

# ***STAFFORD COUNTY PLANNING COMMISSION MINUTES***

***April 8, 2015***

The meeting of the Stafford County Planning Commission of Wednesday, April 8, 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, Coen, Bailey, English, Boswell, and Gibbons

MEMBERS ABSENT: Apicella

STAFF PRESENT: Baker, McClendon, Stinnette, Zuraf, Sugg, Ennis, and Ehly

## DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Is there any item this evening any member needs to identify a Declaration of Disqualification or any other element? Very good. We'll move onto Public Presentations. This is an opportunity for a member of the public to speak on any item except for those items that are scheduled for Public Hearing. So, if you have a comment... if you'd like to speak on anything other than items 1 through 6, you may come forward and do so at this time. There will be opportunity for public comment during the Public Hearing portion for those items 1 through 6. If you do come forward for Public Presentation, we ask that you state your name and address. You'll be given 3 minutes to speak. It is an address to the Board; it's not an interactive dialogue. But it is an opportunity to present issues or items you may wish to speak on. A green light will come on after you state your name and address indicating 3 minutes available to speak. A yellow light will come on when there's 1 minute remaining, and then when the red light starts flashing we would just ask that you wrap up and conclude your comments. Anyone would like to come forward for the Public Presentations?

## PUBLIC PRESENTATIONS

Mrs. Carlone: Ruth Carlone. I was going through documents on this Saratoga Woods and I found some interesting papers. And I'd like very much, Stacie, if she might make copies for them, or Kathy. What this is, when the property was up for sale when McCallister eventually purchased it, but before that was done there was an engineering study, an environmental study done and it came up with 33 actual lots based on the usable lots. Okay, when you look at this document, you'll see that it was a valid environmental study, like I said, and an engineering study. Now, since that time after McCallister purchased this, we all of a sudden went up to 61 and now we're down to 58. However, this other document I had given y'all before, I don't know if you remember this, I think... I don't think, Darrell, were you on...? Yeah, you did get a copy. Anyway, this has the topo and the soil composition, and according to DCR, there's only 20 acres that don't have any limitations on the soil and the usage. So, we need to bring them into it, if you want to, to have someone come and speak. I think the 22<sup>nd</sup> is our last public hearing on it. And we need to have him... Oh!, almost done... anyway, to have y'all hear what they have to say about the soil. And also... okay, you said I couldn't talk on... cluster development, real quick, we need to have something done immediately on the cluster development because the way it's written right now, we tried to get our Supervisor to go to Howell to get it changed to state that there should not be cluster developments in an area that isn't in the USA, the Urban Service Area. I talked with Dale Evans today and he doesn't know what year, how many years out, 3, 4, 5 years, before they would even consider... what's the matter?

Mr. Rhodes: Oh, nothing.

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Mrs. Carlone: Oh, anyway, anyway it would be 3 to 5 years before they'd even consider having... Oh! There it goes. Okay, but please take a look at changing that going to the General Assembly through Howell. Okay.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to speak on any item except for items 1 through 6?

Mr. Larowe: Donald Larowe. I'm here for the Saratoga cluster subdivision. We just had one done. The first one that was ever done in Stafford built behind me. And I have a million plus dollar home and my wife wasn't real happy about having three homes right behind our house. But I have to say, we preserved... the developer who did it has preserved a hundred acres of land which I don't want Hartwood looking like Route 610. I grew up on 610. It doesn't look like Stafford anymore. The cluster subdivisions develop half the property. These guys have the right to develop the 200 acres or whatever. By doing the clusters, we're saving property in Stafford. That way, when you're looking at it from Google Earth or whatever, you're seeing green still. And that's habitats for wildlife or whatever. It's a great, great program. I mean, I didn't think I was going to like it at first when it went behind (inaudible). And you know, well, I have a choice to buy land. I could have bought the land behind me but I didn't. So I really couldn't complain about it. But now it's there. McCallister did a great job developing it, for one. And they dealt with our HOA and made sure that they didn't disrupt our lives because their subdivision went through our subdivision. And it was just a... it's good for the County. I mean... and it was good for the constituents. Because we're not having... I mean, they're going to have 58 homes. If they can get people to come in and say, hey, we can get 58 perked sites and 58 wells, whether you all approve it or not, they're developing it. The only difference is they're going to develop 198 acres, not 100, or 99, or whatever. So, there's less development, more land, the County's still going to get their taxes -- everyone benefits from this. The only ones that don't benefit, yeah, maybe the people that are right around where they're clustering it. But instead of dealing with 198 acres of people, you're dealing with a cluster section. That's my opinion; I wanted to put it out there because I know a lot of people are going to say, oh, I don't want this. It's coming no matter what. They have by-right, they have a right to do it. Whether you stop it or not, it's... these people can develop it. So why not make it less development, have more place for the wildlife. We're going to see 58 wells. We're going to see 58 households. Whether you all say they can't cluster or not, it's coming. He owns the land now, he's bought it. So, I just wanted to give my opinion. And thanks for listening. And I think y'all are doing a great job. You're really trying to control things but, at the same time, making sense of it. I appreciate everything y'all do.

Mr. Rhodes: Thank you very much. Anyone else who would like to speak on any item, except for items 1 through 6?

Mr. Murrin: Good evening. My name's Dan Murrin, speaking on Saratoga Woods as well. First and foremost, I'm a big fan of the cluster development in the right areas. I believe Saratoga Woods is the right area for a cluster development. I'm an outdoorsman. I like the environment and I like wildlife. And I've seen what Eastern Land Corporation, Mr. McCallister, did at another development which is adjacent to my home, Hartwood Landing. It's absolutely beautiful. If anyone has not seen it before and after, I think he's gone above and beyond. He restored a pond; a lot of nice things. The way he's landscaped it into the environment, it just looks very natural. I'm in favor of the cluster development. I'm in favor of Saratoga Woods. I think, as the other gentleman said, it's coming. So, if you can take a look at what he did off of Hartwood Road, I think we would all be benefited by having that in our community. He has... Mr. McCallister, he said he reached out to his neighborhood; he reached out to

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our neighborhood as well to make sure that we're on board and he worked well with us. So, I just wanted, for the record, let you know I'm in favor. Thanks for listening.

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

Ms. Scruggs: My name is Pam Scruggs, and I'm here to talk about Saratoga Woods. I live next door to the 198 acre property you guys are considering this evening. And I'm feeling kind of helpless. I've pursued several avenues that I... everything I could think of to sort of change or influence the outcome of this property from trying to buy it from Mr. Stradly myself to working with, you know, Mr. Snellings. And it seems like we keep hitting dead ends every turn. So now I'm appealing to you to look for creative ways to help me and my neighbors ensure that we continue to have the use and enjoyment of our investments in this County. You know, I'm that person that this guy before mentioned. I mean, I'm likely to lose some enjoyment of my particular property because I'll have five new home sites abutting my home. And, you know, unless there's a way for you to influence how those home sites are placed on the landscape. But really the main threat to the use of my house, and I think one of the main threats to the neighbors, is the level of development in the area with the vulnerable source of water. You know, if our wells dry up, we lose the use and value of our properties which is, for most of us, the biggest investment... you know, we lose our homes. And, you know, there are problems with existing wells in our area. We have neighbors who have had to drill multiple wells in order to get any water. And when they got it, it's low flow and it's mineralized. The folks that... most of the folks that have deep water wells that I'm familiar with have mineralized water, even if it's regular flow. And, you know, we hear of and I haven't been able to corroborate this but hear of people who've had to walk away from home sites just north of us on Poplar several years ago because they couldn't pull water out of the wells. So, you know, Oakley Reserve's putting 60 more wells -- at least they're looking to, and so, I mean, I'm asking your help. And, um, so, you know, at this point so I don't have to be asking for help when my well's dry and it just (inaudible) it. Please help us find a way to keep our property safe. Thank you.

Mr. Rhodes: Thank you. Anyone else?

Ms. Franke: Good evening, I'm Antoinette Franke. Yeah, I also have concerns about 58 more homes on Mt. Olive Road, which means, you know, all the extra wells. The last time there was a water study done was more than 10 years ago. And I think that, you know, before you go allowing more development, you ought to make sure that there's going to be enough water for everybody. And as Pam just said, there... we've already had neighbors who have water problems. And nobody wants to be without water. I mean, that's one of the necessities of life, right? You wouldn't want to be without your water. And we don't have city water coming out to us; we're an agricultural area. So, I really think that another study needs to be done on the water tables to make sure that there's enough for everybody before they start development. And I also have concerns about the infrastructure, but I'm sure you've heard this before. You know, Mt. Olive Road is a small road because we are zoned agricultural. And if we got 58 more homes using traffic on that road, we're going to have to do something about the road. I was looking at where the present entrance is to that property is right on a blind curve. And all I can see if car accidents coming out of there. So, I don't know if they're planning to change the entrance to the place or what but definitely something would need to change and just to make it safe for everybody driving on the road. But, seriously, again I want to say that I think there needs to be another water study and I think this needs to be definitely looked into and approved before you start building homes and we all... One of my neighbors has kind of a shallow well and it was a few years ago when we had kind of a dry summer, he didn't have any water. And we heard from other people farther down the road that were out of water. So I just don't know if... I think you just need to check this out before you, you know,

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put... Because every home... how many gallons does each home use a day, you know? Y'all know the math and you all need to like check that out, you know? So, thank you for listening.

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

Mr. Grooms: Good evening. Jim Grooms. I would just like the Commission to consider the water study. And I'm just in favor of just another look. We do have a deep water well that runs dry. I don't know what this'll do with 58 more homes, whether it'll affect it or not. I would like to know. Our neighbor that is directly to our side that is closer to Kellogg Mill, one area over, drilled four wells at the building of their home to try to find acceptable water. Still low flow rate and mineralized. So I would just like the Commission to know that I'm in favor of another water study. If we could a look at it to just be as informed as possible as we go forward. Thank you.

Mr. Rhodes: Very good. Thank you. Anyone else? Okay, we'll move on from Public Presentations to the Public Hearing items. First Public Hearing item is COM...

Mr. Gibbons: Mr. Chairman, can we put two of these together although they're different sites but they're the same type of permit.

Mr. Rhodes: Are the presentations set for that, to do...?

Mrs. Baker: They're not; we have two separate staff members that worked on them.

Mr. Rhodes: Right, okay. Alright. So they're two different sites, two different staff members, two different presentations. Okay. COM15150546... I understand the point trying to move them forward if we could with common items.

Mr. Gibbons: Thank you very much (inaudible).

Mr. Rhodes: Comprehensive Plan Compliance Review for the Telecom Tower at Stone River Water Tank with AT&T.

PUBLIC HEARINGS

1. COM15150546; Comprehensive Plan Compliance Review – Telecom Tower AT&T at Stone River Water Tank - A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Section 15.2-2232, for placement of telecommunication antennas on an existing water tank, including a base equipment shelter, on Assessor's Parcel 30S-2-D, located on the north side of Jason Lane, approximately 1,000 feet west of Greenridge Drive, within the Aquia Election District. **(Time Limit: June 7, 2015)**

Ms. Ehly: Good evening Mr. Chairman and members of the Planning Commission. The applicant, AT&T Mobility, has requested a review to determine whether the location of a telecommunications facility on top of the Stone River Water Tank on Assessor's Parcel 30S-2-D is substantially in accord with the Comprehensive Plan pursuant to Virginia Code Section 15.2-2232. The water tower is a County facility located on a County-owned parcel within the Stone River community. The site is located on the north side of Jason Lane, approximately 1,000 feet west of Greenridge Drive, and almost 2,000 feet to the east of Jefferson Davis Highway. The parcel is zoned R-1 and is surrounded by single-family homes and community recreation amenities owned by the Stone River Homeowner's

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Association, all in the R-1 zoning district. AT&T Mobility has determined that the wireless network in this area has deficient coverage. The proposed facility will help enhance the coverage within the AT&T network. The applicant is proposing to install 12 panel antennas on top of the existing water tower. The water tower is 159 feet in height and the antennas will be located to a maximum of 168 feet. The design of the water tower allows for the equipment cabinets to be installed on a proposed platform inside the water tower structure. The County has a contract with RCC Consultants to assist in evaluating telecommunication facilities proposals due to the technical nature of these facilities. The application was evaluated using the criteria identified in the Telecommunications Plan, which is an element of the Comprehensive Plan, and the technical details of the proposal. The RCC report concludes that the request is consistent with the siting priorities identified in the Comprehensive Plan for new telecommunications facilities, one of which is collocation of facilities on water towers. Additionally, the request is in accordance with the Telecommunications Plan recommendations regarding overall coverage objectives and design standards as described in Section 2.2 of the report. The applicant submitted an overall coverage plan in the form of radio frequency propagation maps which were confirmed and verified in the RCC report. This map shows the existing AT&T Mobility sites and coverage without the proposed site. And this map shows the coverage area with the proposed site. Additionally, RCC conducted an RF Maximum Permissible Exposure Analysis for the proposed antenna location. Section 2.4 of the report notes that there is no risk of exposure on the ground in areas surrounding the site. The report adds, however, that personnel working on the water tank within 18 feet of any antenna would exceed general public limits for exposure. Consequently, the top of the water tank should be considered a controlled environment and protocols for the use of protective measures should be in place. A copy of this report, with recommendations, has been forwarded to the Utilities Department for their consideration of safety protocols. And finally, the report concludes that the proposal presents no impacts to the Public Safety Communication System. Staff recommends that the request is substantially in accord with the Comprehensive Plan and reiterates the conclusions of the report completed by RCC as positive findings regarding the request and notes that there does not appear to be any negative findings concerning this proposal.

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

Mr. Gibbons: Is there anything... I didn't see anything in the application that says when it's no longer needed it will be removed?

Ms. Ehly: Mr. Chairman, Mr. Gibbons, that would probably be part of a Conditional Use Permit. And this particular proposal, because it's collocated on an existing water tower, does not require a Conditional Use Permit.

Mr. Gibbons: I don't follow that. You're saying that that's got to be placed on the CUP when he applies for that?

Ms. Ehly: Mr. Gibbons, this particular application won't require a Conditional Use Permit because it's a collocated site. They're putting it on the existing water tower.

Mr. Gibbons: That's 0-2 tonight so far.

Mrs. Bailey: Mr. Chair, I assume that part might be in the lease language of some sort I would imagine.

Mr. English: Is there a lease agreement?

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Ms. Ehly: Mr. Chair, Mr. English, there is a lease agreement and the applicant representative is here this evening. They may be able to answer that more quickly than I.

Mr. Rhodes: Okay, and we'll get to them in just a moment. Very good.

Mrs. Bailey: Mr. Chair, I do have a question.

Mr. Rhodes: Yes Mrs. Bailey.

Mrs. Bailey: When the report was forwarded to Utilities, did they come back with any questions or concerns?

Ms. Ehly: Mr. Chairman, Mrs. Bailey, I'm not aware of any concerns on the Utilities Department side.

Mrs. Baker: Mr. Chair, I'll note that Mike Smith, our Director of Utilities, is here this evening for both of these cases if you have specific questions. But they have looked at it and have not relayed any issues. The one concern about potential caution at the top of the towers, they're going to include in their training protocol. But if you have specific questions, he's here.

Mrs. Bailey: Another question -- at development review, I don't know that Fire and Rescue had a chance to evaluate. They were going to take a little bit further look at that. Did they have any concerns?

Ms. Ehly: Mr. Chairman, Mrs. Bailey, I have not received any additional concerns from Fire and Rescue.

Mrs. Bailey: And one final question. Are there any security fencing? Will that be required at the site?

Ms. Ehly: Mr. Chairman, Mrs. Bailey, all of the equipment will be located inside the tower, and I'm not aware of a requirement for the security fencing.

Mrs. Bailey: Okay, thank you.

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

Mr. Coen: Just to tag team with Mrs. Bailey, you said you didn't hear any concerns from Fire and Rescue, but did you hear anything from them one way or the other? I guess that sort of goes the next step of what she was asking.

Ms. Ehly: Mr. Chairman, they did... they did not have a substantial concern in the development review meeting. I do recall that they just were concerned with correct protocols being in place with equipment being located inside the water tower.

Mr. Coen: Thank you.

Mr. Rhodes: Okay, very good. Any other questions? Yes, Mr. Gibbons.

Mr. Gibbons: I'll follow-up one more time, but if the fellow... who's here from Utilities?

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Mr. Rhodes: Mr. Smith. Could you come forward for just a moment? Thank you very much; appreciate it. Thank you very much for being here this evening.

Mr. Smith: Good evening Mr. Chairman.

Mr. Gibbons: I still have the same question, so I'll ask it more direct. When you issue the agreement, do you put in there that when it's no longer needed or in use that it's removed?

Mr. Smith: I was looking through the agreement and I didn't see that part. But I'm sure, generally speaking, we have that in there. But I was not able to find it.

Mr. Gibbons: Do you think you can put it in there? Because a lot of towers are inoperable right now and they're not coming down.

Mr. Smith: Right. Well, the water tower is going to stay.

Mr. Gibbons: No, no... I'm saying when it's no longer in use, you've got a lot of them on top of a tower, that if it's not in use and not needed, it should come off the property.

Mr. Smith: I agree with you.

Mr. Rhodes: We can also raise that to the applicant.

Mr. Gibbons: What's that?

Mr. Rhodes: We can also raise that to the applicant, right?

Mr. Gibbons: Okay, thank you.

Mr. Rhodes: Thank you very much Mr. Smith. Any other questions for staff?

Mr. Gibbons: Zero for 3 now.

Mr. Rhodes: Okay, very good. Applicant please. There's a question here.

Mr. Stetler: Good evening, my name's Phil Stetler, agent for AT&T Mobility. And Commissioner Gibbons, I will attempt to answer your question. Typically... I don't have a copy of the lease agreement in front of me, but typically the agreement is either 90 days or one calendar year.

Mr. Rhodes: For removal?

Mr. Stetler: I'm assuming in this case it's probably 90 days.

Mr. Rhodes: For removal should (inaudible)?

Mr. Stetler: For removal of equipment if the site becomes inoperable or it is no longer in use.

Mr. Gibbons: Thank you very much.

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Mr. Rhodes: So it's on the record that it's something in there; 90 days or a hundred... or a year.

Mr. Stetler: Yes.

Mr. Gibbons: Thank you sir.

Mr. Rhodes: Okay, very good. Thanks for the good question. Any other questions for the applicant? Wonderful, thank you very much. And now there's an opportunity for public comment. If there's any member of the public who would like to speak on this item, you may come forward and do so at this time. Again, you would come forward and state your name and your address. And then a green light will come on indicating 3 minutes, a yellow light would indicate a minute, and a red light we would just ask you to try to conclude and wrap up your comments. Please ma'am.

Ms. Soulis: Good evening. And to my neighbors. My name is Katherine Soulis. And in 2012 I came before I believe it was the Board at that time to speak in opposition of a cell tower at the Bridle Lake Estates area, and a lot of my neighbors came with me. Tonight I really wanted to just comment about the fact that I feel that Stafford's effort to market, as it were, several properties to gain income for the County, for a very wealthy County, is really a bad policy. I think the last thing a beautiful County like Stafford needs is more cell towers. There may be the occasional issue where a community does not have any coverage whatsoever, but as was just explained, this is to enhance coverage. It's a very high cell tower at approximately 16 stories high, 168 feet I believe was mentioned. And I did notice in a corresponding article in Inside Towers which is like a trade publication, either you folks put it up or the market or milestone put it up, that this would be for a 20-year period conceivably. And they mention in this publication that you had 60 County-owned properties, whereas The Free Lance-Star says that you had 50. But either way you look at it, I would like to say that from a health perspective, in the two years since I spoke to this issue, the... the detriments to overall health of a community are huge. They are substantiated even more now than they were two years ago. The scientific literature spans the gamut. You have numerous very fine institutions in Europe and the United States definitely putting forth solid information, solid studies that the average person living in, and I'll give this example, England Run because that is the study I did two years ago just for the heck of it, is overwhelmed with over 400 cell towers and antenna giving a person way too much exposure to EMF, to zapping. Let's face it, our brains get zapped from the inside out and this hastens and furthers all disease. Stafford County, although it was just voted to have good health in, again, The Free Lance-Star, suffers from several early deaths as does this whole state. We are losing people very quickly. So whereas we might as good health relative to other counties, we don't have good health here. Look at the numbers; just read your obituary pages. We have way too many people dying early. Finally, economically speaking, it doesn't make good sense either, because the article mentions that if just five of these counties were leased, over a 15-year period you would (inaudible) \$2.8 million. This means that you would get approximately \$187,000 per year and, again, that's for five properties. So if you did all of your properties, you would multiply that by 10; it still isn't that much money. Right now the \$187,000 per year would be about equivalent to the money that you take in from taxes on mobile homes, property taxes on mobile homes. It's the closest figure I could find in your budget; it's just \$190,000. Whereas, the school budget here is \$141 million. That means that the money that prospectively you would from five properties leased is just literally one one-thousandth of a percent of your total revenue. So, I... I really don't understand why you would...

Mr. Rhodes: If you could begin to wrap your comments please. Thank you very much.

Ms. Soulis: Um, anyway, I want to thank you for listening. I do feel it's a quality of life issue and people are waking up to the issue of too many cell towers because their children and their elderly are

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getting sick. Ultimately, what's going to happen there is you're going to lose property values, lessen your tax base, see people moving out, perhaps further out into the country if there is such a place, and so I think overall from the financial perspective, it just doesn't seem solid. You know, if you can prove otherwise, please do. But I would think that creatively Stafford County has enough resources, enough assets, so that you don't have to trade the health of your community just to get money. If that's the problem, let's lessen the budget.

Mr. Rhodes: Okay, thank you very much.

Ms. Soulis: Thank you so much for listening.

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

Mr. Greer: My name is Anthony Greer. I live right across the street and I didn't see any picture of what it would actually look like, but I'm picturing it would be like a crown of some sort. Is that correct? Aesthetically, well you know what, when I come into my back yard, I'm sorry... when I come into my back yard, I'm not going to feel like I'm going to want to see this structure. And like they said, it's to enhance. And you were talking about when, you know, if they don't need it anymore they take it down. This is something that will be up forever. Technology advances and, if anything, they'll... the possibility to put higher amplifiers for 5 GLT technology or whatever. Also, they were saying 18 feet; you've got to be careful within 18 feet. That's our water up there, you know? And of course H<sub>2</sub>O, hydrogen, oxygen, and then whatever chemicals we put in there like the chlorine and stuff... I mean, I don't feel comfortable with it. Also, it is a fact that the 4GLT tower, AT&T, Verizon, whatever, it does have an adverse effect on the frequencies 7-11 to 7-48 which may not mean too much. But what happens is the homes around the cable structure acts like an antenna and it will affect Fios and Comcast as far as the channels, because everything's digital now. Me personally, if it's not needed, I'd prefer... you know, they have cell service right now. I mean, I'm against it, you know. I just don't care for it, for all those reasons. That's it. Thank you.

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

Ms. Smith: Good evening, I'm Deanna Smith. The house is right next to the park. I have two young children, a 2 ½ year old and an 11 year old. And we would love to continue to raise our family in that house. We have several neighbors who are putting their houses up for sale and it's not something that I'm comfortable with. There's just not enough studies done, there's not enough information out there, and I've gone across the globe looking on the websites looking and looking and looking for more information. And I just don't feel as if we have done our homework. This is too new of an industry for us to know what's going to happen. And by the time my son, who's 2 ½ years old, grows up, I will never be able to forgive myself for the issues that he might have with his health if I stay in this house. And I love Stafford County and I want to retire here, I want to stay here for as long as I possibly can. But not at the risk of the health of my son. Thank you for listening.

Mr. Rhodes: Thank you very much. Is there anyone else? Okay, I'll close the public comment portion of the public hearing and come back. If the applicant would like to respond to any of the comments that were there, you can do so now. Okay, very good. I did have a question for staff. I would like to clarify. Just to make sure I've got the math right, what they are putting up there, the 12-panel antenna, is about 9 feet tall, if I do the math correctly?

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Ms. Ehly: Mr. Chairman, yes, the maximum height will be 168 feet, but I think they noted in their application, they're intending approximately 165 feet. So I guess (inaudible).

Mr. Rhodes: So the water tower is about 159; they're looking at in their application 165, so it would be about 6 feet tall for the antenna. Okay, I just wanted to make sure I understood the antenna right.

Ms. Ehly: And Mr. Chair, we do also have a slide that, if I could have the computer...

Mr. Rhodes: Please, computer please.

Ms. Ehly: If you see on the right-hand side of this slide, the equipment in the circle at the top there, that's...

Mr. Rhodes: So, there'll be 12 of those cylindrical or thin rectangular panels around an array and the total of the array is about 6 feet tall.

Ms. Ehly: Yes sir.

Mr. Rhodes: Okay. Thank you very much.

Mr. Gibbons: Mr. Chairman?

Mr. Rhodes: Yes Mr. Gibbons, please.

Mr. Gibbons: When the County entertained this, did they do a study on how far this thing would radiate out to?

Mr. Rhodes: The area of coverage?

Mr. Gibbons: Yeah, the coverage area; they did that?

Mrs. Baker: Mr. Gibbons, that was submitted with the application. That was part of the material that was reviewed by the consultant. We didn't have the consultant come tonight. If you all have specific questions as far as the technical nature of this, we could possibly recommend that they come in and speak to you about it; because that's why we hired them because they're the ones with the expertise.

Mr. Rhodes: Okay, that might be an idea. Alright. Okay, other questions for staff or for the applicant? Please Mr. Coen.

Mr. Coen: I'm just curious with the advent of technology and things changing, and Mr. Gibbons touched too. Do we know how many cell towers in the County are defunct and not used now? Do we... again, I'm just curious about looking at the future. I mean, yes, this is for a 20-year time period, but what happens if technology changes and they want to do something different? Some of the logistics of this I think are fair and to the people. I'm familiar with this area having had a friend that lives in that area for many years. I think the people who live there would be curious about, okay, this is up now, what will happen in 5 or 10 years if technology has changed and they want to make it slightly different, even if it is still within 6 feet. And so I'm just curious on that. I didn't really see a lot of that type of detail.

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Mr. Gibbons: Mr. Chairman, can we defer this until after we hear the next one, and then put the joint comments together?

Mr. Rhodes: So hold off on action of this one until we talk through item number 2?

Mr. Gibbons: Right.

Mr. Rhodes: How do we do that Ms. McClendon? If we're inclined?

Ms. McClendon: Mr. Chairman, you can do that. It would be to table... well, not actually table it; it would be deferred to a time certain to bring it back up for tonight's meeting.

Mr. Rhodes: We could just defer it till after item number 2?

Ms. McClendon: That's correct.

Mr. Gibbons: I'd like to do that Mr. Chairman, if I could make that motion. I'm sorry, it's in Mrs. Bailey's district. Sorry.

Mr. Rhodes: Yes.

Mrs. Bailey: Mr. Chair, that would be fine. I'll second Mr. Gibbons' motion.

Mr. Gibbons: No, I'll second Mrs. Bailey's motion.

Mr. Rhodes: Okay; we're going to give you the motion Mrs. Bailey -- to defer this till after item number 2. Seconded by Mr. Gibbons. Further comment? Hearing no further comment, all those in favor of the motion signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. Okay, we're going to move onto item number 2 then, which is the Comprehensive Plan Compliance Review for Telecom Tower Verizon Wireless at Austin Ridge Water Tank.

2. COM14150487; Comprehensive Plan Compliance Review – Telecom Tower Verizon Wireless at Austin Ridge Water Tank - A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Section 15.2-2232, for placement of telecommunication antennas on an existing water tower, including a base equipment shelter, on Assessor's Parcel 29G-BB, located on the south side of Shields Road, approximately 300 feet west of Austin Ridge Drive, within the Garrisonville Election District. **(Time Limit: June 7, 2015)**

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Mrs. Baker: Mike Zuraf will be giving the presentation of this.

Mr. Rhodes: Wonderful, thank you!

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission. Item 2 is also a Comprehensive Plan Compliance Review. This is for a telecommunications tower for Verizon Wireless at the Austin Ridge Water Tank. The request is to determine compliance with the Comprehensive Plan to add telecommunication antennas on an existing water tank. The property itself is zoned PD-2, Planned Development-2. The applicant is Verizon Wireless c/o Tim Dwyer with Network Building and Consulting. The location of this site is on Parcel 29G-BB; it's on the south side of Shields Road and 300 feet west of Austin Ridge Drive. This would be also a proposed installation of 12 panel antennas. The existing water tower is 148 ½ feet tall. Again, the antennas would be located on top of the water tower which would increase the height with the antennas up to 152 feet. The equipment for the antennas would be within a 12 x 17 foot shelter which is located inside the existing fence compound at the base of this water tower. The site is on County-owned property. It is surrounded by undeveloped property currently; it's within the town center portion of the Embrey Mill development. So this area does have future use potential of mix of commercial and multi-family residential development. Here's an aerial view of the tower site. The tower and the parcel is surrounded in red. On the image on the left you can see the site; the town center area is primarily wooded at this point but it will be planned for development in the future. And on the right is the image of the water tower. These two images on the left show the site layout plan and on the right is an elevation of the tank. On the site layout plan, just so I can point out, the location of the antennas would be in these locations at the top of the tank. The outer perimeter of the tank is in this location. You have the fenced-in compound, and the equipment shelter that I mentioned and referred to is in this corner of the fenced compound. And you can see on the elevations where the antennas would be located on top of the tower. And with this application, the applicant also submitted a site coverage propagation map and this map identifies the existing coverage. Blue represents the best level of coverage and goes down to green, then red, and white. The location of the proposed tower is in this location that I'm circling. And the next image identifies the expanded coverage after the installation of the antennas in that location.

Mr. Rhodes: Yes, Mr. Gibbons please. Go back a slide?

Mr. Gibbons: When will you know it's too much coverage?

Mr. Zuraf: Well, I guess if...

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

Mr. Zuraf: Well, I think if for example if we had this propagation map and they are looking to say for example put in a tower right here near, you know, that would not be the right location because you're in a location that already has adequate coverage.

Mr. Gibbons: Well, what do you consider average (inaudible)?

Mr. Zuraf: Where the areas that according to this map are shaded in blue that are 85 and above. And as far as what too much coverage is, I guess I don't have an answer to that.

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

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Mr. Rhodes: Thank you.

Mr. Zuraf: Okay, also again with this application, we had RCC Consultants review the proposal. They reviewed the request for consistency with the Telecommunications Plan and its recommendations. We do find that, and they found that the request is consistent with many of the location recommendations in the Telecommunications Plan in that they are collocating on existing buildings or structures located on publicly owned lands, and there's collocation of facilities on water towers which was a specific recommendation in our plan. Also, the consultant did evaluate and confirm the propagation coverage maps that were provided. They have programs that they can run through and verify, and they did that. And then also did the same, the RF maximum permissible exposure analysis and determined there would be no impact to public safety communication systems also. With this, staff does recommend that the request is substantially in accordance with the Comprehensive Plan and recommend approval.

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

Mr. English: Mike, in reference to those antennas, how many do we allow to go on those water towers? I know the one in Garrisonville is loaded full of antennas. Is there a maximum or minimum antennas can go on a water tower like that?

Mr. Zuraf: It may depend on the design. I'd have to look into that. I don't know if the applicant, who is here, may be aware, but it may depend on the design of the water tower on how much load the tower can bear.

Mr. English: Yeah, and do you know how many's on the one in Garrisonville? You're not sure.

Mr. Zuraf: I'm not familiar with that, no.

Mr. English: Would Utilities know how many... at Garrisonville?

Mr. Smith: These two sites are the first two sites that would have cell towers on them other than for Public Safety and our Utilities communications.

Mr. English: So the ones in Garrisonville don't have cell towers on those?

Mr. Smith: Right.

Mr. English: They're just for Fire and Rescue and police.

Mr. Smith: And Utilities.

Mr. English: Okay, thank you.

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

Mr. Gibbons: You know, Mr. Chairman, Mr. English brought up a good point. When the application comes in from engineering, who signs off on it? The Utilities Department?

Mr. Rhodes: Mr. Zuraf? As far as engineering's integrity? The load on the towers?

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Mr. Zuraf: I'd have to defer to Utilities as well on that.

Mr. Rhodes: Okay.

Mr. Gibbons: Well, that's 0-4 but that's alright; I'm not doing bad.

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

Mr. Dwyer: Good evening, my name is Tim Dwyer from Network Building and Consulting. We're agent for Verizon Wireless. I'll try to answer some of your questions that you just brought up. In terms of loading, we obviously run a structural analysis on the tower; that's submitted to the County during the building permit process. So obviously that is done by a Civil and Structural Engineer and certified, and the County reviews it through your engineers. So, that's how that's done. In terms of this water tank, this water tank is newer. It's actually designed for collocation. On the top of the water tank, where Verizon Wireless is collocating, there is a rail that is made for installing antennas, and there's also a rail below the bubble of the water tank that's also made for installing antennas. And the coax cables go inside the tower on this site, as opposed to some of the towers you may have seen; the water towers where they go up on the side. This is a newer one so it was designed to have the coax cables go in the tower to be out of view. So hopefully that helps answer a few of your (inaudible).

Mr. Rhodes: Very good. Mr. English.

Mr. English: If you put your Verizon antenna up there and then you've got AT&T, the one here at Jason Lane, can they intermingle? Verizon's got to have one on theirs and then AT&T's got to have one on their tower, so it doesn't work like that, correct?

Mr. Dwyer: From a radio frequency... I'm not going to pretend to be an expert on radio frequency waves, but Verizon, AT&T, and all these other carriers operate on different frequencies. So, in essence they don't interfere with each other. That being said, where the antennas point is important for the radio frequency engineers to get the coverage. So, as you saw in the propagation maps, where they were shooting out was a lack of coverage. So, if AT&T or T-Mobile or someone else needed to point that way, they may have to go on the rail below where we're going.

Mr. English: So you could ultimately have two antennas on both water towers?

Mr. Dwyer: You could, yeah.

Mr. Rhodes: What you see on radio towers. If I could, the antennas that each of the 12... how tall are they? Are they about 6 feet tall like the others are?

Mr. Dwyer: Yes.

Mr. Rhodes: It's just that the reason it's only raising the total elevation 3 ½ feet is because it's somewhat around the arc of the...

Mr. Dwyer: Exactly. I believe the (inaudible) center's around 150 feet so...

Mr. Rhodes: The way the array's designed.

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Mr. Dwyer: Exactly. And I have to double-check on the antennas. A lot of times, through the process, the RF engineer will change the antenna design based on the needs but, in this case, the last I spoke, that's the size of the antennas.

Mr. Rhodes: Okay, thanks. I assumed they were generally standard in size, that's why I was wondering. Very good. Other questions for the applicant?

Mr. Gibbons: I had the same question about the 30 days to a year when it's done?

Mr. Rhodes: Oh, do you happen to know if the provisions of your lease have a removal once it's no longer needed?

Mr. Dwyer: I'm fairly sure that they do have the 90 day provision in the lease that they will remove if they're not in use or the cessation of use. And we'll also put that on our building permit application and the drawings. That's one of the stipulations (inaudible).

Mr. Rhodes: They've committed to that; okay, got it. Other questions for the applicant? Thank you very much sir; appreciate it. Now we'll open up to public comment. Any member of the public that would like to speak on this item, you may come forward and do so at this time. When you do, state your name and address and then you'll have 3 minutes -- 3 minutes -- when the green light comes on, 1 minute when the yellow light comes on, and when the red light comes on and begins blinking, we would ask that you conclude your comments.

Ms. Soulis: Thank you. I'm Katherine Soulis. And I did want to try to speak to some of the specific issues that were brought up. We know that waves, such as microwaving your food, renders it really nutritionally null and void. There are questions about all of this radio frequency will do to water in towers conceivably, and theoretically corresponding with what we know, the opportunity for bacteria and fungi to grow in any substance are enhanced with exposure to radio frequency. Therefore, theoretically you would have to put more things like chlorine and other things to kill those in your water thereby lessening the quality of your water and making it less healthy. Also, I come from a telecom background and, you know, we all loved the... and love... the economics of erecting a tower because you can put theoretically an infinite number of things on that tower. What we know right now is going on, however, is that in addition to aiding someone listening to, you know, getting more clarity from a call or something like that, or wifi or whatever, there are, you know, additional listening devices and viewing devices that can be put so that really towers can become very intrusive and enter into even more, um, uh, you know, intrusion into people's privacy if you will. So you need to think about that in your environment. And to answer Mr. Coen's question, sort of, about what happens in the future -- because I noticed that these are slated to be 20-year agreements per... Well, in my humble opinion, and I do research health issues and, as I said, I have a background in telecom although I'm here as a citizen, um, what you have now like as I said in England Run is your average person in your average house has over 400 different antenna which have overlapping circles around him thereby exposing somebody in a house not only to that RF, but his microwave, his own electrical circuits, his own two telephones, you know, a pregnant woman and she's got her little laptop on her tummy there and, you know, it's a lot of exposure. So whereas a tower may say, oh yeah, we're good, we're good with the numbers, we're within the maximum. It's not about what gets emitted; it's about the actual exposure all of us have in our respective houses. And unless we own the top of a mountain somewhere with no cell towers on it, I think we're all exposed way too much! What needs to happen down the road is, first of all, all of these towers need to be erected not for monetary profit on anyone's part, but for the good, the health of the

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citizens in the community. What can happen, Mr. Coen, down the road is, instead of 400 overlapping circles...

Mr. Rhodes: Ma'am, if you could wrap up your comments.

Ms. Soulis: ... you can have two. In other words, have fewer towers but more of them.

Mr. Rhodes: Ma'am...

Ms. Soulis: And that would be a happy solution for all of us and I think effective.

Mr. Rhodes: Ma'am...

Ms. Soulis: Thanks.

Mr. Rhodes: Thank you very much. Anyone else who would like to speak on this item? Yes sir, please.

Mr. Hornung: Good evening Chairman, members of the Commission. My name is Phillip Hornung. And I enjoyed the discussion here and I have a selfish interest in this. I live in Aquia Harbour and I have Verizon. And in our particular part of the neighborhood we have sometimes almost non-existence cell service. It's not unusual for us to take a cell phone to the second floor of the house and try to make a call or text out something or an attachment and get no service, and have to put it up in the window of the house. And maybe it may take 5, 10 minutes, 2 hours, before the transmission occurs. It's a dead spot. And I have a question for Mike and the technician. The coverage area that's being increased, will it go as far as 1012 England Drive or not? And that's all. And if not, I'd like to talk to somebody because generally in our neighborhood, it is horrible. And if we could do something I'd very much appreciate it. And excuse my selfish interest in this but thank you so very much; appreciate it.

Mr. Rhodes: Thank you sir; appreciate it. Anyone else who would like to speak on this item? Okay, I'll close the public comment portion of the public hearing and bring this one back in. Are there any other questions or follow-up points for the... if the applicant would like to speak to any items that were raised as questions? Please -- rebuttal opportunity.

Mr. Dwyer: To the gentleman that just came up about his cell service, I don't know where your house is in comparison to this site in terms of mileage, but usually a cell site like this that has the larger antennas can push through 3 or 4 miles, if not more. And basically, Verizon, what they try to do is fill gaps in coverage and that's what they're trying to do. So if they haven't hit you yet, what I would ask you to do is go online and there's a complaint form and the more people that you have complain, the more likely Verizon is to come fill those gaps in your area too. So, I would hope this does help you in that respect.

Mr. Rhodes: Great, thank you. Any questions for staff or the applicants? Mr. Coen, please.

Mr. Coen: Just a quick question for Mike. I sent an email and I saw it and I forget... quite honestly I was skimming through to see whether it was item 1 or 2, but it mentioned something about taxes. And you were kind enough to get back to me about taxes but I wasn't really quite sure. I think the language that was in either 1 or 2 said something to the effect that they would be paying the applicable taxes. And then I was just curious, you know, what are we talking about? And so, I'll say, what are we talking about?

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Mr. Zuraf: That was item 1 and Erica can speak to that.

Ms. Ehly: Mr. Chairman, Mr. Coen, the taxes that are referenced in the lease agreement with the AT&T Mobility facility, they relate to any additional assessed value that results from the telecommunications equipment that's located on the water tower that the property, the landlord, will not be responsible for that assessed value, that increase in taxes. And that when the landlord receives that assessed value and the corresponding taxes, they will be forwarded to the tenant.

Mr. Coen: Okay. Since we're the owner of the water tower, so theoretically the County will get the bill then the County will send it to the telephone company. And again, so what are we talking about? And if you don't know then that's fine. But to me, if we're getting, you know, said this is going to be revenue generating, it would be nice to know what kind of revenue we're talking about.

Ms. Ehly: Mr. Chairman, Mr. Coen, certainly staff could research an average of, you know, taxes that have been assessed on such facilities and give you an idea.

Mr. Rhodes: Okay, very good. Any other questions for staff or the applicant?

Mr. Gibbons: Mr. Chairman, I have a comment.

Mr. Rhodes: Yes, please.

Mr. Gibbons: But what I'm concerned about is the application in general that when it comes in, there's no engineering report, there's no area that says where we're going to get into a danger of maybe over... and I think that should come with the application. If you get too much up on it, and I don't know the integrity of every tower is, but somebody should certify that. And I think that belongs in Utilities when they bring it forward.

Mr. Rhodes: Mr. Zuraf or, well, if anyone on staff, so it was indicated that they do submit their structural analysis and then somebody on County staff reviews it to ensure we're confident with it, do you know how that process works or can we find that out?

Mr. Zuraf: They would have to go through getting building permit approval for...

Mr. Rhodes: And then the building permit approval, that's where they would confirm the...

Mr. Zuraf: Evaluate the engineering reports that are submitted.

Mr. Gibbons: That's after the fact, isn't it?

Mr. Zuraf: Right. After...

Mr. Gibbons: I'm trying to be proactive when it comes in. I'll get a comment to you.

Mr. Rhodes: Okay. So, I do note, just as a general background, that what we are doing here is what we have asked to be done as part of our Telecommunications Plan and our Comprehensive Plan. We've... in the County we've asked for greater coverage but we've asked for greater coverage where needed in a very... in the least intrusive, most deliberately planned, least impactful, least number of additional radio tower methods. We came up with a concept to try and find these collocated opportunities and that's

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what the County's now driving to try and pursue. And so these are all working to comply with our own structure and our rule set. That said, these are our first couple. And so I know everybody's trying to make sure we understand the dynamics and implications. What I've heard here, and this one being in my district, I'm inclined to try and just understand a little bit more just so I know I have it in my head. I do understand it's part of our Comp Plan strategy. I do know it's part of our telecom strategy, but I would just like to look for a few more things. So, what I did here I think tonight and what I noted for myself would be to ask staff if we could come back next time. I did see the note, just a curiosity, what the tax implication would be that it actually raises a little bit there. But an understanding maybe from the consultant just so we understand what the RF safety maximum permissible emissions schedule is about, what that represents just so we understand that a little bit. I did hear a question about just the range of the emissions just so we understand that a little bit better in this process. Certainly we at least now know where the structural analysis plays; it's at the building permit. At least there is a validation part there though certainly we could work to refine that a little bit. And I'm sure that if we had the consultant here there'd probably be one or two more questions that would evolve just so that we can better understand this. Were there other particular questions just that we could advance to staff now?

Mr. Gibbons: Well, we've gone way out of the way to make sure that our towers are aesthetically fit into the community. And when you start adding stuff onto it, does it take away.

Mr. Rhodes: Though we built them actually designed to add these on them.

Mr. Gibbons: No, I mean we built them to blend in with the neighborhood. There's a certain blue paint and then we had to put Stafford on it because we're so proud of Stafford you got to have it in the rural area. But I'm saying we went out of our way to make sure we used the right blue so it could blend in with the sky. And if you look around the communities, we do have good towers.

Mr. Rhodes: Mm-hmm. Okay; Mr. Coen?

Mr. Coen: Again, I'm not really a great one on science but I'm curious about the mechanics of and the rationale for why putting it inside the tank versus on the outside. I'm sure there's some cost involved. But and then if there's any impact to the water or to whatnot with the vibrations, with the, you know, I'm not even going to try to remember the letters that were said, and then the whole health issue. And I just don't know enough to actually say yes, I think this is great, put more on. I know that was the concept but there's a difference between putting one on where there's no growth or one where out in White Oak where there's nothing around it but maybe a 7-Eleven versus putting one in the middle of... right in the middle of a subdivision. I would feel comfortable understanding more.

Mr. Rhodes: Okay, we can ask staff if they could work to address that. Any other points? With that, this one actually is in the Garrisonville District so I'd entertain a motion if somebody would make it on my behalf to defer this to the 22 April session and give staff an opportunity to respond to the questions that were presented.

Mr. Gibbons: Second.

Mr. Rhodes: I need a motion.

Mr. English: I'll make it.

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Mr. Rhodes: Motion by Mr. English, second by Mr. Gibbons. Any further comment by anyone? Yeah, please Mr. Zuraf. We'll just jump that in the middle of the motion; it works now.

Mr. Zuraf: Just to confirm, so you are wanting us to see if the consultant can be available.

Mr. Rhodes: Yes, please, I'm sorry. So we're deferring to 22 April but obviously for some reason if the consultant's not available we would just defer a little longer. Again, these first couple, I think the thought is just to understand this better. We've just not approached these before. Thank you very much. But thanks for clarifying that. Okay, any other further comment? All those in favor of the motion to defer this to the 22<sup>nd</sup>...

Mrs. Baker: I'm sorry, we were just looking at the next schedule...

Mr. Rhodes: They all stink.

Mrs. Baker: ... with the public hearings. That's fine if you want to do that and have our consultant come. We are paying them by the hour but the applicant will be paying them. But if you wish to wait until the May meeting, it could be less. But we'll leave that up to you. I just wanted to point that out. We have seven public hearings.

Mr. Rhodes: I thought we had a lot of public hearings, every one of them, for the next four?

Mrs. Baker: We haven't confirmed the ones after that, but we do have seven going...

Mr. Rhodes: Don't we have five April 22<sup>nd</sup>?

Mrs. Baker: Well, they're two pieces that go... two parts.

Mr. Rhodes: But the May 13<sup>th</sup>, aren't there another like six?

Mrs. Baker: We haven't confirmed what is actually going on the 13<sup>th</sup>. It may be, but we haven't set that agenda yet.

Mr. Rhodes: By the time we get there, it's going to be horrible too.

Mrs. Baker: It could be.

Mr. Rhodes: Yeah...

Mrs. Baker: If you want to go ahead and do it next time, that's fine.

Mr. Rhodes: We're just going to try it next time. I think they're all going to stink.

Mrs. Baker: We will check their availability.

Mr. Rhodes: And certainly, if they're not available, we'll have to defer anyways. Okay, all those in favor of the motion to defer to the 22<sup>nd</sup> to get some additional information signify by saying aye.

Mr. Coen: Aye.

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Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; very good. We're going to defer that to the 22<sup>nd</sup> of April. And we are now back to item 1 which is in the Aquia Election District. Mrs. Bailey?

1. COM15150546; Comprehensive Plan Compliance Review - Telecom Tower AT&T at Stone River Water Tank - Continued

Mrs. Bailey: Mr. Chair, I too believe that we should defer this to the next meeting on April 22<sup>nd</sup>, understanding that we are trying to in compliance with the Comp Plan. But I think there were enough questions and issues raised tonight that it would benefit all of us to make sure that we're headed in the right direction and that we answer the questions that were set forth. And those too would be understanding the tax and how that will work out, having the consultant come in, the range of the emissions, and any answers to any potential health issues would be good to have a better understanding of that. So I'm going to move to defer this to April 22<sup>nd</sup>.

Mr. Rhodes: Motion to defer to 22 April by Mrs. Bailey.

Mr. Gibbons: Second.

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

Mrs. Bailey: No further comment.

Mr. Rhodes: Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Any other member? All those in favor of the motion to defer to the 22<sup>nd</sup> of April signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? Okay, we will take this back up on the 22<sup>nd</sup> of April. Thank everybody for coming out and for your comments. With that, we're going to move onto item number 3,

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RC15150576, the Reclassification of Stafford 95 Business Center, the Proffer Amendment. Mrs. Baker. Oh, it's yours; okay, very good. Mrs. Baker.

3. RC15150576; Reclassification – Stafford 95 Business Center Proffer Amendment - A request to amend proffered conditions on Assessor's Parcels 38-14B, 38-14F, 38-14G, 38-14H, 38-34D, and 38-34E, consisting of 177.36 acres, zoned M-1, Light Industrial Zoning District. The property is located on the east and west sides of Centreport Parkway, south of Ramoth Church Road, within the Hartwood Election District. **(Time Limit: July 7, 2015)**

Mrs. Baker: Good evening, Kathy Baker, Department of Planning and Zoning. This item is a proffer amendment for Stafford 95 Business Center. This request is to remove proffers on property zoned M-1, Light Industrial. It's located on six parcels totaling 177 acres, and the Stafford County Board of Supervisors is the applicant for this project. There are two property owners involved; one property owner owns one parcel and one property owner owns five of the parcels. As you can see, the location of the property is to the west of I-95, south of Ramoth Church Road, and it straddles... the parcel straddles Centreport Parkway. The zoning of the parcels are M-1. The adjacent parcels are M-1, as well as A-1, Agricultural. There is also some M-2 zoning in the vicinity of the parcels to the north. This is an aerial view of the properties. Again, the two parcels that are to the left side of your screen are the larger parcels which straddle Centreport Parkway, and the one to the south as you see butts up again I-95. The parcels to the top of the screen, to the top right, you have the parcel G and H and then I'm going to show you in this location, it's a little bit hard to see, but this parcel is basically just right-of-way area, and then you have the additional parcel that is a little cut off on the screen but fronts on Ramoth Church Road and Centreport Parkway.

Mr. Rhodes: I apologize, I meant to drive this this weekend but I didn't. On the parcel 383-scribble something E, up there on the top, what is that there?

Mrs. Baker: It is just right-of-way.

Mr. Rhodes: Okay.

Mrs. Baker: Sorry, I'm having a little trouble here.

Mr. Rhodes: I'm just trying to mentally drive down that road and remember what that is.

Mrs. Baker: And I'll show you a slide in a minute that zooms in on this area where they're looking to do improvements to Centreport Parkway, so you can see the road a little bit better in that slide. But 38E provides access off of Centreport Parkway to several lots, and then the other piece of it is a portion of right-of-way with the current location, the current alignment of Centreport Parkway. 34D, again, is that corner parcel on Ramoth Church.

Mr. Rhodes: Thank you.

Mrs. Baker: So these parcels were zoned M-1 in 1989 and it was an overall rezoning of the Centreport development. The proffers were amended in 1992 and there are different proffers that are associated with different parcels, but these six parcels do have the same specific proffers. Some of the proffers have been satisfied already and I'll go into them in detail in a moment. Some are now regulated by County code that may not have been in place at the time of the zoning, so the owners of the property do wish to remove these proffers. They're finding that prospective buyers are confused by the complexity

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of the proffers, again, which some of them no longer apply or have been satisfied. So the Board of Supervisors did authorize the County to pursue this application and to act as the developer in order to facilitate economic development around the airport. So some of the existing proffers I'm going to be going over with regard to transportation. The proffers did specify right-turn and left-turn lanes on Ramoth Church Road at the Centreport Parkway intersection. We'll note that this project is actually included in VDOT's 6-Year Program and Secondary 6-Year Program, and the right-turn into the Centreport Parkway and the realignment are actually to be constructed and completed by the end of this year. The right-turn lane at Ramoth Church Road and Route 1 is included in the long-term VDOT project, as a VDOT project. This has not been slated for development yet because the improvement has not been warranted. I will note that regardless of the development of this property, the right-turn and the realignment of Centreport Parkway are actually necessitated now because that small portion of Centreport Parkway can't be taken into the state system until the alignment does meet current VDOT standards. So that's why that is moving forward. One of the proffers dealt with the I-95 interchange construction as well as Centreport Parkway and we all know that that is now the exit 136 off of I-95 and Centreport has been completed. So this just shows the intersection improvements, just a schematic showing you Ramoth Church Road and Centreport Parkway. See this is the current alignment of Centreport Parkway and to the left of that is how it's going to be realigned to come in perpendicular to that. The area that you had questioned, the parcel, you can vaguely see the outline, but...

Mr. Rhodes: Oh okay.

Mrs. Baker: But it encompasses this and this. So that's that parcel, E is basically right-of-way.

Mr. Rhodes: Thank you.

Mrs. Baker: With regard to the environmental proffers, they do specify that any development complies with applicable codes for stormwater management, wetlands, erosion, and nonpoint source pollution. I will note that there are code requirements that do dictate the implementation of those features. One of the proffers discussed reservation of open space, and we do have code requirements in place, that in the M-1 zone you have a minimum open space requirement as well as maximum floor area ratios for each parcel. This just shows the resource protection area. That does encumber the two properties to the very west. You see here, here's the property line and the blue hatched area is resource protection that runs along both of the western edges of that property. So those areas would remain undisturbed in accordance with our Chesapeake Bay regulations. One of the primary proffers was dedicating 60 acres for construction of the airport, and as we all know that has also been completed. That was about a page and a half worth of proffers. It was very specific and what was going to happen to the property if the airport wasn't developed. So we no longer need that proffer. There are several proffers related to landscaping and buffering. I'll note many of them were not specific but they were recommendations on general landscaping and buffering, and in, I want to say 1995, we did include in our ordinance new landscaping and buffering requirements. So the majority of the landscaped buffer, either we have codes that are similar or even in some cases exceed what's required. There was a proffer providing a streetscape plan for the review by the staff and Planning Commission. Not approval, but just for review. So that's now covered in landscaping. Not that the Planning Commission input on that as far as...you can certainly review that when site plans are submitted for the properties. There was a proffer encouraging tree preservation. This is one of the ones we don't have a current code requirement, but we'll note that there would be preservation of trees in the RPA areas and also when landscape plans are submitted to the County, as far as site development plans, we note that the existing vegetation can be credited towards your landscaping requirements. There is proffer about providing parking lot landscaping on sites, and we do have landscaping requirements in the code now that require parking lot

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landscaping, both interior and along the exterior of the perimeter of parking spaces when you have more than 24 spaces. And then lastly are architectural design proffers which are discussed and it was anticipated that design guidelines would be established as well as a Centreport Architectural Review Board, and I'll note that the Architectural Review Board has been established, but the follow-up guidelines have not been put into place, and with this particular property the guidelines would be in place by the time that site plans are submitted. But this proffer then would go away for these six particular properties. The architectural guidelines specify that buildings within 500 feet of I-95 be constructed of masonry and that's one of the other code requirements that we don't have anything in place right now that would require that for these particular properties. Again, it notes... the proffers note parking lot, loading platform, trash receptacles, and outside storage would be sided to minimize visual impact from your primary roadways and I'll note that the parking lots, as we said, do require landscaping, and these other items actually are required to be screened now under our County codes. Part of the... the design proffers also talk about signage being limited in number, height, and size, and also be coordinated in color, form, and proportion. I'll note the code does regulate the number, and the height, and the size of signs. We don't specifically have anything that would be addressed for coordination of the color or the form in this area, but the size itself would be regulated. Additionally there is a 75-foot building setback from I-95. Our current code requires a 40-foot setback but we also have a minimum 60-foot buffer area between I-95 and any development. In addition to that, we'll note that the Fire Marshal typically requires a fire access around the building, so you're probably looking at an additional 20 setback, 18 to 20-foot setback, so you're getting close to that 75-foot building setback from I-95. Along Centreport Parkway the existing proffers for a 50-foot building setback, our code does require a 40-foot setback, so not quite meeting that 50-foot. Lastly, the existing proffers deal with lighting being shielded and directed to avoid glare on adjacent properties as well as the road ways and we do have code requirements in place now that do deal with lighting. Also maintenance, repair, and replacement of landscaping fencing and walls, that is required pursuant to our Landscaping Design Manual. When there's fencing and walls that are either required or a part of your landscaping then we do have maintenance requirements for those. And then the last one is about the loading platforms not being located within 500 feet of I-95 unless they're screened. And as I noted previously, this is now required to be screened under County code. So you see the majority of these proffers do have regulations now in place under our existing codes. There are few with as they relate to the building construction and design those are the ones that are outstanding. Under the Comprehensive Plan this area is designated on our Land Use Plan as Business and Industry. There is that area of resource protection which you see in the darker blue. And staff does note that this is in conformance with the Comprehensive Plan under the land use recommendations and consistent with the proposed development pattern since the M-1 zoning is staying the same. The majority of the development in this area is industrial in nature with some commercial development and we haven't found any apparent negative impacts. So we are recommending approval. I'll note that the Airport Authority submitted a letter in support of the proffer amendment. They did request that a sanitary sewer easement be provided across that parcel that is to the south side of the airport boundary, and they have submitted a letter indicating that they will provide that easement. So with that I'll be happy to answer any questions.

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

Mr. Gibbons: On the last one, request for sanitary easement, is that the airport asking that?

Mrs. Baker: Yes, the Airport Authority. There is a letter in your packet that has the request from the Airport Authority.

Mr. Gibbons: Okay. So it's all or nothing on the proffers?

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Mrs. Baker: That's the proposal that the Board sent.

Mr. Rhodes: Okay. Other questions for staff? And the applicant is us?

Mrs. Baker: We are the applicant.

Mr. Rhodes: Would you cover the applicant side of this? No.

Mrs. Baker: I do have the owner present. The agent representing the owner is here if there are specific questions.

Mr. Rhodes: Any specific questions for the representer of the owner? It was just too good of a presentation. Very good. Okay, I'll now open it to public comment portion of the public hearing. If there is any member of the public that would like to speak on this item, you may come forward and do so at this time. When you do we just ask that you state your name and address. Once you do, a green light will come on indicating 3 minutes available. The yellow light will come on when a minute remains, and then a red light will start flashing, we'd ask that you conclude. Thank you.

Ms. Callander: I'm Alane Callander. One thing I was wondering, does it make sense to approve the Airport Land Use Compatibility Guidelines before voting on something like this? I'm not sure. I also am a firm supporter of architectural design requirements and I'm not sure if something might be slipping through the cracks on this change, so I hope you'll take a close look at it, even if it is an industrial area. It's good to have it looking nice for the community. Thank you.

Mr. Rhodes: Thank you very much. Any other member of the public?

Mr. O'Donovan: Mr. Chairman, my name is Charlie O'Donovan. I'm a representative of the owner at M&T Bank. We ended up unfortunately foreclosing on this property about a year and a half ago and it was because the property never ever got a market to support it and the economic basis for its viability was undermined by the recession. So one of the things that happened when it came to me was that I had to reposition it and figure out what was wrong with the property. We have almost all of it sold or under contract. Every single contract is contingent upon the removal of the proffers. One of the contracts is with a Fortune 100 company that's already in the County that wants to expand. They won't do it if we don't get the proffers removed because there are other pieces that are so nebulous and so unstructured that it leaves them exposed for an undetermined period of time and they are afraid to make the investment because they could get a "got you" 20 years after they've been in the building. And nobody wants to make a business decision with that kind of uncertainty and that much money at risk. These are real deals. If the proffers are not there, we're not obfuscating the rules. We went right to the Stafford County system which is quantified, predictable, and well-defined, and governed by you. One of the biggest issues is, there is a review board that is made up of independent people and there are no standards, so you don't know what you're trying to design to. And you can go back and forth, back and forth, spending lots of money on design work that never ever gets fulfilled. And frankly there is no enforcement for that board so it's a waste of exercise. And frankly, these people when they can choose other locations within the region to locate would go to the path of least resistance. And that's pretty much all I needed to say.

Mr. Rhodes: Thank you. Appreciate it. Any other member of the public? Okay, I'll close the public comment portion of the public hearing and bring it back in to the Planning Commission.

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Mr. Gibbons: Sir, I have a question. The applicant... so when you take all these proffers out you still meet the airport requirement?

Mrs. Baker: Basically the airport requirement was giving the land for the airport to be constructed on this.

Mr. Rhodes: Mr. Gibbons, just to clarify, are you asking that should the Airport Land Use Compatibility Guidelines be approved and incorporated in the Comp Plan, would this comply with that?

Mr. Gibbons: Yes.

Mrs. Baker: Oh, I'm sorry.

Mr. Rhodes: Is there anything about the proposed Airport Land Use Compatibility Guidelines as they currently stand that would necessarily be in conflict with what is being undertaken here?

Mrs. Baker: Well each parcel would still have to come in with a site development plan.

Mr. Rhodes: And it'll have to comply with whatever is in place at the time? Okay. Very good. Any other questions for staff? Our staff/applicant? Very good.

Mr. English: I make a motion that we approve RC15150576.

Mr. Rhodes: So there's a motion recommending approval of the reclassification Stafford 95 Business Center Proffer Amendments as cited and is seconded by Mr. Boswell. Further comment Mr. English?

Mr. English: No sir.

Mr. Rhodes: Mr. Boswell?

Mr. Boswell: No sir.

Mr. Rhodes: Any other member? Okay. All those in favor of the motion recommending approval of the reclassification Stafford 95 Business Center Proffer Amendment, RC15150576 signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Are there any opposed? None opposed; passes 6-0. We'll now move onto item number 4 which is the Amendment to the Stafford County Comp Plan as deals with the Airport Land

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Use Compatibility Guidelines. Mrs. Baker. Or... run, run, run... Mr. Zuraf, please. Mrs. Baker is going to hand it over to you.

4. Amendment to the Stafford County Comprehensive Plan (the Plan) - A proposal to amend the “Stafford County, Virginia, Comprehensive Plan 2010-2030,” dated December 14, 2010, as last revised on February 24, 2015, specifically Chapter 3, “The Land Use Plan,” to incorporate the Airport Land Use Compatibility Guidelines into the textual document. **(Time Limit: April 26, 2015)**

Mr. Zuraf: We’ll be switching over presentations here.

Mr. Rhodes: Thank you.

Mr. Zuraf: Okay, while Mrs. Baker’s doing that, this item is a presentation of the draft Airport Land Use Compatibility Plan that was developed by a subcommittee of the Planning Commission and Stafford Regional Airport Authority. This subcommittee included Steven Apicella, Lindy Kirkland, Darrell English, and Hamilton Palmer. The issue is to consider airport compatible land use guidelines around the Stafford Regional Airport as an element of the Stafford County Comprehensive Plan. The document would be identified as Section 3.8 of the Land Use Plan chapter within the Comprehensive Plan 2010-2030 document. On the issue of application of the guidelines, as part of the Comprehensive Plan the guidelines would... it would serve as guidelines when considering rezoning and conditional use permit applications. They would assist all parties, including elected officials, staff, landowners, and developers when considering specific development proposals. The guidelines would not impact current zoning rights and they also complement and help inform the existing zoning requirements such as the Airport Overlay District that has in place. Looking at the timeline on how we got here, back pretty much a year ago, last April, there was an initial meeting between the Planning Commission and the Regional Airport Authority to discuss a concern with conflicting land uses, and a subcommittee was formed to work on these guidelines. From June to October, the subcommittee met six times to work on the guidelines. In November, they had a product that they unveiled to the public at an open house and where the public had an opportunity to provide comments. And on December 18<sup>th</sup>, the subcommittee finalized the draft document, incorporating comments received from the public. Staff would note that... and then from there, January and February of this year, this plan was presented to the Planning Commission and Board and scheduled now for this hearing. Staff would note that the joint committee process was open and transparent. The public was invited to all meetings. They were allowed to offer their thoughts and comments during each session as well. This plan includes several sections; an introduction, background, the areas of impact, a zoning and land use analysis -- kind of a statement of need, so to speak -- and then the Land Use Compatibility Guidelines themselves. Looking at the introduction section, this looks at the basis for the request. There are current policies in our Comprehensive Plan that recommend that these types of guidelines be developed since the County should develop land use compatibility standards for new development to conform to within the aircraft approach patterns of airports and landing strips. And another basis, it has been determined that, you know, there is a high level of growth potential in and around the Regional Airport. We have three Urban Development Areas that are in close proximity to the airport, and other Business and Industry land that has yet to develop but development is moving in this direction. And staff would note it’s good planning practice to establish guidelines to help minimize impacts between conflicting uses. Looking at the background of the airport, this section touches on the history of the airport, some of the existing conditions, the levels of operations at the airport, future plans are touched on. This image identifies one of the sections of the airport’s master plan. It identifies future planned improvements at the airport. This includes, shaded in green, a near term expansion of the runway of 1,000 feet. And other improvements are planned too with additional airport hangar space and

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other facilities. Also, the economic impact of the airport that it has on the County and region is mentioned as well. Looking at the area of impact, this defines the Airport Impact Zones that would be subject to the guidelines. This image identifies and depicts the Airport Impact Zones. These closely correspond to the Airport Impact Overlay Zoning District. In developing these zones, the subcommittee started with the sub-areas of the current zoning overlay that's in place. And during the process, the sub-areas were further divided into other smaller segments due to the proximity of the airport, different aircraft maneuvers, and different degrees of noise or safety concerns that might be experienced. This is zooming in on that same map. This area corresponds with the airplane traffic patterns. The different traffic patterns have different levels of impact. Some of these areas include the approaches; those are the blue shaded areas located at the end of each side of the runway. You have AP-1, the closest area of impact -- greatest level of impact too -- and then you go out to AP-2, and AP-3 is farther away, a transitional zone along each side of the runway. You have horizontal zones, there are three sub-areas that were created. These are generally the circling patterns of planes that circle around the airport. They would be moving through these horizontal zones. And then the conical zone is an outer buffer area that's in purple. Those are the main sub-areas. And we went through a zoning and land use analysis which this section looked at and determined the types of potential development that might occur by comparing the existing zoning districts to the future land use potential in each airport zone. We evaluated that; looked at the amount of area that might be impacted. For example, this is looking at the H-1 zone. But first of all, several of the areas show that the future land use would be consistent with current zoning. But the analysis does identify some zones that might be impacted more so; specifically, this H-1 zone. The tables identify that currently a majority of the area is zoned A-1, that's Agricultural, the base zoning. Yet looking at future land use, the planned areas identify a much greater level of Urban Development Area, Suburban, and Business and Industry, so that identifies a potential for more development in this area. This leads then into the land use compatibility guidelines. And the guidelines, in preparing these, staff researched a multitude of existing nationwide land use compatibility documents. A lot of information was taken from the Airport Cooperative Research Program Report. It's a 3 volume report sponsored by the FAA, completed in 2010 by the Transportation Research Board of the National Academies in Washington, DC. It presents a comprehensive account of issues associated with land use around airports and provides guidance that we utilized in developing this. We also, in our research, looked at source documents from other states; Washington State, Florida, California, Iowa, other localities in other states, and the guidelines that they have around airports and other locations. And there were general themes with all these other source documents that we utilized and tailored it to fit the needs in Stafford. The policies were developed from a consensus of the research, a result of the dialogue by the committee members, and comments received from the public. The land use compatibility matrix that is within the guidelines, that's kind of one of the main sections of this plan, and it is proposed as a tool to kind of help identify compatibility between a particular use and the functional activities related to the airport. Uses may be compatible or have incompatible elements with an airport when located in a specific zone. The level of incompatibilities are related primarily to safety, but also to the viability of both the airport and the surrounding development. The matrix lists categories of uses, identifies the level of compatibility within the table as either Compatible, Needing Additional Review, or Not Compatible. It's also noted that the proposed policy 1.9 states that even when a specific project is identified as not compatible, they may be appropriate if it can be demonstrated that they would not negatively impact the airport operations or safety of the general public. So, this image shows a portion of Table 1. It identifies the specific compatibility zones across the top in the different colors. And then the categories of different uses are located along the left side. And we have... the uses are generalized, the different examples that we looked at; some places had it very detailed and all the uses were very broken out into many different categories. We kept it somewhat general, and that's what you see in this table. For example, the assemble use that you see, it would be compatible in the AP-T and C conical zones. It would require additional review in the AP-3, H-1, and H-2 zones. And would not be

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compatible in the AP-1, AP-2, T, and H-3 zones. So, if something was identified as needing additional review, the additional review includes the next section, that's Table 2 of the document. It includes standards that are intended to address possible areas of incompatibility between categories of uses in a particular zone where a site is proposed. There are multiple criteria which are considered, including externalities such as smoke, steam, wildlife attractants, reflective building materials; a minimum of one half acre of contiguous open space on certain sites and a minimum setbacks distance of 3,000 feet for residential development. Also, certain development might require a disclosure notice which we've included as part of the plan as well and in the Appendix. Applications for a zoning reclassification are often submitted in order to develop residential subdivisions consisting of smaller lots. And these sometimes result in an increase in density. So this is kind of an example of how that might apply against the plan. When you look at the issue of single-family, small lot single-family uses, or townhomes, this use would be compatible in the AP-T and C zones, but then may require additional review in H-1, H-2, and AP-3, and then not compatible in some of the other zones. And the next slide identifies in green you see the zones, the conical in AP-T where the residential use would be considered compatible outright. Then this section in yellow identifies zones where small lot residential might need additional review. And then this identifies the zones that would not be considered compatible for that specific type of use. And also I want to point out something that was mentioned to me that, while I'm on this slide, you can see the AP-3, the light blue zone. That covers a very large area; it goes all the way to the east down to King George. And the degree of compatibility would be variable in that type of zone. For example, if there's a proposed church that's located down by the King George County line, where aircraft are flying at a much higher altitude, it would be less of an issue or concern as it relates to the proximity of the runway in perspective. So there'd be a little less concern when you go much farther away from the runway in this case. Here's just a screen shot of the additional review standards that would apply for single-family residential lots, single-family small residential lots. We have different standards that would apply in the approach AP-3 zone than would be in place for the H-1 and H-2 zones. So it does break it out somewhat in that regard. And then, the plan also provides recommended population thresholds that would apply across an entire site, and then in smaller areas on a site, the single acres intensity. Then this would be measured by determining the approximate number of people based on various uses in these different sub-areas to see if concentrations would be too excessive or not. Regarding the evaluation of this proposal as it relates to other Comprehensive Plan documents, it does provide an additional layer of guidance. Development should conform to both the main land use plan recommendations and the airport guidelines. And this is not intended to replace the underlying land use plan. The compatibility matrix applies to all types of land uses regardless of the underlying land use recommendations. So, if a land use plan does not support more than... for example, if it doesn't support more than rural residential but the airport plan says that apartments might be compatible, it does not mean that, well the airport plan says we can do apartments so I can do apartments, but they're really in a rural land use area. So, you really have to look at both documents and apply both. In summary, staff does recommend approval...

Mr. Rhodes: Back up a slide?

Mr. Gibbons: Back up; that one. The issue pointed out there?

Mr. Zuraf: Yes, sorry. Moving along, there was a concern raised that in the Tables 1 and 2, there's a land use category, it says Single-family - Rural (1-3+ acres), there was a concern that it's not clear if that's referring to lot size or density. So that's something that staff would say, if there is a desire to provide some specificity as to the intent, then staff would want to look at that and look at what the impacts of that would be. Whether we're talking about lot sizes or if we're applying that to an overall density across the site. So, we'll leave that for your consideration. And staff does recommend approval

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of the Compatible Land Use Guidelines for the following reasons that we've discussed during this presentation. And I won't go through all of the points, but I'll turn it over now for any questions that the Planning Commission may have.

Mr. Rhodes: Questions for staff? Mr. Gibbons.

Mr. Gibbons: Going back to that slide, the Falmouth Supervisor did raise that there's a concern... not a concern, but just to see if you could get some clarity.

Mr. Rhodes: Some clarity. So that's a possibility for a little bit of language. I did notice staff also mentioned that, I assume, we could address the AP-3 and the gradation of concern out towards King George versus in close to the runway maybe affiliated with heights or something of the flight path. I don't know, but probably with a sentence or two we could add that clarity of intent as well. Other questions for staff? Mr. English?

Mr. English: The non-compatible, I just want to clear that. I mean, that's not shutting the door on anybody that lives in the H-3 zone, correct Mike?

Mr. Zuraf: Right. Kind of as we mentioned, if it can be proven that the use is not going to be negatively impacted, then...

Mr. English: So nobody's going to be... I mean, they've got that chance to bring it.

Mr. Zuraf: Yeah, I mean, this is all a guide and so it doesn't keep somebody from (inaudible).

Mr. English: Okay, I just wanted to make sure. And also by-right, do you know how many by-rights are in that area? Is it 15,000 or...?

Mr. Zuraf: Approximately 15,000 across the entire area underneath the overall impact zone.

Mr. English: Okay.

Mr. Zuraf: That's actually existing in by-right. So all the existing homes and then all the full, if every property developed out to its full zoning potential.

Mr. English: Okay, thank you.

Mr. Rhodes: Other questions for staff before we go to public comment? Okay, very good; thank you. If there's any member of the public who would like to speak on this item, you may come forward and do so at this time. Again, we just ask you to state your name and your address. A green light will come on indicating 3 minutes; a yellow light when there's 1 minute; and then a red light we would ask you to conclude your comments. Thank you.

Mr. Mcmath: I'm Jim Mcmath. I would just like to ask if it's appropriate for me to just pose a couple of questions to the staff, in lieu of your doing it.

Mr. Rhodes: You can certainly state them and then if there's a way to address them...

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Mr. Mcmath: Well, one of them is a question is how do you determine the acreage numbers for the future land use acreages for the various zones? How did you drive those numbers? And secondly, in looking at this and looking at the various zone, pictures, maps and so forth, I was trying to get a sense of how that might overlap with the proposed GW Village development? And I had kind of a hard time doing that, comparing maps from one to this. And I was wondering, would it be possible to generate a picture or a slide or something that would show that overlap of the GW Village development proposal with the compatibility zones shown here in this report? Thank you.

Mr. Rhodes: Okay sir, thank you very much. I do know they've had, in the GW discussion, we've had the overlay map presented there so it's already been produced. So that's easy to...

Mr. Gibbons: But I don't think, Mr. Chairman... we requested that last time too to take what they proposed and then they changed the density from (inaudible) to overlay it.

Mr. Rhodes: Yeah, overlay it on the new proposal. I mean, that can certainly be done because we've done that, yeah, I agree with you. Okay, is there anyone else that would like to speak?

Ms. Callander: Alane Callander. First I'd like to thank Phil Hornung for bringing to our attention several months ago that we should have had an Airport Compatibility Plan. And it looks like there's been a lot of good work done on this. Unfortunately, I did not attend any of the meetings regarding this, and I think this is my first cursory examination of the plan. I'm hoping that there was public involvement. You said the public was invited. How many members of the public actually came to meetings? How many actually submitted comments? I know how important it is that you have this in place before you vote on something as large as the George Washington Village project. So, I don't think you want to delay too much, but perhaps there is a little bit of time to examine this further. And one question -- there was something on the slide about this does not replace the underlying land use plan. And I have to wonder what the impact of that statement is. But anyway, unfortunately there are so few citizens who come out to these things but, those were my comments. Thank you.

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

Mr. Payne: Mr. Chairman and other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and I represent the George Washington Village property owner, Augustine South Associates. I'm not accustomed to being here and commenting during the public comment segment, so forgive me if I, if I drop the ball here. But I will try to be quick, which is the advantage to you guys, obviously. And again, I appreciate your time and I appreciate staff's time on this. There's been obviously an extensive amount of time and effort put into reviewing this. And based on obviously our prior comments in our last meeting regarding our Comprehensive Plan amendment that we proposed, we had proposed to address this proposed overlay... I'm trying not to use the word proposed too often tonight... in moving our residential units north from the runway by 3,000 feet. We also made us some other adjustments, including noise mitigation adjustments as part of our proffer statement, as you all know. One of the issues that did come up in the staff's review in regards to this is the non-compatibility if you will of 360 units in the H-3 zone area which is to the northwest, which is northwest of the airport area. It's adjacent to the approach zone 2 corridor. In essence, the H-3 zone, I'm sure you have seen the definitions where a portion of the traffic pattern where turning improvements occur, it is also where louder noise occurs in regards to approaching aircraft. One of the things that we would ask, respectfully, for staff to look at is... I didn't see any of this analysis in the staff report... is whether or not the altitude pattern for the H-3 zone could be raised. In that regard, if that could occur, it may eliminate this non-compatibility issue of about 360 units, which is significant, not to mention the

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non-compatibility or additional review that would be required for commercial in the H-3 zone. So there's two impacts we need to take a look at. But if that could be raised to a point that it would minimize the impact on the non-compatibility issue, not to mention the fact that I understand if it's higher, I'm not an air-expert, but my understanding if it's higher, not only could it address the non-compatibility issue, it also increases the public safety component, and it reduces noise. So, this could be a very positive thing if we could take a look at that. Let's not forget that one-fourth of the land within the 4,443 acres in which the overlay encompasses is George Washington Village, so we do have a roll here and we do... and we are going to be impacted. And I think that we've adjusted our plan to be good neighbors and to adjust the airport's future goals, which we support. I think we all want an airport that's going to be successful. I believe the genesis of this occurred in the Seventies to have an airport in Stafford County. The location I think was eventually determined in the late Eighties. Construction started in the late Nineties, and it was finished in 2001. So it's been in existence for 14 years. During that period of time, 41 million dollars has been invested in the airport facilities, not to mention 60 million dollars at Mountain View interchange, or Centreport interchange I should say. So, we all want this to be successful. We want to be good neighbors. And we hope that you can take a look at that H-3 component. Thank you very much for your time.

Mr. Rhodes: Thank you very much. Is there any other member of the public who would like to speak? Okay, with that I will close the public comment portion of the public hearing and bring this back in. I did note that if there was any items there that the staff might felt that they could address, that were heard of that could address immediately or possibly give an indication of some follow-on information that could be made available. I do know we have a couple of points as was presented in the staff report that we might be coming back with some further clarifying or reinforcing commentary. So that might require that this gets deferred and come back. But, Mr. Zuraf, if you could, from any of the notes you took?

Mr. Zuraf: Sure. Yes, to answer some of the questions, the first question on how did we derive the acreage for each of the... the acreage of land use within each of the zones. That was done through our GIS analysis. Basically, overlaying the airport map against the land use plan and zoning plan. So that's kind of an easy evaluation there. And then on the question and suggestion of overlapping this overlay zone with the George Washington Village project, we have done that. And that map actually is posted on the Planning and Zoning webpage.

Mr. Rhodes: Does it reflect the latest proposal on the configuration?

Mr. Zuraf: I believe it does.

Mr. Rhodes: Okay, very good.

Mr. Zuraf: I will check that and make sure. And that's on the Planning and Zoning webpage and there's a link to the George Washington Village application and that map is with the application.

Mr. Rhodes: Thank you.

Mr. Zuraf: And there was also the question of clarification on the statement that this plan does not replace the underlying land use plan. That means that, you know, the land use plan has recommendations for areas to be agricultural, for Business and Industry, for Urban Development for Suburban, so those recommendations would not go away. You have the overlay that covers every single possible land use, so we may have in the overlay a recommendation that might support commercial

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development or office development in an area that's designated rural on the land use plan. And so that rural designation may not support that office development given that underlying land use designation. So that is all I'm able to address at this time.

Mr. Rhodes: Did the airport study or report, did that work... anywhere in that final product, did it have a recap of any of the public participants or public attendees or public comments that were made on record?

Mr. Zuraf: The final report does not.

Mr. Rhodes: It doesn't refer to that?

Mr. Zuraf: That was more so done through the update process and the committee process.

Mr. Rhodes: Okay, very good.

Mr. Gibbons: Mr. Chairman, (inaudible) density thing.

Mr. Rhodes: Say again?

Mr. Gibbons: The density issue?

Mr. Rhodes: What's that?

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

Mr. Rhodes: Oh, we still have those two open comments about clarifying the 1-3+ which I think staff would probably need to come back next time to give us, plus probably clarifying, narrative clarification of the intent with the AP-3 to ensure that's not misunderstood. There was also the comment about H-3 and altitude patterns being raised. Do you have any knowledge of that or is that something you'd have to look into?

Mr. Zuraf: I'd have to look into that.

Mr. Rhodes: Okay, that's fair.

Mr. English: Somebody from the airport, can they answer that? Or a pilot?

Mr. Rhodes: You didn't know you had a speaking role, did you?

Mr. Palmer: Hamilton Palmer, the City's representative on the Airport Authority. The H-3 zoning up there that was discussed earlier, that was part of a rezoning that was done back in the early Eighties and that had to do with Augustine North, South, and Central. And the northern part was R-1 zoning, the central portion was, I'm going to say multi-family zoning, which a portion of it is going to be in that H-3 zoning there. And then the southern portion was industrial and commercial.

Mr. Rhodes: There was a question on the altitude pattern where that circles. Are those restricted limited?

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Mr. Palmer: And that's the FAA and actually, Lindy, you want to address that?

Mr. Rhodes: If we could just get an initial comment on it and then we can always do some follow-up.

Mr. Kirkland: Sure. Lindy Kirkland, member of the Airport Authority. Typical... or not typical, but the standard aircraft pattern altitude across all typical airports is 1,000 feet above the ground level. So, the existing pattern at Stafford Regional Airport right now is 1,200 feet above mean sea level and that would apply to the pattern on the north side of the runway as well. Those are standard altitudes.

Mr. Rhodes: For both the small and the large aircraft?

Mr. Kirkland: Yes. Well, the large aircraft pattern usually would have another 500-foot buffer in some instances, but 1,000 AGL is usually the standard pattern altitude at most airports.

Mr. Rhodes: So, it would typically then be the thousand for the small and 1,500 for the large?

Mr. Kirkland: That's correct, yes.

Mr. Rhodes: And then if I could, is that a suggested, is that a required within a certain tolerance level or...?

Mr. Kirkland: The pattern altitude is set based on terrain and other obstacles and things like that. Currently, ours are at a thousand feet for both patterns on the south side of the runway. The FAA would typically come in, do some sort of site survey analysis of obstacles, and then set the pattern altitude for that particular site. Local geography might apply if there are obstacles (inaudible).

Mr. Rhodes: So in this case, they've come in, they've looked, and...

Mr. Kirkland: That is what has been said on our current pattern, yes.

Mr. Rhodes: Thank you very much for that clarification. Very good. So, we do, at minimum, have a couple of things that we need to get a little bit of language clarification coming back on. I don't know if there's some other particularly open items outside that at this point for staff.

Mr. Gibbons: I think Darrell should make the motion.

Mr. Rhodes: Yeah, I think... so, it sounds like both those things would not be more restrictive so there are eligible changes we can make to what's been posted. But it'd probably be good to have that clarification of whatever additional intent before we would take any action, one way or another, on it.

Mr. English: Alright. And then we're going to close the public hearing on that, correct?

Mr. Rhodes: Yeah.

Mr. English: Okay, I'm going to make a motion to defer it to the next meeting.

Mr. Gibbons: Second Mr. Chairman.

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Mr. Rhodes: Okay, a motion to defer to the 22<sup>nd</sup>; seconded by Mr. Gibbons. Further comment Mr. English?

Mr. English: No sir.

Mr. Rhodes: Mr. Gibbons? Any other member? Okay, we do have a couple of open questions asking staff to come back on some clarification. I'm sure they will raise anything else that comes up in the intervening time so that we can... we'll need to act on this the next time because that'll be the 22<sup>nd</sup> and we'll still have a few days till the deadline. All those in favor of the motion to defer this to the 22<sup>nd</sup> signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? No; that's item number 763 for the 22<sup>nd</sup> of April -- just for the record.

Mr. Coen: Can we order breakfast?

Mr. Rhodes: Yeah. So with this we'll move onto item number 5, the Amendment to the Zoning Ordinance, proposed Ordinance O15-10. Mrs. Baker.

5. Amendment to the Zoning Ordinance - Proposed Ordinance O15-10 would amend the Zoning Ordinance, Stafford County Code Section 28-35, Table 3.1, "District uses and standards," and Section 28-39, "Special regulations," to allow Farmers market (in accordance with Stafford County Code Section 28-39(v)) as a use permitted by-right in the R-1, Suburban Residential; R-2, Urban Residential – Medium Density; R-3, Urban Residential – High Density; and R-4, Manufactured Homes Zoning Districts. In addition, proposed Ordinance O15-10 would specify that for residentially-zoned properties, the location of farmers markets shall be limited to areas of community/civic use or on open space parcels. **(Time Limit: May 25, 2015)**

Mrs. Baker: Mr. Chairman, this is fairly short item, so I don't have a presentation, I'm just going to brief you all on this.

Mr. Gibbons: Would this be considered a housekeeping item?

Mr. Rhodes: Yep. A farming market item.

Mrs. Baker: So item number 5 is an amendment to the Zoning Ordinance with regard to farmers markets. As you all recall, in 2012 the Board did adopt amendments to the Code which established definitions for farmers markets and set the zoning districts which they are permitted in. Generally those are your agricultural zones, commercial zones, and your mixed use zones. We have since had a request

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from the Woodstream Homeowners Association. They would like to establish a farmers market in their clubhouse, basically, which has parking and room to have a farmers market. However, they're zoned R-2. So they did request, and the Board of Supervisors authorized the change to the Code for the Planning Commission's consideration. So staff did actually go ahead and include the additional R-1, R-2, R-3, and R-4 zoning districts for consideration. We would note that we've added a requirement in there that within the residential zones that the farmers market would be established either within open space areas or in community spaces. So that is the just of the amendment.

Mr. Rhodes: Very good. Any questions for Mrs. Baker? Yes please, Mr. Coen.

Mr. Coen: Yes, Kathy, or Mrs. Baker, having served on the Ag Commission, I asked last time this came up if all the language, and rulings, and ordinances that apply to farmers markets would apply to this. I know that it's been a while, but there was certain consideration of how far out and whether it's locally grown, and what's acceptable and what's not. And so, I didn't see anything in there where they sort of spelled all that out for us. So is it... first of all, does this mean that everything that's in the ordinance existing has to be in, so that... again, I would feel better getting a refresher as to what's acceptable or not.

Mrs. Baker: Yes, they would be subject to everything that's in the ordinance. In addition to that the Ag Committee does oversee all of the applications. They actually have to go through them for approval and each year they do establish rules and regulations for farmers markets which includes things such as must be locally produced within 125 miles. They have to supply a vendor list with that information to the Ag Committee, and they also do need to sign an affidavit that they have a market manager that is going to adhere to all these regulations. So each individual market can actually submit their own particular guidelines, because they are going to have different hours, different days that they're going to be operational, but they're basically going to follow those rules and regulations that are set in place by the Committee.

Mr. Coen: Okay. And then just a couple of other quick questions. Have we asked the Ag Commission their view about expanding it? I know we had a long discussion about what areas it should be allowed in way back in the day. You and I sat for many nights on that. And so I'm just curious, did they give any input about basically spreading this to an awful lot of different parcels?

Mrs. Baker: Yes, we did take this to the Committee last month. They had no issues with it. I know when this was originally established it was actually a committee that was formed between members of the Planning Commission and the Ag Committee. The primary concern in these residential districts was, could somebody do it on an individual lot, at their home and have impacts, but with that clarification of having it within either open space area or community civic areas, it's intended to do away with that concern.

Mr. Coen: Okay, and then lastly, when I left the Ag Commission we were in the midst of deciding about whether there is certain licenses, and fees, and taxes, and sales taxes, and how to deal with all that, and so I guess the question is, was that ever resolved and that would also apply to any of these that decide to come up in their Homeowners' Association?

Mrs. Baker: It would apply to this as well. It's actually up to the market manager to address all of those issues. They're the ones that are going to be subject to certain guidelines and ensuring that their vendors are following those guidelines. So we're not going to get into that level of details; however, our rules

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and regulations established by the Committee do mention that that's up to the market manager to oversee that.

Mr. Rhodes: Okay, any further questions for Mrs. Baker? With that I'll open this to public comment. Any member of the public who would like to speak on item number 5 may come forward and do so at this time. Same spiel. Please state your name and address; 3 minutes green, 1 minute yellow, 0 minutes red.

Ms. Callander: Hi, Alane Callander. I think this is great. It encourages local production of produce, promotes healthy living. It's a great educational opportunity for adults and children. It creates a feeling of community. All kinds of positives come from this, so I urge you to pass it this evening. Thank you.

Mr. Rhodes: Thank you very much. Anyone else like to speak? Okay. With that I'll close the public comment portion of the public hearing and bring it back to the Planning Commission. Yes, Mr. Gibbons.

Mr. Gibbons: Mr. Chairman, I move for the (inaudible).

Mr. Rhodes: Motion recommending approval of proposed Ordinance O15-10 by Mr. Gibbons, seconded by Mr. Coen. Further comment Mr. Gibbons? Mr. Coen?

Mr. Coen: No sir.

Mr. Rhodes: Any other member? All those in favor of the motion to recommend approval signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. We move forward. If I could just do a little unorthodox -- how many folks are here for item number 10? Saratoga Woods Preliminary Subdivision Plan. Okay, very good. How many folks are here for item number 11? Okay. How many folks are here for item number 7? Okay. Then I'd like to, as long as nobody objects, I'd like to move the New Business; so move items 10 and 11 ahead of number 7, if we could. Do we need a motion for that? No, we just can do it as long as there's no objection.

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

Mr. Rhodes: We're done with the Public Hearing process. That was the last item under Public Hearing, item number 5.

Mr. Gibbons: (Inaudible - microphone not on) 6 is still open.

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Mr. Rhodes: No, 6 is deferred to the 22<sup>nd</sup> of April.

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

Mrs. Baker: It's been continued to a date specific (inaudible).

Mr. Rhodes: It's been advertised to a date specific, 22<sup>nd</sup> April, so it's...

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

Mr. Rhodes: So, since item number 6 has been deferred to the 22<sup>nd</sup> of April, what I'd like to do is move to 10 and 11, and I think the same representative for the applicants is representing both for number 10 and for number 11. And we prefer to do number 11 first? We're good. So let's move onto item number 11, WAI15150620, Johnson Division at Hartwood. Mrs. Baker.

6. 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: April 22, 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) (March 11, 2015 Public Hearing Continued to April 22, 2015)**

UNFINISHED BUSINESS

7. Discussion on Cluster Development Standards within Virginia **(History: Deferred on February 11, 2015 to March 11, 2015) (Deferred on March 11, 2015 to March 25, 2015) (Deferred on March 25, 2015 to April 8, 2015)**

*Discussed after New Business, items 10 and 11.*

8. COM15150540; Comprehensive Plan Text Amendment – George Washington Village – A proposal to amend Chapter 3, “The Land Use Plan,” of the Comprehensive Plan 2010-2030 document, dated December 14, 2010, and last amended on February 24, 2015. The proposed amendments would make modifications to the type and location of development recommended within the George Washington Village Urban Development Area (UDA). **(Time Limit: May 24, 2015) (Deferred on March 25, 2015 to April 22, 2015)**

*Discussed after New Business, items 10 and 11.*

9. 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)**)

*Discussed under Committee Reports.*

NEW BUSINESS

10. SUB14150345; Saratoga Woods, Preliminary Subdivision Plan - A Preliminary Plan creating 58 residential lots on Assessor's Parcel 36-57, zoned A-1, Agricultural Zoning District, consisting of 198.42 acres, located on the south side of Mt. Olive Road, approximately 1 mile east of Poplar Road, within the Hartwood Election District. (**Time Limit: July 1, 2015**)

*Discussed after item 11.*

11. WAI15150620; Johnson Division at Hartwood, Waiver - A request for a waiver of Stafford County Code, Section 22-151, Reverse Frontage, for a minor subdivision creating five single-family residential lots on Assessor's Parcel 35-55, zoned A-1, Agricultural Zoning District, consisting of 79.95 acres, located on the east side of Hartwood Road approximately 375 feet north of Shackelford Well Road, within the Hartwood Election District.

Mrs. Baker: Mr. Chair, we have Will Sugg to present this and you may not have met our planner yet.

Mr. Rhodes: I don't think we have, and I was trying to throw him off by changing the order and couldn't mess you up. Okay, very good.

Mr. Sugg: Mr. Chairman, members of the Commission, item 11 is a reverse frontage waiver for the Johnson Division at Hartwood project.

Mrs. Baker: Excuse me, computer please.

Mr. Rhodes: Oh sorry. Thank you. Computer please. Thanks. Oh, we're going to do 10 after 11. We will do item number 11, item number 10, then item number 7. Yes, we're always this bad. Welcome.

Mr. Sugg: Thank you. Okay, so it's on Assessor's Parcel 35-55. The size of the parcel is 79.95 acres. It's zoned A-1 and in election district Hartwood, and the location is east of Hartwood Road, approximately 375 feet north of Shackelford Well Road. That's the location map. The applicant is proposing a minor subdivision for five lots off Hartwood Road. Section 22-151 of the Subdivision Ordinance states "Any development of a residential subdivision adjacent to a public street that has been classified by the Virginia Department of Transportation (VDOT) as a primary, collector, or arterial road shall contain reverse frontage lots." Hartwood Road is classified as a collector road by VDOT requiring reverse frontage lots. Assessor's Parcel 35-55 is the parent parcel which currently contains a residential home and out buildings. Lots 1 and 2 will have a shared driveway where lot 1 will retain the original home site. Lots 3 and 5 will have a shared ingress/egress access easement. The waiver request is for lot 4 where a shared driveway cannot be obtained. A reverse frontage exception may be granted by the agent pursuant to the ordinance where lots have a specific disadvantage of topography or orientation. Since lot 4 does not propose a shared driveway, it is not eligible for an exception. Therefore, the applicant has requested a waiver for the number of lots required to share a driveway because of sight distance issues along Hartwood Road and parcel orientation. The proposed subdivision lots are not contiguous due to existing wetlands and two existing streams on the property. The remaining parent

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parcel 35-55, has a proposed 17 lot cluster subdivision, in which lot 4 limits coordination of a shared driveway or alignment of any future roadway connection. Typically, shared driveways and easements exist adjacent to property lines but the sight distance along Hartwood Road was determined to be hazardous for Parcel 35-55 and lot 4 preventing installation of a shared driveway. Major subdivision developments do not permit ingress/egress easements or PAEs, per Section 22-176(f) of the Subdivision Ordinance. Therefore, a connection to the proposed subdivision is not permitted. Staff recommends approval of the waiver request for Section 22-151, Reverse Frontage of the subdivision ordinance due to the parcel configuration and sight distance along Hartwood Road.

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

Mr. English: Sorry, can you go back to the...

Mr. Rhodes: Computer please. Backwards?

Mr. English: Probably the second slide. Yes, can you show me where the driveway is going to go on this?

Mrs. Baker: On this?

Mr. English: Yes, just show me where they're looking at.

Mr. Rhodes: You can maybe do it with the cursor.

Mrs. Baker: Actually you can...

Mr. Sugg: Right there.

Mr. Rhodes: Right on the end of the property line. Okay. Very good. Other questions for staff? Okay. Thank you very much. Applicant please.

Ms. Karnes: Mr. Chairman, Planning Commissioners, and staff, my name is Debrae Karnes. I'm an attorney and land use planner with Leming & Healy. I'm going to do a very short presentation with the understanding that you guys can ask more questions. This is the request of George and Robin Johnson who have lived in Hartwood for some long period. It's a five lot minor subdivision that you guys won't be reviewing. Their family home will be one of the five lots. We're here for the waiver request because one of the five lots cannot have a shared access. Because of topography and site distance. So, under the theory that one picture equals more than a thousand words of an attorneys statement, can I have the slide shown on the visualizer please? I heard a question regarding where the proposed entrance would be, and I'm going to skip to the second slide.

Mr. Rhodes: Next slide.

Ms. Karnes: That's the proposed entrance on the very southern end of the site on Hartwood Road. It has excellent line of site, approximately 500 feet. We would compare it to where the joined entrance would have to be as we go to the next slide.

Mr. Rhodes: Is the orientation of the picture then standing at the entrance?

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Ms. Karnes: I would say yes, looking south, so facing Hartwood looking south.

Mr. Rhodes: So you're showing the 500 foot site distance from where the entrance would be?

Ms. Karnes: Yes.

Mr. Rhodes: Got it. Okay.

Ms. Karnes: Going to slide 3, this would be the location of the shared entrance. There is approximately 375 feet of site distance, but encumbered by the heavy topography a much less desirable location. For that reason we are asking for a waiver to allow lot 4 not to have a shared entrance. And I'll be happy to answer any questions.

Mr. Rhodes: Questions for the applicant? Okay very good. Thank you very much. Back to the Commissioners. Any other questions or commentary for staff or anyone else?

Mr. Gibbons: This is in the upper ridges of Hartwood?

Mr. Rhodes: Yes it is.

Mr. English: I want to make a motion to approve this WAI15150620.

Mr. Rhodes: Okay. Motion to approve the waiver request; is there a second?

Mr. Boswell: Second.

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

Mr. English: No sir.

Mr. Rhodes: Further comment Mr. Boswell? Any other member? This is one of those few things we actually get to approve and do versus just referring forward so there is... the motion before us is to approve the waiver request for Subdivision Ordinance Section 22-151, reverse frontage. It's WAI15150620. All those in favor signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; passes 6-0. Thank you all very much. We'll now move onto item number 10 under New Business. SUB14150345, Saratoga Wood Preliminary Subdivision Plan. Mrs. Baker.

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10. SUB14150345; Saratoga Woods, Preliminary Subdivision Plan

Mrs. Baker: Yes, please recognize Mrs. Ennis for the presentation.

Mr. Rhodes: Very good, thank you.

Mrs. Baker: Give me just a moment please. We're having technical difficulties.

Mr. Rhodes: Computer please.

Mrs. Baker: Just a moment on the computer.

Mr. Rhodes: Technical difficulties. Don't go to the computer please. Pictures of our dog on it. No.

Mrs. Baker: Here we go. Where is Mr. Harvey?

Mr. Rhodes: Is that my Facebook page?

Mr. English: It's LeAnn's Facebook page.

Mr. Rhodes: I wish I knew how to do Facebook.

Mrs. Baker: Now we're ready. Computer please.

Mrs. Ennis: So Kathy, you're moving the screen?

Mrs. Baker: If you prefer.

Mr. Rhodes: I can tell you, I'm not doing anything.

Mrs. Ennis: Okay. Got it. I just wanted to make sure. Mr. Chairman, members of the Planning Commission, it's been a long time. I'm offering you guys item number 8... item number 10. It's a preliminary subdivision plan for Saratoga Woods. It's located on Assessor's Parcel 36-57. It's located on the south side of Mt. Olive Road, approximately 1 mile east of Poplar Road. It's approximately 198 acres and it's currently zoned A-1. They are proposing to cluster this subdivision and they're proposing 58 single-family lots. My staff report has an error. I wanted to put it in the Garrisonville District, and it belongs in the Hartwood District.

Mr. Rhodes: Don't be like that.

Mrs. Ennis: Yes, I think I have done that before. This is the aerial map where you can see that everything that's located around this property is A-1. It's all rural through there. This, again, is a cluster... the cluster concept plan was approved in March of 2014 and all the lots are a minimum of 1.5 acres. All the lots are served by private wells and drainfields. There'll be approximately 99 acres of open space. The subdivision will be served by three streets off a single access from Mt. Olive Road. Two streets will be stubbed to abutting properties to the east and the west. Roads will be built to VDOT standards. The sub streets are for your future extensions. There'll be a signage that will be up that says future... that the roads could be extended. That'll be on the construction plan. There is signage that will be provided along the lots restricting no parking along the road way because of the width of the road.

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The roadway is 24 and 20 feet respectively which is permitted by VDOT with no parking signs. The HOA will be maintaining the no parking sign on the lots, because their located on the lots, because they're not going to be located within the right-of-way, so VDOT will not be maintaining those. The site is utilizing IMPs or BMPs for stormwater management. It's vegetated areas and using level spreaders. There are wetlands on the RPA on the site. There are two lots that have RPA at the rear of the proposed boundaries. Signage will be placed on the property identifying the RPA and limitation. It's been verified by staff that the wetlands delineation was studied during normal precipitation. The wetlands on the site are not being impacted by this proposed project. The zoning ordinance requires 25 feet from the rear of the house to the RPA and wetlands. Staff stated that the current wetlands study showed more wetlands than the previous study done in 2004. Therefor the developer agreed...

Mr. Rhodes: Is it 2014?

Mrs. Ennis: There was a study done in 2004 and this one that was done in 2014 had more wetlands on it. So this is more strict than what was shown on the 2004.

Mr. Gibbons: Is that because of global warming?

Mrs. Ennis: I think it was done with the Crucible, the study, but I don't know about the warming part. The developer agreed to put a note on the preliminary plan to place the signage every 75 feet versus the 100-foot requirement for the RPA restrictions. Our ordinance requires that signage be put up every 100 feet along the RPA if there's lots that are impacted by it and the developer put a note on the preliminary plan and agreed to put it every 75 feet to ensure that everybody is aware of what's going on back there. Staff would like the Commission to know that the A-1 by-right zoning would have permitted 66 conventional lots out there on this property. All the lots would have been a minimum of 3 acres and there would have been no open space. A-1 does not require conventional, it does not require open space. Clustering the subdivision reduced the lots to 58 lots, all being a minimum of 1.5 acres. That's the average size and requiring 50% open space. So they are having 99 acres of open space out there that's going to be green area. By-right we wouldn't have gotten the 99 acres of open space. So, in that...

Mr. Gibbons: Can I ask a question?

Mr. Rhodes: Yes please, Mr. Gibbons.

Mr. Gibbons: I've always loved this, when you're dealing with A-1, but when you got 66 lots you still have open space. It's just not contiguous.

Mrs. Ennis: The open space is on the lot, yes sir.

Mr. Gibbons: It's not contiguous.

Mrs. Ennis: Right. We do require 80% open space on lots in A-1 on the lot itself, but it is not put into an HOA. It's not maintained by anybody but the homeowner and you can't trespass onto it.

Mr. Gibbons: But I don't want the statement saying, Mr. Chairman, you got 66 lots with no open space, because that's not correct.

Mr. Rhodes: Okay, very good.

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Mrs. Ennis: Yes, that's true. No open space that would be dedicated to an HOA or maintained and it's not contiguous. Let's see, the drain... all these lots are still going to be served by drainfields. They're going to have the reserve drainfields, as well as well locations on the lots, which is all that is required for the conventional lots. Again, these drainfields and wells will be done at permits and they attained by the Health Department prior to the issuance of the building permit. So those applications from the Health Department are good for 18 months once they've been assigned for the drainfields and the wells. Staff also would like the Commission to know that the DCSL, which is our design manual for landscaping, does not require landscaping buffers for residential areas so we do not require residential to buffer against residential. They did show over on the east side, this area here does have open space. So there is a little bit of open space between this home owner and the parcel. I measured it. It's like 20 feet of open space between the two. So that's...

Mr. Rhodes: Please, Mr. Coen.

Mr. Coen: Just a quick question. I was looking at the same part on the map, so for example, just the way you drew the lines of lots 1 through 4, on our map it says primary and reserve and it has certain areas. Is it that people who buy those lots really can't do anything with that back parcel of the lot?

Mrs. Ennis: No, you can.

Mr. Coen: Okay. So basically you could build straight up, other than that tiny little buffer area?

Mrs. Ennis: Yes, just like you can, you can build all the way up to your property line. You can put a shed all the way in the back next to the property line. There are zoning restrictions or requirements that you have to be, I think it's 5 feet or 10 feet off the property line for accessory dwellings.

Mr. Coen: Thank you.

Mrs. Ennis: Therefore staff, based on all of the reviews and everything, staff recommends approval of Saratoga Woods Preliminary Subdivision Plan.

Mr. Rhodes: Mr. English.

Mr. English: Mrs. Ennis, what are the two lots that you said had RPAs in the rear?

Mrs. Ennis: Okay, these two lots here, I don't know the lot numbers, you can't read them, but those two lots have RPA on them. It's all the way in the back and the RPA signage will be every 75 feet going across those.

Mr. English: Alright.

Mrs. Ennis: The wetlands, there are wetlands on these lots here, but they're not being impacted.

Mr. Rhodes: Okay. Other questions for staff? Mr. Gibbons.

Mr. Gibbons: One of the comments that came out of the public tonight was more or less the water, and what always concerns me when you do clusters in A-1, you're putting more units closer together, does that affect the table at all?

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Mr. Rhodes: Do we know if that affects the table at all?

Mrs. Ennis: I talked to Tommy Thompson and he certifies what the well driller permits submit in. He said there was a rare case of a man having to obtain three different applications for drilling out there off of Mt. Olive Road. He said it was a rare application that they had to get three of them, but...

Mr. Rhodes: Did he comment on the impacts of a cluster versus a traditional 3-acre lot?

Mrs. Ennis: No sir.

Mr. Rhodes: I mean the cluster concept plan was approved a little over a year ago.

Mrs. Ennis: Well, the Health Department did review this preliminary plan as well.

Mr. Rhodes: And you will have recorded on all the plats the fact that a permit for installation of a private well has not been issued and a building permit will be denied unless such a permit is obtained.

Mrs. Ennis: Yes, that is an ordinance requirement. That will be on there.

Mr. Gibbons: The biggest question that the people had is water. So how do you know if we got adequate with the cluster?

Mr. Rhodes: Or even for the by-right.

Mr. English: Yes, I don't think you would know.

Mrs. Ennis: I think the applicant might be able to address that a little bit further, because he had, as I said in my staff report, he had a study done and he might be able to address that a little bit further if you guys would like to direct some answers to him.

Mr. Rhodes: Any other questions for staff before the applicant? Okay, applicant please. Thank you very much, Mrs. Ennis.

Mrs. Ennis: Thank you.

Ms. Karnes: Good evening again, Mr. Chairman, Planning Commissioners, and staff. My name is Debrae Karnes with Leming & Healy and I am representing the preliminary plan application for Saratoga Woods. So, just briefly, I'd like to thank staff for their assistance throughout the process. It is a cluster application for 58 dwelling units on 198 acres with 98 acres being in contiguous open space. Can I have my slide please?

Mr. Rhodes: Computer please.

Ms. Karnes: And not to belabor the point, but even though conventional development does have open space on every lot, I think there is a value to the County to having contiguous open space. It provides more value for the environment. It provides an opportunity for wildlife habitat. I think I'm going to go right to the issue that was raised during citizen's time. We heard citizens very passionately asked for information confirming that this site could handle for every lot without impacting adjacent properties and I want to tell you that the applicant was equally passionate about making sure that he had all

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available information to make the decision because he doesn't want to spend money developing this site and then having problems selling lots. And I want to describe the process. The applicant talked to Tommy Thompson, first and foremost, the Health Department official who has probably the most knowledge about wells in the County long term. Mr. Thompson said there was really no problem with lots locating wells. Okay? That the memorable instance occurred in, what, 2003/2004 with the drought, a very dry time, and some people experienced shortage of water. That usually involved a bored well and most all of the wells being dug now are not bored, they're drilled. Furthermore, the applicant reviewed all of the records of wells within 2,000 feet of this property and found that 34 out of 35 of the sites had drilled wells and were averaging 14 gallons per minute, which is pretty good. This did not evidence any problem. But further, we talked to a geologist, and he tells us that successful well drilling involves several things. It involves the soils and it involves the ability of the area to recharge sufficient water. And one of the factors is the 98 acres of open space that will contribute to not having problems with water availability. Based on these findings, the applicant felt comfortable that with the conclusion that there will be no problems finding available water for wells and there will be no problems with any adjacent properties being impacted. I can run over a few other issues but I really think that was the question that the Planning Commission wanted addressed. Bottom line, the Health Department official says... has not indicated any problem. Staff has determined that all issues, all requirements of this application have been met. This is a by-right application and although I'd be more than happy to answer any questions, we'd like to ask for the Planning Commission's approval.

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

Mr. Gibbons: I hate to belabor this but you've got 58 lots. What if you cannot find water on a lot? What are you going to do with that lot?

Ms. Karnes: If... as noted on the plan, if a well permit cannot be obtained, it... an occupancy permit cannot be issued.

Mr. Gibbons: Then what happens to the land? Does that become part of the open space?

Ms. Karnes: It will remain unbuilt.

Mr. Gibbons: But that ain't answering my question. Does it become part of the open space?

Ms. Karnes: It will become unbuilt until such time that a well can be dug. And the only... if you think I'm not answering your question, the only reason I'm saying it won't become open space is because open space is specifically designated on the Preliminary Plan and it won't be designated as open space on the Preliminary Plan. But for all intents and purposes, it will not... nothing will be... no habitable structure will be constructed upon it.

Mr. Rhodes: Okay; other questions for the applicant?

Mr. Gibbons: You know, the question has been raised, and I think the citizens asked for, you know, the study. I didn't see the study that was done on it. I guess that's my fault; I should have gone and pulled it. But we've had problems up in that area and I'm just concerned about, before we go too far, if Thompson says that... I mean, when the aquifer goes dry, let me tell you, you have problems up there quite a bit.

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Mr. English: What I think, if you did 58 bored wells, which they're not allowing bored wells anymore, I think then you'd have an issue because a bored well only goes 90 to 100 feet I think it is. But when you go to a drilled well, a drilled well goes 2-300 feet. So I don't think you're going to have that issue Bob. I mean, from what I can gather from Thompson and then there's subdivisions all around it and I'm sure now they have drilled wells. And I think that's the state ordinance now that you have to require to do a drilled well. They don't allow you to do bored wells for that reason because the wells do go dry -- if I'm correct on that. And the subdivisions around it... how many subdivisions are around it right now in that area? Do you know? Or LeAnn?

Mrs. Ennis: I know there's a couple (inaudible).

Ms. Karnes: I'm being told there's 2.

Mr. English: Two subdivisions, okay. There's more? Okay.

Mr. Rhodes: Further questions for the applicant? We need you at the microphone if you could please sir.

Mr. McCallister: Within a couple miles there's about 7 subdivisions that comprise of about 250 lots that we... over a 30-year period where there's been, you know, built out. Besides what Debrarae spoke of, the 2,000-foot radius where we compiled all the well logs, but within 2 miles there's like 250. But I guess in speaking of the wells, you know, I mean over the years I've been doing this...

Mr. Rhodes: Could you state your name and who you're with?

Mr. McCallister: Alex McCallister, owner of the company that's developing this project, Saratoga Woods LLC.

Mr. Rhodes: Thank you sir.

Mr. McCallister: But for about a 20-year period, the companies that I had, we used to put wells in. We would put in as many as 50 wells a year and it's really a matter of... you'll get water. And I know the question you have is about is it affecting the aquifer. But, I mean, from the people we talked to and the well builders and the geologist, there's plenty of water.

Mr. Gibbons: But I never heard a well driller never say he wouldn't drill.

Mr. McCallister: But it's the bored wells are really where the problem fly. That's the problem. And when you dig a drilled well, the drilled well, the artisan well, the people... where you may experience a problem in an artisan or a drilled well, it's the same thing, is when they hit... when they don't go deep enough. You might go down 250 feet, 300, you hit water, you get a supply of water, but the driller doesn't encourage the person they're drilling for to get enough reservoir. You should go down maybe another hundred feet and you can build up some reservoir. That's what we always would advise to do. So, if you do that, you can get some extra reservoir. And if everyone did that, there would be plenty of water in the aquifer out there if you just plan ahead. And that's what, in that area of Stafford, we know that if you plan to go a little bit deeper... And there are some isolated instances like Tommy Thompson said where there's a few pockets around there. You'll have some cases where you may have to go 6-700 feet. We know that. And that's happened. And there's also some cases where you might go 150 feet and hit a well and it might be pumping 80 gallons a minute and you might go 6-700 fee and it's pumping

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4 or 5 gallons a minute. But, anyway, I didn't... not to keep on going with it but it's really the bored wells where the problem is. But I don't think the aquifer is going to be the issue. Thank you.

Ms. Karnes: But we'll be happy to answer any other questions you have.

Mr. Rhodes: Mr. English?

Mr. English: And you said the open space... being in that open space helps with the water supply.

Ms. Karnes: The recharge.

Mr. English: The recharging of that.

Ms. Karnes: That's what the... and the specific location of the homes in a cluster design.

Mr. English: Right.

Ms. Karnes: That's what the geologist said.

Mr. English: And you have by-right? By-right you have 66 conventional if you did it, right?

Ms. Karnes: That's correct.

Mr. Rhodes: Other questions for the applicant?

Mr. Coen: Just if I could, real quickly. Earlier in the evening you had some people who were impacted or had seen other developments, say nice things about it. So I'm curious if you'll consider, not this second, but lots 1 through 5 are fairly close and they're all around 1.54-ish acres; whereas, if they were closer to (inaudible) 1.5 that would leave a little bit more of the buffer for the people next door which people were complimenting you on the other one. And then likewise, 17 through 20 were closer to the wetlands. And again, those are... and 14 and 15 on that other side... again, those were sort of when you were said you were (inaudible) it, it wouldn't impact it. But again, especially if the lots are in the wetlands and those homeowners can't do anything with it. So it might even be beneficial just to make those lots shorter instead of being 1.54, maybe 1.5 and then that .4 makes it a little more pristine. It's just something to think of. And then since Mr. Apicella's not here, I'll say something that he's really big on is just how nice it is to see the open space very together, not parceling up or taking, you know, great, we put a retention pond so we're going to count that. And I know he's very big on that and I know I've been echoing that as well. But since he's not here to say it, I'll say it for him.

Ms. Karnes: Thank you.

Mr. Rhodes: Other questions for the applicant? Okay, very good. Thank you very much. There were references to... I just have one generalized question for staff. Mrs. Baker, there were references to water studies. Is there a County water study; is that what they were referencing?

Mrs. Baker: There was a groundwater management plan. There's also been a groundwater study; they were done back in the early 2000's.

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Mr. Rhodes: And how often are those done? Is that just a sporadic thing? I'm just wondering for general information because that was referenced in some of the early commentary.

Mrs. Baker: The one was actually done at the time of the drought because of the drought.

Mr. Rhodes: Okay, so there's not a recurring timeframe.

Mrs. Baker: No.

Mr. Rhodes: Okay. That'll be something I'll have to just...

Mrs. Baker: There were some recommendations that came out of that plan for ordinance amendments and such. None of that was ever done, but we'd be happy to supply that study to you all (inaudible).

Mr. Rhodes: Yeah, I know personally I'd just like to see a copy of it. I wasn't aware of it. Thank you very much. Okay. This is with us. What do we want to do? Yep, Hartwood.

Mr. English: I'll make a motion to approve SUB14150345.

Mr. Rhodes: There's a motion made to approve the Preliminary Subdivision Plan for Saratoga Woods, SUB14150345. Is there a second?

Mr. Boswell: Second.

From the audience: Do we have an opportunity to make another comment?

Mr. Rhodes: I'm sorry, Roberts Rules, there's just not a process for that sir. I apologize. Okay, seconded by Mr. Boswell. Is there further comment Mr. English?

Mr. English: No, I just think that he's going to do... if he didn't do 58, he'll do 66 and I think he left the open space and I think if he doesn't get the wells drilled then he won't get a permit. So, that will leave empty lots.

Mrs. Ennis: I just wanted to let you all know, you have to have the Health Department's approval for the permit in order to get the building permit. So they can't even build a house without the permit from the Health Department.

Mr. Rhodes: Okay, very good. Any further comment Mr. Boswell? Any other member? All those in favor of the motion which is to approve the Preliminary Subdivision Plan for Saratoga Woods, SUB14150345, signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

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Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? Okay, with that we move onto Unfinished Business, item number 7, the discussion on the cluster development standards within Virginia.

7. *Discussion on Cluster Development Standards within Virginia*

Mrs. Baker: Erica Ehly will give a briefing on this.

Ms. Ehly: Good evening again Mr. Chairman. I just have a quick overview here. So, as the Commission is aware...

Mr. English: Go ahead.

Ms. Ehly: The Chairman left. Since November, the Planning Commission has been discussing various options to establish provisions for cluster subdivisions that receive increased density. These are permitted in the R-1 Zoning District as a conditional use. And over the last several meetings we have developed draft language. And in this staff report you've received for this meeting, staff revised the draft language which was discussed at the meeting, the last meeting held on March 25<sup>th</sup>, to final draft form which includes the recommendations by Quantico, which are related to land use compatibility around Military installations, and the recommendations by Fire and Rescue for a minimum 10-foot side yard setback or the installation of sprinklers in each dwelling unit. So, I don't know if you, Mr. Chairman, if you'd like me to go through each of these criteria. You did receive them in the staff report.

Mr. Rhodes: We'd like you to go through them all in very detailed... no, no, I think we're (inaudible); sorry.

Ms. Ehly: I will just say that the proposed language, it's proposed to be included in Chapter 2 as a new policy 1.2.12. And then I would just like to go to the last slide here, because these are changed from... well, actually the last criteria has been changed from the staff report. Originally we didn't have the last part regarding residential fire suppression system, so it says now, the minimum side yard setback for each residential lot should be 10 feet or a residential fire suppression system...

Mr. Rhodes: And I think this is just to confirm that this was (inaudible). I think we left last time, but not very clearly, we left last time with the intent, yeah, it makes sense to do that 10 feet on each side, but it didn't come across very clear to staff. So I appreciate staff's efforts to add that once we highlighted. So thank you. I understand why it wasn't in there, so I appreciate it.

Ms. Ehly: And then also, just as a note, we did coordinate with the planner at Quantico to kind of tweak the language in the criteria that's above there. But it's pretty much substantially the same thing as before.

Mr. Gibbons: Isn't the planner at Quantico a former employee of the planning staff?

Mr. Rhodes: Not this one.

Ms. Ehly: Not the one I worked with.

Mr. Rhodes: Very good. Bob, you're always causing trouble.

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Ms. Ehly: He was a man, so it's not the same person.

Mr. Rhodes: Okay.

Ms. Ehly: So, I'd be happy to answer any questions.

Mr. Rhodes: Questions for staff? Mrs. Bailey?

Mrs. Bailey: Mr. Chair, I was just looking at the notes here in regards to the 10-foot setback. The rest of that sentence is not complete.

Mr. Rhodes: Computer please.

Ms. Ehly: The minimum side yard setback for each residential lot should be 10 feet or a residential fire suppression system should be provided within each dwelling unit.

Mrs. Bailey: In the notes that I have...

Mr. Rhodes: So we will be going by the one that is as represented on the slide for the record.

Ms. Ehly: Yes, Mr. Chairman, Mrs. Bailey, in the staff report, that final part of the sentence was not there. That's why I wanted to go to the slide and just make it clear that we did add that final part to include...

Mr. Rhodes: So, for the record, any action we should take would be based upon the slide that is as presented tonight for the presentation.

Ms. Ehly: Yes.

Mr. Rhodes: Okay, very good.

Mrs. Bailey: Thank you for the clarification.

Mr. Rhodes: Thank you for raising that. Any other comments? Mr. Coen.

Mr. Coen: Thank you Mrs. Bailey and thank you, because that was something I harped on last meeting was the either or. So thank you.

Mr. Gibbons: I want to make a motion.

Mr. Rhodes: Mr. Gibbons, please.

Mr. Gibbons: I'll make a motion to approve.

Mr. Coen: Second.

Mr. Rhodes: A motion recommending... a motion to recommend approval of the cluster development standards as presented with modified verbiage as was presented tonight by Mr. Gibbons, seconded by Mr. Coen. Further comment Mr. Gibbons? Mr. Coen?

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Mr. Coen: Just thank you very much. And I know Mr. Apicella has worked very diligently on this over the years so, while he's not here, I think it's appropriate that we should move on it because it's something that he cares about.

Mr. Rhodes: Very good. Any other member?

Mrs. Baker: Mr. Chair?

Mr. Rhodes: Yes, please Mrs. Baker.

Mrs. Baker: Just as a note, this still is going to have to go forward to public hearing. So just to make sure that you're not approving it as it, but scheduling it.

Mr. Rhodes: Oh, okay, over to Unfinished Business... so to qualify, if the motioner, just to modify or to clarify that this is a motion to recommend forward for public hearing with the modified language as was presented tonight. Mr. Gibbons? That was good? Mr. Coen? That was your second? Very good, thank you very much. Any other comment? All those in favor of the motion to recommend... motion to approve forwarding and advertising for public hearing signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? Very good; yahoo! Six-zero.

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

Mr. Rhodes: No, we're going to keep going. We're going to get all these. Planning Director's Report please.

Mrs. Baker: I was going to ask if we were going to take up item 9, the Urban Development Area, or is that going to be under the Committee...

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

Mrs. Baker: Okay.

Mr. Rhodes: Yeah, oh, the Committee Report. Yes, I'm sorry; now I'm with you. Yep, we'll do a Committee Report.

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Mrs. Baker: And I have no report.

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

COUNTY ATTORNEY'S REPORT

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

Mr. Rhodes: Thank you ma'am. Committee Reports? Mr. Coen, you want to pick that up? Very good.

COMMITTEE REPORTS

Mr. Coen: Yes, we have our Comp Plan... we had our meeting last Wednesday a week ago. We are done with the work we believe for the subcommittee. Mr. Zuraf will give sort of an overview; I believe he gave a package to everybody at their spot this evening. We did not hear from anybody on the first bundle of joy that we gave you 2 weeks ago and so we'll just go forward with this latest bunch. And I'll just ask Mr. Zuraf if he'll take over.

Mr. Rhodes: Thank you very much.

Mr. Zuraf: Mr. Chairman and Planning Commission, so you have received a draft version of Chapters 1, 2, and 3 of the Comp Plan 2010-2030 document. This is results of the subcommittee. These changes mainly are focusing on the amendments regarding the Urban Development Areas to transition and amend them to refer to them as Targeted Growth Areas. We're still working on the other updates that would qualify as the 5-year update. That involves a lot of small adjustments to update factual information and recent adjustments to some of the maps in Chapters 4, 5, and 6. So, what you have, this plan... these chapters you have, it's in track change version so you're going to see all the portions that are going to be deleted and added. The changes to Chapters 1 and 2, they're basically changes that amend... remove references to Urban Development Areas and changes the reference to Targeted Growth Areas. Then Chapter 3, which is the land use chapter, that's where you're going to see the majority of the changes. The big kind of issues to note, this does change from 7 UDAs to 6 Targeted Growth Areas, so this does remove the Eskimo Hill Urban Development Area. And then with the remaining 6, there are adjustments to intensity of the different areas. Some have reduced intensity. Brooke goes down to a lower intensity form of development. That was the desire of the Board to kind of keep that in, so we kind of kept it in as more of a residential community that might be consistent with like an R-1 cluster type of subdivision that you might see. Then Leeland, that was reduced somewhat to reflect the developing Leeland Station subdivision, and then added some higher intensity residential in the remaining land. Then, in the remaining 4 Targeted Growth Areas, you do get some areas where we have to increase intensity. And this is best reflected, as far as a summary, on page 3-21; that's where you can see the changes in the summary of the number of different types of residential units in each area. Because this plan does maintain a goal of half of the projected growth over the next 20 years in to these areas -- and we have less area now, so we had to increase the number of multi-family and townhouse units in some of the Targeted Growth Areas to achieve that goal. And some of the other things in the general standards for the intro of the Targeted Growth Area section, we added in some additional recommendations to develop small area plans for each of these areas, similar to what we've done in the Courthouse Area, recommendations for phasing of Targeted Growth Areas, and that you'll see extensive kind of description on that. That also starts on page 3-21. In developing that, staff did go back to some of the prior work that the Commission did; I guess it now goes back 2 years now where some of the initial work we did put forward some phasing. And so that is included and it identifies near, mid, and long term kind of recommended areas for development to occur and provides some brief justification for the phasing that is provided. And then we do have a recommendation that development

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in these TGAs are fiscally balanced, that over the long term of the development of these areas that there's adequate commercial development to offset any demands that are brought by residential development that occurs in these areas. And then also a recommendation that any development in any of the Targeted Growth Areas that are affected by the Airport Overlay that development conform with the Airport Overlay Guidelines. And of course that would all be subject to that document being adopted as well. So those are some of the general changes that were incorporated. Some of the recent things to point out, with George Washington Village, we went through and did an evaluation to make sure that all this development could fit with the amount of buildable area. And we discovered that George Washington Village did have a little less buildable area than was anticipated initially. So, in George Washington Village we have now 3 sub-areas; the kind of Embrey Mill associated area, and then there's kind of the Central area or South area, and then the Business Campus. So we kind of combined the Business Campus and South area into one larger sub-area and provided an overall number of dwelling units and commercial development. The amount of commercial development is less than what we initially and so you kind of have more of an open just overall recommendation for the amount of commercial and residential there. So that's worth taking a look at. And those are kind of the highlights. As I mentioned, we're working through the changes to Chapter 4, the transportation section, to update the latest kind of transportation data; Chapter 5, the fiscal plans section; and Chapter 6, the existing conditions. So that, we'll work to get to you at a future meeting, but that's what we have for you right now.

Mr. Rhodes: And again, the general timeline we were looking at.

Mr. Coen: And this is in our timeline; we wanted in a perfect world to be able to go tonight and say that we were going to push for a public hearing but, of course our public hearings on April 22<sup>nd</sup> are pretty full, pushing into the 23<sup>rd</sup>. So, always our timeline was that we would aim for April 22<sup>nd</sup> to come back for us to say we wanted a May public hearing and that way, preferably an early May public hearing so that way we have enough time to digest and tweak, if need be, by the end of May so that by the beginning of June we've met our timeline that the Supervisors had done. So, the subcommittee really went on the premise of try to aim for having this wrapped up early so that we would have some room to give staff some time. They have done a phenomenal job. I think all 3 of us would just give them great appreciation for the amount of work they did. And I can't say enough for the whole area of phasing that they've dealt with, which is quite honestly not only what was done 2 years ago and listen to this body, but also I think Mike and everybody else listened back to what all of what was going on when they started the plan, which they put into things which people had talked about when the public had input, massive input, that the TGAs can do but the UDAs wouldn't let us do. So I think that was amazing that they did that. And the financial aspect also was a lot of work that they've done a great job with.

Mr. Rhodes: Great. So certainly if we were able to address this and vote for whatever final version for public hearing on the 22<sup>nd</sup>, that would give 3 weeks before we would meet again. So we'd probably be able to, as far as advertisement notice goes, be able to do it our first session in May? Just to add to the joy.

Mrs. Baker: It's possible if there aren't a lot of changes that you all bring up the next meeting.

Mr. Rhodes: Okay. So but what that adds to is I think a criticality that we look at this very closely. Because if there is anything else to be modified, we need to really come prepared to address it next time we meet and kind of be (inaudible).

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Mr. Gibbons: Mr. Chairman, a good point is that the Board of Supervisors know they have a document now.

Mr. Rhodes: Yep.

Mr. Gibbons: It might not be the final, it might have to be wordsmithed, but we met the goal. And Tom's done a good job. But the only thing I want to bring up again is what bothered, and the staff has addressed it, but the CIP is only 10 years out. And we're talking a 20-year Comp Plan. And the fiscal constraint of the CIP to growth really bothers us. Because you know, Jeff went and got us this. We're fully bonded out right now.

Mr. Rhodes: Right.

Mr. Gibbons: And yet we've got 8 or 9,000 units on the books before we even get to go to the TGA.

Mr. Rhodes: I would just... and I appreciate all the work here and I recognize those points. I would, just as an additive point, highlight again what is represented here is 50% of the future planned growth, maintaining consistency in how we're projecting growth, but 50% of the growth planned for in these areas, leaving another 50% to be in the other areas to be absorbed in other rezonings and changes and to by-right and to others that are not in these areas that have already been approved. And I would just highlight that that projection of growth is almost a 50% less projection of growth over 20 years than any 20-year period this County's experienced in the last half a century. So, it's a, if you just look at the statistics, it's a fairly conservative growth. It is the growth projected and it's a consistent growth projection with what we always use, but it's much more conservative than we've ever experienced, and this is just attempting to absorb 50% of it into targeted areas that we think could best absorb it.

Mr. Gibbons: The problem we've got though is we keep saying...

Mr. Rhodes: Bless you.

Mr. Gibbons: ... is that we've got to start addressing the facts of life. If you look at the retail, it's downsizing. So you can't go in and say like, George Washington Village, you know, he's going to have X amount of square footage when that isn't true anymore. And staff has put out all of the statistics on that. And then the other thing, Mr. Chairman, thanks to you, you put it out there, but if you look at that Washingtonian Magazine article...

Mr. Rhodes: That's a *lot* more growth than we're planning for here.

Mr. Gibbons: ... the targeted area is us and Spotsylvania.

Mr. Rhodes: Yep.

Mr. Gibbons: But I don't know how you balance the commercial back to what's going on.

Mr. Rhodes: But I think that's even with their work here, which they've reduced the commercial projections in these areas by about 50%. I think it's a more realistic projection. But yep.

Mr. Gibbons: But I don't know how you're going to fund the growth. If you've got a magic wand and you do very well up the road there on it...

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Mr. Rhodes: The County is going to start buying lottery tickets.

Mr. Coen: Mr. Chairman...

Mr. Rhodes: Please Mr. Coen.

Mr. Coen: To Mr. Gibbons and his excellent point, and other members, one of the things we talked about at the very start of this process was that if, you know, the Board had given us some specific guidelines but that we were open to the idea of sending with our package a list of other areas that we think should be looked into and dealt with. And that one certainly is a superb one and, if anybody else has any other ones that they think would be good that can go along with it, it would buffer your points.

Mr. Rhodes: Yep. Very good. Back to the core for next time we come together though. The key is deliberate review here by each of us so that we're ready with whatever final commentary and hopefully can move forward to public hearing. But great work! Tremendous work by staff, as always, and great work by (inaudible).

Mr. Gibbons: When you look at it this year, and you look at that airport study and then you look at this document...

Mr. Rhodes: Amazing!

Mr. Gibbons: Yeah.

Mr. Rhodes: Yeah, no, it is; you're right -- what they've done. Very good. Well thank you very much. Thank you for the work and we will all commend ourselves to deliberate reviews, so we'll be prepared for next time to close that out for the next stage. I have nothing further for the Chairman's Report. I hope Steve is doing well. And with that, we'll move on. TRC -- everybody have their stuff? Their goodies? Okay, very good. I'll take a motion for approval of the February 11<sup>th</sup> minutes.

CHAIRMAN'S REPORT

OTHER BUSINESS

12. TRC Information - April 22, 2015
- Fox Chase Commons - Falmouth Election District
  - St. Peters Lutheran Church Addition - Aquia Election District

APPROVAL OF MINUTES

*February 11, 2015*

Mr. Gibbons: So moved.

Mr. Rhodes: Ah, he beat you to it. Mr. Gibbons. How about we give the second to Mr. Coen. Any further comment Mr. Gibbons? Mr. Coen? Any other member? All those in favor signify by saying aye.

Mr. Coen: Aye.

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Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? Okay, the February 11<sup>th</sup> minutes are approved. Anything else we missed? Mrs. Baker?

Mr. Gibbons: I've got one question though.

Mr. Rhodes: Please.

Mr. Gibbons: I backed off tonight and I don't mind getting educated. When the gentleman here from Hartwood did not close the public hearing, and that was his motion, and the other gentleman deferred the same, the public hearing is still open. You can receive comments up until the last (inaudible), the way you all worded it.

Mr. Rhodes: So the George Washington Village?

Mr. Gibbons: Right.

Mr. English: Are you talking about tonight?

Mr. Gibbons: It was still an open project tonight. I don't think anybody would have...

Mr. Rhodes: So you're saying your belief is that we should have received comments on item number 6.

Mr. Gibbons: Right.

Ms. McClendon: Mr. Chairman, I believe when the motion was made, it was made to keep the public hearing open and you have to do it to a specific date so that we don't have to re-advertise. So when the public hearing is left open until April 22<sup>nd</sup>, it's for that date, not every meeting to that date. If we left it open without a specific date we would have to re-advertise it in the paper for each meeting.

Mr. English: So we were okay.

Ms. McClendon: That's correct.

Mr. Gibbons: After what? I can't hear.

Mr. Rhodes: She was saying that if you just leave it open but not to a specific date, it is open for every hearing but you also have to advertise it for every hearing. But by the form of the motion that was taken last time that left it open but to a specific date, that advertises only that date. Nothing else was re-advertised so it's only heard again on that future established date.

Mr. English: Strike 6.

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Mr. Rhodes: Anything further Ms. McClendon? Mrs. Baker? Anything else we've missed? Folks? Anybody? Anybody, anybody? Okay, we are adjourned. Thank you all very much.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:42p.m.