

**STAFFORD COUNTY PLANNING COMMISSION MINUTES**  
**March 11, 2015**

The meeting of the Stafford County Planning Commission of Wednesday, March 11, 2015, was called to order at 6:30 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT:

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

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Are there any declarations of disqualification?

Mr. Apicella: Mr. Chairman, I had discussions with the applicant's agent on item number 2.

Mr. Rhodes: Very good. Certainly not necessarily a declaration of disqualification but always good for transparency to confirm discussions that have occurred. Anyone else? We'll move onto Public Presentations. This is an opportunity for any member of the public to speak on any item they wish, except for those that will be heard by public hearing. There will be a separate opportunity for those items that are on the Public Hearing agenda. So, if anybody would like to speak on any item except for items number 1, 2, and 3, they may come forward and do so at this time. But when you do, we'd ask you to state your name and address. A green light will come on indicating 3 minutes are available. A yellow light will come on indicating when 1 minute remains. And a red light will come on and we would ask that you summarize and wrap up your comments. Anyone? Sure? Okay, thank you very much. We'll move on from Public Presentations to the Public Hearing items. First item on for Public Hearing is RC1400155, Reclassification, George Washington Village. Mr. Harvey, I know there is a lot of late information in. I'm not sure where we stand, but if you have items that staff can present on this?

PUBLIC PRESENTATIONS

PUBLIC HEARINGS

1. RC1400155; Reclassification – George Washington Village - A proposed reclassification from the A-1, Agricultural; A-2, Rural Residential; R-3, Urban Residential – High Density; B-2, Urban Commercial; and M-1, Light Industrial Zoning Districts to the P-TND, Planned Traditional Neighborhood Development Zoning District, to allow for the development of a planned community. The project is proposed to include up to 2,957 residential units and up to 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 11, 2015) (History: December 10, 2014 Public Hearing Continued to January 14, 2015) (January 14, 2015 Public Hearing Continued to February 11, 2015) (February 11, 2015 Public Hearing Continued to March 11, 2015)**

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Mr. Harvey: Yes, Mr. Chairman, we do.

Mr. Rhodes: Okay.

Mr. Harvey: Mr. Zuraf is here to give an update to the Commission.

Mr. Rhodes: Thank you very much.

Mr. Zuraf: If I could have the computer please? Mike Zuraf with the Planning and Zoning Department. Good evening Mr. Chairman and members of the Planning Commission. This item is a continuation of the public hearing for George Washington Village. This is a zoning reclassification. The specific request... I'm going to provide another brief summary that you've heard, but just provide a background to anybody who's new to the case. This is a reclassification request from several zoning districts, A-1, A-2, R-3, B-2, and M-1 to a single zoning district known as P-TND, Planned Traditional Neighborhood Development zoning district. The applicant is Charles Causey with Augustine South Associates LLC, and the agent is Charlie Payne. The location of this site is in the area highlighted in red. It does include 22 properties that cover over 1,000 acres. In general, the property is to the south of Courthouse, to the west of Interstate 95, and north of Ramoth Church Road. This is the latest Generalized Development Plan for the project. Just a brief summary -- the project identifies a total of 2,957 dwelling units, a mix of multi-family dwelling units that are identified in the purple shading. The townhouse units are included as well; those are identified in dark green. And single-family detached units are identified in yellow. The red designates commercial development; this includes 1.55 million square feet of commercial development. This public hearing was originally held on December 10<sup>th</sup> of 2014; it was continued several times to January 14<sup>th</sup>, February 11<sup>th</sup>, and then to today. I've included a staff memorandum that summarize questions that were received at the last Planning Commission meetings, and provided some comments in response to that. So I'd like to briefly summarize some of the issues that were raised. The first request was to determine if any of the amendments that have occurred, including revised proffers and a revised General Development Plan, have addressed any of the original issues that were raised by staff, and also include any new comments. We included that summary in Attachment 1 with your memo. And I would like to kind of highlight a few of the points that we raised. Staff did, I guess the first thing was provide additional information on cemeteries. There was a lot of discussion at the last meeting about the cemeteries on the site. We do note that, and it was discussed, that there are two existing cemeteries that are located on separate parcels. They are kind of on the fringe of the project but on separate parcels, almost like a donut hole. And those two cemeteries are in this location and then in this location as well. They're not subject to the rezoning, but they're right kind of on the edge and somewhat surrounded by land that will be zoned to P-TND zoning. There's potential development that could occur near these two cemeteries. And because of that, staff does still recommend and suggest an evaluation of those cemetery parcels to make sure that there aren't any burial plots that might go beyond the limits of these two parcels. Also, staff did note that there are two other potential cemeteries within the project and those specifically haven't been identified yet. Those are located generally potentially in this location and somewhere in this location. And so staff does suggest again, with the valuation of the other cemeteries, that these areas be evaluated too to determine if cemeteries are located in these spots. And also regarding cemeteries and other cultural resources, the Stafford County Historical Commission was scheduled to meet last Thursday to discuss the cultural resources related to this project, but that meeting was cancelled due to inclement weather. They may eventually be discussing it at their next meeting next month. Now going to other issues that were raised, just to point out some of the other issues that were resolved and still may have issues, there was concerns about the pedestrian shed requirement not being met. Through the modifications to the plan, the applicant does now conform with the pedestrian shed requirement that falls under the P-TND. I

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would note the revised traffic impact assessment, that has not been submitted yet. We had a meeting on that last month. The airport impacts that have been discussed, they have been slightly reduced. As we have noted previously, the applicant has proffered to include a 3,000-foot setback across this area where this is 3,000 feet from the centerline of the runway where residential uses would not be permitted. So they did slightly reduce potential residential conflicts with the airport, but staff does note the remaining area to the north where there is aircraft overflight, there is still that potential for residential impacts to occur. Also, we did... there were questions about wanting to get new School Board comments based on the new revisions that do include a school site. We did receive comments from School Board and School Board staff and I think we received a copy of the email correspondence at your desk. And just to kind of summarize that, they modified the potential school generation based on the number of students that would be generated through this development. And staff estimated that this project would generate 1.46 elementary schools, .74 middle schools, and half a high school. And then also wanting to get input from the School Board, the School Board has not changed their direction to staff and have only asked that they convey their desire to only receive cash proffers, as opposed to specific school sites. Also, there were comments about the project not being consistent with the Comp Plan and Comp Plan recommendations. As I mentioned, the 3,000-foot buffer setback that does bring the site slightly more into conformance with the suggestion that residential not be located to the south of Accokeek Creek. So, there is a reduction there but staff does note that the remaining area south of Accokeek Creek does include residential uses which is not recommended. There were comments about the street layout and the street layout has been modified to follow more of an urban design pattern. So this does follow what was recommended in the George Washington Village Urban Development Area. And staff does note that we have received a separate Comprehensive Plan Amendment which is intended to bring this project more consistent with the Comp Plan and that is scheduled for public hearing at your next meeting. At the next Planning Commission meeting.

Mr. Rhodes: The 25<sup>th</sup>, correct?

Mr. Zuraf: Yes. And then some other new comments that we've provided are also included in Attachment 1. Some of these comments include as the project was adjusted and layouts modified, staff notes that in the redesign, commercial uses were placed in locations that I'm circling along Woodcutters Road in specifically, not necessarily this place but these three are kind of in spots that are not in close proximity as they were previously to some of the residential uses where they might be worked in and more integrated in with the residential development. Other comments, staff does note that in the town center, the uses are all separate, the retail from the different residential uses. And staff suggests allowing for flexibility in the use and design of the town center to maybe permit potentially...

Mr. Gibbons: Mr. Chairman, could I ask a quick question?

Mr. Rhodes: Yes please, Mr. Gibbons.

Mr. Gibbons: We keep using the term retail. Is it all retail or is it going to be office?

Mr. Zuraf: Our understanding it's all retail.

Mr. Gibbons: All retail.

Mr. Zuraf: Yeah.

Mr. Gibbons: Okay, thank you.

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Mr. Zuraf: So, staff does suggest flexibility in the type of commercial development to allow for both office and retail and other commercial uses, and then a mix of also allowing the residential uses to be mixed and integrated into the town center through possibly mixed use buildings, if there should be a market for that sometime in the future. Also, there were questions raised about how much of the project be built without the interchange. Staff does note that without a specific restriction in the proffers, because the response was that the town center really wouldn't be built without the interchange improvements. And staff does note that without any specific restriction, there wouldn't necessarily be a guarantee that some sort of commercial development wouldn't occur or some level of the town center wouldn't still occur. It may not be as much but there could still be that commercial development occurring without the proffer restriction. Provided several comments about the transportation proffers and specifically as it relates to the realignment and extension of Austin Ridge Drive and the widening of Courthouse Road. Some of the statements staff believes are not necessarily enforceable. Also, with the construction of Mine Road, there may be some limitation or lack in specificity as regarding the phasing of the construction and when certain elements of Mine Road would be widened. So, those should be addressed. With Kelsey Road, staff notes that given this limited access that is proposed in response to community concerns, there is a potential... it does conflict with County Subdivision Ordinance requirements that is going to require a certain number of connections to adjacent subdivisions. So that's why that was placed there. And so there will be some follow-up requirement for relief to be granted from that requirement unless the applicant can provide enough connections in other locations. And then we did provide some comments about the language regarding CDA funding. Also, there were other questions raised about the cost to construct a Fire and Rescue station, and the suitability of potential collocation with a planned Fire and Rescue station at the airport. We got additional information from the Fire and Rescue Fire Marshal's Office and we've provided in that the staff there have provided us with estimates, which include the cost of \$4 million for construction of a fire station, approximately \$750,000 for equipment, and they've included annual personnel staffing costs of \$1.3 million. Regarding the issue of potential for collocation, they do note that given the use and type of fire and rescue needs at the airport, those would differ from the typical needs within a residential community, so they don't believe that collocation of the two stations in one spot would be appropriate. Also, we are seeking out input from law enforcement... from the Sheriff's Office on law enforcement impacts. We don't have that yet. We, as a planning staff, have been... we're working to get additional background information to the Sheriff's Office. So we've been a little bit slow on that and so we're working on that and hope to have something for the next meeting. And then with retail feasibility, there was a question about what the likelihood of this much retail with the trend towards lesser amounts of bricks and mortar stores. We provided some information that was forwarded to us from the Economic Development Department, including the retail study they commissioned several years ago and some recent articles that outline recent retail trends. And at that point, I will turn it back to the Planning Commission for questions.

Mr. Rhodes: Other questions for staff? Yes Mr. Gibbons, please.

Mr. Gibbons: What my concern is, we can't have a co-functional fire department? I mean, the biggest problem we have is manning and so if we get the manning there, buying different type of equipment responding to different things made more sense to me.

Mr. Rhodes: I understand the point. It sounded like the reaction of the Fire and Rescue, and Mr. Zuraf you can add to this, it was just that they felt that the equipment load and the training required for the primary focus of one that is at an airport versus a residential was significantly different. I don't know the degree to which they have in-depth analyzed the ability to collocate to. I understand your point.

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Mr. Zuraf: And to expand, I'm not certain if that is... I guess this might be the optimal case, to not have both use the same. And I don't know if there is some potential for use at one location with different types of equipment, we maybe need to check back with them on that. Other questions for staff? Okay, thank you very much Mr. Zuraf. Applicant please.

Mr. Payne: Mr. Chairman, other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant. We just delivered to you revised proffers, which I can walk through. Just so the public knows what our proposed changes are and to answer any questions you may have, and then I'll address some of the comments that staff has made in regards to follow-up response of the Planning Commission and then I'll answer any questions you may have or focus some of my responses on what key issues you want me to address based on staff's most recent report. I also believe you have a report from staff regarding its fiscal analysis of our fiscal impact analysis that was prepared by Dr. Fuller, who's here tonight as well, if you have questions regarding the fiscal impact analysis. My recollection, I don't know if you've had a chance to look at staff's report, is we're pretty close in regards to our fiscal impact analysis and what staff's review of that is. I think the staff's review is about \$229,000 less. Albeit, I think those numbers were based on 2009/2010 home values and tax rates which, as many of you know, was a depressed market at the time so the values would have been lower than they are when we did our analysis. So I think if anywhere this goes on any sort of re-analysis, the staff's number is going to go up. So I think that's good news in regards to questions regarding the fiscal impact analysis. I also believe that staff's analysis was that 25% build-out of our commercial costs break even. So you don't even have to have a full build-out of the commercial component in order to break even on costs. So, that's for you to read but that's my quick synopsis. I don't know, Jeff, if I was wrong in that; you can correct me. But that's my quick synopsis of it. And again, Dr. Fuller is here. And he performed, by the way, the 2009 analysis for the County. So I'm sure he'd be happy to answer any questions you may have in that regard. Mr. Chairman, also I'd like to ask tonight I think is where the deadline for you to make... for the Planning Commission, not you... for the Planning Commission to make a decision. We would prefer, since there are several factors going on here, one, late information from us to you, late information from staff to us, we're still... the DDI, the new proposed interchange was just presented... Tuesday? Last week maybe? I'm sorry, I got my days are all mixed up. I think it was last week...

Mr. Rhodes: Recently.

Mr. Payne: Recently. Since a lot of moving parts are still going on and then we also have the Comp Plan application before you next meeting, on the 25<sup>th</sup>, we would prefer, obviously with your approval and on the record to defer this or defer a decision until I think it's your April... your first meeting in April which is April 8<sup>th</sup> if my memory serves me, if that's acceptable.

Mr. Rhodes: So you'd be amenable to an extension on here to go through the first meeting in April?

Mr. Payne: Correct.

Mr. Rhodes: Roger, okay. I think everybody would appreciate that.

Mr. Payne: I just wanted to make sure I put that on the table, so no pressure this evening to make a quick decision. But, what I will do... what I will do is go through the changes...

Mr. Gibbons: No, I mean, since he's brought it up, we've always got it at the last time. We never get a letter ahead of time saying that the request to be delayed... it's always presented at the meeting. So to

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me, Mr. Chairman, the second meeting in April is fine for us. By the time we digest the Comp Plan and put all the cost analysis to it, that's going to take a lot of work.

Mr. Apicella: I would agree with Mr. Gibbons. It would be helpful if we could delay it until the second meeting in April.

Mr. Rhodes: Well, they've offered the first meeting. Would you offer the second meeting in April?

Mr. Payne: Yes Mr. Chairman.

Mr. Rhodes: Okay, thank you very much. That's very kind.

Mr. Payne: It's hard to say no to you standing in this position -- certainly since we've offered up the first meeting.

Mr. Rhodes: Thank you.

Mr. Payne: Just real quickly I'll go through the proffer changes. And I've provided a red-line from the last version that we submitted. Mr. Chairman, do you have it?

Mr. Rhodes: No, I just pulled it out and I don't know where I set it. Is that it? Okay.

Mr. Payne: I would... the more significant changes on page 3 on phasing, I think there were... Mr. Apicella had some good points and questions, I believe the Chairman had some good points and questions regarding phasing of the project. We went back to the drawing board, if you will, we reduced that number to get it so that the phasing was sooner rather than later. I think that was the big push. That number is now at 450<sup>th</sup> residential single-family attached and detached; so it's a combination of both the single-family detached and attached. That we couldn't go to the 451<sup>st</sup> unit until at 30,000 square feet of commercial space was developed, either within the project or on Tax Map Parcel 2980-C which is the pink area that we show on the map.

Mr. Rhodes: Computer please.

Mr. Payne: It's right outside, immediately outside, already zoned B-2.

Mr. Rhodes: Right there.

Mr. Payne: Yeah, right there, exactly. Thank you. That's about... that potential is about 350,000 square feet. Mr. Gibbons had asked I guess the question of whether it was all retail in the town center and no office. This is where we would propose the office to go.

Mr. English: So you are going to put office in?

Mr. Payne: That would be our plan.

Mr. Rhodes: Just to confirm, outside the area that you call town center, on the property that's already zoned B-2.

Mr. Payne: Correct.

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Mr. Gibbons: But Mr. Chairman, it doesn't say that in the application. It says retail.

Mr. Payne: That's correct.

Mr. Gibbons: Retail generates a different tax base than office.

Mr. Rhodes: No, no, that's fair. But, I just want to make sure I'm straight. So, on the property that is within the application that says town center, that's all retail.

Mr. Payne: That's retail, correct.

Mr. Rhodes: And then on the property that's not part of this application that's already zoned B-2 is where, if you had office, you would propose office.

Mr. Payne: That's exactly right. And that's only controlled by the applicant. The next phase...

Mr. Rhodes: Please Mr. Gibbons.

Mr. Gibbons: (Inaudible) take good notes. Now, what's he saying?

Mr. Rhodes: He's saying that where the application says that it's all retail, that is correct for what is being rezoned. That property that's in red that says town center will all be retail. Correct Mr. Payne?

Mr. Payne: Correct.

Mr. Rhodes: Now, the other property that abuts this application that is in a lighter red or a pinkish red or a salmon or whatever color it is, is if they have office that's where they would put it but that's not part of the property that's this application.

Mr. Gibbons: But it calls for retail there too.

Mr. Payne: No it doesn't.

Mr. Gibbons: It doesn't call for office there. So I'll give the question (inaudible); I'll get with the attorney.

Mr. Rhodes: Okay, very good.

Mr. Payne: Yeah, Mr. Gibbons, the pink salmon component is not part of the rezoning. That's what we already own, already zoned B-2. And again, the phasing continues. Again, 1,001 we would have to have 75,000 square feet of commercial and so on, 1,500, etcetera, 150. And then we've also, for just purposes of making sure there's no heartburn on the multi-family, we have stated that we wouldn't be able to go to our second multi-family building as you can see there in purple until at least 55,000 square feet of commercial was in place. So we couldn't move to the second phase of the multi-family until that was in place as well. So there's two triggers. And then there's a third trigger, or third cap if you will, we couldn't build any more than 150 single-family detached units in any given year irrespective of all the other limitations. Okay, so there's several layers of phasing there. I know you need to absorb it but I think we heard you loud and clear that you wanted that back up if you will to have that phasing per sooner with the number of units and also to laser in on what those units would be in regards to those

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caps. So that's what we've done. Moving in to page 9, which is the next significant change under proffer 6b, 6 little b as in boy, what we've included there is because of the potential conflict of the Airport Overlay and there not being the ability to put a school site within George Washington Village, we have included this language now which states, in the event a school site cannot be located within the project, the applicant will cooperate with the County to relocate the site in the general vicinity of the project or other location within the County pursuant to the mutual agreement between the applicant and the County. In addition, the applicant agrees it will consider proposing a private/public partnership to build the school, whether it's onsite or offsite. The reason why we say we propose it is we'd have every intention of doing it but there's also obviously applicable County ordinances and state laws that the County would have to go through; you couldn't give us the award now to do that, not even through a proffer statement. You would have to go through that process. But we are proposing that we would do that in the future.

Mr. Apicella: Mr. Payne, I appreciate what you're saying. It seems a bit squishy to me. I hear that the state law and local ordinances must allow it, which I think they do. There's a PPTA that does allow that to happen, or PPPA. But it just... my reading of it says you'll consider it, it doesn't say you're going to do it.

Mr. Payne: Well, it could be many, many factors between now and then and when the school site is ready to go forward. The County may not want us to submit a PPEA; it may very well want to do a design build layout. I don't know. I mean, that's why we're saying if you require us to submit a PPP and the County says we don't want it, it doesn't make a whole lot of sense. And then you've got to compete it anyway, so it doesn't mean we get the award. You'd have to compete it or you could compete it anyways. That's what state law would require.

Mr. Apicella: I would just ask you to take another look. If we're saying the same thing, I think the language could be tightened up. That's my...

Mr. Payne: If you're saying we want you to submit a PPP proposal to build the school when the school is ready to be built, unless the County says we don't want you to submit it, we'll take a look at that. Is that what you're asking us to do?

Mr. Boswell: What is your answer to Mr. Horan's email yesterday that they don't want a school site?

Mr. Payne: I just got that 2 minutes ago from...

Mr. Boswell: Well, I heard it at a previous meeting too; they haven't changed so. The last meeting we were at we heard it.

Mr. Payne: Our Comp Plan calls for an elementary school site in the area, so the school proffers would just be provided based on our proffer statement, how it's structured. That'd be the fall back provision.

Mr. Boswell: They're saying they only want cash. I'm just wondering if you have any room to maneuver there.

Mr. Payne: Well, the fall back would be, if the school site, one, as we have stated cannot be located in George Washington Village, or if the fall back is we don't want the school, then we pay the cash -- either way.

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Mr. Boswell: The \$800,000 difference.

Mr. Payne: We pay the \$10 million.

Mr. Boswell: I understand that, but you were allowing \$800 for the site, so you'd make it up with the cash.

Mr. Gibbons: Well, Yogi says that's the same as money.

Mr. Payne: Let me make sure that my client is comfortable with that, so I need to go back and address that.

Mr. Boswell: Thank you.

Mr. Payne: We weren't prepared to address that the school system doesn't want a school. Private wells was the next biggest issue. I believe Mr. English had asked us to take a look at, and many of the citizens had come forward. And basically we're keeping the same concept in place, adjacent and nearby properties, so that we are including other properties. We would also add... we would keep the original escrow amount in, but we would add more money to the escrow if there was a continuing failure of wells. So there wouldn't be just one lump sum if there was a problem. Now, based on the continuing failure of wells, it would have to be due to our project. It just couldn't be that a well failed and then therefore we were it. We did look at Augustine... the Augustine development. Two wells in the whole development failed. That's different than our project, because in that project there was a golf course and they did have a tap into the aquifer. Here we're not doing that. So our analysis, our preliminary analysis is you're not going to have extensive failures. If there are, we'll have funds available to address that.

Mr. English: In reference to that, Mr. Payne, who's the burden of proof on? Would it be on you or the homeowner if the well failed?

Mr. Payne: Well, I think it'd be a combination of the homeowner making the claim and then the County confirming, and then our engineers confirming the same as well. So, it'd be a collection of folks confirming that. But the dollars will be there and I think it's fairly straightforward, if the well fails, why it failed -- typically. And again, we're not tapping into the aquifer. Unlike Augustine... which had to do so because of the golf course. So I just wanted to note that there will be additional dollars there if there's a continuation -- *if* it occurs -- a continuation of failure of wells. Those are the significant changes based on what we've heard from you guys. We know the school system wants much more money. I don't know if you had a chance to look at the staff report's analysis and proffer comparisons. If you just took into account what's been recently approved by the Board of Supervisors and also this Planning Commission on the average proffers which range from anywhere from \$30-32,000 per unit, and that's just on single-family detached without discounting what that would be applied to multi-family or townhouses, they're about \$89/88 million in total proffers, if you just applied that. We're at \$94/95 million in total proffers with our package. And also, just taking a look at the current guidelines, if you apply that, staff has provided that number of \$122 million; that's without the discount of the credits for the by-right use which will bring it down to about \$100 million, and other credits where there's debt financing and other which will bring it down even lower. If you applied the proffers, the proposed proffers that this well respected Planning Commission recommended to the Board of Supervisors, we're even closer. So, I would just ask that you take a look at that analysis totality of it and also take a look at

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the fiscal impact analysis that was done by staff and, again, Dr. Fuller is here to answer any questions you may have.

Mr. Rhodes: Questions for the applicant? Yes, please Mr. Gibbons.

Mr. Gibbons: Charlie, I'd like to back up and go through the CDA. Now the CDA is going to do what now? You're going to... just step us through. You're going to take all the profit of the aggregate money from all the proffers and put it in the CDA?

Mr. Payne: Correct.

Mr. Gibbons: Including the schools?

Mr. Payne: Correct. Well, how we have it laid out right now, we don't break it up by category on how the proffers are paid, if you will. It's just a flat number and it's all earmarked for the CDA to pay towards the debt service. So, the CDA will be financed and funded, if you will, three ways. It will be funded through cash proffers that will be collected on each unit that's sold. It will be funded by a TIF, Tax Incremental Financing, over all of the acreage. And it will be funded by assessments. So, those three categories will fund the CDA. The plan is to initiate the CDA within approximately 5 years after a rezoning approval, if the market continues to get better, as it is now. The first component though of the development will be developed and the infrastructure will be paid for by the property owner. So, the initial infrastructure, if you will, will be...

Mr. Gibbons: Can you put that out in a schedule?

Mr. Payne: We can put it in a proposed schedule for proposed phasing. But, again, it's going to be market generated. But how it will play out will be just that way. So, yeah, I think we can put that out in a chart layout, if you will, of how that would look. We can certainly do that.

Mr. Gibbons: Thank you.

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

Mr. Apicella: Mr. Chairman and Mr. Payne, there were several... I don't know if you had a chance to look at the staff report; we got it yesterday... there were several items that indicated still no change or no comment or no additional effort. And I would just strongly recommend to you that you consider looking at each one of these items, especially where it says no change to this comment, and perhaps come back and address why there's no change to the comment? In writing or verbally so we understand why.

Mr. Payne: Yeah, we can do this. This is actually a very good format that was done by staff; it kind of brings everything together from all the meetings, sort of a collection of the questions. And we can do that. And I can real quickly go through some of them if you'd like or I can just prepare something (inaudible).

Mr. Apicella: I think if you prepared something, that might be helpful.

Mr. Payne: Sure. Just real quick on the cemetery question. You know, our (inaudible) survey did not show any cemeteries so we will take another look at that. But we're not showing any cemeteries on our

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site. And some other things I think we can address. You know, some things we're going to have a hard time, I guess, having a meeting of the minds, especially on completing the CRPA analysis prior to rezoning. That's a very expensive undertaking. We've already done a preliminary analysis. We've field-walked the site. We have a pretty good idea where the CRPA areas are. To have us do a full-fledged CRPA analysis at this point, it's a very expensive process and would take a significant amount of time. And, of course, we're looking forward to having a discussion on the Comp Plan amendment proposal. We think that what we have recommended is consistent with the current spirit of the Comp Plan and will address the Airport Authority's issues, which we want to do. We want to be a good neighbor. And then again, we'll get into some of the other details as well. I think a lot of this we can address fairly quickly.

Mr. Rhodes: Okay. Any other questions for the applicant? Thank you sir.

Mr. Payne: Thank you Mr. Chairman.

Mr. Rhodes: I will now open up the public comment. If there's any member of the public who would like to speak on this item, item number 1, RC1400155, the Reclassification of George Washington Village, please come forward and do so at this time. If you do, we would ask you to state your name, and then once you speak, a green light will come on indicating 3 minutes available to you. A yellow light will come on when there's 1 minute remaining, then a red light will come on and we would ask that you wrap up your comments at that time.

Mr. Hornung: Good evening Mr. Chairman and members of the Commission. My name is Phillip Hornung. I was wondering whether or not it would be possible for the layout plan that we saw, and this particular one on the screen here. Could you superimpose at some point, not necessarily right now, the compatibility standard draft, inner and outer aircraft traffic patterns, to see where those traffic patterns affect this project so that we know that? I know that you sent your recommendation or the plan to the Board of Supervisors. At its last meeting they sent it back as is. And it's now basically in your court without any... they didn't recommend any changes in it. So I was just wondering whether or not that could be shown at some point so that we could see particularly the residential impact of the... both these traffic patterns so we have a pretty good picture of what we're all looking at at this point in time as we go forward. And I appreciate if you could do that. Thank you.

Mr. Rhodes: Thank you very much.

Mr. Gibbons: I thought we already did?

Mr. Rhodes: Would anyone else like to speak? Mr. Harvey, do we have that... I know you've done that, put over I think the compatibility areas. Is that online anywhere?

Mr. Harvey: Mr. Chairman, actually we had that in a former presentation and I have it available on the screen currently. So if we could have the computer please.

Mr. Apicella: It's actually in our package.

Mr. Rhodes: Yeah, I just meant is it available for the public to be able to access it. I was just wondering if it's available somewhere online, if there were other interests.

Mr. Zuraf: It's not, but we can easily add that to the site.

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Mr. Rhodes: Okay. If we could just somehow put it online, to add it to the package so if anyone else is interested could always see where it lays.

Mr. Zuraf: Well, it is online actually on the item for today, but we could also add it to the George Washington Village page.

Mr. Rhodes: So, it was in with whatever was posted online with today's?

Mr. Zuraf: Yes.

Mr. Rhodes: Okay, great. Super. Anyone else who would like to speak, please come forward and do so.

Ms. Calender: Good evening. I'm Alaine Calender. First off, I'd like to say some people tried to send the Planning Commission emails on your County email system and they were rejected, so I sent a test email myself and it was also rejected. So I'm not sure what's going on with that. I think it's an easy decision and I think it's a decision that can be made tonight. I think it should be a no decision on this project, mainly because of the residential being located close to the airport and the size of the project, of the number of residences. It would be the largest residential development in the County, larger than Aquia Harbour. And, frankly, we can't handle the population we already have. I know there's a lot of citizen opposition to this because of this size, the impact on our public schools and transportation system, community services, and quality of life. I think it's the wrong concept for this location and we can look at all kinds of statistical reports about how much money the commercial is going to make for us and so forth. But I don't need to look at those kind of reports. I know we've got a problem right now in this County. Our Board of Supervisors doesn't recognize the funding needs of our public schools. If you add this many new students to the school system without schools being in the Capital Improvement Plan, and without the investment in schools so they have proper class sizes and well paid teachers, that's a problem. The retail... it's interesting. There's going to be a lot of retail. And having worked retail myself years ago, in terms of pay it's not a good field to be in. Today they make them part time employees with no benefits. They won't be able to afford housing in this County. This County does not invest in comprehensive public bus service to serve who have limited means or to help reduce cars on the roads. Unfortunately I don't talk fast enough to be able to say everything that needs to be said about this. I believe Joe Brito sent you an excellent email. I hope you received it. But he had some excellent details to provide. Thank you.

Mr. Rhodes: Thank you ma'am. Anyone else?

Mr. Arcularius: Hi, I'm John Arcularius. I'd just like to reiterate some comments I made the last meeting. I know we made a little bend there on some wells and we've all of a sudden identified the fact that there's an aquifer. But I'd like to reiterate a quote. Mr. Charlie Payne stated, "this is the largest project in Stafford County history." If this is the largest thing we have done in the history of this County, we owe it to the citizens of the County to have an environmental impact study done. How will it affect our wells? How will it affect the... how will the rain runoff on this project affect the Chesapeake watershed? How will this affect the animals and so forth that are back there? Do we even realize that there are beaver dams back there? And I'm not a greenie. But if this is the biggest damn thing we've ever seen, come on Cletus. I'm not that stupid. Let's get a dog gone environmental impact study.

Mr. Rhodes: Thank you. Anyone else?

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Ms. Hunter: Sandra Hunter. I don't have a lot of figures or anything, but I'm going to speak to you from the heart. I live on the end of Zachary Lane. So, when I go out on my front porch, I see woods and a stream coming through my property. I go to the side porch, there's woods, a big beaver dam that I can see. And then I go to the back and I look up on a hill where the old Ball Cemetery is. When this development is built, I'm going to come out on my front porch and there's going to be nothing but rooftops. I'm going to go to the side porch; there's going to be nothing but rooftops. And then I'm going to go out on my back deck and there's going to be a big-ass 4-lane highway abutting my property. Now, my property values are going to go straight down because nobody will want to come through that nice little dirt road to my house to buy it when they come back there and they see a 4-lane highway back there. And houses here and houses there. And, so, that's just from my heart. Thank you.

Mr. Rhodes: Thank you ma'am. Anyone else?

Mrs. Carlone: My name is Paul Waldowski. I don't see him here tonight; it just isn't right. This is Ruth Carlone. I had trouble trying to get another email to you. Did you get it finally? Okay. Alright. For right now, this really should be denied. It sounds like what you're saying that oh, we're going to do another review and another public hearing, but it's obvious this is not... this is not compatible with the airport area. Okay. Now. Just to make some comments on some of the proffers here. No, no, no to every one of these. The fire station is going to be graded but not conveyed to the County until the 18<sup>th</sup> resident is sold. Eighteen hundred people? Come on now. Okay, the next one. Oh, wait a minute; excuse me. This one was 2,500, so it's 2,500 people. Now... no, that was fire and rescue. Okay, for the future school site, it was up to the 2,500<sup>th</sup> residential unit. Okay. Uh-oh, I better hurry. Also, cash proffers here, number c. of cash proffers, said the cash proffers would not be fixed and will be not tied to an escalator for future increases. Baloney. I'd like to say it's where we're there but, come on guys, this is normal procedures to have it tied to an index. Alright. Also, as far as the actual units, they should be sprinkled. Every single one of them should be sprinkled, to have fire suppression inside and built-in, constructed with the house. Also, it shouldn't be either/or about the 10-foot setback and then the sprinkler, it should be both. We're talking about peoples' quality of life and their life and their safety. This whole thing just stinks to high heaven, but these are a couple of things right now to consider. There's a lot more. Oh, here's another one. Apartment pool. Okay. Tied into occupancy for the 400<sup>th</sup> multi-family unit. Four hundred people are buying in or renting a place based on having a swimming pool. This was done at another one up here behind Marketplace. They didn't get their swimming pools or amenities until 2 years later. This is a problem here. Also, naming rights as far as the park. I don't think the applicant... I mean the County should have the right to do that. The 3,000-foot setback again is not sufficient... oops... it's not sufficient. It just, it's incompatible period. Back in 1989, 1988, in that era... uh-oh, times up... it was supposed to be a golden triangle for commercial only. Okay.

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

Ms. Sigmon: Hello, Susan Sigmon. Just a couple of comments, the first one being I know in the plan it calls for an elementary school. My concern; I've had children at one point in time in all 3 schools. I had elementary, middle, and high school. My question is, is once this elementary school is constructed, where are the children going to go? Is that the end of their education? I haven't seen anything about middle schools or high schools, so I don't know where they're supposed to go after they attend the new elementary school. On question 2, in my opinion, there's lots of money for the studies and the information that the developer wants presented. There doesn't seem to be time or funding for any of the things that we've asked for and we've come to every single one of these meetings. We've asked for an environmental impact study; it hasn't been done. We've asked for information about open and current construction; how many houses are out there right now about to be built? Still waiting on people to

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come in; haven't gotten that information. I'm not sure about the CRPA. The information tonight was it's too expensive to do that kind of a study, and the site was walked. And, I don't know, I need information on is that acceptable procedure, just to walk a site? And then that information is accepted. But again, another study that seems to be done and it's too expensive to be done on things that have been asked for. The issue about the wells. We've asked at almost every single meeting that I've been to for how much it would cost if I, as a homeowner, have to hook into the system. How much is it per foot, etcetera, etcetera. Never been given that information. I just... I think that the things that we have asked for, there doesn't seem to be any priority focused on that, and I can't help but think that if any of these items were affecting the developer in other than a financial profit, that maybe there wouldn't be some confusion over the priorities and they might be switched a little bit if this was their homes that were being affected. Thank you.

Mr. Rhodes: Thank you very much. Is there anyone else?

Mr. Vickland: Sean Vickland. This plan for the continued urbanization of Stafford is going to lead to nothing more than what we've already got going on on Garrisonville Road. We just had a shootout at Wings and Things. About a month ago there was an armed robbery at the Kangaroo. When you build this urban center just down the road right here, we're going to get a lot more of that. And I doubt the Sheriffs we have can handle it.

Mr. Rhodes: Thank you. Anyone else? Okay, I will end the public comment portion of the public hearing just for tonight. Do you want to keep the public hearing open for next...? Okay. But the public hearing itself will be continued to our next session. With that, Mr. Payne.

Mr. Payne: Thank you Mr. Chairman. Charlie Payne with the law firm Hirschler Fleischer. I represent the applicant. I just want to reiterate a couple comments and perhaps I haven't been very clear about this, and I apologize if I have not. On the CRPA, which is the Critical Resource Protection Area analysis, we've done a preliminary study. We have field-walked the site. So, what we do is, pursuant to that preliminary study you'll see on our General Development Plan and the plans that we submitted with our project that where we believe those areas are located. We can't get a preliminary site plan approved until that CRPA study is completed. So, the project cannot move forward until that analysis is done. And that's not per se an environmental study. That is just an identification of where the Critical Resource Protection Areas are located, and the areas where we have to buffer and have setbacks and etcetera for construction. The construction process is a different process which is also required by state code and County ordinance where we would have to do our stormwater management plan, which I think is the environmental questions on the Ches Bay, etcetera, that have come up from some members of the public. So, just so people understand in the public, those things have to happen before one shovel can be dug into the ground at George Washington Village. And all of that, of course, has to be done in accordance with the County's erosion plan, with the state Ches Bay Act requirements, etcetera. So, all of that will have to be done.

Mr. Rhodes: I apologize for the interruption, but, Mr. Harvey, would you add anything else on that characterization dealing with the CRPA and the other stormwater management plan?

Mr. Harvey: Well, Mr. Chairman, the staff's concern with the CRPA issue is mainly due to the code requirement for this zoning district in that they must follow the General Development Plan. So if we find out something in the future where the RPA is larger than shown on their plan and they have to readjust the overall project design, then that requires a proffer amendment. That's the main concern from staff with regard to that. As Mr. Payne indicated, that is a requirement prior to any plans being

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approved that the wetlands are field-delineated and the RPA is set from the edge of the wetlands associated with the perennial streams. So that handles that protection requirement the state has on the locality. Also, with regard to stormwater management, we have a local ordinance that complies with the state standards which has to be addressed when specific development projects come forward for any land disturbance greater than 2,500 square feet, which is a very small area. And also have to address erosion control based on County and state regulations.

Mr. Rhodes: And that would have to be addressed before they could proceed?

Mr. Harvey: Yes. And that's further down the development process as Mr. Payne indicated. That's when actual construction is ready to start.

Mr. Rhodes: Okay, thank you very much. I just wanted to confirm and clarify. Thank you.

Mr. Payne: When Mr. Harvey stated the burden would be, it'd be our risk and our burden to have to come back if there was a significant requirement to adjust the GDP. So, we'd have to come back to the table yet again. So, we're pretty confident we've identified where those locations are. And again, that burden would be on us to have to come back. And again, we couldn't proceed unless otherwise we did that. I know there's always lots of anxiety regarding growth. It's in every jurisdiction. It's in our region. It's just a by-product of who we are. It's going to happen. It's inevitable. We've planned for it. George Washington Village was planned for that very purpose for the growth over the next 20 years. This project is a 20-year project. I think clearly a 20-year project given how the market is evolving today. We would like to see... I think all of us would like to see... the new infrastructure in place, new commercial investment in our area. I think we are in desperate need of that, not only in Stafford County but in the region to compete. We'll take another look at the cemetery. I think a couple times folks have raised questions about the cemetery. We'll take yet another look at it. Again, our (inaudible) survey did not show cemeteries being on the site. Also in regards to the Comp Plan and in regards to compatibility, I heard a couple comments about that. There were 4,100 plus units proposed for George Washington Village in the Comprehensive Plan. Our project is encompassing about 2,957 of those units. There's another 400 or so at Embrey Mill. So that's a delta of about 700 that won't get developed within George Washington Village. So I don't want anyone to think that we're maximizing or pushing any capacity. In fact, we're actually developing less than what can... what is being planned I should say. Can and what's being planned are two different things. Can depends on the site itself and topography limitations like CRPA, etcetera. But what is planned is 4,100 units within George Washington Village. Again, that delta is about 700 not being developed. Fire and Rescue -- our current proffers say we're going to convey the land and grade and clear it when the County wants us to. So there's no phasing requirement for the Fire and Rescue site. So I just want to clarify that. And again, schools...

Mr. Rhodes: I do think though, in the very first version there might have been...

Mr. Payne: An old, old version we had...

Mr. Rhodes: But you're just clarifying that it is now moved out and over (inaudible).

Mr. Payne: It is moved right after rezoning; if the County wants the land, we'll convey the land.

Mr. Rhodes: Okay.

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Mr. Payne: For schools, I mean, again, for sensitivity part is we've got less money in schools and heavier in infrastructure. And a lot of that is because, one, the size of the project, the fact that there's a large commercial component tied to it like 1.5 million square feet of commercial plus the 350,000 outside of the site. That drives a lot of that reason obviously. But if the roads that we're building are in your transportation plan to be built by the County, and you're not going to build it and we are, that means there's money freed up for other capital facilities. So, I don't want people to lose that focus that somehow we're taking away, when we're actually supplementing and actually handling a lot of the transportation infrastructure requirements for that particular area that is in the County's current transportation plan. So I just want to make sure that that's clear as well. And with that, I'm happy to answer any questions you may have.

Mr. Rhodes: Mr. English.

Mr. English: I've got a couple for you from the public hearing. The environmental impact study, Mr. Payne, what does that cost? Do you know what it would cost?

Mr. Payne: The CRPA study?

Mr. English: Yeah.

Mr. Payne: Well, it's an environmental component to it, but it's not called environmental. It's basically identifying where the Critical Resource Protection Areas are. Over \$250,000.

Mr. English: In reference to the...

Mr. Payne: And again, that's got to be done before the preliminary plan is approved. So it's got to be done eventually.

Mr. English: In reference to the well question, what is the... do you know what an individual cost for... I know you're not going to be able to get it right down to each individual house, but a ball park? Could I get what it would cost?

Mr. Payne: To either re-drill a well and/or connect utilities?

Mr. Rhodes: I had made a note too on that and I had perceived the question to be, if one had to hook up, what's the cost? And is that something we could reasonably get... staff could reasonably get from Utilities?

Mr. Harvey: Yes, Mr. Chairman. The County's website has a cost for the utility connection fees. And then we can talk to our Utilities staff as far as what a typical per linear foot cost is to run a water line from the meter to the house.

Mr. English: And then if you don't have access, what it costs to do a well.

Mr. Payne: In recognizing that we would have lines in place and easements for the connections, so folks won't be extending a long distance. So I want to make sure that that's clear as well.

Mr. English: If you could get the well thing.

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Mr. Payne: Sure.

Mr. Rhodes: Thanks. Other questions?

Mr. Coen: I have a quick question for Mike Zuraf if I could.

Mr. Rhodes: Please; why not.

Mr. Coen: Hi Mike. Just a real quick question. Does my memory serve me correctly that when this came to us in February, you described a communication from Dr. Benson relaying the school department's opinion that they only wanted cash? I can't see it in the folders I brought, but the front page reiterated what staff had said and then when you flipped it over to the backside, there's basically a one sentence thing from Dr. Benson saying that he wanted, you know, the School Board had discussed the previous night and they had wanted cash. Does that sound familiar?

Mr. Zuraf: Correct, that's fair.

Mr. Coen: Okay. And then... and didn't I think, it was sort of rather funny because Mr. Gibbons sort of asked about whether they'd build the school and we sort of went back and forth about the idea of the school proffer and the fact that the schools wanted money rather than the actual school site. Is my memory fairly good about that?

Mr. Zuraf: Yes.

Mr. Coen: And then, lastly, in the email that we received today from the school system where it indicates that this development would bring out 1.46 elementary schools, .74 middle schools, and .53 high schools. Doing some rudimentary math, and given that I'm not a math teacher, and I think the figures that we had received in one of our earlier packets was something along the lines of \$20 million for an elementary, \$40 for a middle, and \$80 for a high school. The total of what this would impact comes out to \$94.6 million. So, it's, roughly speaking, you know, what the school department is saying the impact would be, not saying building the entire high school but building the percentage of the school that they believe will be generated.

Mr. Zuraf: Right.

Mr. Coen: Thank you sir.

Mr. Rhodes: Any other questions of staff or the applicant?

Mr. Apicella: Mr. Chairman, again, back to the issue of the potential for the applicant to build the school site, I would ask staff if they could do some more research to see how that might work, including if it's possible to do it outside of the PPA process. To me, if you can proffer a piece of land, you should be able to proffer a building. And so, in theory, you might be able to proffer a 950 student school. So, I think it'd be worth at least exploring that and maybe talking to the school system to see if they have any interest in that as an option.

Mr. Rhodes: Does that sound doable, Mr. Harvey?

Mr. Harvey: Mr. Chairman, we'll certainly ask the question.

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Mr. Rhodes: Okay. Thank you very much.

Mr. English: Also, on the schools on the proffer statement, I would like a new copy of this proffer statement go to Ms. Kidby, if she could get a copy of this. Make sure she gets that.

Mr. Gibbons: Mr. Chairman, I think the Chairman should send it to you as part of the official record. Because we'll have a public hearing and then making a statement shouldn't come from the staff; it should come from the Board itself.

Mr. Rhodes: No, that's fine. And actually I talked to Ms. Kidby today so I know she was okay. And we talked about how to get comfortable, that all the right representations are happening and everybody has the right confidence level. And she's going to work on some things there too.

Mr. Gibbons: I've got all the confidence in the world with you.

Mr. Rhodes: Any other comments or questions for staff or applicant? Okay. This is in your district.

Mr. English: I'm making a motion to defer until April the 22<sup>nd</sup>.

Mr. Rhodes: Do you want to go 22<sup>nd</sup> or 8<sup>th</sup>?

Mr. English: The 22<sup>nd</sup>.

Mr. Rhodes: Okay. Motion to defer to the 22<sup>nd</sup>.

Mr. Gibbons: That's the second meeting.

Mr. Rhodes: Yes. But I didn't know if we would talk about it before then just to keep moving. But okay. Is there a second?

Mr. Gibbons: Second.

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

Mr. English: Yes. We just keep putting this thing off and keep putting it off, and I know that the citizens out there... I do want to leave the public hearing open also. But it seems a day before this or a day before that we get new information, new information, and it keeps putting this off. And I apologize for the citizens for that. But again, it is something big and something major that we need to make sure we can cover all bases on that. And that's why I'm going to go ahead and just defer it to April the 22<sup>nd</sup> for a vote on this. Leaving the public hearing open also please.

Mr. Rhodes: Okay. Further comment Mr. Gibbons?

Mr. Gibbons: Mr. Chairman, we know the number of units that are available to be built in the County so the staff can give it to the residents. I mean, that's public knowledge.

Mr. Rhodes: Yep, in fact I thought I had them handy.

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Mr. Gibbons: And the second thing is, I'd like to know the area which the wells or the water would be affected. When we did the Augustine golf course we had a pretty good idea what aquifers we were dealing with. So, it seems to me we ought to get the public at ease about what we're looking at and how many wells could be affected. I mean, it's the uncertainty that bothers people.

Mr. Rhodes: Is that something you think we can do Mr. Harvey? Show where the aquifers or the wells or...?

Mr. Harvey: Well Mr. Chairman, we don't have a specific data with regard to the aquifer for this area. We have general countywide information about aquifers and recharges. But a lot of it is going to depend on the type of well that was constructed and how deep it is and what sort of capacity. And there's a lot of...

Mr. Gibbons: But Jeff, we have the best inventory of anybody in Northern Virginia on the amount of wells we have in the County and they're all documented with the State. So we're very good that way. We ought to know some idea what the area we're talking about.

Mr. Rhodes: You mean just identify where the wells are?

Mr. Gibbons: (Inaudible) has to be drilled, why can't Utilities take a look at it? I mean, drill versus extended water or fee structures. You know, we have neighborhood sewer plans. Is there a neighborhood water plan that could be done?

Mr. Harvey: Mr. Gibbons, certainly the Utilities Department and the Utilities Commission have a policy about neighborhood projects which you're referring to where they can extend water or sewer lines to existing areas within the Urban Service Area that currently aren't served, and maybe have issues with water quality or quantity of water. That's something that's done as a normal practice. This area would definitely qualify because it's in the Urban Service Area. But as far as trying to map out wells in relation to water lines, we can try to coordinate with Utilities and GIS to see what we can show graphically to help people better understand.

Mr. Gibbons: Thank you Mr. Chairman.

Mr. Rhodes: Okay, thank you very much. Any other comments of anyone? Mr. Apicella.

Mr. Apicella: Mr. Chairman, it's just a comment or really a request. The April 22<sup>nd</sup> meeting is roughly 40 days away. If all parties who have any information, any views, any opinions, any comments, if they could please get it to us before the meeting, at least a day or two before the meeting, preferably a week before the meeting, so we can digest it all. It's, you know, I don't know how much information we're going to get for that meeting, but if we got 200 more pages to read on top of all the other information that people provide, it's pretty difficult to... and with all due respect, I'd like to see it. So, again, I would just encourage folks, including the applicant, to try to get us the information sooner rather than later, but certainly before April 22<sup>nd</sup>.

Mr. Rhodes: And similarly, if there are any evolving questions of Commissioners or others, as soon as we've got them if we can get them to staff so they can be digging. Because you're right, there's plenty of time so let's be able to take the greatest advantage of it. Very good. Any other comments before... yes, Mr. Coen?

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Mr. Coen: Yeah, just to sort of tag onto what Mr. Apicella said, I think the public and the Commission can sort of feel like Charlie Brown and the football. This first was brought up in December. We deferred it to January. At the January meeting there was verbal information given at the meeting which the public couldn't see and we couldn't see; I'm not quite certain if I remember exactly if staff could see it. So we deferred it to February. In February, on the day of the meeting, we received new proffers. Some of us got them around 4:23 in the afternoon. So because we didn't get the information, we deferred this to March. Here we are at March and we received a bevy of information yesterday, the day before the meeting, so the timeline's moving a little bit better to what Mr. Apicella was asking for, but (inaudible). But then at 6:42 tonight we received new proffers. And so, quite honestly, it seems as though we're always going to do something and at the last minute we're getting information. And it really is rather unfortunate. It's unfortunate for the public, it's unfortunate for us to deliberate in a comprehensive and solid way, and it delays this project so that, I mean, a couple of people said they've been here every meeting. This will make 5 months of meetings, and it just seems that things could be done in a little bit more expeditious and transparent way.

Mr. Rhodes: I think those are fair comments. Similarly though, I think it's also fair to acknowledge, because I wasn't ready to act on anything tonight, but I think it's also fair to acknowledge that the applicant also did extend out 4 weeks and then 6 weeks in recognition of that. So I think, just to be fair on both sides, I think they're acknowledging that they've thrown a lot out here at the same time. I just would... I know we can get some of the information that was asked about tonight on a number of homes. I would just remind that the challenge and the complication we have as we deal with these... and I'm sorry to belabor this... but the challenge that we have is that for now 60 years, we've grown at a rate of about a 50% growth every 10 years. It doesn't matter how many houses were approved, it doesn't matter how many developments were approved. We've grown. Are there issues with different applications than others? Yes, there absolutely are. And there's a lot of things to work through. But I just would remind just because a development is approved isn't what brings people. People are coming and so the intent is how do we best plan for that, which is our obligation, our charge. But every 10 years we have grown by 50%. Every 20 year segment in that same timeframe, the lowest we've grown has been 107%. I mean, people keep coming. It keeps growing; it is a reality. So we just need to figure out how to best plan for that. So, with that I'll call for the vote which is the motion to defer this session, along with an open public hearing, to the April 22<sup>nd</sup> session. 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? Seven-zero, alright. Very good. Thank everyone very much and appreciate folks continuing to come out and we'll try and get some more information next time too.

Mr. Gibbons: Can we have 2 and 3 as one public hearing?

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Mr. Rhodes: Yeah, that's what I'm going to check. Mr. Harvey, I know we're moving onto item number 2 which is Dominion Power Crane's Corner Substation, which also happens to be item number 3. This time though I saw that they came as two separate packets. Will we present them together as a single public hearing or will we do them as separate presentations?

Mr. Harvey: Yes, Mr. Chairman, we would like to request that staff present them as one presentation.

Mr. Rhodes: One presentation so one public hearing. Okay, thank you very much. I just wasn't sure.

2. RC15150545; Reclassification – Dominion Power Crane's Corner Substation - A request for a reclassification from the A-1, Agricultural Zoning District to the R-1, Suburban Residential Zoning District to allow for the 4,800-square-foot expansion of an existing electric substation on Assessor's Parcel 46-19. The property consists of 3.89 acres, located on the west side of Forbes Street approximately 1,000 feet north of the intersection of Forbes Street and Layhill Road, within the Falmouth Election District. **(Time Limit: June 9, 2015)**
3. CUP1400176; Conditional Use Permit – Dominion Power Crane's Corner Substation - A request for a Conditional Use Permit (CUP) to allow a substation within the R-1, Suburban Residential, Zoning District. The permit will allow for a 4,800-square-foot expansion of an existing electric substation on Assessor's Parcel 46-19. The property is currently zoned A-1, Agricultural Zoning District and is subject to a concurrent request for a rezoning to the R-1, Suburban Residential Zoning District. The property consists of 3.89 acres, located on the west side of Forbes Street approximately 1,000 feet north of the intersection of Forbes Street and Layhill Road, within the Falmouth Election District. **(Time Limit: June 9, 2015)**

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

Mr. Rhodes: Thank you very much.

Ms. Ehly: Good evening Mr. Chairman, members of the Planning Commission. If I could have the... thank you. The applicant is requesting a reclassification from the A-1, Agricultural Zoning District to the R-1, Suburban Residential Zoning District. The application has been submitted concurrently with an application for a Conditional Use Permit to allow a substation in the R-1 Zoning District. Both applications concern Assessor's Parcel 46-19 in the Falmouth Election District. The applicant is proposing an 1,800 square foot expansion to an existing substation. The proposed expansion would not meet the open space requirements for the site in the A-1 Zoning District and, therefore, creates a need for the zoning change. The Conditional Use Permit is being requested to bring the existing use into compliance with current zoning requirements. The use as a substation was approved by the Board of Zoning Appeals as a special exception permit in 1983. Sorry, that slide should have been showing there. The substation is located on Assessor's Parcel 46-19, which is approximately 4 acres in area and is located to the west of Forbes Street, approximately 1,000 feet north of the intersection of Forbes Street and Layhill Road and slightly over 500 feet from Jefferson Davis Highway, which is to the west. There's a significant amount of mixed deciduous and evergreen trees along the southern property line and a ditch containing jurisdictional waters of the U.S. running along the southern portion of the property between wetlands that are located along the eastern and western property lines. There are no proposed impacts to these natural resource areas as a result of the proposal. The Comprehensive Plan identifies the site as being within the Suburban Future Land Use designation. The Land Use Plan is silent regarding this particular use; however, this site is located within the Urban Services Area where such facilities are expected to be in order to support anticipated development. And the proposal is

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consistent with several policies in the Comprehensive Plan, specifically policies 1.2.1, 4.5.4, and 4.5.5. The property is currently zoned A-1 and is surrounded by A-1 and B-2 to the north, R-2 to the south, A-1 to the east, and A-2 to the west. There is also a significant area within the R-1 Zoning District to the southeast of the site. The surrounding uses are residential, place of worship, and public facility. The Generalized Development Plan depicts the existing conditions and the proposed 1,800 square foot expansion. There is one existing access point located on the eastern property line onto Forbes Street. The red rectangle, shown here within the circle, delineates the area of the proposed 1,800 square foot expansion to include a cabinet and breaker equipment. The GDP also depicts the screening areas that are further described in the conditions, identified here with the darker cross-hatch symbol. The Commission received a revised GDP today dated March 10, 2015, which included a revision to show areas of proposed screening to reflect the conditions in the Resolution, and to include the ditch which runs between the wetland areas as shown here. The proposed screening would include a double row of evergreen shrubs along the northern and western fence line identified by the red dotted line; the supplementation of the existing vegetation with evergreen trees to the south; and a triple row of non-deciduous trees along the eastern property line at Forbes Street. The 1983 special exception permit included these five conditions which would be superseded by the new conditions if these are not carried over. Staff has carried over condition number 4, the buffer requirements, and requested additional information regarding the status of the more technical conditions from the applicant. The responses are highlighted in *italic*. And, just briefly, regarding any telecommunications interference, Dominion Power has not received any complaints or reports of such. The noise levels comply with OSHA standards and also meet local noise ordinance levels. There are no hazardous materials stored onsite. And the facility does not emit harmful radiation as contemplated by the BZA. And the applicant and agent are here this evening to answer any further detail you may require regarding those responses. The proffer statement included with the reclassification application limits the uses permitted on the property to an electric substation and any accessory and auxiliary equipment and structures necessary for the substation. The proposed conditions are included in Resolution R15-99 which would approve the Conditional Use Permit. The Commission received a revised Resolution today which changed... just made two minor changes to condition 6b and c which changed the timeline for the completion of the planting of the screening areas from within 30 days of the completion of the expansion to a deadline of October 15, 2015, to allow for better survival of the plant material rather than plant... they're expecting to complete the expansion this summer, June or July. So it's better to plant later. And then also another minor change from what the Commission received in the packet is that the distance from the fence line for the northern and western planting, screening material was revised from 4 feet to within 20 feet in order to account for industry regulations concerning clear space around the perimeter of such a facility. And then also the GDP date was updated. And so the conditions include limiting the storage of commercial vehicles to 48 hours; regarding lighting a height limit of 35 feet; lighting should be directed away from surrounding properties, limited to one-half foot candle at any property line; the applicant will provide notice to the County upon abandonment of use and also the site will be restored to its natural state once that occurs; the applicant will provide an as-built plan at the completion of the expansion to the County; screening material will be installed by October 15, 2015; and also a zoning permit will be required to ensure compliance with all conditions. Staff finds the following positive aspects to the proposal: the proposal is general consistent with the established development pattern vicinity; meets the intent of the Comprehensive Plan and is consistent with relevant policies 1.2.1, 4.5.4, and 4.5.5. Staff did not identify any negative findings as the substation is an existing facility and there are no additional impacts to public facilities as a result of the proposal. Staff recommends approval of the applications with the proposed proffers and conditions. And I'll be happy to answer any questions.

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

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Mr. Apicella: Mr. Chairman, this is in the district that I represent. So, just to kind of summarize what's proposed or what's going on here, the applicant wants to add an additional 1,800 feet of use to provide additional equipment to ensure electrical reliability. And that's a small section of the overall parcel.

Ms. Ehly: Mr. Chairman, yes Mr. Apicella. They are just adding 1,800 square feet of expanded area.

Mr. Apicella: And what they would like to do they can't do under the current A-1 zoning because of current open space requirements that didn't exist in the past.

Ms. Ehly: Mr. Chairman, Mr. Apicella, the A-1 zoning district would also require a Conditional Use Permit. However, and actually that's what this application started as, just a Conditional Use Permit, but it was determined that the expansion wouldn't meet that 80% open space and so the R-1 Zoning District has a 50% open space requirement which could be met.

Mr. Apicella: Right, I'm just trying to understand why we're doing a rezoning as part of this process.

Mr. Harvey: Mr. Chairman and Mr. Apicella, at the time the BZA granted the prior approval, there was no open space requirement for the Agricultural zone. That was a requirement that came later in the mid 1990's.

Mr. Apicella: Okay, and the applicant has agreed to and if proffering out all other potential R-1 uses with the exception of what they're asking for, which is... or what they currently have, which is a substation and any ancillary equipment associated with that substation. So nothing else can happen on this site if this were approved, other than those two possibilities?

Ms. Ehly: Mr. Chairman, Mr. Apicella, that is correct, unless a proffer amendment was pursued.

Mr. Apicella: And the original GDP and the revised GDP shows extensive... an extensive landscaping plan which provides additional areas of buffering that would not otherwise occur without this package being approved. It's not a requirement that they would increase that landscaping. So, so there's areas that are in close proximity to neighbors that aren't necessarily buffered with landscaping. This package would increase the buffering associated with the neighbors.

Ms. Ehly: Mr. Chair and Mr. Apicella, there are code requirements for a 35-foot transitional buffer on 3 sides, the northern, western, and southern side of this site. And that is a code requirement; however, the screening condition is directly related to the Conditional Use Permit condition. And at the time that they would... this expansion would require a minor site plan and through that minor site plan review, that 35-foot buffer requirement would come into play. There are options for the applicant, however, to reduce that requirement; that's a separate process that would occur under that.

Mr. Apicella: I'm putting the two pieces together, the rezoning and the CUP, and what I see is, if the status quo were to remain in effect, there are places that would not achieve additional screening because the applicant's not required to do it.

Ms. Ehly: Mr. Chair and Mr. Apicella, yes. If the applicant was not expanding this site, it would remain as is. That is correct.

Mr. Apicella: And, as far as I can see from the package, all the requirements for a rezoning and a CUP have been met, based on your review. You don't have any issues or concerns?

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Ms. Ehly: No, we do not.

Mr. Apicella: Okay. Were the neighbors consulted and were you advised of any feedback from any of them?

Ms. Ehly: The applicant's agent did speak with the surrounding property owners and neighbors, and she did speak with me about that, that there were no concerns expressed to her.

Mr. Apicella: Okay, I saw a couple of overhead shots. I don't know if you have them or if the applicant has any sort of perspective from the ground level of what the equipment might look like, if this should pass? We don't have to do it right now; when they come up. I'm just seeing if that's a possibility. You mentioned that the BZA conditions would be superseded, those that were established by the BZA back in 1983. I noticed that a few of those are not continued over. Does the applicant... have you had any conversations with the applicant in terms of including those provisions in the CUP conditions?

Ms. Ehly: Mr. Chairman, Mr. Apicella, I did receive an email today that the applicant is willing to carryover those existing conditions. There's not an issue to do that.

Mr. Apicella: Okay. I just have one more question. I saw in the CUP package in the applicant's submission they asked for a waiver on the height of the backbone structure necessary for the project. I didn't see how that was dealt with.

Ms. Ehly: Mr. Chairman, Mr. Apicella, that was determined to not be required, that waiver. And I probably should have put that in the staff report that it's considered exempt from the height limitation because it is considered like a flagpole or an antenna or those types of structures that are exempt from the height limitations.

Mr. Apicella: Okay, thank you. Mr. Chairman, those are my questions.

Mr. Rhodes: Thank you very much. Other questions for staff? Very good, thank you. Applicant please.

Ms. Frye: Good evening Chairman Rhodes, members of the Commission. My name's Gloria Frye; I'm an attorney for McGuire Woods here on behalf of Dominion Virginia Power. And also with me is Nadia Younus who is an engineer with Dominion. First, before we get started with the specifics of the case, I want to especially thank Ms. Ehly. She has been diligent and persevered and accommodating and responsive and so helpful to us in getting this application pulled together. It sounds like a small request for 1,800 square feet, but this is very old zoning and very old development. The facility was developed under old conditions. And so trying to look at it at today's code and today's process is a little complicated and we had to work through some layers. And she helped guide us through that. I would like to talk about the need for this development. It is only 1,800 square feet and it is in a gravel area that already exists, but it is outside the fence. Through the years, these last 30 years, Dominion has been able to upgrade its equipment inside that fence. Because the Zoning Ordinance changed and this development became nonconforming, nonconforming uses cannot be expanded unless you bring them up to code. And this site has a lot of challenges to do that as Ms. Ehly explained. But Dominion is required to meet certain planning criteria that manages electrical power load on any transmission line. And these transmission lines are limited to 300 megawatts. If that level is exceeded on a line, the company must add a breaker to sectionalize that into two lines. The 2104 line at Crane's Corner needs to be sectionalized. To do this, the company needs to install a 230kv 3,000 amp breaker at the

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substation. Installing that equipment will minimize the areas that would be affected should there be an equipment failure in the power grid. In other words, the equipment is needed to protect the transmission grid from a larger regional blackout if certain equipment in the grid should fail. The 2104 line needs to be sectionalized before the summer, preferably, before the demand loads for air conditioning come online in July. So that's part of the need that they have. The additional equipment will be in a small enclosure building; it's a prefabricated building. It's very similar to buildings that are out there. And I do have a slide that shows you, just a manufacturer's vision of that if you're interested in it. It's only 40 by 24 and it is consistent with the other enclosures that are at that facility. The reclassification was needed because, as Ms. Ehly explained about the we can't meet the open space requirement, under the A-1, so by going to R-1 which only requires 50% we can meet that because we have 72%. So we were so close; we were so close we spent time talking to some adjacent landowners about buying additional land, thinking that if we buy enough land we could meet that and not have to go through a reclassification. And those talks, they went very well. I mean, the neighbors were very friendly and accommodating. But we learned that we couldn't buy enough land to get to the 80% because this is so dense. We never would be able to do that, and that's when we came back to the staff and said, okay, let's try to attack this another way. But we have restricted that, as you noted, Mr. Apicella, that it would only be for this use only. We did reach out, we sent letters to each of the adjoining property owners, and we have tried to follow-up with phone calls. I have been able to talk with the neighbors on the north, the west, and the south. The property owners on the south actually helped me get a contact name at the church, and I've left messages but have not heard back from the church. Which I think is a little unfortunate because one of the nice things about approving this is it's going to greatly improve the landscape buffer along Forbes Street which is right across the street from their church. Dominion has reviewed those existing conditions and they can live with those conditions going forward. We might like to, at some time before getting to the Board, work with staff about some clarifications and some definitions; but those conditions have not been a problem in the past and I don't think they would be a problem now. Dominion has also reviewed the conditions suggested and proposed by staff, and they're very much in agreement with those as well. To summarize, I think that this is an existing substation, there's no change in the use. The change that we are asking for, the small expansion, is not going to change the character of the use. The access is the same. There's no impact to the public right-of-way. There's no impact to the adjacent landowners. The new conditions for the screening and the buffering would be very helpful. And the additional equipment is necessary for reliable uninterrupted service. As far as we know, there is no objections to the expansion and talking with the neighbors, many of them... well, the one lady said she had lived there for over 20 years and the other said she had lived there for over 10. I'm not sure about the townhouses, how long they've been there, but they said they've never had any complaints or had any problems living next to the facility. Dominion is on a tight schedule. It's already March and it's going to take them 30 to 60 days to do this expansion, so they're very hopeful that you will see fit to recommend approval of the Conditional Use Permit and for the reclassification so we can send the case forward. And we'll be glad to answer questions.

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

Mr. Apicella: Mr. Chairman, I don't think it would hurt if we got a visual of what the building would look like.

Mr. Rhodes: Okay. Computer please.

Mr. Harvey: Computer please.

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Ms. Frye: Okay, this was just the aerial showing the location that Ms. Ehly showed you. The townhomes are on the south, the Satterwhites live to the north, the dairy is to the west, and the church is on the east. And also there's this large transmission line easement that goes across the whole property. This is how the property has looked from Forbes Street looking into it. This was a day when they had some trucks there working on the equipment. The top view shows you the view from Route 1. And Route 1 is at a lower elevation, so the nice thing about what staff worked out with us on the screening on the west side next to the fence, there's a very steep bank with a lot of riprap for the... normally the transitional buffers are measured from the property line, 35 feet in. But from that buffer... from the property line, that buffer would be right in the riprap and nothing would grow. So at the top of the edge of that bank is where we're proposing to put those evergreen trees and shrubbery in there to help screen the fence. And we've been working with the arborist at Dominion about evergreens that will grow to 8 feet in height and 8 feet wide to form a hedge around there, because the fence is 7 feet. And that would really help with the view from Route 1. Ms. Ehly had already showed you the screening areas. And this was an example of the enclosure that the breaker would be in and that building is going to be 40 by 24. This was from another facility but it does give you an idea of what that would look like. This just goes over the two cases that are before you. These are examples of some of the evergreens we've been looking at to provide the screening around the fence.

Mr. Rhodes: Okay. Other questions?

Mr. Apicella: And you worked with staff on the types of evergreens or the types of landscaping that would be appropriate for this area?

Ms. Frye: Yes sir. And that was one of the reasons for the change in the GDP that you all got recently. Our arborist got very ambitious and was putting plants in the wetlands and in the jurisdictional ditch, and you can't do that. But in working with staff about where those... just to keep those plants out of the wetlands and to find plants that would survive and stay evergreen. But we also wanted to work with staff, when we look at the transitional buffer alternatives, what a landscape plan would look like.

Mr. Apicella: Would you consider some Leeland cypress as an option?

Ms. Frye: We would certainly consider all of that and we are also thinking about introducing some color, some flowering shrubs along Forbes Street just for the streetscape effect.

Mr. Apicella: I'm good Mr. Chairman.

Mr. Rhodes: Thank you. Anyone else? Yes, Mr. Gibbons, please.

Mr. Gibbons: I have a comment, not a question. I want to thank you very much. I got the site plan delivered to me in the snowstorm on Thursday and delivered with a 4-wheel drive vehicle, so I know your intention is good.

Ms. Frye: Yes sir. We were worried about that snowstorm.

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

Ms. Frye: Thank you.

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Mr. Rhodes: We'll now move to the public comment portion of the public hearing. If there's anyone that would like to speak on item number 2 or item number 3, you may come forward and do so at this time. When you do, we'd ask that you state your name and address. And then a green light will come on indicating 3 minutes, a yellow light will come on when there's 1 minute remaining, and then a red light will come on and we would ask that you conclude your comments. Okay, seeing no one come forward, I'll close the public comment portion of the public hearing and we'll bring it back to the Planning Commission.

Mr. Apicella: Mr. Chairman, I don't know if we can deal with the CUP before the rezoning, but I would like to say that again, as kind of the dialogue back and forth, I would like to add back in the special exception provisions that were not included in the proposed CUP provisions.

Mr. Rhodes: Okay.

Mr. Gibbons: Second.

Mr. Rhodes: Okay...

Ms. McClendon: Mr. Chairman, I would suggest you handle the reclassification first.

Mr. Rhodes: Okay, very good. So we will not say that was a motion; that was just what you want to do when we get to that item. I gotcha. Okay, so we're going to address item number 2, RC15150545, in the Falmouth District.

Mr. Apicella: Mr. Chairman, I would recommend approval of RC15150545, Reclassification, Dominion Power Crane's Corner Substation.

Mr. English: Second.

Mr. Rhodes: A motion recommending approval of the reclassification; second by Mr. English. Further comment Mr. Apicella?

Mr. Apicella: I think it was pretty much covered during the discussion.

Mr. Gibbons: You did a good with that, Steven.

Mr. Rhodes: Further comment Mr. English? Any other member? All those in favor of the motion recommending approval of the reclassification of the Dominion Power Crane's Corner Substation, RC15150545, signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

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Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Is there anyone opposed? None opposed; passes 7-0. Now we are to the CUP which you want to address there, Mr. Apicella.

Mr. Apicella: I'm not sure how best to accomplish this. There was a slide, I think, that kind of spoke to some of those conditions.

Mr. Rhodes: Could we bring that back up? Just to make sure we got this straight. I think everybody's okay, we just want to make sure we know what we're talking about. Computer please.

Mr. Apicella: So, if we could...

Ms. Ehly: Mr. Chairman, sorry Mr. Apicella, I actually have a slide that includes the language specifically.

Mr. Rhodes: Thank you.

Mr. Apicella: Would it... is it correct to say VEPCO at this point or Dominion? Or does it make a difference? I would just recommend changing it to Dominion. Most people know it as that. So, I would request, with the exception of number 4 which I think is already taken care of, that the other 4 conditions, with the change of the word VEPCO to Dominion, be added to the current proposed CUP conditions.

Mr. Rhodes: So, as presented there other than VEPCO changed to Dominion, added to the CUP conditions?

Mr. Apicella: Yes sir.

Mr. Gibbons: Second.

Mr. Rhodes: That's the motion by Mr. Apicella. Seconded by Mr. Gibbons. Is that okay to do it that way Ms. McClendon?

Ms. McClendon: Yes, Mr. Chairman, it is.

Mr. Rhodes: It's in writing; we got it. Okay, cool. Very good. Further comment? Oh, so do we make a vote to modify the CUP as presented or do we just act on this as a CUP?

Ms. McClendon: Mr. Chairman, it would be a motion to recommend approval of the CUP with the added conditions.

Mr. Rhodes: Very good. And that's the motion.

Mr. Apicella: She said it even better than I could say it.

Mr. Rhodes: And that's what you wanted to second Mr. Gibbons? Very good. Further comment Mr. Apicella?

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Mr. Apicella: No sir.

Mr. Rhodes: Very good. Mr. Gibbons? Any other member? All those in favor of the motion which recommends approval of the CUP1400176 with the added conditions, Conditional Use Permit, Dominion Power Crane's Corner Substation, signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; passes 7-0. Thank you all very much; appreciate it. With that we will move onto item number 4, Mr. Harvey, in Unfinished Business, the discussion on cluster...

Mr. Gibbons: Mr. Chairman, can I ask for an amendment in the agenda tonight?

Mr. Rhodes: Certainly!

Mr. Gibbons: I mean, we've got people out in the audience that have been sitting here tonight on the Airport Compatibility Plan and...

Mr. Rhodes: So, you want to jump to the Planning Director's Report if you would?

Mr. Gibbons: Yeah, with that one item so we can advertise it.

Mr. Rhodes: Very good. Any objection? Okay, so with that we're going to modify the agenda and address in the Planning Director's Report the Airport Compatibility Plan, and then we will go back to Unfinished Business. Mr. Harvey.

*PLANNING DIRECTOR'S REPORT*

◆ *Airport Compatibility Plan*

Mr. Harvey: Thank you Mr. Chairman. The Board of Supervisors, at its meeting last week, passed a Resolution forwarding the proposed amendment to the Comprehensive Plan dealing with airport compatibility. They referred it to the Planning Commission for conducting a public hearing and making a recommendation. It's at the Commission's discretion whether you want to have it discussed further or want to go ahead and authorize a public hearing.

Mr. Rhodes: Did they suggest any changes whatsoever?

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Mr. Harvey: No sir.

Mr. Rhodes: Okay. And what time limit? Did they give us any time limit to complete?

Mr. Harvey: Based on the state code, you have 60 days in which to conduct a hearing and make a recommendation; 60 days starting from tonight.

Mr. Rhodes: Okay, the clock has started folks. So, we've got it back. We've got the... they've endorsed us to go forward and hold a public hearing on it and get comment and see where we take it from there. What say ye?

Mr. Apicella: Mr. Chairman, I would recommend that we put this matter to a public hearing as soon as practicable.

Mr. Rhodes: Okay, there's a motion for public hearing.

Mr. English: I'll second it.

Mr. Rhodes: Motion for public hearing by Mr. Apicella, seconded by Mr. English. Further comment Mr. Apicella?

Mr. Apicella: I just, again, I think it's a good package and it would be great to get public feedback on it and to move the ball forward and hopefully adopt something sooner rather than later.

Mr. Rhodes: Very good. Mr. English?

Mr. English: I agree with Mr. Apicella's comments. It's a long time coming.

Mr. Rhodes: And we're just taking the exact narrative that we presented to the Board and ready to take it to public hearing. Okay Mr. Harvey?

Mr. Harvey: Yes sir.

Mr. Rhodes: Very good. All those in favor of the motion... any other comments? All those in favor of the motion to advertise this for public hearing signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

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Mr. Rhodes: Aye. Any opposed? Very good; thank you. Sorry it took us so long to get to that. Thank you very much. Okay. We're now back to... and thank you Mr. Gibbons for always keeping the conscience of the folks sitting out there. Unfinished Business, item number 4, discussion of the cluster development standards within Virginia. Mr. Harvey.

UNFINISHED BUSINESS

4. Discussion on Cluster Development Standards within Virginia (History: Deferred on February 11, 2015 to March 11, 2015)

Mr. Harvey: Thank you Mr. Chairman. Susan Blackburn will lead the discussion on this item.

Mr. Rhodes: Yes ma'am.

Mrs. Blackburn: Good evening Mr. Chairman and Planning Commissioners. At the November 11<sup>th</sup> meeting of 2014, you as a Commission asked for the County to come up with some... go through some items and bring you information concerning them. And it was about cluster subdivisions. You wanted to know about the background of cluster provisions within the state code, identifying original zoning, revised zoning and non-CUP density, visual representation of some R-1 cluster subdivisions, a list of Virginia's jurisdictions that allow for bonus density as part of their cluster provisions, and example of cluster subdivision bonus density provisions from other jurisdictions. We presented this information at the January 14<sup>th</sup> meeting and you then instructed staff to draft language for cluster regulations that potentially would be a hybrid version of the regulations of two ordinances, which were Dinwiddie and Amelia Counties. And the main goal was to craft language that would discourage open space in the cluster developments from being shaped in such a manner to eliminate the possibility of using it for agriculture, recreation, or conservation easements. We reviewed the Virginia State Code and the code allows for jurisdictions to impose standards on cluster designed subdivisions based on the following optional guidelines, and there were three of them. Option 1: Lot density is the same in both conventional and cluster designed subdivisions - any standards for development must be the same for both types of development and must be codified. Option 2 is for lot density is increased in the cluster designed subdivision - standards may be imposed on the development as codified regulations but the approval is administrative. And the 3<sup>rd</sup> option is lot density is increased in the cluster designed subdivision - standards are imposed as conditions of approval in a conditional use permit. And each one of these options was discussed with the County Attorney in regards to enforcement and implementation. Option 1, which would be developing standards for all subdivisions especially for open space, after reviewing and looking at it we viewed it as problematic due to creating many non-conforming developments throughout the County. Option 2 was considered feasible by crafting language that would allow for an increase in the density of lots in relation to the use and size of the open space. And an example of this was if a development included recreational facilities such as swimming pools, tennis courts, etcetera, an increase density of 10% for each amenity would be approved with a maximum of 30% for that category. This scenario would allow the applicant to gain more density, but the approval would be administrative and the impact on those extra lots would not equal the amount... potentially could not equal the amount or scope of monetary proffers provided in the process of rezoning to attain the same density. Option 3 is very similar to what is currently provided for in the zoning ordinance. An increase in density is permitted by approval of a conditional use permit with conditions of approval included. The conditions of approval currently do not address the development of the open space as strongly as they could. The conditions of approval may include such items as shape of open space, use of space, impacts of development on surrounding properties, and lot layout. Guidelines supporting these conditions can be included in the Comprehensive Plan and do not need to be codified. This option

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allows for the Planning Commission and the Board of Supervisors to review the proposed development, how it will affect the surrounding areas and the County as a whole, and if the increase in density is appropriate. And we have provided draft language for guidelines that can be incorporated into the Comprehensive Plan, and also a graph showing percentages of increases in density for certain developmental standards. And these were all presented as a point of discussion and to then instruct us to go forth.

Mr. Rhodes: And you'd like some guidance on option and any other elements of language so you can develop the final (inaudible).

Mrs. Blackburn: Yes sir.

Mr. Rhodes: Okay. Thoughts? Reactions folks?

Mr. Apicella: Mr. Chairman, first of all I want to thank staff for doing great work here. You've heard me on my soapbox many times about the cluster subdivision ordinance and how I think it needed to be fixed and how the open space was being scattered throughout the parcel and not achieving what I think or the desirable ends that we really wanted to see. In the absence of being able to fix that, you know, my only other thought is that we should consider eliminating bonus density. So, I think Option 3 is maybe a middle ground for the moment. We might want to consider it and try it out and see if it improves the results that we get. My recommendation would be that we ask staff to move forward with Option 3 to provide a package that is sort of consistent with our current cluster subdivision ordinance in terms of the percentages that I think were proposed. I think it was... what did you say, the Dinwiddie example? I personally would want to see more... a higher percentage for contiguous open space than they've allocated. And then also consistent with the amount of additional density that we've thus far provided in the ordinance.

Mrs. Blackburn: Okay.

Mr. Apicella: Do you understand what I'm trying to say?

Mrs. Blackburn: Yes, I do understand. As talked about in this packet, if we set... we can set percentages as guidelines. If we sent them as, if you do this in your development, you will be allowed to have so much of a percentage of density, it is my understanding that we would have to codify that and there would be no discussion of if you... you get it. We don't say, no you can only have 8% increase. And that was the idea of going with it with the Option 3 that it would be a guideline. If you give us this, as stated in some of the Comprehensive Plan language, include the restoration of cleared natural resources; that would be a guideline, which we would then have a stronger basis to use as conditions.

Mr. Apicella: Well, you're certainly the expert. I'm just looking at the total amount of percentages. It's 70%, which I think is more than we currently provide for. So, that's what I'm trying to say, that it wouldn't... the overall construct wouldn't be that you get, going through this mechanism, even more than we've already provided in our existing ordinance. So if you could kind of use that as a ceiling, so to speak.

Mrs. Blackburn: Okay.

Mr. Apicella: And also, I think it'd be... we, as a result of a couple of proposals that have come forward, might want to take a look at the cluster ordinance where there's some issues, like the setbacks

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and whether it's 8 feet or 10 feet. Even though that wasn't necessarily part of this discussion, it might be an opportune time to revisit that and see if we can't find the right solution at least on that issue.

Mrs. Blackburn: We've had discussions about the 10 feet and the setbacks from the property line and I can provide that information in detail. I've had an in-depth discussion with the representative from the Fire Department on how that all works. And I can... it's this and that and this and that, and it gets into a little bit of detail which I can provide for you with this next batch of information that you can get.

Mr. Rhodes: Okay. Please, Mr. Coen.

Mr. Coen: Ladies first.

Mrs. Bailey: Oh, well thank you! Mr. Chair, I do have a question. Just something that just jumps out at me and it probably just needs some discussion to it. But as I look at the proposed plan language where it says, open space shall be continuous land mass that is not fragmented by the development of the subdivision. I mean, how... what affect would that have if you have a parcel where that wouldn't be able to be obtained? Would we be saying no to density altogether? Or would there be an element in there that would allow for a...?

Mrs. Blackburn: Mrs. Bailey, these are guidelines to be placed in the Comprehensive Plan which gives support for if on a particular project you wanted that to happen, you felt the area would work designing it that way, a condition could be placed on that. Now again, this is for bonus density. And if it didn't work for that particular development, it would not have to be placed as a condition. These are just guidelines to support some of the things, from my understanding, is what people would like to see with the cluster developments.

Mrs. Bailey: So, given that particular guideline, let's say that couldn't be met. So does that mean that the density would not be allowed if other conditions were able to be met?

Mrs. Blackburn: You could still pass it is my understanding.

Mr. Harvey: Yes, Mr. Chairman and Mrs. Bailey, that is my understanding as well. Maybe a suggestion would be to remove the word shall...

Mrs. Blackburn: Yes.

Mr. Harvey: ... and use should be or something that's not as hard like an ordinance text. But, as Mrs. Blackburn is indicating, if we have criteria, it gives us something to measure against when we're reviewing the layout of the lots and the open space, which currently we don't have today. And there could be a case where someone has a layout that, based on criteria, we don't feel meets the desirable standard for allowing the additional density.

Mrs. Bailey: Right. If we could work on that, because even when I look at it, limited experience that I have, it just looks like it's done

Mrs. Blackburn: Okay.

Mrs. Bailey: Thank you.

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Mr. Rhodes: Very good; other comments? Mr. Coen.

Mr. Coen: When you were discussing with Fire about the setback, I think we were also... and I harped on this I believe last meeting... about the sprinkler aspect too, was there any discussion about the sprinkler aspect or just the setback?

Mrs. Blackburn: My discussion with Fire was only about the setback, but I can surely ask them about sprinklers.

Mr. Coen: If you could.

Mrs. Blackburn: Yes.

Mr. Coen: Thank you.

Mr. Rhodes: Other comments or feedback for Mrs. Blackburn? Is there any opposition to Option 3 as the approach? Or any other further comment to the suggestions that are on the attachments there so that it can help guide them on drafting a more definitive and effective ordinance?

Mr. English: I think Option 3 is probably your best bet. Do we need a motion for that?

Mr. Rhodes: Nah, this is just feedback to staff.

Mr. Apicella: I would just say that Option 3 promotes the greatest amount of transparency and visibility and dialogue and discussion between the Planning Commission, Board of Supervisors, and an applicant, as compared to Option 2 which would just again happen by a staff.

Mr. Rhodes: Okay. Any other feedback? So generally Option 3 seems to be the best feel and, other than the bit of commentary we've had on the other couple attachments, pretty good with them? Okay. Does that work? Are there open things in your mind that you would like a little feedback on?

Mrs. Blackburn: No, I think that's fine. If any of you have any thoughts after reading them or if you think of something else, please email me and then we can include it in on the information and the language.

Mr. Rhodes: Very good. Please, Mr. Coen.

Mr. Coen: I'm just curious, and you probably have all this elsewhere so you don't have to answer off the top of your head. But I'm curious about the 30% for recreational facilities, if that's sort of a norm or not. And I'm also wondering if it is that it's a swimming pool of their own or is it that they're going to have it that it's, you know, for the County and they're proffering... I mean, I'm just curious how, if in other communities there's really tight language of what exactly they mean and (inaudible).

Mrs. Blackburn: Out of all of the counties and I think you got it in the last packet which was like a giant book, Dinwiddie and Amelia were really the only two counties that did this. The other counties that had cluster developments did not even go to this extent whatsoever. They did more of if you provide even more open space, you will get so many lots. And we... and many of them had lots that were like five. You get five lots in this development because otherwise you're only allowed two, because their average lot sizes were 20 acres. So, it was... these two were the only counties that really got into laying more

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detailed things out for development in cluster.

Mr. Coen: I guess where I'm coming from is, the footprint of a tennis court isn't very big. And so tennis courts traditionally would just be two courts... not a half gallon. So, if they were going to sit there and do, you know, just say okay we have two tennis courts on our parcel, which is not a really big amount of expense to them or whatever, they get 30% more. And that's what I'm trying to wrap my head around. You know, just thinking on the other side, they sit there and they say, okay, we put in this tiny little community center -- boom, we can get the biggest maximum. And I'm just thinking, if somebody is trying to get around the rules, you know, the water going around rocks type mentality.

Mr. Apicella: I'll say it again, I don't... this was just what I think Dinwiddie did. It doesn't mean we have to do it in these percentages or even all these categories, right?

Mrs. Blackburn: Exactly.

Mr. Apicella: So, we might just choose to do it a little bit differently; it was just a model to kind of get a sense of what might be possible. So I certainly wouldn't suggest giving 30% for a community amenity, if anything.

Mr. Coen: I know. We were just sort of asked if anything popped into our head to let you know and I wasn't saying that this was hard in stone, but it popped in my head. I was following the instructions.

Mr. Rhodes: No, very good. Thank you. Other comments for staff? Very good. Thank you.

Mrs. Blackburn: Okay.

Mr. Rhodes: I know the next item we've looked at a little bit and I think we're hopefully getting ready to advertise for public hearing. But, before I hit it, or before we address that, I would like to ask, Mr. Harvey, we've got several land use coming up for public hearing, don't we?

Mr. Harvey: Yes Mr. Chairman. Right now for the month of April we have potentially four land use cases that we've been talking about internally that may be in the queue. So, we have to weigh that in with some of the other items with the Planning Director's Report in trying to figure out the scheduling.

Mr. Rhodes: Yeah, that's what I was peeking at. So we've got Airport Compatibility, we're working on the UDA efforts, we've got the several land use, and then you've got a couple more you're going to pitch at us in your Planning Director's Report, correct?

Mr. Harvey: Yes.

Mr. Rhodes: Okay, I just want to get (inaudible). So those are about potentially eight pending items for public hearing.

Mr. Harvey: Could be. Some of the land use cases we're still not certain on how well baked they'll be and be ready for public hearing. But we know that, at least in the month of April, we're going to have potentially four.

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

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Mr. Harvey: No, none of these cases would affect the (inaudible).

Mr. Apicella: Even if they did, we couldn't get there from here.

Mr. Rhodes: Yeah, they wouldn't be to the Board. But if they were critical, you might want to defer for them. Okay, I just wanted to get that out there as we're thinking about this; just have it in mind. So, item number 5, the zoning and subdivision ordinance definitions. Mr. Harvey.

5. Zoning and Subdivision Ordinance Definitions - Consider authorizing a public hearing to amend the zoning and subdivision ordinances to create new definitions for uses listed in the zoning ordinance and to harmonize the definitions between the zoning and subdivision ordinances and state code. **(History: Deferred on February 11, 2015 to March 11, 2015)**

Mr. Harvey: And Mr. Chairman, Mrs. Blackburn will also be handling this update.

Mrs. Blackburn: Mr. Chairman, Planning Commissioners, on February 18<sup>th</sup> in 2014 the Board of Supervisors' Community and Economic Development Committee presented... well, stated that they wanted to have the review of the definitions section of the zoning and subdivision ordinances looked at. And we have done that several times, and I think this is maybe the third or fourth time you've seen these. We have circulated it around the different departments. We had several suggestions made, and I have made those additions. One was securities -- we changed that with performance bonds and we made them equal, because in some parts of the code it talks about performance bonds and in other parts of the code it talks about securities. So, we made them refer to each other. We have dealt with the group homes, as Mr. English has wanted, and when it comes to retail sales...

Mr. Rhodes: It's his fault.

Mr. Harvey: Mrs. Blackburn's currently, Mr. Chairman, handing out a draft definition that deals with some of the concerns about retail sales with home businesses.

Mr. Rhodes: Thank you very much.

Mrs. Blackburn: One of the things we have added to the definitions is when we do not have a definition, to please refer to either Webster's Dictionary or Black's Law Dictionary. And in looking at those two resources, the term of retail sales, as you can see in the first one, was to sell by small parcels and not in the gross, to sell in small quantities. That was out of Black's Law. Out of Merriam-Webster's, it was the business of selling things directly to customers for their own use. Then out of Wikipedia, just to get a little more idea of what was going on, they had several items that they talked about and I know Mr. Apicella was concerned about our retail sales with our home occupations and our rural businesses out of our homes as it stated in the County. And one of the things that they talked about, and it was at the very end, online retailing, a type of electronic commerce used for business to consumer transactions and mail order are forms of non-shop retailing. And I didn't know if that was anything along the lines of what you were looking for. Otherwise, everything was just dealing in small quantities or not wholesale. There wasn't a lot of discussion between having it go directly from me to you, face to face, or anything like that. So that is something for you to...

Mr. Apicella: I guess I would be curious, if at all, or how other jurisdictions deal with that. I'll just say what my concern is. First of all, in no way do I want to stifle home businesses or retail sales. My concern is that some things are, since they're not considered retail sales, are happening at somebody's

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property and the volume of consumers visiting somebody's property could be significant at any given time to the point where we're not playing a role in trying to better manage that for the larger community. And it came up primarily because of gun transfers that happen online. Again, I'm not opposed to gun transfers at all. My only concern was a number of people visiting one house at one given time and there's not enough spaces for parking and potential noise, what have you. I use the (inaudible) area; somebody was selling vacuums out of their house is they sold them online, they could get of the notion of it being called retail sales because they're not exchanging money at the door, they're exchanging it online. Still, you have 10 people... somebody has a vacuum cleaner sale and 10 people show up at their doorstep to pick them up, that's my concern. It's about trying to mitigate the impacts of those sales at the seller's home when the buyers show up. And maybe it's not a problem. Maybe I'm making a problem out of nothing. I'm just concerned at the absence of at least looking at it could cause some problems down the road. Especially in the environment now, as I think Mr. Coen was alluding to, people are doing a lot of online sales.

Mr. Rhodes: Don't just mess with Amazon or I'm going to have to conflict myself out here. That comes to the house all the time.

Mr. Apicella: So, again, I don't know what the right answer is. Maybe that it's I'm looking for a solution to a problem that doesn't exist.

Mr. English: You definitely have a good point because I think we're dealing with an issue right now with a car dealership. There's just so many cars and they're parking on the street, but it's in an industrial park. But I know exactly what you're saying and I think you're on the right track. But what is the answer is the question.

Mr. Rhodes: Yeah, I don't know how you define it.

Mr. Gibbons: But Mr. Chairman, couldn't we handle this under the nuisance ordinance? You know, if you're over-parking, you've got too many vehicles, you're obstructing traffic. And, you know, that's part of that ordinance.

Mr. Apicella: On the other hand, we want these folks to be successful. So, I'm just trying to strike the right balance and I don't know what that right balance is. Right now I know it's not covered; it's come up several times at the BZA, again, exclusively in the context of gun transfers. But I imagine it's actually happening throughout the County; it just hasn't come to the BZA as an issue. At some point it will because the volume of sales may necessitate some.

Mr. English: What if you added like... I mean, I don't know if you can or not... but under the retail, if they did it at home that they had a window, an hour window that they could only do that. Would that...?

Mrs. Blackburn: When the Board of Zoning Appeals reviews requests for home occupations, it's a business license. Well, it's not just a home occupation; they have to go through a special exception in order to have people come to the house. Hours of operation can be definitely a condition and has been in the past. What I will do, since I did not find anything in our go-to resources, I will review to see how the other counties actually handle home occupations. And it may be that we get something out of that. Retailing obviously wasn't coming up with (inaudible).

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Mr. Apicella: Especially in relationship to online sales. Because I think, for the most part, we cover. You can't do retail sales at your house. But online sales is sort of this fuzzy thing that is actually allowed because it's not defined.

Mrs. Blackburn: Well, I do know that there are counties that, and I can give you this information also, that do not allow for any stock and trade at their home at all. You don't get to go.

Mr. English: I guess my question is, what's the difference in having a home daycare center?

Mrs. Blackburn: That goes through a special review too, because the code actually addresses it as a separate entity.

Mr. Apicella: I'll give you an example. We just had a BZA meeting, I don't mean to belabor the point, where somebody wanted to open up say, for the better term than I think I can say, they want to open up a spa in their house. But let's just say they wanted to do a barber shop in their house. They have to get a special exception. They have to provide a parking space. Their hours of operations are conditioned. So, again, the purpose is not to restrict the business as much as it is to make sure the neighborhood... the impacts on the neighborhood are mitigated.

Mr. Rhodes: So, but looking up and doing some further research on that, does that need to preclude us from addressing the zoning and subdivision ordinances that we have in hand? I mean, do you feel that's a need to halt those?

Mr. Apicella: I think it's an opportunity to incorporate it.

Mrs. Blackburn: Yes. What I can do, if this pleases the Commission, is I can work on that in the next couple days, send out emails to you all, include it in on possible choices to go for public hearing and it can be picked in that process. Does that work?

Mr. Harvey: Mr. Chairman, we certainly can get feedback from the Commission in any form. But we'll have to bring this back for further discussion for the Commission to have a formal discussion and vote on it.

Mr. Rhodes: Okay, so we will... I'm hearing a motion to defer this to our next session to consider voting for public hearing...

Mr. Gibbons: Second, Mr. Chairman.

Mr. Rhodes: ... once we hear some information on...

Mr. Gibbons: I'll second the motion.

Mr. Rhodes: Who was the first of the motion?

Mr. English: I'll make the motion.

Mr. Rhodes: Okay. Motion made by Mr. English and seconded by Mr. Gibbons. Further comment Mr. English?

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Mr. English: No sir.

Mr. Rhodes: Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Any other member? So, the motion is to defer this to our next session at which time we'll get a little more information on trying to address the online sales portion a bit further. All those in favor of the motion to defer this to our next session signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? Passes 7-0. Thank you very, very, very much. With that we're going to move onto item number... do we want to talk about 6 in Committee Reports or do we want to talk about... do you want to jump up to Committee Reports?

Mr. Coen: It doesn't matter to me Mr. Chairman.

Mr. Rhodes: Ah, well then we're going to make you wait. We're going to do all these public hearing things. How's that?

Mr. Coen: That's fine.

Mr. Rhodes: Planning Director's Report.

6. Comprehensive Plan Amendment; Urban Development Areas and 5-Year Update - 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) (In Subcommittee)**

NEW BUSINESS

PLANNING DIRECTOR'S REPORT

- ◆ Airport Compatibility Plan

*Discussed before Unfinished Business.*

- ◆ Farmer's Markets

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Mr. Harvey: Thank you Mr. Chairman. Continuing on with ordinance recommendations, the Board of Supervisors also referred to the Commission a proposed amendment regarding farmer's markets. Currently we allow farmer's markets in a number of our zoning categories where we had a request from a specific community in North Stafford that wanted to have a farmer's market located at their community center, which is on common open space. The Board's Community and Economic Development Committee heard that request and felt that it had a lot of merit, and staff has drafted a proposed amendment which would allow farmer's markets in the residential zones provided it's on common open space. There is some time sensitivity so staff would ask the Commission consider authorizing a public hearing at tonight's meeting.

Mr. Rhodes: How was that forwarded to us from the Board? With the option to change? What was the structure on that?

Mr. Harvey: Mr. Chairman, the resolution says the Planning Commission may make modifications as it deems appropriate.

Mr. Rhodes: Great, okay. I just wanted to make sure I understood that. And they were wanting to drive that forward I think given the time of spring coming and some other actions that they wanted to take on it?

Mr. Harvey: Yes sir.

Mr. Rhodes: Okay.

Mr. Coen: A question... Jeff, it's been awhile since I was on the AG Commission, but I know we went through a lot of various permeations and wordings of this. I would assume that it sort of corresponds to what the AG Commission came up with as far as the definitions of farmer's markets and what can be sold and etcetera. Because I know that was a long lengthy discussion as, you know, naturally grown, imported from another place, are you bringing pineapples and selling it at the farmer's market? I mean, there was a long discussion and I know there were rather complex rules (inaudible).

Mr. Harvey: Yes, Mr. Chairman and Mr. Coen, as you may or may not know, I think it was probably almost two years ago the Board passed another code amendment for our zoning ordinance that requires a farmer's market to get a zoning permit and it must get an endorsement from the AG Commission. And they have their, like you mentioned, its own checklist of items that have to be considered as far as the market manager and what kind of products can be sold and those types of things. So those matters I believe are thoroughly covered.

Mr. Rhodes: Okay.

Mr. Boswell: Motion to move for public hearing.

Mr. Rhodes: Motion to authorize for public hearing; is there a second?

Mr. Coen: Second.

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

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Mr. Coen: My only request is that perhaps staff could give us the language in the ordinance that the Agricultural Commission came up with so that we can see what the checklist is and whatnot as we go into the public hearing, because I don't think we need the whole history of it in the packet because that will be rather lengthy. But there was a lot of detail as to what's allowed and not allowed to make sure you're not getting people coming in from, you know... I say on my common area I'm going to have a farmer's market and then I run up to Prince William and buy a bunch of avocados and pineapples and I bring down and I sell them in my local thing. So I think that would be helpful.

Mr. Rhodes: Okay. So we'll get the checklist and see how they go through that. Any other comment? All those in favor of the motion to authorize the public hearing signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? It passes 7-0 for the farmer's market to go to public hearing. Very good. Mr. Harvey.

◆ Microcell Communication Facilities

Mr. Harvey: And Mr. Chairman, microcell communication facilities, that was an item that was referred also from the Supervisors. As we've seen as everyone's now gotten smart phones, there are a lot of issues with bandwidth capacity in our cellular communications systems. In particular, we've seen from a number of providers that they have issues where people using their smart phones end up using a lot more data bandwidth and calls are being dropped and services becoming more spotty in heavily used areas. So, there are now new technologies that allow for smaller antennas which appear to be architectural features of buildings that can serve more higher dense areas or areas where there's a lot of usage for smart devices. There's a local example of one right now at the Spotsylvania Towne Center on the Coldwater Creek building. There's a couple of ornamental features that you don't know that they're antennas unless someone tells you they are. And staff has drafted a code amendment that would allow them to be an accessory to a building provided they blend in with the architecture of the building. So staff would hence recommend the Commission consider authorizing a hearing for that matter.

Mr. Gibbons: Make another motion Roy.

Mr. Boswell: I'll second.

Mr. Gibbons: I'll make the motion.

Mr. Rhodes: A motion authorizing for public hearing by Mr. Gibbons, seconded by Mr. Boswell. Further comment?

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Mr. Apicella: Can I pilot test it at my house?

Mr. Rhodes: That's right, we'll do the alpha and beta; we've got it covered. All those in favor of the motion 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? Another one. You're on a roll there Mr. Harvey.

◆ Planning Commission Budget Status Report

Mr. Harvey: Well thank you Mr. Chairman. Staff has provided the Commission with its expenditure report, and you're well within budget here being the third quarter of the fiscal year.

Mr. Rhodes: We're pretty cheap. Very good.

Mr. Harvey: And that concludes my report.

COUNTY ATTORNEY'S REPORT

Mr. Rhodes: Thank you very much. County Attorney's Report.

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

Mr. Rhodes: Thank you Ms. McClendon. Committee reports -- Mr. Coen.

COMMITTEE REPORTS

Mr. Coen: Yes, I asked Mr. Zuraf and he very nicely complied, at your desk this evening was our timetable to meet the timeframe that the Board of Supervisors has asked us to do. There was a bit of miscommunication about our meeting this week, so it had to be cancelled. The one on the 18<sup>th</sup> may be altered. Staff is putting together information to get to us which I believe they said will be to us by Friday, so our subcommittee will meet again sometime during next week or early in the following so that we can stay on task. Initially in my notes, sort of the 18<sup>th</sup> was a meeting if we needed to. And so since we're not able to meet this week, it's sort of needed to. That's why we wanted some wiggle room. So we're on target, especially with the airport thing coming back to us in such a timely manner.

Mr. Rhodes: I think that's a wonderful target because if we could hit the May 13<sup>th</sup> public hearing, it's just nice to have that buffer of another session before we've got to act on it. So that's great.

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Mr. Gibbons: Mr. Chairman?

Mr. Rhodes: Yes Mr. Gibbons.

Mr. Gibbons: Part of the package of the staff to send out on the zoning case came out of a subcommittee within the last week. Staff went back and brought all the information forward. And one of the recommendations is going to be that we really need an economic model in the computer system to do this for us. So it shouldn't be a study and stick it up on the shelf. It should be some mechanism that every zoning we get in, we can run it through this process.

Mr. Rhodes: Very good.

Mr. Gibbons: Because when you look at what Dr. Fuller did, he never broke out the cost of the operation by function. In other words, he said it costs you so much and we don't know if 30% school, 50%... so if we had the right computer model, it would tell us. So we want to have Jeff go and recommend that we need a couple hundred thousand to do it.

Mr. Rhodes: Since we've got all that money left over you can take care of it.

Mr. Harvey: Well, Mr. Chairman, if the Commission so desires, I can forward that recommendation to the Administrator.

Mr. Rhodes: Thoughts on having some degree of a costing model?

Mr. Gibbons: I think when we get done with the Committee Reports that that'll be part of us (inaudible).

Mr. Coen: Yeah, I'm a little perplexed to give a dollar amount at this juncture.

CHAIRMAN'S REPORT

Mr. Rhodes: Okay. Well, it's going to be considered further, I think. Very good. Okay, with that we're at the Chairman's Report. I would just raise two things: one is, I don't know if we've shared a copy and I apologize, I just don't recall. But the Economic Development Authority asked about the possibility of meeting with a member from the Planning Commission, a member from the Board, and possibly some from the community. But there are some things that have been raised that they've been doing their workout in the world dealing with our sign ordinance. And so they have some feedback and suggestions and they'd like to bounce it off of possibly a member of the Planning Commission and a member of the Board and some others, just get a little bit of a work group, just to bandy about some potential changes to it that might be considered and might be referred forward. So, I would share that with you. If there's anybody that's interested in participating in that effort, please let me know. If not, we'll figure out another way to cover with them, but I wanted to expose that to you. And then the second thing I wanted to raise is this is about the time, if we were to choose to do this, to set up for our very exotic retreat again down the hall upstairs, or wherever it is, and buying donuts. So, I would just throw it out there because if we think there are a couple... I think it works best like it was last year, to be honest, where we have a few targeted things that we want to address and then the staff can focus it and we can spend a few quasi-interrupted hours kind of nudging it forward. So, be thinking about if you think there are a couple of bigger rock items that we ought to set aside and talk about and work on, on a Saturday. But if there are, we want to give the staff a couple months to kind of build up to it also to plan

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for so we make the most (inaudible) of the time. If there's not, I'm not begging for anything, but I just wanted to remind that the last couple years I think it is, not that I really wanted to do it, but I loved you guys, but I think it has worked somewhat effectively. So, just be thinking about that, if there are a couple things out there that you've been mulling over that we might bandy about over the next couple sessions and possibly give some direction to work with staff on setting that up. So, with that, we'll move onto the Other Business, TRC. Let's see, we've got George Washington District. Are we good on that?

OTHER BUSINESS

7. TRC Information - March 25, 2015  
➤ Rappahannock Landing Recreation Center - George Washington Election District

Mr. Coen: Yes.

Mr. Rhodes: Okay. And you've got your times and you're all set. I'd entertain a motion to recommend approval of the January 28<sup>th</sup> minutes.

APPROVAL OF MINUTES

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Mr. English: I make a motion.

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

Mr. Coen: Second.

Mr. Rhodes: Second by Mr. Coen. Any further comment Mr. English? Mr. Coen? Any other member? All those in favor of the motion to approve the minutes of January 28, 2015, signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed.

Mr. English: I've got one question for Mr. Harvey. Is it possible, and I don't know if it is, from Economic Development to just give us a, I know a lot of it's confidential what they've got coming into the County as far as businesses are concerned, kind of give us a rundown of maybe an overview... Is stuff filling up in the County as far as these spaces that are still vacant? Office spaces and stuff? I don't

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know how much they can tell us or give us an overview. Like I said, some of it is confidential and they can't tell us, but I would just like to know where we are as far as business is concerned in the County. How are we coming along with that? And it could be something just in a paper form, that's fine.

Mr. Harvey: Yes Mr. Chairman and Mr. English, I can coordinate with them. I know that they have done periodic reports to the Supervisors as far as business growth in the County. And I'll ask them to provide that to me so we can send it forward for the future meeting. But as far as specific prospects coming into the County, as you mentioned Mr. English, a lot of that is confidential. And, in fact, I don't know... our department's not privy to all the potential prospects. It depends on where they are in the development process.

Mr. English: They might not even have to give me, you know, if they could just say hey, this is worth like 50% of where we're going with status quo. Because just like Mr. Coen has said in the past, you know, the way business is going now, everybody's shopping Amazon. Are these big box stores making it? Or, you know, that type of thing. I just want to chime in on what he said in the past. Just a thought if you could find out anything.

Mr. Harvey: Yes sir.

Mr. Rhodes: I also... I was remiss. I just wanted to highlight for your attention the Annual Historic Preservation Awards. If you a thought for a nomination, we have the opportunity to highlight something as part of that. Those are due in April 1<sup>st</sup> so we, either in the next week or two, if there's something or certainly no later than our next meeting, that would be helpful if you have some suggestions or thoughts on that. Okay, with that, is there anything else we need to address Mr. Harvey?

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

Mr. Rhodes: Anyone else? We are adjourned! Woohoo!

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:59 p.m.