

Mr. Rhodes: And that was comfortable with the seconder?

Mr. English: Yes.

Mr. Rhodes: Okay, good. Any further comment Mr. English? Any other member? All those in favor of the motion recommending approval of CUP14150372, the Conditional Use Permit with the modified CUPs as was stated 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, it passes 7-0. We are now onto item number 3, RC1400155, Reclassification, George Washington Village. I would like to make a couple quick clarifications and actually not to put you on the spot, Mr. English, I apologize, it is in the Hartwood District. Is your intent to have us continue the public hearing beyond tonight into the next session or would you want to see it close after tonight?

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3. 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 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)**

Mr. English: I would like to have the public hearing extended.

Mr. Rhodes: So the intent would be to have another session which would allow the public comment portion. Okay, very good, just to confirm. And so with that I'd also like to highlight this is a very comprehensive proposal, significant size. Staff is going to work to deliberately get through their presentation but it will take a few minutes. The applicant will have their time to discuss it and I know they will work to deliberately get through it, but that might take a few minutes. But I would just ask the Commissioners as you're listening and thinking, to think about your comments. I am assuming several of the people here are not here just to watch the rest of the evening, but they are here probably to comment on this item so we want to make sure and get the right dialogue out but we also want to be respectful of their time. So, if there are a number of questions you have but some of them are just minor detailed, I'd ask that we hold those until after the public comment portion to make sure we get to just those strategic questions at this point. Again, not to diminish anything in the presentations, but try and balance everything, the information getting out there in respectful time, so I'd appreciate that. So, Mr. Harvey.

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

Mr. Rhodes: Very good.

Mr. Zuraf: Good evening again Mr. Chairman, members of the Planning Commission. If I can have the computer. This item 3 is a zoning reclassification for George Washington Village. The request is to reclassify from several zoning districts, A-1, Agricultural, A-2, Rural Residential, R-3, B-2, and M-1; all those districts are within this site to the P-TND, Planning Traditional Neighborhood Development Zoning District. The applicant is Augustine South Associates, LLC, and Charlie Payne is the agent. The location of the site is highlighted on this map in red with the red hatching. It includes 22 parcels of land. It covers approximately 1,051 acres. The general location -- it's bounded by Courthouse Road to the north, Ramoth Church Road to the south, Interstate 95 to the east, and Accokeek Furnace Road to the west. Looking at the zoning history, this is a zoning map of the site. Again, the site highlighted in red. The property... portions of the property are subject to different zoning approvals in the past. The Commercial and Industrial and R-3 zoned portions of the site generally include... let me try this again. Okay, so the areas here are the Commercial and Industrial zoned land, and this is an R-3 portion of the site that was previously subject and part of the Augustine rezoning which was a larger rezoning that included Augustine North, Augustine Central which is Colonial Forge -- that currently is developing -- and then this area is known as Augustine South. This portion of the site included specific proffers that some of the proffers I'll note did require construction of a collector road, but basically served as an extension of Woodcutters Lane; and then also required the dedication of four ball fields on 12 acres on or before the 800<sup>th</sup> dwelling unit; and then certain phasing of commercial development with the

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residential development that has occurred and is occurring in Augustine North and Augustine Central. There's the smaller area of R-3 zone that is shown here and that area is not planned for any development. The other area, the A-2 zoned property in this location, it was part of the Peete property rezoning, zoned to A-2 back in 1990. The project was approved as a 65 lot residential subdivision, ranging from 1 to 3 acres in size. Some of the proffers of note did restrict access onto Kelsey Road and Cedar Lane and did require a cash proffer payment of \$3,000 per residential dwelling unit. With these old rezonings and proffers, should this rezoning be approved, those previous associated proffers would go away and be replaced with new proffers that are proposed as part of this project. So, with this development proposal, since it's a P-TND zoned request, there are different elements of this project from other rezonings we might see. This type of planned development requires some different plans: a regulating plan that kind of establishes the framework for the project, identifies the different transect zones where the more intense development or lower intense development might go, where the primary roads are located, where civic uses and pedestrian sheds from those civic uses might go, and then other primary commercial frontage within the site. Also, the typical General Development Plan that illustrates more detail into how the site might develop is provided. And then Neighborhood Design Standards that get more into the appearance of the project, that's been provided as well. This is the transect zone plan out of the regulating plan. The project consists of several transect zones: T-1, T-2, T-4, T-6, and STC. Transect zones, to explain those, are a series of design requirements that establish overall density and types of development that can occur in these different zones. T-1 is basically your areas where there is land preservation where your stream corridors are. And then as you step up, T-2 allows some lower density development. And then you go into T-3 and 4, you can increase your density and the types of residential uses that are allowed. And then you go up to T-5 and T-6, that's where you have the highest intensity type of development that would be permitted in these areas. So, to show what we have here, your T-6 zone, the highest intense development area, is in this location of the site. And then you have T-4 zones that cover a lot of the majority of the rest of the site in these areas. And then you can see your T-1 zone in green where your stream corridors are located, where preservation areas are proposed. And also, just to talk about the regulating plan, the regulating plan does include pedestrian sheds which are areas on the site which are required to be within the walking distance of some type of civic use. And so the applicant has included that plan which identifies the different uses across the site. Staff does note that an active park on the bottom part of the site is identified as a civic use which doesn't qualify under the definition, so another use may need to be added in that location to meet the pedestrian shed requirements. This is another aspect of the regulating plan. This is the primary street network. This includes... highlighted in blue, some of the main elements of this project which includes the extension of Mine Road from its current point where it's being constructed at Embrey Mill and Courthouse Road, to extend through the site all the way through to Ramoth Church Road at this point. And then, as I maybe mentioned earlier, the extension of Woodcutters Road from its current point where it ends in Colonial Forge would extend through the property and meet back up with Mine Road in this location. Those are specific master plan streets that we have in our Transportation Plan that could serve a much broader area than just this site, and serve the overall area providing a north/south, and east/west reliever roads. There's also an offsite extension of Austin Ridge Drive. Currently, Austin Ridge Drive is in this location; it's going to be rerouted to this point and the applicant's proposing to extend Austin Ridge Drive through to the Town Center. And then the remaining local streets to serve the community are depicted more so in the General Development Plan. So this is the General Development Plan; it does depict approximately 1.5 million square feet of commercial use and then a maximum of 2,957 dwellings, which include a mix of single-family detached homes, approximately 1,800 of those. Those are the yellow shaded parcels. Townhomes -- 322 of those; those are highlighted in green in this area. And then multi-family in blue in this location. The concept divides the areas into neighborhoods, including a commercial Town Center and residential villages.

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Mr. Rhodes: Mr. Gibbons, please.

Mr. Gibbons: How many of the multi-family?

Mr. Zuraf: That would be 750 multi-family units. This image circles highlight the location of the Town Center is within the blue circle; that's where the majority of the commercial development is going to be located. This is a pedestrian-oriented retail center with a main street and adjacent multi-family and townhouse residences. Access to the Town Center is proposed via offsite roads; as mentioned, Austin Ridge Drive in this location and then another road in this location to get to Mine Road. And then, the other residential areas are identified as villages. You have a North Village in this location, and then you have the site is kind of bisected by Accokeek Creek in this area. And to the south of Accokeek Creek then you have the East Village, Central Village, and West Village. Each of these villages include... the majority are single-family detached residential uses. Each village includes private recreational amenities and convenience commercial uses within it. And there is also a proposed fire station in this location. And then I mentioned a park; there's a 40-acre park proposed in this location.

Mr. Apicella: Mike, where's the school site?

Mr. Zuraf: The school site's not specifically identified. There is another page out of the plan that identifies a target area where the school might go, and it identifies... and this is getting busy so I'll go to a different color... the target area is generally in this location where the school site might go -- or where it would have to go, within that area. So, these are images out of the Neighborhood Design Standards that established some of the architectural features specific to the development. Some of the elements of the building design. The applicant has proffered that the development be designed in substantial accord with the Neighborhood Design Standards plan. It does include a series of design standards that do comply with many of the architectural recommendations in our Neighborhood Design Standards plan. There is a proffer package that's included with this application. I'll go through some of the key points of the proposed proffers. With site intensity, the applicant will develop no more than the 2,957 homes and up to the 1.55 million square feet of commercial. There is development phasing proposed that there'd be no more than 750 dwelling units prior to the issuance of at least 30,000 square feet of commercial development. There's a Community Development Authority proposed where the applicant agrees to form the Community Development Authority. This would be pursuant to separate County approval which would be for the pro rata expense sharing of the construction of capital improvements that are also included within the proffers that I'll talk to in a moment. There's land condemnation proffers that would note that the applicant may request the County and/or VDOT to require the necessary right-of-way through its condemnation authority to finish some of the improvements that are proposed, because the applicant does not control all the land through this area. With transportation improvements, it does require the construction through the CDA funding of the 4-lane section of Mine Road as I highlighted, a 2-lane section of Woodcutters Road as I highlighted, other turn lane and traffic signal improvements at Warrenton Road and Centreport Parkway and Mine Road intersection in the southern part of the project. And then also construction of other turn lane improvements along Courthouse Road. Also, internal intersection improvements that would be required as well. And then 3 bus stops/shelters in specific points along Mine Road and Woodcutters Road, within the site. Other capital improvements include the 40-acre active park which would be dedicated to the County. It'd be rough graded and then dedicated to the County. There would be 248 acres of passive parkland with trails that would be dedicated to the County, and I'll point that out in a moment where that's located. And also rough grading and dedicating to the County 20 acres of land for the future elementary school site that would support up to an 88,000 square foot building. And this would be on or before the issuance of the 1,500<sup>th</sup> unit occupancy permit. The applicant also would dedicate 10 million dollars in

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cash contributions paid by the CDA to the County towards the construction of the elementary school prior to the occupancy permit of the 2,500<sup>th</sup> residential unit. And then rough grading the 5-acre site for a fire and rescue station. Other cash contributions on individual residential units that come in -- cash contributions would be required of \$15,000 for every single-family detached unit; \$10,000 for each townhouse unit; and then \$5,000 for each multi-family unit. The overall contribution of all those proffers would total approximately 35 million dollars. There are private recreational amenities that would be provided within each of these villages, including clubhouses and swimming pools, and tot lots. With fire safety, there would be an NFPA standpipe system requirement for commercial buildings over two stories in height, with signage requirements of the construction of entrance monument signage. And then the applicant constructing the park entrance signage upon request by the County. And then, with the establishment of a Homeowner's Association, it would require the establishment of the HOA an encumbrance of the property with a declaration of covenants and restrictions and easements to apply to all the property in the site. With airport mitigation, the applicant would propose to provide noise attenuation improvements and buyer disclosure statements to each residential dwelling within 2,500 feet of the centerline of the airport's existing runway. And then also provide marketing literature with information pertaining to the existence of the airport for potential purchasers and requiring notification of the Regional Airport's proximity to the development through all marketing literature for potential purchasers as well. With private wells, there are several rural residential neighborhoods that surround the site that might be impacted. So the applicant is proposing to provide necessary public easements subject to their approval as to the location and County's approval for such connections and extensions of public utilities for purposes of potentially extending water and sewer lines to those adjoining properties. With cultural resource evaluation, the applicant is in the process of performing a limited Phase 1 archeological survey to evaluate the cultural resources on the site and undertake a more detailed Phase 2 evaluation, if it's recommended in the Phase 1 study. With these proffers, staff has a few comments. Staff notes that all the improvements and proffer contributions are tied to the creation of this Community Development Authority, which requires a separate approval process. And so, should that CDA not be approved, none of the infrastructure improvements or monetary contributions would be required. The applicant is aware of this concern and they have noted to staff that they believe they can resolve the concerns that we've raised on this. And then there are several transportation improvements that are offsite that would require condemnation in order for the improvements to be realized. This would require either through Board or VDOT action. The residential unit type maximums are not specifically established in the proffers. And also the proffer contributions do not include the customary annual adjustments that we usually see based on construction costs indexes that allow modification to the values from year to year. Looking at transportation issues, a Transportation Impact Assessment was submitted with this request. The project in total would generate up to 42,000 vehicle trips per day, and 2,000 morning peak hour trips and almost 4,000 afternoon peak hour trips in the site. The study is based on this potential development and other planned projects in the area, and also planned roadway projects, including the 630 interchange and widening to Courthouse Road. Also, the study assumed a 2030 build-out year and looked at the impact on many intersections around the site. On the image, the blue stars highlight all the intersections that were evaluated, many along Courthouse Road to the north of the site, and then going all the way from Route 1 to the east over to Ramoth Church Road to the west. And then looking at intersections along Ramoth Church Road and then even down Centreport Parkway and even looking at the intersection of Centreport Parkway at Interstate 95. The Traffic Impact Analysis did find that the Level of Service at several of the intersections would fail or, if they were already projected to fail without this project, this project was found that it may further degrade the conditions. And further degrading is measured by the amount of delay that's measured at the intersection. Of note, several of the intersections along Courthouse Road were found to have this condition, with the exception of Ramoth Church Road and Winding Creek Road intersection. To point out a few, the Austin Ridge Drive intersection was projected to already be at a Level of Service of F which is the bottom grade

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without the project; but with the project the delay would increase from 293 seconds up to 435 seconds. At Mine Road, the intersection would degrade from a Level of Service of C to a Level of Service of F. Traffic at the Kelsey Road and Rockdale Road intersections onto Courthouse Road would experience major delays as well resulting from this project. The County's long range transportation plan does include policies to address how development deals with transportation, and there's one policy that does recommend that the level of service of the existing network should be maintained at a level of service of C or better and it further stated that where level of service of C cannot be attained the development application should consider a non-degradation policy. The non-degradation policy then says that it requires applicants to ensure that the system is not further affected by either project, so the delays are not made worse. Then with the specific facility recommendations, I'd mentioned that Mine Road extension, Woodcutters Road extension, those are specific transportation plan recommendations in our documents. Also the Comp Plan recommends widening of Courthouse Road and that's already in the planning stages by VDOT, and then also, the plan does recommend the widening of Ramoth Church Road from two to four lanes. There is no time table for that improvement. The traffic impact assessment does find that the proposed intersections on Ramoth Church Road would perform at acceptable levels of service. And VDOT reviewed the initial traffic study. They're in the process of reviewing the second version of the traffic study. We don't have those comments yet. They're looking at it. This image highlights a few of the points where the extensions of Mine Road and Woodcutters Road would require offsite improvements. Staff did suggest to the applicant, maybe shifting some of the alignments of these roads to minimize the amount of offsite right-of-way needed. One of the suggestions was to shift Mine Road to the east, possibly following this alignment in some way and linking back up. This would bring Mine Road closer to the Town Center.

Mr. English: Are those roads going to 2-lane roads? 4-lane roads? How is that going to be with that?

Mr. Zuraf: Mine Road will be 4-lane road, Woodcutters would be 2-lane road. But the applicants would like to maintain the alignment that they've shown. Also two other intersections to point out that staff has some concern with is the Austin Ridge Drive – Courthouse Road intersection. At this point this would be the first intersection off of Interstate 95 and with traffic exiting the Interstate and weaving over to the left lane to turn left to head down to the Town Center, that may cause some delays and conflicts, and so staff recommends some alternative methods of managing the traffic flow to handle that. It should be evaluated in a little more details. And then the connection to Kelsey Lane, the inter-parcel connection which is a requirement that we have that may bring a lot of traffic from a much more urban and dense project onto Kelsey Road which is a rural subdivision. One acre lots or greater. And so that may create an impact to this community and that road in the future. Looking at impacts in relation to the Stafford Regional Airport, the site is highlighted in bright yellow and the overlay on the site is the aircraft flight patterns around the airport. The site is located under the northern flight pattern. Staff notes that this flight pattern is currently not operational, but we are aware that the airport may have the ability soon to open and apply to the FFA to open this traffic pattern in the near future which could have some impacts. And also the site is within the County's airport impact overlay zoning district. The pink shaded area is the horizontal zone of our overlay. The overlay establishes height restrictions for structures within the proximity of the airport. Development on this site would not be in violation of the ceiling that's established under that guideline. And then also, staff notes that the airport operations do generate potential impacts related to the exposure to aircraft noise and safety. One of the objectives in the Comp Plan is to minimize noise impacts and potential safety hazards generated by general aviation of public and private airfields. The associated policy recommends the development of land use compatibility standards for new development. As you're aware there is a sub-committee, the Planning Commission Airport Authority, working on developing guidelines and is close to finishing those guidelines but they're not something that's finalized or have been adopted as County policy. Also

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we've noted the proffers that the applicant is proposing to mitigate impacts. Staff does note that the 2,500 foot distance in those proffers does extend partially into the site, but does not include the portions of the site that are under the established flight patterns. These images identify the park dedications. The larger image on the left illustrates the 248 acres of passive park that the applicant is proposing to dedicate to the County. This generally follows along the stream corridors, along Accokeek Creek and some of its tributaries. They would have trails located within this area. The comments provided to staff from the Parks and Recreation department, just to highlight a few, they note that by accepting the stream valley land for passive park will require the County to provide staff and other financial resources for maintenance and supervision of the trails in these areas. And then also County does note that they do not have necessarily a stream valley park policy, so it's questionable if this type of use may be desirable at this point. With the 40 acre park, this is an active park with several soccer and ball fields. The Parks and Rec department noted that this 40 acre park would be a good location to complement their current park inventory and could support tournaments that might be held at Embrey Mill and Chichester Parks. And then also they do note that the actual number of fields constructed might be different than what you see in this image, because when you get into grading and providing parking and everything, often you don't get everything that you maybe hoped for. With public safety, the 5 acre fire and rescue site is consistent with the recommendations in the urban development area of the Comp Plan. The NFPA standpipe system proffer is consistent with comments from fire and rescue staff. Fire and rescue staff did have other comments recommending automatic fire sprinklers for all residential units. They also note that the overall layout may not be consistent with the P-TND zoning concept. What that means is the access might be a concern for them, for fire and rescue, due to plan development parking thresholds might not be consistent with the more suburban development patterns that are shown in this project. The existing conditions of the site, the site's primarily forested land cover with a mix of deciduous and coniferous trees. A relatively smaller portion of the site, specifically the Metz property, includes open agricultural fields and pasture land. There are three dwellings that exist within the subject area. There's one along Ramoth Church Road, one on Accokeek Furnace Road and another one, the site off of Cedar Lane. The General Development Plan does include a more detailed environmental resources inventory. The site, as mentioned, is bisected by Accokeek Creek with perennial and intermittent tributary streams. This site includes wetlands, a 100-year floodplain, resource protection area. The applicant has not submitted a perennial stream evaluation for the site to verify the location of the critical resource protection area. Normally we get those on smaller projects to determine the impacts. If the delineated CRPA significantly impacts the project layout the applicant may have to get a proffer amendment in the future. So it's important to identify those stream limits up front. The topography includes rolling terrain and areas of steep slopes greater than 25%. This image does highlight the portion of the site that includes maybe more of the widespread areas of steep slopes. Those are the grey shaded areas, in this area of the site. With cultural resources staff has identified several resources may be present. Three family cemeteries and there is a house site previously evaluated by the Department of Historic Resources and two house and farm complex sites that are visible back in aerial photos from back to 1937, so staff recommends evaluation of those locations. The Comp Plan supports evaluation on cultural resources and the applicant's currently performing a phase 1 cultural resource study to help understand the cultural resources and potential impacts of the development on those resources. And staff does recommend completion of that resources study before zoning approval. With other environmental impacts, there are Comp Plan policies that do recommend new development be sensitive to existing environmental features and protect natural resources and recommend clustering a development away from steep slopes. Some of the potential impacts, we've mentioned the need for a perennial flow evaluation to better understand the resource protection area limits, considering adding steep slope areas to some of the T-1 protection zones. The proposal doesn't recommend the removal of existing farm pond on the Metz property, and that's in the location where the town center is and there might be a benefit of maintaining that farm pond as a stormwater feature and feature in the Town Center

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that should be considered. Also, there are stream and wetland impacts that are existing. There's streams and wetlands that are within that 40 acre park, and so there is a good potential that there would be impacts in developing a 40 acre park. So that should be evaluated as well. And then, as mentioned earlier, there are several rural residential homes adjacent to this property that have private wells with a change in the landscape around those sites, the increase in impervious surface, that could affect the groundwater resources and potentially the private wells. The applicant is offering up the easements to those properties, but there still would be the need for the individual owners to actually get the connections to the existing water lines, which has a cost. School impacts. There are potential for 2,318 students generated from this use. Broken out would be 979 Elementary School, 576 Middle School, and 763 High school students. The current receiving schools are identified in this chart with their current design capacity, current enrollment, and percent capacity. With Colonial Forge there is a CIP project for the expansion of the school to support up to 2,000 students. And I had mentioned and I had already highlighted the target area that is shown for the proffered Elementary School Site. The applicant did receive additional comments and requests from School Board staff. Some of the highlights were an additional Elementary or Middle School Site on 40 acres within the project and then a larger school campus of 70 acres in the vicinity of the project was requested as well as some of the bigger requests that they made. Now we're looking at the proposal in relation to the Comprehensive Plan. The urban development area, highlighted in pink, is a land use, is recommended here and it's a recommended location for higher density mixed use developments that may include development patterns to promote pedestrian accessibility. This specifically at George Washington Village urban development area, it recommends in this location a maximum of 3,450 dwelling units, including 750 multifamily units, 300 townhouses, and 2,400 single family homes, and 1.6 million square feet of commercial in the area to the north of Accokeek Creek, so that's generally in this location. And then the plan recommends office park development of 8.7 million square feet in this lower portion below Accokeek Creek. So this proposal includes the maximum number of multifamily units recommended in the plan, and then a little bit over 322 townhomes, a little bit over the recommendation. The project is not in conformance on the south side of Accokeek Creek. This area to the south is where many of the single family residential units are located, throughout this portion of the UDA. Also, the density in the uses on the north side of the Creek, staff believes in this location, these are generally consistent with the recommendations in the UDA plan, but the form of development is, staff believes, is not consistent with the intend to promote a more urban form of development and staff will note, the Commission is reevaluating the urban development areas and considering amendments, but at this point we still have to refer to the current recommendations as there is not replacement policy yet. And the business and industry land use which is located along Interstate 95, that of course supports commercial and industrial development. In those locations you have a portion of the Town Center and more residential development. With the fiscal impacts, the applicant included an economic and fiscal impact study. The build out of the development is found through this fiscal study to create 8,255 jobs through the development of the project and through the long term which would associate with \$338 million in personal earnings, an annual net fiscal benefit of \$4.78 million to the County with one time capital contributions totaling \$59 million. With the proffer contributions I reviewed earlier the \$5,000 to \$15,000 per dwelling unit, depending on the type, is less than the current proffer guidelines which range from \$25,000 to \$46,000 per unit. And the proffer contributions, as I've already mentioned, total up to \$35 million. And we'll note again that the payments, the way it's structured, would go directly to the CDA to cover the cost of the proffered improvements that are provided by this project. Summary; the evaluation, the findings, positive aspects, the project does offer key north, south, and east, west transportation linkages which will serve citizens and motorists beyond the limits of this project providing good north, south relief to Interstate 95 and the east-west route of Woodcutters Lane. They provide relief to Ramoth Church Road. The monetary contributions fully mitigate impacts to Parks and Recreation. The design guidelines ensure high quality development and this does provide the ability to plan a cohesive community on a large scale as opposed

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to piecemeal development that we often see. With negative aspects, there is potential for the project to proceed without the proffered improvements should the CDA not be set up. It is not conform with the Comp Plan in the aspects of the location of the uses in form of development to the south of Accokeek Creek, and then the transportation policies that require certain levels of service and non-degradation of intersections. Also road improvements will not fully mitigate some of the transportation impacts associated with that. The impacts to schools, fire and rescue, and government, and libraries will not be fully mitigated. Environmental impacts are inconsistent with some of the Comp Plan policies. Potential of negative impacts on airport operations and potential impacts to cultural resources. Critical resource protection areas may require plans to change. In summary with this reclassification, staff would recommend denial at this time. Staff may have a different recommendation should the proposal be modified to resolve the issues raised by staff, but although there are many positive aspects, the negatives, at this point, outweigh the positives. The Planning Commission also should consider the issues raised in the report to further mitigate potential impacts.

Mr. Rhodes: Okay, are there any questions for staff before we have the applicant come forward to present and then we'll have public comment? Yep, Mr. Apicella.

Mr. Apicella: Mr. Chairman, I have several questions, but in order to get the public hearing started I'm just going to ask a few of them up front.

Mr. Rhodes: Thank you.

Mr. Apicella: The first question I have is in regard to some documents that staff strongly recommended be provided as part of our review, the perennial stream study and the cultural resources study. I think additionally the TIA was modified and VDOT's reviewing it and we're supposed to get some further comments. So, I guess my question to you is, do we have ETA on any or all of these? Our 90 day clock has started so I'm just kind of curious how and if we're going to get some more information.

Mr. Zuraf: I would defer to the applicant on the first two, on the stream evaluation and the cultural resource phase 1, and I'm not certain on when we may be receiving the comments from VDOT, but I'll check with them.

Mr. Apicella: You mentioned that abutting home owners on private wells would be responsible hook up fees. Do we know what the current price tag is for that?

Mr. Zuraf: I would have to check on that.

Mr. Apicella: Do we know how many families might be impacted?

Mr. Zuraf: I would also have to look through the plan and get a tally of the number of lots.

Mr. Apicella: Last question for now is, as you know Mr. English and I are working with the airport on a Stafford Airport Land Use Compatibility Plan. I think we're very close to the finish line. The proposed project is under the H-1 and H-2 designations that we've come up with. So from your vantage point, what would that plan say if it were adopted about this project?

Mr. Zuraf: There is a, within the H...well, I think there is a general criteria that prohibits residential development within 3,000 feet of the runway, so does affect some of the southern portion of this property, but otherwise, outside of that 3,000 foot zone in the H-1 zone it's kind of conditional approval

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for residential uses and basically there is a series of things that the applicant or project should incorporate, including noise mitigation, clustering of homes, and leaving open areas where, should any plane need to land or go down, there is areas for that to happen. So clustering, noise mitigation, also the requiring disclosure of the proximity of the airport. Those are the kind of aspects under the conditional approval. And then in the H-3, or H-2 zone, maybe a portion in the H-3 zone.

Mr. Apicella: I think there is.

Mr. Zuraf: I believe that restricts residential uses of this type in the H-3 zone.

Mr. Apicella: Alright. Thank you.

Mr. Rhodes: Other questions at this time? Okay, we'll ask the applicant to come forward and then after the presentation we'll do public comments. Thank you, Sir.

Mr. Payne: Mr. Chairman, my name is Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant. As always I endeavor to bring you small infill projects to be presented to this Planning Commission. I want to first wish you all happy holidays and thank you for volunteering your time. As many people may or may not know you are many times away from your family members to be here for the public and we appreciate that.

Mr. Rhodes: Yes, Mr. Gibbons.

Mr. Gibbons: Charlie, on the application it's Charles Causey, Augustine South and when I get this George Washington brief it's got Gary, so...

Mr. Payne: They are partner and owner of the applicant.

Mr. Gibbons: Alright. Thank you.

Mr. Payne: Thank you, Mr. Chairman. In moving forward, boy, you know this, and I want to thank staff for their diligent review. This application, even before we filed in April, there was extensive discussions obviously with staff and members of the public. You may recall that last year, or earlier this year I believe, we had a public hearing, a community meeting at Colonial Forge High School. So we've been very transparent. We met before that with the airport authority. We met with the Planning Commission members. And we met the School Board. We have a website. We've met with obviously leadership in the County. We're not hiding. We obviously can't hide given this type of project. This type of project again is something, I know you've heard me say it before, is a game changer for Stafford County. Game changers do bring a certain extend of shock to the community because it's different. It's large. It's a project that this County is not accustomed to. This County for the past 30+ years has been accustomed to a growth pattern of basically by-right development on 3 acre lots. It's had an impact, in all honesty it's had an impact on County's core services. Over the past 14 years the growth in this County has been driven by by-right use. It's not by rezoning. And those by-right uses, as you know, do not come with cash proffers. They pay for real estate taxes, it's personal property taxes. And we'll show during a slide that that hasn't been satisfying the core requirements in the county, which is why commercial development is so important. That's why a project like this, which is part of your Comprehensive Plan. This is not something that we dreamed up overnight. This is something that the County leadership 2008, 2009, 2010 developed the UDAs. In this type of growth near utilities, near major road arteries, near your services. This is the plan for the future and this isn't happening overnight.

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I mean I hear some folks in the background they're going to have to get the commenting on it. I know it's got a shock component to it, but 2,957 units is not going to happen overnight. It's not going to happen in a year. It's not going to happen in 5 years. This project is going to take 15 to 20 years to build out. If you're familiar with Stonebridge which is a very successful mixed use P-TND type project. Prince William County is anchored by a Wegman's, it's got townhouses, apartments, it's got a very attractive retails component. It's a homerun for Prince William County. It was rezoned in the 90s. So let's take a step back, let's not overreact, let's not come to a rash decision. This project's going to evolve, before you it's going to evolve. We've got a lot of things to work through, but I want us to look forward, not backwards. Stafford County is moving forward. It has to to sustain itself in this Commonwealth. Commonwealth of Virginia is losing jobs. 48<sup>th</sup> in the country in job growth last year. Why? It's losing federal jobs. It's losing all over the Commonwealth, including here. If this economy doesn't sustain itself, create a diverse investment environment, a job environment, we're going to lose. That's a fact. So that's 20 years looking forward. That's not 1 year. The federal government will benefit this area, no doubt, I hope it does. It's got some wonderful aspects, wonderful community citizens through our area. I was born and raised here. My family has been here since the 1700s. There was one High School when I went to High School. Now there's six. Growth is going to happen. We can't deny it. How we plan for it is important. How we diversify our economy and sustain our economy is also important. Now start with that. We don't have a sense of place in Stafford. We've got wonderful places, wonderful pockets of places, but no sense of town. No place where we can combine our civic culture and economic components that we can attract outside investment. That's what we're looking for. That type of density, that type of investment near the interchange, near major road arteries, and by the way the interchange is vitally important to us. It's got to happen for us. So that too is a component here. Let's not forget that this project is also providing some significant infrastructure that the County is planning to have, that's vital to its future, and having that third link, north-south from 610 to Warrenton Road. This will take it from Courthouse to Centreport. Huge advantage for the County. And advantage to the citizens that live in the County who don't have to get on 95 if Monroe is extended. So let's not forget there's some wonderful, positive attributes that have long term benefits. Mike?

Mr. Rhodes: Computer please.

Mr. Payne: Forgive me for my struggles here with the computer. Again, to make you a little familiar the site, the site is located, I just think it's important to show the dynamics of the I-95 corridor, this is how the George Washington Village is located, basically in the center of the County along our Route 1 and I-95 corridor, and again, outside the new interchange. Just west and south of the Interchange. It includes 1,051 acres. 1,051 have been consolidated for the past 15 years. Planning for the future. That owner has paid taxes on it, no development, no improvements, straight taxes, right? There's nowhere else in the County that you're going to find that type of consolidation of real estate in a high dense growth area. We'll get to that later in the slide as well. As Mr. Zuraf has shown in his presentation, the commercial components being in red, the Town Center area. We also, the client also owns in that part of this rezoning in that commercial piece is about 1.5 million square feet of space which will include retail, restaurants, and office. There is also an additional 350,000 potential square feet on 30 acres that's not included in this rezoning. So you're looking at potentially 1.85 million square feet of commercial space in the future. That purple area is the apartments, I'm sorry is the townhouses, the yellow area on your map are the apartments. There's 750 apartment units, there's 322 townhouses. That's the most that we can do within the UDA. The rest of the residential units are about 1,885 single family detached homes, just so you know, that's less than what is authorized in the George Washington Village UDA. There's about 4,100 units total, about 2,600+ single family detached. So we're not maximizing the density. In fact under P-TND we can do 12 units to the acre. This project is less than 3 units to the acres, less dense. To the south you'll see their proposed soccer fields. I just want to correct Mr. Zuraf,

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in our proffer statement regarding the school site, it will be within the project at some location, not to the south per se, or somewhere in the UDA. We're still evaluating that process, but at the end of the day, we're going to have to provide the site and dollars that we have proffered which is 10 million. That total package is around \$11 million. Again, the Elementary School site is consistent with the Comprehensive Plan. The project includes, as I stated earlier, and staff has reiterated, several significant transportation improvements, which I'll get to later. It also includes a trail system which I will get to later. As I stated it has a true sense of place for the County, cultural and economic center, a rezoning of 1,050 acres ownership under one control, it's consistent with the County's Comprehensive Plan and the site is located within the County's designated George Washington District. Again, I've outlined the commercial square footage and the potential density. This is a \$1.5 billion investment, I'm not sure how many of those investments are in the County, but this is a very strong and positive investment. The net revenue generated upon full build out is close to \$5 million. That's in 2012 tax revenue dollars. Of that amount 65% is going to be generated by commercial development. Our residential pays for itself, well over \$1 million. It will create about 8,200 new jobs. The capital investments that we're making are 90 million, that includes 60 million obviously in principal if you will, and the rest being financed over 20 years. The same thing the County would have to do if it built the roads. Again, this is a 15 – 20 year phase development. This is a view of the open space areas. About 46% of the site is open space that includes passive recreation, active recreation, and trail system, a if you will pedestrian mobile system. We want folks to get on their trails, get on their bikes, get on the bus, there's going to be three bus stops, we don't want them to get in their cars, so we believe this will mitigate traffic not add to it. Unfortunately our TIA doesn't allow us to mitigate traffic for how folks act or don't act after they get off work. Here's the trails system, about 5.5 miles of trails systems. There's been \$11 million worth of infrastructure for the trails. The trails system will obviously enter through the project that folks could make their way obviously to the Town Center, to the parks, to other neighborhoods. Again, consistent with the P-TND district and the Comprehensive Plan. You'll notice there's three bus sites there which will be an advantage to commuters and also again, get folks off the road. You see the Mine Road future extension there and the Woodcutter Road extension. The Mine Road extension will be four lanes, as proposed and encouraged in the Comprehensive Plan. Woodcutter extension which will connect us to Colonial Forge and give us another outlet west, as well as folks coming into our site coming east and wanting to go to Mine Road and go south or north, will be a two lane road. The improvements to Woodcutter will keep folks off Ramoth Church. The county does have a plan to improve Ramoth Church into the future, but Ramoth church is mostly rural still. The ability to keep folks off of Ramoth Church Road will not only save the county money but will have less of an impact on those folks as well. Here's our soccer-multi-purpose field. You know, when I was a kid, there was always football, basketball, and baseball. Now there's a lot of soccer fields. They like soccer fields in this area. So a lot of soccer fields and baseball fields we've laid out. Here's a 40 acre site. This site as well will be dedicated to the county as well, and graded. I believe that is about a \$800,000 contribution. Private, recreational amenities as staff generally note, we have a free community center within the project, all owned and operated by the HOA. There'll be a pool. The other recreational amenities they will be maintained by the HOA. There'll be four tot-lots, and there'll be tennis courts. They'll be open to the public. Transportation and infrastructure. A lot of discussion about transportation and infrastructure. What we thought we'll do is sort of go through, if you will, what's existing roads today and kind of how it would evolve through our project and as well take a look at the VDOT proposed improvements. The existing roads today obviously you see Courthouse, I-95, Route 1, Shelton Shop and Mountain View. We are, if you will, within the box of Courthouse and Ramoth Church Road, which is Route 628. As you see, that's the dark area there. I'm not going to touch the markers, Mike, because I know I'll mess it up, so if there's a need I'll go for it. This is the VDOT, Stafford County proposed improvement. So obviously you heard a presentation from VDOT today. There is some unknown, but we believe we shrunk it down to where we believe that VDOT's actually going to make improvements, as well as the

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County. There's going to be a re-design of the interchange, which as absolutely been in need for the past 30 years. And Mr. Gibbons can tell you that, that he and other members of the Board of Supervisors have worked long and hard to bring that interchange, those interchange improvements to this area. They're necessary for the growth and redevelopment of the Courthouse area as well as the hospital. Without a doubt, this will create a center for Stafford County. A realignment of Courthouse Road to tie into the hospital which is what you see to the east. The widening of Courthouse Road to four lanes to Widening Creek for the first phase of proposed improvements. Realigning Ramoth Church Road, as you there to the south. The intersection will tie in with Winding Creek. Kelsey Lane realignment and then Centreport realignment, as you see to the furthest south there, next to the 628 marker. Here is what private development is doing. As you know, the hot lanes are being built by a private developer, which is to the north, you'll see up there near the tip of Garrisonville Road. Mine Road extension at Embrey Mill will eventually tie into Courthouse. It doesn't have far to go. Austin Ridge realignment, which will be part of our entrance, which has been proposed to be removed, but I heard something interesting tonight from VDOT that maybe that will change, and then Woodcutters Lane extension from Colonial Forge. Here's what happens with our improvements. Mine Road extended all the way to Centreport. As you see, the main four lane Parkway that will extend from Courthouse to Centreport, Woodcutters Road extended, as I noted earlier, from the extension of Colonial Forge into the center intersecting with Mine Road, Kelsey Lane extended into the center. This will also give the folks who are living off Kelsey Lane today an opportunity to come our way and to go south or north, or west. Austin Ridge extended to the Town Center, as noted right there off of Courthouse Road. Here are the overall transportation improvements, if you're thinking about this important, third, linear north-south link. As you see, the connection extending Mine Road from 610 all the way to Centreport. As you all know, there is another plan to extend from Centreport to Warrenton Road and Route 17. The last part of this link called the Stafford Parkway or Berea Parkway, whatever they're naming it today, that will give internally residents of the County, investors in the County and option versus getting on I-95 and Route 1. It will open up that corridor. It will benefit the airport. It will benefit George Washington Village. It will benefit any business within that corridor. There it is complete. Town Center. What's a Town Center? What does it look like? As we stated earlier, Stonebridge is a good example of what the modern Town Center will look like, what we believe and envision what this one will look like, being anchored by a national grocery store, a national retailer, and again, have office, retails and restaurants. I was talking to a friend today who said, you know what, this project should be embraced. All of my friends are driving north to shop for Christmas. They're going north to eat. They're coming to the City of Fredericksburg to eat. Folks are looking for options, are looking for a better quality of life. Again, here's another view of the Town Center, the red being the retails and commercial, the yellow being the apartments, and the purple being the townhouses. Why do we have the townhouses and the apartments adjacent to the commercial and the retails? Obviously to help generate commercial revenue there. There's a lot of millennials who we hope will be moving or are already moving into Stafford County, they will be 50% of the workforce in 2020. Many of them like living in small spaces, apartments, townhouses. They don't want a big yard, they don't want big house. Even the ones that are married. So I think that's important to understand why it's important to attract them, and many of them are young entrepreneurs. Here's another sort of look of what the Town Center can look like. You see a Harris Teeter there. There's another look. Open areas, restaurants, retail above, restaurants below all in a very nice Courtyard setting. I'd love to have an apple here. Again, opening up opportunities. A Town Center concept will give you an opportunity to create that type of investment environment. We don't have that know. A big box. Lots of traffic going on 610. You have an area you can go and park, walk, shop. It's a unique opportunity. Another look. And again, another Town Center feel with restaurants and shops. This slide I thought was very important to show. As you can see, to the left is the proposed Town Center and the George Washington Village project. Part of it is in the Courthouse re-development area, which encourages this type of project. To the right is the eastern

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portion of the Courthouse re-development area. Look at how many properties you would have to consolidate to get what has already been established on the west side of the George Washington Village. The amount of time it would take and the amount of money it would take to make that happen is just not going to occur any time some. 10, 15 years. So this is a unique opportunity for the County to grasp, to have this center, that's what George Washington Village is offering. Economic impacts; Always important to evaluate. These impacts are during the construction phase of George Washington Village and these are in 2013 dollars. The direct outlay is going to be about \$1,000,000,073, the total outlay is going to be \$1.5 billion as I stated. The earnings are going to be about \$338 million during this process and will create 8,200 jobs, 5,200 which we estimate to be Stafford County jobs. I know that at times folks think that construction is painful in Stafford County, because it means growth, but it also means jobs. Other than government service, the second largest industry you have in Stafford County is construction. If you take construction away, if you didn't learn this during the great recession, you have a huge impact on your tax and jobs. It forces folks to have to leave, look for jobs elsewhere, separate their families, and in many ways have adverse impacts, including bankruptcies. I thought this was important to show as well, as we talk about projects that are coming in for rezonings and the impacts they may have. This slide shows you where the growth has been since 2004. Permits that had been pulled without proffers, or typically permits are by-right, not with rezonings, and there are about 8,646 since 2004, compared to 1,569, again this is through 2013. Therefore 18% of your growth during this period of time has been due to rezoned projects. By-right projects drive your growth period. They drive your cost and your growth, not rezone projects. Rezone projects bring different types of opportunities. Here's the number. Right today, the existing residential versus non-residential land use impacts since, well this was measured in 2012, that's all the data we had then. Residential per person in Stafford County cost the County \$129.37 per person. Now that's offset by commercial, by evaluating jobs at about \$913.61 per job. That's still not enough jobs. That's still not enough growth to offset the cost, because eventually what's going to have to happen, and I'll show you the next slide, because of the pattern that's happened for commercial growth in this County has been stagnant, very stagnant. If it doesn't increase and you get to more of a 730 mix you have two options, no more core service, you increase taxes, one of the two. Either one is a good option. So what do you need? You need investment. That's what George Washington Village does. If you look at our residential outlays, tax revenues that are driven by this project, \$16 million annually, offset by cost, which are \$14 million annually, you're netting \$1.642 million on an annual basis. Comparing the same under you commercial component, you're netting over \$3 million annually. Your net number per year is close to \$4.8 million. I don't know of other projects in Stafford County that invest \$1.5 billion and generate \$4.7 million. That's about a 23% return, not too bad. Here's the tax base analysis, and this came from your Commissioner of Revenue. Since 2000 the 14 year pattern has been very bad. Look at it. 17%, 13%, 12%, it dipped up to 20% in 2012 and 19% in 2014. The folks who are paying the taxes in this County are residents. They're paying 82% of your taxes. That number is not sustainable based on the number I just showed you. Proffer overview; just real quick, there's a \$90 million investment in capital facilities. That's \$60 million in today's dollars and again through the CDA it being financed over 20 years, that finance cost and interest is about \$90 million. That's cost. That's real money that otherwise the County would have to pay for infrastructure, right? So staff did an analysis and said, you know, if you look at what the maximum cost would be for your project, and they came up with a number of about \$120 million, gave us no credit for what we could do by-right, which is 462 units at \$22 million cost to the County with zero proffers. We could do 8-9 million square feet of industrial or commercial uses, but no improvements to roads, other than entrances. Zero. Pour all that on Courthouse, pour all that on Ramoth Church. We're downzoning. We got 28,000 less trips, daily less trips. This is a downzone project. But the analysis says we're costing too much. I don't think it's the right analysis. You got to look at the totality of what this project presents. So you got \$120 million, subtract 22, I'm at 98, I invest 90, I'm at 8 and you haven't given me one ounce of credit yet for my net revenue number that I'm

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generating from a tax basis. Over 20 years at full build-out I'm generating \$100 million, plus I'm building roads, giving money to schools, dedicating fire station locations. That's a huge, huge number. It needs to be evaluated that way in our opinion. As stated, transportation infrastructure improvements, it gets a little more detailed, about \$34 million, dedicated land for new elementary school site, that's about \$800,000 to dedicated the land and grade it, another \$10 million in cash for the construction of the site for the school. Fire and rescue site, about 5 acres. Park and Recreation, as staff has said, we fully mitigated with our proffers; 40 acre active site, that's about almost \$800,000. Again, I just broke it down. 10 million for schools, actually that's 10.8 for schools if you include the land, almost 34.5 for roads, the shared mobility, the pedestrian trails another 11 million, and again, the cash proffers that we're collecting on the units is to ensure that we have the money to pay down debt service. I think the county has had some negative experiences with CDAs. They couldn't pay their debt service. This is unique. This is different. We're going to collect...the county is going to collect and earmark those dollars to pay that debt service down, for rainy days. We've been through a great recession, market swing. It's a really plan, I think a really smart plan, and a forward thinking plan, and it's part of that 90 million. Again, transportation proffers, let's talk a little bit about that. Full section four lanes extension of Mine Road, again, this will link the 9 mile connection between 610 and Centreport, part of the County's transportation long range plan, and again, it will have, in our opinion, a positive impact on the County in attracting commercial investment, maybe even a Lego Land. Provides an alternative to local traffic on I-95 and 1. It has the capacity for up to 35,000 vehicles per day, but we're only adding 8,000 to 9,000 vehicles per day. Extension of Woodcutters, again, two lanes from Colonial Forge Subdivision to Mine Road we believe will one, give us a great connection to Colonial Forge and going west and then coming east and south. And likewise we'll relieve Ramoth Church Road, and save the County some money so it doesn't have to make those improvements sooner rather than later. And again, construction of separate westbound right-turn lane off Ramoth Church, installation of traffic signals off Ramoth Church. I mean it goes on and on. Courthouse Road /Mine Road intersection, (inaudible) dual westbound left turn lanes at Mine Road extended, northbound right and left turn lanes, southbound at Mine Road extended... I'm sorry, I don't to mean to be rambling, but it is a lot of investment here. Summary, again, this is, and I also want to address some staff comments real quick after that, a civic, cultural, and economic activity center, a sense of place for the county, again a sense of place to assist us in identifying and attracting investment, grow our economy and our commercial tax base, again, we can't compete. We're not competing north or south today. Economic development, an about \$1.55 billion investment, expanding our highly skilled workforce, we want them to stay, we don't want them to get on the road. We want bring and attract the jobs here. Got a wonderful high skilled work force in this community. One of the best in the country. They're miserable being on the road all day. Let's find a way to keep them here. Find investment and job centers here. Providing strategic transportation and infrastructure improvements, as we have stated, expanding park and recreational facilities, expanding commercial and retail, restaurant tax base, new employer base investment, infrastructure millions of dollars of new infrastructure that these tax payers won't have to pay, extension of Mine Road, extension of Woodcutters, road improvements to existing roads, 300 acres of active and passive recreational park land, dedication of future elementary school site, and dollars for construction, dedication of future fire and rescue site, unique opportunity of having one owner control this much land in your designated high growth areas. Comprehensive Plan, we believe this project does meet the standards of the Comprehensive Plan. Staff has taken the position and the Planning Commission, I understand, has been evaluating the UDAs, I assume this one as well. My client has owned property south of Accokeek Creek Industrial Zone for 15+ years. Not one bite, not one sniff from an investor. A lot of talk about the airport authority, how the airport's going to generate all this economic development, revenue. It's been around since 2001, not one bite of my guys industrial site, nor a lot of others. It doesn't make sense. It has bad visibility, bad access. A commercial investment needs to be near the interchange. Again this project, don't get sticker shock, don't come a rash decision. This is a long term project which

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is consistent with the planning that the County has in this Comprehensive Plan. Again within the County's designated growth areas and urban service areas, there's \$42 million in tap fees at full build-out; \$42 million, commercial and residential. I'm sure that's going to make the Utility folks very happy. Coordinated with plan transportation infrastructure, projects and expansion.

Mr. Rhodes: Very good.

Mr. Payne: And, Mr. Chairman, if you could bear with me real quickly, I just want to address some of the staff comments. And, again, I love working with your staff. You've got a wonderful staff.

Mr. Rhodes: You didn't address them in the 34 slides?

Mr. Payne: Mr. Chairman...

(Applause from audience)

Mr. Rhodes: Please no, that's not appropriate. I want to make sure and deliberately get to the public comment. They've been on this item for an hour and a half now.

Mr. Payne: I can address them after the public comment, Mr. Chairman, if you prefer. I'd be happy to...

Mr. Rhodes: If there are a couple critical ones, if you have a couple of the highest priority ones, Mr. Payne, and then we'll certainly get back to more conversation.

Mr. Payne: I took a lot of time and I apologize Mr. Chairman, but I will address them after the (inaudible).

Mr. Rhodes: It's a big project, I understand, but I just want to...

Mr. Payne: I appreciate it sir.

Mr. Rhodes: Thank you.

Mr. Payne: Thank you.

Mr. Rhodes: Okay, thank you very much. Well, are there particular questions for the applicant at this point? We're going to circle back on this after the public comment, but I do want to get opportunity for public comment. I thank everyone for their patience. This is a very big project. I appreciate staff and applicant's efforts to try and address it holistically, make sure they address the aspects on there, and there's certainly much to this. But I would now like to open it to public comment. I would just like to clarify that, again, you will be addressing the Planning Commission as a whole. It is not an opportunity for question and answer. Certainly our history has been that we would, if there are particular questions, if there is a way to effectively answer that with staff and follow-on commentary, we will attempt to do so. But it is not an interactive dialogue but it is your opportunity to bring forth comments or issues that you think have to be considered as part of the process. So now I would ask anybody who's interested in making a comment to come forward at this time. I'd ask you to state your name and your address. Once you do so, a green light will come on indicating 3 minutes. A yellow light will come on when there's 1

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minute. And then when a red light comes on, we would ask that you wrap up your comments. So please come forward at this time. Thank you.

Dr. Fetterolf: Mr. Chairman, members of the Commission, Dr. Dean Fetterolf. First of all, let me thank Commissioner English for respecting the public and asking that this public hearing be kept open. Thank you sir. Education is an economic incentive and the George Washington Village project is an economic disaster for schools. Half of our schools are at or approaching capacity. Sixty-four percent of our teachers are earning significantly less than comparable districts and young teachers are leaving at a rate of 55%. Two thousand, three hundred eighteen students will greatly exasperate this situation. The cash proffers for schools should be \$78.8 million based upon the Board of Supervisors' latest proposed guidelines. Offering only \$10 million, undesignated land otherwise likely to be unsuitable for development, and more plastic grass is insulting. The proposed... there's \$35 million in proposed cash proffers, yet the total calculated by the Board of Supervisors' most recent guidelines is \$135 million. This development is an assault on the common sense and general welfare of every citizen in this County. Let's take a look at a few things: just where will 763 high school students go? The County's going to spend \$7.8 million and increase the capacity of Colonial Forge from its current capacity of 1,936 to 2,000 students. Where's the rest of these students going to go? Where will all of those 42,820 vehicle trips go when we don't get an interchange or a widening of Courthouse Road? Trying to sell this project on 1.5 million... or now I guess it's 1.8 million, of commercial space is disingenuous at best. Will 750 homeowners have to count of a convenience store for grocery shopping in the first 30,000 square feet of what will be a strip mall? It appears that the economic study ignored the 40 years of commercial... glut of existing commercial space clearly identified in the most recent soundly defeated 675 home Oakenwold development near the airport. How did developers not know of the airport's recent opposition to residential development as stated in the Free Lance-Star? Didn't we just go through this? What else don't they know or won't tell us? Here's one: what's traditional, neighborly, or developmental about the Aquia Towne Center? They also won't admit that's a suspicious claim to say that this CDA will save the County money. County taxpayers do not have the obligation to rezone any property or extend roads or water and sewer to any conglomerated 10,000... or I mean 1,052 acres. How well did that CDA do in Stafford for Silver Company? Finally, claiming \$4.7 million in annual fiscal benefit had it been built in 2000 just doesn't make sense. It'll cost \$11.6 million for those additional school students alone. Thank you.

Mr. Rhodes: Sir, thank you very much. Is there anyone else who would like to come forward and speak?

Mr. Garner: Hi, I'm Todd Garner. And as being pretty much front and center and kind of to the top left... to the top middle circle of what's being proposed, this is a hot button issue. There's a lot of emotions for sure. But what I've seen with Stafford County growth to date is a bit more reactive, a bit more siloed. And what seems to be proposed here is a cohesive plan, a genuine town center, a sense of community, and personally I'd be very much willing to pay to hook onto water and sewer as my property values increased. And, as I see millions of dollars of infrastructure being invested, as I see thousands of jobs being created, as I see the potential of not having to go up 95 everyday, I'd urge the Commission to, you know, not make rash decisions. This is a 15 to 20 year plan; this isn't going to be overnight. So that's pretty pertinent to me as well. So, you know, I too am not wild about change all the time but this seems to be the good kind of change. So I'd like to urge my neighbors too to try to take a more objective view, and a long term view, because as being a part of the 80% that pay for the tax base, I'd love to see that tax base widened instead of infrastructure and County services just continuing to suffer and potentially fail. Thank you.

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

Mr. Taylor: Real quick. I'm Paul Taylor. I'm a pilot and I fly out of Stafford quite often. My biggest concern... there's some very good comments tonight, a very good presentation, but for all of us who have watched the news the last couple days with the crash up at Gaithersburg, they've had 14 crashes up there in the last 20 years. And I'm not sounding the alarm about airplane crashes; we've had 1 at Stafford with Rick Potter 10 years ago or so and they went to all the trouble to clear the trees on the hill across the road from the airport for safety there. Then a couple years ago there was a crash over by Shannon Airport where they crashed into a trailer park there. I'm just very concerned about the building underneath the flight path there and I think everybody should consider that.

Mr. Rhodes: Thank you sir. Anyone else? Yes sir.

Mr. Hess: John Hess. I'd like to first inform the people that Woodcutter Road comes out on Kellogg Mill, not Accokeek Furnace. And right at the present time, we have trucks going in and out of there right now, and Kellogg Mill Road is a chip and tarred road, it's not a base road. And all these trucks and stuff are coming off of that subdivision and now you're going to add some more coming off that road? We started this project when Mr. Harvey was just starting in the business. Years ago him and I talked about it and they told me back then that they had put \$1,600 in the Six-Year Plan to program this tarred road. They never did anything yet but you're still adding more traffic. Two trucks cannot go by without tearing up my front yard. The Ramoth Baptist Church has services there on Sunday and you can't get up there now; thank God that the people do go to church but the parking lot is chuck full right now. And right at the present time, like I say, they cannot pass on the road. Mr. Hazelton evidently has this little red truck that runs up and down that tries to keep the trucks coming down the road one time and going back the other time. That's the only thing that's saving our yard and our families, and the church parking lot because you can't pass on that road. The fire truck comes down through there and a school bus, you gotta decide whether the kids go to the school or the house gets put out on a fire call. And I've been with the fire department for 50 years, or more. So I do recommend that you deny this until VDOT can come up with something ahead of the program to at least get us some kind of traffic. We can't get water and sewer down where we're at but it's going down both sides of our property. Thank you.

Mr. Rhodes: Thank you very much sir. Anyone else?

Mr. Hess: My name is Brian Hess. And yes, that was my father. According to these plans that are stated in all these proposals, the extension with Woodcutters Lane is proposed to be a major thoroughfare. My problem with this is, is from what the staff was saying earlier about saying having the County Board of Supervisors and VDOT help with condemnation to get land for these projects, basically the developer in this is a glorified salesman. They are showing... they are telling you everything you want to hear about profits and everything else. They're not actually showing impact of residents of Stafford County. I have lived on that road my entire life; my father has lived... I built my house 800 feet from where I grew up. According to these plans, this Woodcutters extension is going straight across my structure on my property. The house that is showed in the aerial view is my garage and my in-law suite at my house. The problem I'm having with it is other land behind me is being affected to make this road that is supposed to be so good for transportation and everything else. My problem is it seems shady to me that this developer is going to the County and VDOT to do their dirty work for them. Nobody has yet to approach me, warn me, say a word about this development and the possible seizure or buyout of my property. I don't see how that they can assess all of this and build a plan to take somebody's... without even conferring with the homeowners or the property owners. In reference to what my father was saying, we cannot get County sewer and water down our road. We've been lobbying for it for

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many, many years. It took 30 years to get the dirt road at least tarred and chipped. It is not a standard size road. It is not wide enough. And, like he was saying with trucks passing, but you're talking about 40,000 trips on these roads and both are dumping out onto that section of Kellogg Mill Road at Ramoth Church Road. Not all vehicles are going to be going through. They're going to be cutting across to go to the Hartwood area. So something needs to be done with the development and these roadways and the way business is being conducted without informing any of the homeowners or residents. I know there is... I know I'm not the only one in this case that is disapproval of the tactics and the processes of how they're doing this. I just suggest that the Board of Supervisors take a careful look and consider all of the long-term Stafford residents that have dedicated themselves and everything to their County. Thank you.

Mr. Rhodes: Thank you sir. Anyone else? Yes sir, back there. There's a gentleman behind you; he's just been standing there a bit if we could. Sorry, thank you.

Mr. Metz: Mr. Chairman, members of the Board, my name's Thomas Metz. I've lived there for the past 47 years. Enjoyed it all I might say. I've looked at probably I can't tell you how many plans and propositions and things of that nature I've looked at in those 47 years of people wanting to do things down there and all that. And they were just nothing really. And has been said here tonight, this is a game changer. And the people that are doing this, I'm familiar with them for at least 20 years. They have a track record within the County here. I think that many of you have seen things they've done and know about things they've done. I think this project, when it is done and you look at it, you'll be happy to say I had a good hand in making this come out like it did. Because I believe it will be a good thing for the County and for everybody else around. And I have never drove nowhere to work; I guess I can say I've been unemployed for 60 years right here in Stafford and enjoyed it all. A lot of folks here have to drive a long distance to work and all like that, and it would bring some jobs here. I have no idea how many. But I highly recommend this to you. Thank you very much.

Mr. Rhodes: Thank you sir. Anyone else?

Mr. Proxmire: Good evening. Joe Proxmire. First I'd like to applaud your team for their assessment, being unbiased and giving both the pros and the cons. And I also applaud their non-concurrence recommendation because that's where I stand on it. I believe most of the residents that are affected by this plan would probably non-concur with it. I moved from Kingstown/Springfield area to have my little piece of the country down here in Stafford. I have a log cabin; it sits up on 4 acres at the end of Kelsey Road which has a great view. I plan on retiring there. But after receiving a letter in my mailbox about the potential for this to move forward, now I have to reconsider. So what I would hope that you do is follow the recommendation of your staff and deny moving forward with this. Thank you.

Mr. Rhodes: Thank you sir.

Ms. Hamilton: Rebecca Hamilton. I concur with everything that my better half says. I had actually just moved down 2 ½ years ago from, what was it, Stonebridge I believe, that they said that was the wonderful town community center that Stafford can be just like. I left there to come here. That should tell you something. If any of you have every driven down Kelsey Lane, you'll find it's a quiet, 2-lane... barely 2-lane... little residential street, no outlet, with a little cul-de-sac in the end. You'll see beekeepers. You'll see gardens. And you'll see horses. Get to the end of the cul-de-sac, go through the little woods, that's where our log home sits. My neighbor is also right here as well. We are a community. We do have a sense of self. We all know each other and we all stand up for each other and we all look out for each other. That's community. What he left in Kingstown and what I left in Woodbridge, that's not community. That's money. And that's greed. And that's what this is all about.

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I like having well water. I don't want city water. So they're actually going to come in here and contaminate our water or changes the tables or, sorry I'm not the engineer there so I don't know exactly what would be affected to where we have to go and then they're not going to pay for it? Are they out of their minds? Really? That's looking out for us; thanks, appreciate it. Talking about extending Kelsey Road; what a great opportunity for us. So now we're going to be the gateway to the community center, the stores. So we went from being a quiet little street to now we're the entrance to the merchant center, the town center. We never heard about this. How is this even going to happen? If you drive down that road... I have no idea how they're going to do this. So, I don't know... it's not about being shocked. I know the realities. The fact is, is that we don't want the realities of what's coming. There are other ways to go about doing it. There are better ways to go about doing it. This is not it. Thank you.

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

Ms. Sigmon: Hi, I'm Susan Sigmon. Just a couple of things. I found that it was very interesting tonight that there was a lot of presentations and slides put up about money and revenue, and environmental studies were missing. Didn't see a lot of information about that. I know if the area where I live, there are deer, wild turkeys, owls, a wetland area behind my house, beavers in that area. Haven't seen anything about any of the impact on the wildlife or the animals in the area. I would like to kind of hijack some of the phrases from the developer. Frankly I'm a little offended at the notion that Stafford is not a sense of place. I think it is a great sense of place and the people in this community have that. I think if you poll most of the residents in this community you will find they live in Stafford because it has a rural feel. They don't want to be in Woodbridge, they don't want to be in Lorton, they don't want to be in Springfield; they want to be in Stafford because they feel like they're getting away. I heard the phrase tonight by the developer many, many times about a unique opportunity... a unique opportunity... a unique opportunity. I think most of the residents of this community will find that being here, the way it is now, is a unique opportunity. And when you overdevelop it and when you maximize it out and when you take away the parts of this County that do make it unique, the unique opportunity is gone and Stafford County is not what it represents right now to be as a place for families that is rural and has pockets of getaway space so you don't feel like you're living in D.C. I think the unique opportunity has been taken absolutely away and you'll be remiss in doing that to the County over 15 years, over 20 years, over 2 years, and whatever the timeframe is. I think Stafford is unique the way it is right now. Thank you.

Mr. Rhodes: Thank you.

Mr. Wallis: Good evening. I'm Ed Wallis. I'm also the Manager of the Stafford Regional Airport. Hank Scharpenberg, the Chairman, requested that I read into the record the following statement. The Stafford Regional Airport Authority strongly opposes the George Washington Village development as currently planned. The applicant intends to construct high-density residential development to the north of the airport's runway. As we have indicated on several occasions, Stafford's airport northern traffic pattern will be reinstated once landfill cells which represent a bird-strike hazard are no longer an issue. The former reinstatement request to the FAA will be initiated shortly. Once reinstated, the northern traffic pattern will route piston and jet aircraft to fly directly over the area intended by the applicant for high-density development thereby creating an adverse impact to the quality of life to the residents under its path. As the area between Ramoth Church Road and Accokeek Creek is not targeted for high-density residential development by the County's Comprehensive Plan, allowing it to occur is completely unnecessary. As you are aware, we are required by FAA and DOAV grants to take all steps possible to prevent encroachment and incompatible land use within our operation zone. Next year we fully intend to begin design work and preliminary construction on our thousand foot runway extension, a project that

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represents between 8 and 12 million dollars in economic benefit to the citizens of this region. Without, a corresponding increase demand upon taxpayer funded schools, services, and other infrastructure. This runway extension is an essential component to the future economic potential represented by Stafford Airport. We strongly urge you to avoid any action that might endanger this potential and recommend that you disapprove the George Washington Village request. Thank you.

Mr. Rhodes: Okay sir, thank you. Anyone else who would like to speak on this item?

Mr. Madison: Good afternoon... evening rather. My name is James Madison. And I've lived in Stafford County since I was about 6 years old. And we moved out because of the fact is there wasn't no progress. And we moved out of here and went to Fairfax. And we didn't want Tysons either. We didn't want Reston Center. We didn't want Fairfax Center. But with the young people today, they need it. We were here years ago with Michael T. Rose. I don't think any of y'all remember, a builder came out of Bethesda and spent over a million and some dollars doing the same thing. And they were talking about the same taxes. And all of the people that were here and did it are dead. And there have been not much progress in this County. I don't want to be thrown out; I live in Fairfax County. I own property down here. But Michael T. Rose, I guess for about 5 years, put up sheets and spent millions of dollars for a wonderful community called Cherokee Falls North, South and Center. Do any of you remember that? None of you remember that. That was a community for Stafford County with schools, watersheds and all. They complained about they didn't want the vines from the trees tore down. They didn't want the horses running this or that. That Ramoth Church Road is so dangerous that when I go to visit and drive through there, I have to stop and make sure, when I turn around at the airport, that there's nobody coming through there at 80 miles an hour. If you don't do something to this County, you will be left behind. Thank you.

Mr. Rhodes: Thank you. Anyone else who would like to speak? Okay. This will not end the public comment portion. We will keep it continued for the next time we meet on this item, should it be continued. But that will end it for this evening. With that I'd like to offer up to the applicant an opportunity to respond to some of the comments.

Mr. Payne: Mr. Chairman and other members of the Planning Commission, Charlie Payne with the law firm Hirschler Fleischer. And I just want to say thank you for giving us the opportunity to present this case to you, this project to you, and thank you for the opportunity to respond and I'll be brief. It goes without saying we've got the utmost respect for our neighbors. So if we gave that impression, I apologize to whoever those individuals were offended. That's never, never our position. Putting forward a project that's consistent with the Comprehensive Plan is planning for growth in this area. And a lot of folks, or some folks, you heard some folks on the plus side and on the negative side, don't react well to it. And I understand it. It's a change. It's a significant change, especially if you move from another high growth area. But this is planned for growth. This is planned for new infrastructure. This is planned for new utilities. This is the area in the County where 4,100 units are supposed to go, in the future. This project is 20 years, 15 to 20 years; it is not going to happen overnight. It's going to bring lots of positive improvements to the region and to the area. And it will give Stafford County a unique opportunity. Stafford County is unique. It is a great place. I was born and raised here. There's no doubt I love it. My family's been here since the 1700s; some folks say we've been here way too long. But the reality is, in order for us to be sustainable and to survive in the 21<sup>st</sup> century, we've got to have a diverse economy, we've got to have a diverse community, and we've got to allow that investment to happen. You've got to create that in venue. You've got to create that environment. I know for some folks that's tough to understand. But it's got to happen. And this project takes us in that direction. Not perfect; certainly we can improve on it. We're going to look at some of the comments and some of the

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comments from staff and from the public to see what we can do to improve that project. But at the end of the day, it will be an asset to the County. And regardless of the airport, the airport's been here since 2001. We want the airport to be successful. This community wants the airport to be successful. It needs growth. It's needs the type of disposable incomes and commercial investment to help generate users at that site, bring folks in, attract folks to it. Absolutely. We're going to play a major role in that. This northern flight pattern discussion -- they know; it is well into the future. Well into the future, if it's approved. If Quantico allows it. If the FAA allows it. There's many, many hurdles. So this is not etched in stone. And so you know, we went to the Airport Authority. We went to the Airport Authority first! Not one negative comment other than let's try to find a way to buffer your southern site. No flight pattern issue. No within the flight pattern questions. No future flight pattern problems. Nothing. Two occasions. So, we didn't hide, we didn't come to a public hearing and say hey, we gotcha. We're transparent; we've been transparent from day one. We've got a lot to learn, I know. We've got a lot of progress to make, I know. But this project is a unique opportunity, whether you want to acknowledge it or not for Stafford. It gives us a competitive opportunity. That's all I've got to say Mr. Chairman. I'll be happy to answer any questions.

Mr. Rhodes: Thank you very much. Now, I would bring back to the Planning Commissioners I think there were probably some more follow-on questions either for staff or the applicant. So I'll bring it in to us. I do want to just ask one thing, just to confirm. On the Kelsey Road inter-parcel connector, was that more so a requirement of ours based on our planning requirement to have those inter-parcel connectors?

Mr. Harvey: Mr. Chairman, looking at the overall layout of the neighborhood and number of proposed dwelling units, based on County code as well as VDOT standards, it would be a requirement to connect to Kelsey Road.

Mr. Rhodes: Right. So that was more of our ordinance requirements we were highlighting at that point.

Mr. Harvey: Yes.

Mr. Rhodes: Okay.

Mr. Harvey: Some of the staff comments was if there would be a way to redesign that connection so it would have reduced impact on that (inaudible) street.

Mr. Rhodes: Yeah, no, understood. I just wanted to confirm that was more part of our code issues.

Mr. Payne: And we can't promise you anything, but we'll take a look at it and see what we can do.

Mr. Rhodes: Just since it was raised, I wanted to raise that. So, are there other questions for either the applicant or staff at this point?

Mr. English: One of the citizens asked about the environmental impact. Do you have a study on that?

Mr. Payne: Yeah, Mr. English, I'm sorry. I lost my train of thought during the initial presentation, Mr. Chairman, and I meant to follow-up on those two items; cultural and CRPA analysis. On smaller projects, it's not unusual, as staff has stated, that you do your perennial stream studies prior to the zoning process being completed. This is a large, super large project. I don't want you to think that we just said, okay, we're guessing where everything is. We did a preliminary study. So a preliminary study has been performed and submitted to the staff for review. What staff is saying is, we want to see a more

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detailed study because what we're concerned about is, is when you come to us prior to what could be typical to the preliminary plat stage, that's when you have to have it done, right, prior to that point. You know, we don't want to have to reconfigure this whole thing, because then you have to come back for a proffer amendment. And I understand that and we're looking at it. It's just a huge expense up front for an applicant, any applicant, for a project of this size. Typically, staff can... in fact, I don't want to be disrespectful to anyone... but typically it's not unusual for this to happen prior to preliminary plat stage, which means if the impacts are there, we can't develop under those areas. So there is a control mechanism along the way, just so everyone knows that. And on the cultural resource study, we're looking into it. We think we can get that done hopefully sooner rather than later, but we need to get more details on that. So we've got that procured and moving forward.

Mr. English: Okay.

Mr. Rhodes: Okay. Other questions? I will just... I'm making a wild guess here. I'm thinking this might get carried over to the January session. So, taking a chance that it may not be resolved tonight, I would just share that the couple things that sit out to me, Mr. Payne, just for a little further consideration, were the lack of timing specified on actions. Now I know we can't on a long term horizon such as this, it's harder to do so, but we've got some of the proffers that are associated with 1,500<sup>th</sup> and 2,500<sup>th</sup> unit way on the backside. But I didn't see timing of roads, I didn't see timing of commercial other than that minor 30,000 square feet, I didn't see timing associated with amenities for the development for the different nodes of areas. So the lack of a lot of those timings were a little disconcerting in their own merits. I would just raise that to you from my observation. I've recognized that there are a lot of concerns on the impact to schools and rightfully so, but obviously all those hundreds and hundreds of students are not going to show up in one day. And I understand that dynamic but that's an impact that's over a long period of time. And the fact is, Stafford County has grown by that... you know, we've had this impact of almost of double growth every 20 years. It's almost algorithmic. So we're going to have people coming here. It's planning on where they're going to go to, whether they're going to be out in by-right and other areas. So there are some pluses to some of these dynamics. On the flip side to end some of those proffers that help to mitigate some of the impact, only after almost darn near everything's been built out or those things, that's a little... that's a bit troubling when you look at those balances in there. So, I raise those as some of the points that I've observed that I'm trying to digest a little further, but I do have some general concerns on.

Mr. Payne: Mr. Chairman, just real quick if I could, we'll look at all of those. The phasing is just complicated for a complex project of this nature. We could try some guesswork in evaluating that process, but we promise you we'll go back and take a look and see what we can address. Schools -- you know, there's a balance that you've got to play with infrastructure and schools and there's so much money in the project, right. And infrastructure in this project is extraordinarily important given the interchange. It doesn't mean schools are not important; we've had this conversation with the School Board. Schools are extraordinarily important. But for this type of project we feel like that balance weighs a little more heavier on the infrastructure side because of what it can bring. That's why we're weighing more on the \$35 million towards infrastructure for roads. So, we'll take a look at that and try to balance the best we can, but I'm sure you all recognize there's so much money for a project.

Mr. Rhodes: Mr. English?

Mr. English: Yeah, a couple questions. My concern too is the impact on the families with the wells. I want to know... I'd like to know how many wells, the people in that area, that may be affected. And what the cost would be per family if they had to hook up, which I know is going to be expensive. The

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other thing I have is, you were here for the VDOT comments. VDOT says that it looks like to me 2018, 2020 before they even start on this interchange. What kind of impact is that going to have... if this project was approved tonight, how could you go forward with all this?

Mr. Payne: Very likely and, you know, we can certainly clarify that in a response. Very likely can't develop the north side of the project near the interchange.

Mr. English: But isn't that... I was under the impression that phase one, phase one starts right there at Embrey Mill, right there at Courthouse, between Cedar and Embrey Mill. Isn't that phase one? Is there where phase one starts?

Mr. Payne: I'm sure that staff can also address this, but there comes a point in the evolution of the development, without the interchange it doesn't work. We can't move forward, okay. So, we understand that; we're tied to it to a certain extent, right. So, we recognize it. That's why we keep saying this is a long term project tied to infrastructure and other issues. I mean, and it's the fact. It is a fact and, you know, our TIA shows it. Like I said, we're transparent. Read the TIA. It says it very clearly that those improvements are necessary.

Mr. English: Another concern I also have is where you want to place this elementary school and \$10 million doesn't look like it's going to (inaudible).

Mr. Payne: With \$10 million in the school, the location would have to happen. It's part of the proffers. And, you know, the Chairman talked about phasing and when that would happen. We'll evaluate that; it's part of the proffers we've got to do. We can't, you know, we can't get away from it. But the issue right now is, the UDA says a school will be... the Comp Plan says the school will be in the UDA area. We're still evaluating where that area's going to be, whether within the project or offsite. But wherever it's going to be, we're going to obviously work with the school system, work with the County to assure that they're comfortable with it before we purchase and grade it and dedicate it. And then of course the funds would come thereafter. We can't get out of it... I don't know if that's your question or not. We can't get around it.

Mr. English: Okay.

Mr. Payne: It's going to be profferable as part of our requirements.

Mr. English: Alright.

Mr. Rhodes: Okay. Other comments? Yes, please.

Mr. Coen: I don't have so much questions as rather comments. But, just really quickly, because staff did an excellent job it caused my mind to go when they discussed coming off of 95 to turn into this and swinging across several lanes. I just thought of trying to get in Spotsy Towne Center. So I thought the visual of that was rather illuminating. I'm always leery of using different words. Condemnation sounds a different way but it's really eminent domain, which is interesting. I'm going on the premise that we're not going to try to do (inaudible) versus New London for this but, I think the residents need to know the process, know what's going on, especially in those parcels that you're going to be widening. The school site, I think what Mr. English is getting to is that in the proffer, the \$10 million comes after the 2,500<sup>th</sup> unit for the school, a project that in the package we received tonight has 2,957. So the money to build said school is going to be there after most of the children are already in the complex. So I think that's

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what I think Mr. English was getting at, about the timing. When we met, and Mrs. Carlone was at the meeting, one of the public meetings that we had here in the fall, I raised some things and I'll just publicly do it again. I have a big concern about throughways. If the concept of a throughway is to get people down Woodcutters and Mine Road, I have a concern with all these homes feeding into it. I'm pretty consistent about that. So, that I said, and I'm concerned. The placement of the fields I said I was concerned because if you're going to have the apartments way up by the Towne Center and the main area for people to play in fields is way down the other end, those children are going to be traversing back and forth. And while they may be wonderful trails, there also are roads that they'll have to be crossing as well. So I'm concerned about that aspect. And I really think that Mr. Zuraf did a superb job on having sat on the Comp Plan. We did, I mean the southern part of this was meant to be office space and so this is not office space. And I'm not quite sure, and when you come back next time you can illuminate us, in the article in the paper they talked about a turf field, but I haven't heard anything about that and so I'm sort of interested where that came from. And then the issue of the proffers. And again, that's something I've crabbled about since being on here... well, before I was here. We set up a guideline and then we don't follow it. I mean, I don't know where we got \$10 million as a figure if there's a figure that we use to figure out, calculate, what the impact on schools was going to be. And then lastly, to the people who came here, from my opinion from listening to people who came tonight, and people who live in that area, is they're not making a rash decision. They have looked at the facts and they have looked at information. They're making an intelligent decision. I'm always leery of using emotional terms for when people are making a decision. It's not a rash decision; I think people who have concerns have legitimate thoughtful concerns. And I think they do understand; they just have a different way of doing things. I know that one phrase was it's tough for people to understand. I think they do understand. We may, I think Mr. Gibbons very wisely put it in the prayer tonight, come to a different way of decision making and view things, but I think they do understand and I think that, at least from my standpoint sitting up here, I understand that they have been thoughtful, reasonable, on both sides and not emotional.

Mr. Payne: I'm not going to respond to any of your opinions. That's your opinions. But you did ask a couple of questions, I think, in there. One on the condemnation; we're not encouraging condemnation. We're following the future transportation plan within our property. Okay, so that's what we're showing for one thing. So we're not encouraging or the County to condemn anyone. We're just following the future transportation plan. Turf fields didn't come from us, it came from the school system. That was their request, not us. That didn't come from us. So just so you know this.

Mr. Coen: Out of curiosity because I had the good fortune of talking to the School Board member from Hartwood yesterday and it didn't come from her. So could you illuminate us who it came from?

Mr. Payne: Staff has a copy of it; I think it came from School Board staff.

Mr. Coen: Thank you.

Mr. Rhodes: Okay, thank you. Any other comments or items for the applicant or staff? Yes Mr. Apicella.

Mr. Apicella: Mr. Chairman, I have several questions for staff and presuming that this is going to go, potentially be deferred, I'll offer those in writing. But I do have a question that may sound a little bit off base. This is, in my view, one of the largest if not the largest project we've had in front of us in decades. And clearly there are pros and cons from your vantage point, from our vantage point, from members of the audience, and from staff. When I look at projects, I try to think about, you know, what's the good,

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what's the potential bad, but also how do we mitigate risks. First of all, how do we know what the risks are and how do we mitigate those risks. And I think we have terrific staff. But I think this is a project that may rise to the level of what do we need to know, what do we not know, and how do we get better informed. And it's kind of a long discussion; I'm getting to the bottom line here which is, would you consider helping fund an independent assessment of this project so that we could all be better informed about what the issues are, what the potential concerns are, what the risks are, and how we might mitigate those risks. You certainly come forward with a fiscal impact analysis. We don't have anything to kind of compare that to because we don't do something like that on our end. At best we circulate the proposal amongst different staff in the County and we get their view. But I think this project is so complex and so comprehensive with so many moving parts that if we were to go forward with it, we all would want to do it right. So, again, the bottom line question is, would you all consider funding an independent assessment of this project.

Mr. Payne: Mr. Apicella, I appreciate and respect your comments. I think, to a certain extent, it's somewhat of an unfair question. You know, when an applicant puts together an application it's within the standards that are in the application that the County sets, okay. The fiscal impact analysis, for example, is done by Dr. Steven Fuller. I don't know if there is a more respected economist in the Commonwealth of Virginia. I don't think he's going to provide misleading information just for our project. In fact, he performed the fiscal impact analysis before the Comp Plan was completed for the County. So, I don't think we have an issue with you reaching out to Dr. Fuller to, if you need to drill into or dig into our analysis. But, you know, we're putting forward some of the top consultants, not only in the area, in the Commonwealth of Virginia, who are following the standards and requirements of the application. Same with the perennial stream analysis, same with the cultural resources study, same with the Transportation Impact Analysis which is studied by 2 different agencies now, the County and VDOT. So, you've got many checks and balances in there of agencies and folks evaluating this project. Maybe some folks don't like the outcome or maybe they think there's something missing. I have no problem sitting down... our consultants sitting down with the Planning Commission, with staff, walking through any questions you have, how did you come to this determination, would you evaluate; no problem. Would love to do it. But hiring... asking us to hire an independent consultant to evaluate us? I don't think that's fair. I respect it, I understand where you're coming from, but I just don't think it's fair. I understand the County resource question. But let's not forget that this was something that the County has envisioned; this type of project. Maybe it's not perfect in the vision that you're looking at, but this is the type of thing that has been contemplated. And this is what we have put forward, to take a shot at this, to try to make it work. But again, we're open, we're an open book .

Mr. Rhodes: No.

Mr. Payne: Respectfully.

Mr. Coen: And this is just, if I could, just one piece of information because I serve on the school system's CIP Committee. Yes, one of the citizens brought up that, and I think Mr. Zuraf mentioned, that Colonial Forge is getting an addition of 2,000... according to the study that the school system did, when it opens, the enrollment will be 2, 171. So it will already be over capacity (inaudible).

Mr. Payne: Is that after redistricting? Isn't there going to be a redistricting analysis?

Mr. Coen: Not at the high school, no sir.

Mr. Payne: Well, we can't control that; that's above our pay scale. But...

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Mr. Coen: And I wasn't really trying to solicit a debate, I just wanted to make sure the people (inaudible).

Mr. Payne: You made a public comment and I think it should be fairly evaluated. I mean, you made a public comment.

Mr. Rhodes: Okay, anything else?

Mr. Payne: Mr. Chairman, thank you very much. Other members of the Planning Commission, thank you.

Mr. Rhodes: Thank you very much. It's Hartwood, it's in the Hartwood District.

Mr. English: I'm, of course, making a motion to defer it, also leave the public hearing open on this. But I would like to defer it to the second meeting in January. Jeff, do you know what the schedule looks like for that?

Mr. Rhodes: What does our January look like?

Mr. Harvey: Mr. Chairman and Mr. English, that would be January 28<sup>th</sup>. Presently we have contemplated just a few public hearings; at least two. And may vary, we still don't know if they're going to have complete applications to be ready but right now we're not aware of any overwhelming items scheduled for that meeting.

Mr. Rhodes: What about the 14<sup>th</sup>?

Mr. Harvey: We don't have any public hearings scheduled for that meeting.

Mr. Rhodes: No public hearings on the 14<sup>th</sup>, okay, just a couple carryover.

Mr. English: Okay, then maybe the 14<sup>th</sup> then, if we don't have any.

Mr. Gibbons: I'll second (inaudible).

Mr. Rhodes: Okay, so a motion for deferral to the 14<sup>th</sup>; seconded. Is there further comment? Maybe in further comment just if there are any particular items that you want to circle back on, this is the time to get it out there so we make sure we make this as productive as possible.

Mr. Apicella: I do Mr. Chairman.

Mr. Rhodes: Please Mr. Apicella.

Mr. Apicella: So, the first thing I would like to get, I appreciate that staff got comments from school staff. I think it would be helpful if we got comments officially from the School Board, as an entire body.

Mr. English: I agree.

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Mr. Apicella: I realize that they had a work session and independently or separately they provided their comments. We've got minutes from the meeting where this was presented to them. But I think it would be very helpful if we got a School Board, entire School Board view of the world on this proposal.

Mr. Rhodes: If staff could see if that's something possible to get.

Mr. Apicella: The second thing is, staff identified a number of issues and concerns that they had, that scattered kind of throughout their report. I think it would be helpful if we could get a synopsis of their issues and concerns on a 2 to, say, 4 pager, by category, so we can try to work our way through those as this thing progresses forward.

Mr. English: I sent an email to Jeff about that.

Mr. Rhodes: Yeah, I think they're working on making a little matrix. Good point.

Mr. Apicella: And I think, kind of going back to the prior issue, in the past staff has provided us information on the cost of schools, on the capacity levels. So, if we can get some more information to help us understand the context of how many students might accrue from this project, how that balances up or lashes up against the cost, the capacity, the amount of acreage that's needed should this project come to fruition. The other thing is...

Mr. Rhodes: I'm sorry, I just want to go down with staff on each one as we go. So, is that clear enough? Is that something you think... I know we have some information on current capacities and current overall demand on schools, and then some other cost information. Is that something you have readily available or you think you can get for our next session?

Mr. Harvey: Well, Mr. Chairman, we have CIP cost information in our Capital Improvements Plan so we can give the Commission information about how much an elementary school costs to develop from the County perspective.

Mr. Rhodes: Okay. Is that helpful Mr. Apicella?

Mr. Apicella: Yeah, I think that information has been provided in the past and I could look through my packages, but I couldn't figure out which one it was. There's also been some figures that have been provided in terms of in-kind contributions. If we can provide the right source to validate those in-kind projections, I think the figure was \$34.5 million; not quite sure what all the line items are there. And the biggest piece of this project as I see are two things: transportation -- if we could try to understand, if the staff can help us discern, for those transportation improvements that are being proposed, what aspects of those improvements primarily benefit the project itself, or within the confines of the project, versus those that are outside of the project? Meaning, what is necessitated by the project that would have to happen to make it be successful, as compared to those things that are add-ons that help the County? I don't know if I'm articulating that well enough. But I'm trying to balance out what benefits the project, what benefits the County. And the last thing is, on the CDA, a lot rests on the CDA. I'd like to know if we've ever done a CDA like this and what the risk proposition is on the CDA for this project being successful in the way that it's been presented to us. The powers of the CDA, the way it would operate. And if the staff think there are better alternatives or fixes that would make that CDA be more successful and help to carry this project through fruition.

Mr. Rhodes: Okay. And I know we had another CDA in the County but that'll be helpful.

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Mr. Harvey: Yes, Mr. Chairman, we currently have two CDAs in the County.

Mr. Rhodes: Two? Very good. So we can use those, pulling some things from those.

Mr. Coen: And, if I could, Mr. Apicella popped an idea in my head. Because there's discussion of a Fire and Rescue facility, the land for one. So if we could get the costs of the construction, the material, you know, the yearly costs and as well as I'm gathering that the fields, since they discussed about them being used for County facilities, you know, tournaments and whatnot, that I would gather that we would have to have some degree of either control costs, maintenance of that too.

Mr. Rhodes: We'd have to build them. Okay, very good. Other points?

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

Mr. Rhodes: We're still rolling, I know, you got it. And again, just for the record, I did have particular interest to look into and further discuss visibility on timing of the items and so forth. Okay, with that, there's a motion to defer this to the first session in January, the 14<sup>th</sup> of January. All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None? Okay, thank you all very much. Thank everybody for their time and their interest and their civil discourse. We appreciate everybody's efforts on this and there's more to discuss. With that we will now move onto item number 4, which is the Unfinished Business, CUP14150252, the Conditional Use Permit for Courthouse Manor. Mr. Harvey.

UNFINISHED BUSINESS

4. CUP14150252; Conditional Use Permit – Courthouse Manor - A request for a Conditional Use Permit (CUP) to allow a cluster subdivision of up to 2.25 dwelling units per acre within the R-1, Suburban Residential Zoning District, on Assessor's Parcels 30-136 and 30-78. The property consists of 33.43 acres, located on the north side of Courthouse Road, the west side of Dent Road, and the south side of Hope Road, approximately 1,000 feet east of Stafford Avenue, within the Aquia Election District. **(Time Limit: February 10, 2015) (History: Deferred on November 12, 2014 to December 10, 2014)**

Mr. Harvey: Thank you Mr. Chairman. And please recognize Ms. Ehly for the update.

Mr. Rhodes: I thought this was the Mike show? Okay. We like this better; it's okay. Computer please?

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Mr. Harvey: Mr. Chairman, we're not quite ready yet.

Mr. Rhodes: Oh, I'm sorry.

Ms. Ehly: Mr. Chair, I can go ahead and start while we're setting up the...

Mr. Rhodes: Thank you very much.

Ms. Ehly: I'll try and be brief. I just would like to give a brief overview. This is regarding an application for a Conditional Use Permit for additional density in a cluster subdivision. If I can have the computer please? To allow a proposed 75 lot residential subdivision on Assessor's Parcels 30-136 and 30-78 totaling just over 33 acres. The current R-1 zoning classification allows for up to 1.5 dwelling units an acre, which would yield approximately 50 single-family homes. In both a by-right conventional or a by-right cluster subdivision, the conditional use permit will allow for 25 additional units resulting in a density of 2.24 dwelling units an acre. A public hearing on the application was conducted on November 12, 2014, and deferred to this meeting. The staff report addressed requests made by the Planning Commission at the last meeting. The staff report provided a summary of the purpose of the bypass road. The primary purpose is to maintain the 4-lane design of Route 1 in the area for consistency with the long range vision of the County Courthouse Area Redevelopment Plan and Small Area Plan. The staff report goes on to say that the transportation assessment which was submitted by the applicant concluded that a 60-foot right-of-way dedication will allow the planned northeast Courthouse bypass road both a capacity and a flexibility to support the stated transportation objectives of the County's Comprehensive Plan. Staff has received comments from VDOT regarding the assessment. These comments stated that the width of the right-of-way dedication really comes down to a decision between a 3-lane or a 4-lane with median roadway, and whether bike lanes are desired. So, VDOT goes on to say that to function as a bypass, as a true bypass, with a large proportion of Route 1 through traffic utilizing the roadway, 4 lanes plus turn lanes would be a minimum requirement. However, they go on to say that there does not appear to be a scenario where Route 1 traffic would actually be diverted around the Courthouse Area on this new roadway. If envisioned as an overflow route, which is more realistic, as opposed to a major bypass, then 3 lanes would probably work; 1 thru-lane in each direction plus left turn lanes at cross streets with medians where there are no turn lanes. The bottom line is that the 3-lane cross section could be designed within 60 feet of right-of-way without bike lanes. If bike lanes were desired, then the right-of-way would have to be up to 70 feet of dedication. This slide I just took from the staff report just to show the existing and proposed links of the future bypass road including the link to be located on the subject property. And Figure 6.3 illustrates the Courthouse UDA Land Use concept and shows the future bypass road pretty clearly, highlighted in black and white. So I can talk more about that if you'd like. There was a lot of information in the staff report; that's just the summary. So, the staff report also includes a comparison between the R-1 conditional use for a cluster and a reclassification to R-2 and reclassification to UD-1 to include the intent of the zoning district, the applicable density, and consistency related to the proposal. And I can talk about that in more detail if you'd like, as well. So, more importantly probably is the proposed conditions, the language in the proposed conditions. The Commission requested at the last meeting a review of the modified language in the proposed conditions. And that language has been modified since the language that was in the staff report and the Commission has received a hard copy of the most current revised conditions. Staff and the applicant have reached a general agreement regarding the proposed conditions except for number 16 which is the one that refers to fire sprinklers, the option of either providing fire sprinklers or a 10-foot side yard setback. And just briefly, regarding condition number 16, the staff report provided a justification statement from Fire and Rescue regarding this condition which was provided by the County Fire Protection Engineer, or Fire and Rescue Engineer. It states that the international building code has

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long required sprinklers in most residential structures and in the past few years has expanded that requirement to all new residential structures. The Virginia building code removed this requirement. The County code provides for a minimum of 18 feet between structures in an R-1 cluster subdivision. Fire and Rescue is asking for a 20-foot minimum. Staff is supporting this request as it is not unheard of in many jurisdictions for fire safety to have a 20-foot minimum space between structures. Resolution R14-282, with changes shown in the strike-through/underline format, was attached to the staff report and this evening the Commission received the most recent versions. I can go into detail... we can go over each condition if you'd like, but you do have it there. And just briefly I'll summarize some of the changes in the revised GDP which you did receive a hard copy of.

Mr. Rhodes: If I could just ask one question on that. So, typically Fire and Rescue makes a regular comment about sprinklers. I mean, that has been pretty consistent. And it's not been something we've pushed on a lot of the more significantly spaced single-family homes. But could you further explain the heightened code restriction... heightened code standard that supports the provision in this case because of the closer distance of the homes in there? Could you restate that or clarify that a little bit? I think this is a little different circumstance than the general one we tend to run into with the Fire and Rescue folks.

Ms. Ehly: Mr. Chair, well, the reason for the request here is the reduced setback because of the clustering design, which our county code allows for that reduced setback of 9 feet. With regard... I think Fire and Rescue has asked for it with every cluster. And I can say in my experience, the 20-foot minimum distance between structures has been standard, in my experience. So, I can speak to that but as far as...

Mr. Rhodes: But is there something in the code that supports a heightened standard when they are narrower like that?

Ms. Ehly: In the county code there is not.

Mr. Rhodes: Okay.

Ms. Ehly: No, this... staff is supporting the request from Fire and Rescue based upon staff's experience and the justification from Fire and Rescue. And it has to do with the smaller spaces between structures and the evidence that shows that when you have one house fire, you're probably looking at 3 houses on fire and then it goes from there. And there's evidence out there to support that. And there's a reason why the international building code requires the 20-foot distance, which a lot of jurisdictions in the United States do use.

Mr. Rhodes: Alright, thank you.

Ms. Ehly: So, the GDP was revised to show a tot lot which the Commission requested recreational amenities and spaces for children to play to be shown on the GDP and it's shown right where the red circle is. It's near the pedestrian access to the elementary school to the west. The additional buffering is shown in red which addresses the concerns expressed by Mr. Tremblay through Commissioner Bailey at the last meeting, in addition to the code requirements for a transitional buffer between the proposed development and the church to the south, and shows additional buffering between the subject property and parcel 30-138 which is south of lot 37 to the north. Also, staff would like to note that the staff report reflected the misunderstanding that the request for additional buffering on the part of Mr. Tremblay was related to a concern with the bypass road; however, it was related to concern of residential development to the south. And the GDP is accurate in that. And then just one note that the

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screening between the future bypass road and lot 43 is shown as a future buffer, and it's not determined as to who would provide that buffer. Staff understands the logic of that; however, recommends that the buffer shown on the GDP and is provided by the applicant at time of development. The construction timeline for the future bypass is uncertain and it is not on a Capital Improvement Plan for the County or for VDOT. Also, just another side note, the GDP does show the 15-foot easement which was requested by the school division. Even though we did talk about that at the last meeting, at the end with the vote there was a request just to clarify that so that's clarified and reflected on the GDP. Staff does recommend approval of the application. The negative finding does remain. We did receive a response from VDOT regarding the concern with the posting of the speed limit sign. Basically, the response expresses that VDOT does not see posting as necessary for this roadway segment in particular since the speed is controlled by the curve on the north end and the intersection with Courthouse Road on the south end. The speed data demonstrates that most drivers are comfortable driving this road at approximately 30 miles per hour; putting up a sign will not change that comfort level. The reason that the negative finding remains is because the standard remains that the speed limit is deemed to be 55 miles an hour on roads without the posted speed limit. And the deadline for Commission action is February 10<sup>th</sup>, and I will be happy to answer questions.

Mr. Rhodes: Great. Questions for staff? Woohoo! Okay. Applicant please. Oh, I'm so sorry.

Mr. Apicella: I thought you were going to ask a question about the abutting property owners and the bypass.

Mr. Rhodes: Okay, Mrs. Bailey.

Mrs. Bailey: Was there a change in regards to... well, first of all, when we met last, I believe there were some adjacent property owners that abutted to the easement, back up to the easement, and that the applicant was going to be meeting with the property owners. And, so what was the result of that? Did the applicant meet with the property owners and was that discussed?

Ms. Ehly: Mr. Chair, Mrs. Bailey, I believe that they have met with or discussed the buffering with those property owners. However, the only evidence I have of that is the GDP does reflect... if we could have the computer please... a landscape being stripped just to the east of the right-of-way for the future bypass road. That... there is a condition in response to showing that on the GDP that the existing vegetation shall remain there and not be cleared as part of the partial grading of the right-of-way dedication, but we do not know how those residents feel about that. So perhaps the applicant can give us more information. But when we saw it, there was not a lot of detail in the resubmittal from the applicant and so we did put that into the condition that at least the existing vegetation would not be cleared.

Mr. Rhodes: Mr. Apicella.

Mr. Apicella: So, as a follow-on, the 8, 9, 10 lots that would abut this bypass, none of those folks raised concern or asked for buffering between themselves and the proposed bypass?

Ms. Ehly: Mr. Chair and Mr. Apicella, I did not receive any information to that effect.

Mr. Apicella: Okay. You had raised at least a clarification if not a request regarding the grading of the bypass. So, are you okay with the partial grading versus the rough and/or final grading? Or would you still prefer for it to go to the latter?

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Ms. Ehly: Well, staff is amiable to the proposal of partial grading of the easement.

Mr. Apicella: Okay.

Mr. Rhodes: Yes please.

Mr. Gibbons: We need a motion to continue after 10.

Mr. Rhodes: I'm waiting for the clock to click. We've got like 10 seconds or so. But, in advance of the time turning to 10 o'clock, I would entertain a motion to continue beyond 10 o'clock.

Mr. Gibbons: So moved.

Mr. Coen: Second.

Mr. Rhodes: Motion by Mr. Gibbons, second by Mr. Coen. Any further comment Mr. Gibbons? Mr. Coen? Any other member? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Okay, we will continue; perfect, 10 o'clock. Yes ma'am.

Mr. Coen: Real quickly, I'm looking at the new material on page 2, number 3, it says the developer shall not clear open space Parcel E located between the right-of-way of the future bypass road and the residential lots. Can you just circle that on the map for us please?

Mr. Rhodes: Computer please. It's the top strip.

Ms. Ehly: Yeah, it's like this little strip right here which...

Mr. Coen: Thank you.

Mr. Rhodes: Any further questions of staff?

Mr. Gibbons: What's the deadline?

Ms. Ehly: February 10<sup>th</sup>. Sorry, Mr. Chair.

Mr. Rhodes: No, that's fine. Okay, applicant please.

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Mr. Payne: Mr. Chairman, other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and I represent the applicant. It's good to see you again tonight. I think you have a copy of my letter to Erica dated November 24, 2014, where we address the issues that were raised by the Planning Commission. I think we addressed every one of them. We met with Mr. Tremblay... well, I spoke with Mr. Tremblay, I didn't meet with him... several times actually. But we didn't meet with any of the adjoining property owners on the east side. Is it on the east side? What we heard from them and I think what we heard from staff was the need for a buffer between what is going to be the County's collector road, not ours, and their project. I mean, I'm sorry, their homes. So that's what we provided. In regards to the question pertaining to the fire sprinkler, we're not in agreement. It is inconsistent with the County's ordinance, it's inconsistent with the state code; we're talking 2 feet, right? It's a 9-foot setback on each side between the homes; that's 18 feet total versus 20. So we're not talking these homes being on top of each other and we've seen no evidence by anybody that within 18 feet these homes could catch on fire collectively. So, I'm not sure where that came from. But we're not in agreement, again, for the reason that I just stated. I can't imagine that there would be a requirement that we do something inconsistent with the County code and state code. So, we would ask, respectfully, that that be amended as presented under condition number 16. Did I miss any? I think I got them all. The only two differences that we had... only actually one difference that we had was condition 16. But again, we did quickly address the issues that were raised and I think we did so pursuant to your direction.

Mr. Rhodes: Mr. Harvey, so by being under 10 feet it's 10 feet per side?

Mr. Payne: Correct.

Mr. Harvey: Correct, yes sir.

Mr. Rhodes: Okay, got it. And then, Ms. McClendon, is this... do we have a basis for making this requirement? Is there something inconsistent with the state code?

Ms. McClendon: Mr. Chairman, I see no legal concern with this requirement as it stands.

Mr. Rhodes: Okay, so we have... we *can* make this requirement.

Ms. McClendon: That's correct.

Mr. Rhodes: Okay. I just wanted to make sure it wasn't distinct per preclusion. Okay, questions for the applicant?

Mr. English: Why wouldn't... I mean, if it's the 2 feet, is it going to mess you up that much?

Mr. Payne: It has an impact on the development.

Mr. English: How much of an impact? I would think you'd want a safety for the safety reasons of it.

Mr. Payne: Well, wait a minute. I understand that; don't suggest that we don't... we're not...

Mr. English: I didn't say that.

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Mr. Payne: You're not suggesting we're not following safety rules here. I mean, we're following the code, we're following the ordinance. The ordinance says 9-foot setback, I mean, in cluster subdivisions. Shelton Knolls was approved that way. If there's been some evidence in the County where that setback has led to multiple fires when one house catches on fire, we'd love to look at it.

Mr. English: I have seen that personally in Hampton Oaks. One house catches on fire and there was two on both sides catch fire and they were that close together. So I personally have seen it so I know it can happen.

Mr. Payne: I don't know. What was the distance? What was the setback?

Mr. English: Two feet probably (inaudible).

Mr. Boswell: That's what I'm saying; I don't think it's going to make that much difference though. I mean, we're talking two feet. I think if it's going to catch 2 or 3, 2 foot's not going to stop it.

Mr. Rhodes: So we have really just one item here.

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

Mr. Rhodes: I'm there!

Mrs. Bailey: I guess I'm not really clear on the impact of that or whether or not there is an impact and would have to defer to Mr. Harvey and give me a little bit further explanation.

Mr. Rhodes: I think, just for content, we haven't required this any other instance, is that correct? I'm not (inaudible) on the staff recommendations.

Mr. Harvey: Mr. Chairman, it's been requested in most cases we've seen prior to this as they have been focused on a rezoning accompanying a development proposal. In that case, the rezoning is a little different where the applicant has to voluntarily offer the...

Mr. Rhodes: And this is our opportunity to require.

Mr. Harvey: And in this case as a conditional use permit, the County is imposing it as a condition.

Mr. Rhodes: We've never gotten one to offer.

Mr. Harvey: In the past, the other applicants have not committed to this. They've committed to making fire sprinklers an option rather than a requirement.

Mrs. Bailey: Okay. Well, in consideration of that, I mean, I'd like to give the applicant the opportunity to make that consideration. This, to me, is an issue that affects the fire and safety. And if the County feels that strongly about it then I would agree with them. So I don't know if the applicant would...

Mr. Rhodes: Are you asking the applicant to agree to make it available as an option for purchase?

Mr. Payne: We're open to make it as a (inaudible) option.

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Mr. Rhodes: Or continuing it as a...

Mr. Payne: Have sprinklers in the house as an option.

Mrs. Bailey: Continuing as a condition, yeah.

Mr. Rhodes: Just a condition for all of them, okay.

Mr. Payne: I'm sorry, as a continuing condition for all of the units for sprinklers being offered as an option?

Mrs. Bailey: Right.

Mr. Payne: Yeah, we can do that... as an option.

Mrs. Bailey: Oh, no, no, no... as a requirement.

Mr. Payne: Now you're asking for sprinklers in each one of the homes as a requirement? That's different than the condition. The condition said setback; it's a setback question.

Mrs. Bailey: Right.

Mr. Payne: Now we're asking for sprinklers in all the homes?

Mrs. Bailey: No, we're talking about the setbacks.

Mr. Payne: Okay, okay. I just wanted to make sure...

Mrs. Bailey: Not the sprinklers in each home.

Mr. Payne: Do you want to explain the rationale behind the concern?

Mr. Aylor: I'm Steve Aylor, I'm with Miller and Smith. I mean, the reason everybody asks for this to be an option is because the fire sprinklers really comes down to a cost issue. And homeowners... it costs \$6,000 a house approximately and homebuyers, they don't really care to have it. They won't pay for it. And if somebody is interested in paying for it, then we offer it as an option. But the mass majority of homeowners don't want to pay for a fire sprinkler system; they don't care about having one. So, it's something that a builder can't get paid for. Like any other option, it just is an additional cost that's not able to be recouped in your build costs. So that's just the reality of it. And I guess, you know, our feeling is that 2 additional feet between houses isn't going to make any difference in fire safety. So, that's just really the situation.

Mr. Rhodes: And what's the impact on the development of 2 feet further setback?

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

Mr. Aylor: No, it just reduces the width of the home. So you just have 2 feet... the houses will be 2 feet narrower in this case. So, the option would be to build the houses 2 feet narrower which is not

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appealable to buyers, it's a negative to buyers for these houses compared to adding \$6,000 cost to the house. So, I mean, that's just the reality, that's the situation.

Mr. Apicella: What's the size of these homes? Or the footprint?

Mr. Aylor: Um, they're 52 feet wide... 54 feet wide and I think the footprint is approximately 50 feet deep. But that includes options for bump-outs and all that. The width is... you know, that's what gives the streetscape and the mass feel of the house from the street. So the more narrow house doesn't have the same curb appeal.

Mr. Boswell: I really don't think that a fully involved house fire that 2 feet's going to help. I really don't see it.

Mr. English: There's a reason there for it.

Mr. Harvey: Mr. Chairman, may I read just for clarification what the current draft condition says?

Mr. Rhodes: It says either put sprinklers or make them 10 feet on each, right?

Mr. Harvey: It says that sprinklers shall be provided or each side yard shall be 10 feet.

Mr. Rhodes: Ten feet, yep.

Mr. Payne: Mr. Chairman, just consulting with my client, we're agreeable to the 10-foot setback...

Mr. Rhodes: Okay.

Mrs. Bailey: Okay.

Mr. Payne: ... in lieu of the sprinklers.

Mr. Rhodes: So, with the condition being in there you can just choose the 10-foot setback and it can go. Okay. So, we don't have an issue on the condition.

Mrs. Bailey: Okay, great!

Mr. Gibbons: I think it's amazing that you can drive up a street and tell the difference of 2 feet width of a house.

Mr. Rhodes: Okay, so with that...

Mr. Gibbons: I'll second the young lady's motion.

Mr. Rhodes: Mrs. Bailey?

Mrs. Bailey: So, we'll need to make the changes accordingly?

Mr. Rhodes: Actually, I think all the conditions are set as agreed to?

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Mr. Harvey: Mr. Chairman, we would recommend the Commission consider the conditions as were distributed tonight.

Mr. Rhodes: Right. So, we have to vote to accept those if it's not a public hearing?

Ms. McClendon: No, Mr. Chairman, these are conditions imposed.

Mr. Rhodes: Because these are conditions and these are ours, right. Got it, okay. Very good. So we can entertain a motion on any direction you'd like to go on to this Mrs. Bailey.

Mrs. Bailey: Alrighty, I'd like to...

Mr. Rhodes: Using the conditions that were distributed tonight.

Mrs. Bailey: I'd like to make a motion using the provisions that were given tonight to approve CUP14150252.

Mr. Rhodes: So, a motion to recommend approval using the conditions as distributed tonight. Seconded by Mr. Gibbons. Any further Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Rhodes: Further comment Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Any other member? All those... yes please.

Mr. Apicella: Mr. Chairman, I appreciate all the changes that the applicant made. I think there's some good in this project. Nonetheless, we have a cluster ordinance in place that's supposed to promote open space and, in particular in my view, contiguous open space. We did not achieve that here. We have 3 or 4 separate pockets of open space. There's a trade-off and that's why we provide a bonus density. I don't think that's been achieved here. And I've said this before on other projects and I'm going to keep being consistent. When we don't get contiguous open space, I'm not going to support these kind of proposals. So, there you go.

Mr. Rhodes: Any further comment? Mr. Coen.

Mr. Coen: Yes, I too, like Mr. Apicella, have a concern about the cluster aspect. It sort of defeats the whole purpose of the ordinance to sit there and have piecemeal it and add it together. I also have a concern with the concept of a cluster development where we're knocking down 32 acres of trees; it's sort of counter-intuitive. I also have a problem and I raised all these last week, but they weren't worthy of being addressed. I have a concern about the bypass and staff did a phenomenal job with the material they provided us and, I said this with the other big project, if there's going to be a bypass the idea is that people will traverse smoothly. And if I heard you correctly, the recommendation is for if it's not going to be a 4-lane road, then we'll have a 3-lane road with turn lanes. And this is a 2-lane road with the openings. And I offered last time the suggestion that you don't have the cut-out to the bypass which would allow you to have contiguous open space which would meet Mr. Apicella's concern. I raised the issue that this isn't on the Comp Plan, it's not on the plans for a decade or so, so people are going to go

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in and out of Dent Road for a decade or more, I don't really understand why we need to have the bump-outs onto the bypass. And so I, like Mr. Apicella, I went into this reading this, seeing wow, it's going to feed into schools that are under capacity, unlike the one we had. It's going to feed... it's already on a major road which is excellent. And I really went into this thinking that there was a lot to go here and then as the presentation went last month, it just... there were more issues that were raised that just make me shift to say that I have to vote against it.

Mr. Rhodes: Okay, any other comments? All those in favor of the motion to recommend approval of CUP14150252, the Conditional Use Permit for Courthouse Manor, utilizing the conditions as were distributed tonight signify by saying aye.

Mrs. Bailey: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed?

Mr. Apicella: Nay.

Mr. Coen: Nay.

Mr. English: Nay.

Mr. Rhodes: Okay, so I think 1, 2, 3 nays, correct? Okay, 1, 2, 3, 4 ayes. Good; 4 to 3, passes 4 to 3. It'll go forward to the Board. Thank you all very much; appreciate your efforts to address the discussion and have the dialogue with us. Items number 7 and 8 are both dealing with a single item which is the Winding Creek application that goes on the 14<sup>th</sup>. Item number 9 dealing with Reserve at Woodstock is on the 14<sup>th</sup>. Liberty Knolls is an open-ended deferral waiting till we have action by the Board and get further on that whole application. So, we're onto item number 11, Comp Plan Amendment, Urban Development Areas. Mr. Apicella and I did have the opportunity to meet with the Board Chair and the Board Vice to talk about the 2 memoranda that we sent to them on both this item, as well as the public notice item. On the public notice item I would submit they're just going to continue to consider it. They were just kind of neutral on it and they'll see how the Board as a whole acts. If you think there is merit to the public notice item proposal individually, I'd suggest that you talk to your Supervisors and talk it up a bit. On the Comp Plan UDA issue and our recommendations going forward on changes and modifications, what I would submit is I think there is a general consensus that we need to address the UDA construct. And we need to get movement going forward and some changes. But the thought was, the best way to do it is really to have a collective dialogue. And I think the Board is going to consider a, you know, a big wild retreat to like Australia or something, or maybe to the ABC room, in early January. And if they do that, as they're thinking about it, probably on a Saturday. They may consider inviting all of us to attend with them on an item to discuss UDAs and the way forward on that as a whole. So, that was where that was left off I would submit. They also mentioned on the legislative proposals, I think there was one that ended up going forward dealing with the...

Mr. Harvey: Cluster development.

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Mr. Rhodes: ...cluster development and the more contiguous space issues. So that's actually one they did go forward with, so we may have some further dialogue on that. And then the one other item that occurred during that discussion was Mr. Apicella did make sure to raise the fact of the discretionary authority to give us a hundred days instead of 90 days on these applications, and they said they'd consider that. I would submit if we have an opportunity to meet with them on a Saturday morning in January, we ought to raise that again as another suggestion for their (inaudible).

Mr. Gibbons: I understand they were told not to go forward.

Mr. Rhodes: No, no, the proposal to go to 120 days; but a hundred is within their purview and right now we discretionarily set it at 90. So they do have the opportunity to say that, so we may raise that again if we do meet with them in January. And that was that item. Anything else I missed on that Steven? Okay, very good. No New Business. Planning Director's Report.

5. Amendment to the Stafford County Comprehensive Plan (the Plan) - A proposal to amend the "Stafford County, Virginia, Comprehensive Plan 2010-2030," dated January 17, 2012, to implement a Transfer of Development Rights (TDR) program. The proposed amendment would modify Chapter 3, "The Land Use Plan," to incorporate amendments to the textual document and adopt a new map entitled Figure 3.8, Transfer of Development Rights Sending and Receiving Areas ("Map"). **(Time Limit: December 30, 2014) (History: Deferred on September 24, 2014 to October 8, 2014) (Deferred on October 8, 2014 to October 22, 2014) (Deferred on October 22, 2014 to November 12, 2014) (Deferred on November 12, 2014 to December 10, 2014)**

*Discussed after item 1.*

6. Amendment to the Zoning Ordinance - Proposed Ordinance O14-26 to amend the Zoning Ordinance, Stafford County Code Section 28-35, Table 3.1, "District Uses and Standards," and Table 3.1(a), "Standards for Transfer of Development Rights (TDR);" Section 28-355, "Applicability;" Section 28-356, "Right to transfer development rights; general provisions;" Section 28-357, "Sending properties;" Section 28-358, "Receiving properties;" Section 28-359, "Calculation of development rights;" and Section 28-360, "Transfer of development rights sending property development limitations" to modify the TDR Ordinance. **(Time Limit: December 30, 2014) (History: Deferred on September 24, 2014 to October 8, 2014) (Deferred on October 8, 2014 to October 22, 2014) (Deferred on October 22, 2014 to November 12, 2014) (Deferred on November 12, 2014 to December 10, 2014)**

*Discussed after items 1 and 5.*

7. 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)**
8. 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

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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)**

9. RC1400159; Reclassification – Reserve at Woodstock Lane - A proposed reclassification from the B-2, Urban Commercial Zoning District to the R-1, Suburban Residential Zoning District, to allow for a single-family detached residential subdivision, of up to 41 units, be developed on Assessor's Parcels 21-167 (portion) and 21-170. The property consists of 36 acres, located at the intersection of Telegraph Road and Woodstock Lane, approximately 1,100 feet east of Jefferson Davis Highway, within the Griffis-Widewater Election District. **(Time Limit: February 10, 2015) (History: Deferred on November 12, 2014 to January 14, 2015)**
10. 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)**
11. Comprehensive Plan Amendment; Urban Development Areas - Amend the Comprehensive Plan recommendations for Urban Development Areas and targeted growth areas in the County. **(History: Deferred on February 27, 2013 until further information from staff) (Discussed at June 21, 2014 Retreat) (Chairman coordinating with Board of Supervisors)**

NEW BUSINESS

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you Mr. Chairman. I'd like to remind the Commission we're looking forward to receiving two documents from you all. Specifically, for this upcoming year, the Statement of Economic Interest and those things are required by State law that you fill out. And staff's available to assist you in doing that.

Mr. Gibbons: We have to do it twice a year now, right?

Mr. Harvey: Sir?

Mr. Gibbons: We have to do this twice a year now I understand.

Mr. Harvey: I believe that's what the code says, so we've not had that happen in the past so it will be a new experience for all of us. Also, staff reminds the Commission we need your assistance, due to IRS regulations, we need to change the way in which your pay is being allocated. So we need you, very quickly please, to fill out those forms and get them to us so you will not see a disruption in your stipend. Also, as the Chairman mentioned, I included in the handouts information on the Board of Supervisors adopted legislative priorities. So you have that for your information. Also at your desk, there was three ordinances that passed at the November 13<sup>th</sup> Board of Supervisors meeting. Those ordinances deal with community drainfields. As you recall, the state code basically doesn't allow us to stop development of a

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community drainfield so this would eliminate that ordinance requirement that they be approved by the Board of Supervisors. Also, there was changes to the P-TND zone, some of which you kind of heard a little bit about tonight in that now the General Development Plan will be a requirement that will be followed so it's not an optional thing that's proffered; it's mandated by code. So if there are any adjustments in the plan after the rezoning occurs, it's going to have to come back for a proffer amendment. And then finally, the third one dealt with the Historic Districts and changing the paint color of buildings; we find it is considered minor work and does not have to come back through for approval. Also, Mr. Chairman, I want to thank the Planning Commission for an excellent year this year. Staff has really enjoyed working with the Commission. I think we've accomplished a lot and looking forward to 2015 to be another prosperous year. And Happy Holidays.

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

Mr. Gibbons: Mr. Chairman?

Mr. Rhodes: Yes.

Mr. Gibbons: I want to thank you again tonight for having the School Board here with us tonight. That was a great thing to do and I think sometimes when you reach across the street, sometimes it brings good.

Mr. Rhodes: That was actually Ms. Hazard had asked about that possibility and I appreciated everybody's immediate receptivity to it. So it was great. Okay, County Attorney's Report.

COUNTY ATTORNEY'S REPORT

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

COMMITTEE REPORTS

Mr. Rhodes: Committee Reports. Any more? Mr. Apicella? Mr. English?

Mr. Apicella: Mr. Chairman, the Airport Subcommittee is going to meet again on the 18<sup>th</sup> to review the comments that we received. There weren't many and hopefully we will be able to come forward with a final product for Planning Commission review early next year.

CHAIRMAN'S REPORT

Mr. Rhodes: Wonderful! Thank you very much. Chairman's Report -- I have nothing other than thank you all for all the effort you put in to your work during the course of this year. Always very thoughtfully prepared, always very respectful and courteous of all that are participating, regardless of the position. I certainly want to extend my and our thanks to the staff. I think we all have a collective position that we've got a tremendous staff; they deal with being pulled in many directions and they do it in such a professional and respectful way, and I think we are truly very blessed to have a great team of professionals that support and work with us. And our Parliamentarian who keeps us on track. And Mr. Harvey, kind of at the head of all that, always steady, always got the answer, so it's just a pleasure working with this group of folks and it's a pleasure working with this Planning Commission.

Mr. Gibbons: Do you think he'd be a good find for the Pentagon?

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Mr. Rhodes: If he wants to commute up there; that's a joy. Okay, TRC. Everybody got what they need? Okay, you know your times? Good to go; alright, can't beat it. So, I'd entertain a motion for approval of the October 22, 2014 minutes.

OTHER BUSINESS

12. TRC Information - January 14, 2015

APPROVAL OF MINUTES

October 22, 2014

Mr. Gibbons: So moved.

Mr. Rhodes: Motion by Mr. Gibbons. Is there a second?

Mr. English: Second.

Mr. Rhodes: Second by Mr. English. Any further comment Mr. Gibbons? Mr. English? Any other member? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Anyone opposed? Anything we're missing? Any alibis? Last opportunities. We can stay here a little while longer. Okay, we're adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 10:22 p.m.