

STAFFORD COUNTY PLANNING COMMISSION MINUTES
April 22, 2015

The meeting of the Stafford County Planning Commission of Wednesday, April 22, 2015, was called to order at 6:30 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

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

DECLARATIONS OF DISQUALIFICATION

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

Mrs. Bailey: Mr. Chairman?

Mr. Rhodes: Yes Mrs. Bailey.

Mrs. Bailey: I did speak with the agent for items number 3, item number 5, and item number 8.

Mr. Rhodes: Very good, thank you very much. While certainly not a declaration of disqualification per se, it's always... never hurts to have the transparency on discussions and they're certainly appropriate discussions to have. I did have a discussion with the applicant's representative on item number 8 a little bit earlier this week as well. With that, we'll move onto the Public Presentations. This is an opportunity for any member of the public to speak on any item except those that are before us for Public Hearing. So this is... if you'd like to speak on any topic other than items 1 through 8, you may come forward and do so at this time. Items 1 through 8 being Public Hearing items, they will all have a public comment for each of those items as they are presented. And that would be an opportunity to speak on one of those items. But if you'd like to speak on anything else other than items 1 through 8, you can come forward at this time. I would ask that you state your name and your address. Once you do so, a green light will come on indicating 3 minutes available to speak. A yellow light will come on when there's 1 minute remaining. And at the end, a red light will come on and we would ask that you wrap up your comments at that point. So anyone?

PUBLIC PRESENTATIONS

Ms. Callander: Good evening Mr. Chairman, members of the Board, I'm Alane Callander. I'd like to wish you a happy Earth Day, that's why I'm speaking at this time. Each year, Earth Day, April 22nd, marks the anniversary of the first Earth Day in 1970. Earth Day 1970 achieved a rare political alignment enlisting support from Republicans and Democrats, rich and poor, city slickers and farmers, tycoons and labor leaders. Groups that had been fighting against oil spills, polluting factories and power plants, raw sewage, toxic dumps, pesticides, freeways, the loss of wilderness, and the extinction of wildlife suddenly realized they shared common values. The first Earth Day led to the creation of the United States Environmental Protection Agency and the passage of the clean air/clean water and endangered species acts. That first Earth Day was hugely impactful in my own life. I experienced it as a college student, and (inaudible) to see it first planted when I was a young Brownie and Girl Scout experiencing the forest preserved of Illinois. My college Earth Day experience was a festival of sorts,

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but around that time I took a school field trip to the strip mines of eastern Kentucky. We visited a family that looked out from their small home to stripped fields that eroded their soil. I remember when the mother said, don't forget us. I never did forget that family and I came to understand the need for activism on behalf of our natural environment. That's got a lot to do with why I show up here at these Planning Commission meetings from time to time. I know that decisions you make here impacts enormously our environment, as well as the quality of our community. As soon as the Chairman said awhile back that George Washington Village would be deferred until April 22nd, I thought how fitting to be making such major decisions on Earth Day. I urge you this evening, as you go through the agenda, to keep the broader picture in mind; how do the items before you impact the forest, streams, wildlife, and air quality. Are the projects proposed going to improve quality of life or simply fatten some developer's pockets. Let's own our planet earth through thoughtful decision-making. Thank you.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to speak on items other than items 1 through 8?

Mrs. Carlone: Ruth Carlone. I found out why you all laughed when I was here when I said Dale Evans instead of Dale Allen. Kind of embarrassing. Just... I heard Alane's presentation and while she was talking I was writing down what's disappeared from our area. Okay. The turtles. We used to have a trail across our property for turtles. Wild turkey are gone from our area. Flying squirrels that we loved are gone. The owls. We do occasionally hear owls. The whippoorwills are gone. The trees have been cut down for a house so we don't have those anymore. Our neighborhood fox was run over just recently. He would come over and visit. But it's really sad now. I put on a little leaf on my lapel here just to remind you that we have lost so much in the way of trees. Trees are here to protect the environment. They clean the air, they clean the water, they act as a filter. Take a look on 630 and see if any of you or anybody in this County is proud of what's happened; all the clear-stripping that's gone on. We see it every day and it's a darn shame. Alright, thank you.

Mr. Rhodes: Thank you very much. Anyone else who would like to come forward and speak on any item except for items 1 through 8? Okay, I will move on from the public presentations to the public hearing items. If you'll indulge me a moment, we've got as full an agenda as I think we've ever had. And I want to be respectful and mindful of everyone's time. So if you'll allow me to do a little bit of an unorthodox poll, I'd like to try and get a sense of who's here to hear about and speak on which item, and I'd like to try and realign it to if there's anything you're not here for, I'll move that a little bit further later in the agenda versus the other ones. So, item number 1 is our amendment to the Zoning Ordinance on cemetery standards. Is there anyone here to speak on that item? Okay.

Ms. Dodd: I'm here to answer questions.

Mr. Rhodes: Yes ma'am. And not that we don't love you, but if there's others, I might move you backwards; sorry. The next one is the reclassification for Embrey Mill Commercial. Is there anyone here to speak on that item? Other than the applicant obviously. Okay, thank you very much. The third one is the Comp Plan Text Amendment for Old Dominion Village. Is there anyone here to speak on that item? Okay, thank you. And the reclassification for Old Dominion Village as well? Okay. The number 5 is the reclassification of Abberly at Stafford Courthouse. Is there anyone here other than the applicant to speak on that one? Okay, very good. Then there's the Amendment to the Zoning Ordinance for the microcell communication facilities. Is there anyone here to speak on that one? Very good. Number 7 is the Amendment to the Subdivision and Zoning Ordinances. Did I say that with triple plural? Okay, anyways, anyone here to speak on that one? Okay. And then the last of the public hearings that all have to be done first are the George Washington Village reclassification. Is there

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anyone here to speak on that one? One, two, three, four, five, six, seven... I'll tell you what then... and I guess others are here for the unfinished business items and I apologize but we have to do the public hearings before we can get to those. With that then I would suggest that we modify the agenda to move 8 to number 1 and the rest of them that's 1 or 0 we just go in order, if everybody...

Mr. Apicella: So moved Mr. Chairman.

Mr. Rhodes: Okay, a second?

Mr. Coen: Second.

Mr. Gibbons: I've got a question.

Mr. Rhodes: Yes, please Mr. Gibbons.

Mr. Gibbons: Why are we hearing 3 before 4? Is there a reason?

Mr. Rhodes: Mr. Harvey? Ms. McClendon? Just so we know, 3 and then 4... text amendment and then reclassification?

Mr. Harvey: Mr. Gibbons and Mr. Chairman, that would be good form. You'd prefer to have Comprehensive Plan considerations done prior to taking action on a rezoning.

Mr. Gibbons: Thank you very much.

Mr. Rhodes: Thank you very much. Okay, any other comment on the motion, just to move 8 to 1? All in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? Okay, very good. That's what we'll do. So, Mr. Harvey, we're going to go onto item number 8, the reclassification of George Washington Village, RC1400155.

PUBLIC HEARINGS

8. 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

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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)**

Mr. Harvey: Thank you Mr. Chairman. I'll be leading the discussion on this case tonight.

Mr. Rhodes: Thank you very much.

Mr. Harvey: May I have the computer please? This is a continuation of a public hearing that began in December. We've had multiple opportunities to have public discourse and we're continuing to do so as this rezoning case evolves. Currently, the request is to reclassify properties from A-1, Agricultural, A-2, Rural Residential, R-3, Urban Residential, B-2, Urban Commercial, and M-1, Light Industrial, to our Planned-Traditional Neighborhood Development Zoning District. Augustine South Associates, LLC is the applicant with representation by Charlie Payne. The property is a little over a thousand acres. It's generally located west of Interstate 95, south of Courthouse Road, north of Ramoth Church Road, and east of Kellogg Mill Road. They have a General Development Plan which shows the property developed in accordance with traditional neighborhood design. You'll notice grid pattern streets within the overall complex. There's also a town center located in this area, which is comprised of commercial development highlighted in red, also multi-family highlighted in blue, and then townhouses in the greenish area. Remaining dwelling unit types on the balance of the property would be single-family detached homes. There's a significant recreational area being proposed adjacent to Ramoth Church Road. There's significant transportation improvements for this project as well; an extension of Mine Road from its current terminus at Courthouse Road, through the project, over to Ramoth Church Road to line up with Centreport Parkway. There would also be another master plan road included within this project, which is an extension of what is known as Woodcutter's Road. Woodcutter's Road is currently under construction. It would connect between Courthouse Road and Kellogg Mill Road. The master plan improvements would extend from Kellogg Mill Road, through the project, over to Mine Road. There is also another significant internal transportation improvement which would be an access point to Courthouse Road closer to the interchange and would tie into the new interchange design that's currently being considered by VDOT. And then you can see again from the neighborhood design, there are a number of other connecting streets in between the various different neighborhoods within the project. The summary of the proffers are that there are a number of transect zones being proposed. There's a total of six: T-1, T-2, T-4, T-5, T-6, and SD-C. Each transect zone has its own set of regulations as to how the property can be developed within those areas. They've developed neighborhood design standards on how the housing units would look and the commercial buildings would look; those are all considered within the application. There's a cap of 2,957 potential dwelling units, and also a minimum of 1.55 million square feet of commercial space. There are phasing provisions which help to balance out the project specifically dealing with the number of housing units that can be built relative to commercial square footage. The phase of development could have up to 450 dwelling units, either single-family attached which we know as townhomes, or single-family detached, and that must be accompanied by 30,000 square feet of commercial space. To reach the thousand unit threshold, it would have to have 75,000 square feet of commercial space. Similarly, 1,500 homes would be 150,000 square feet, and 2,000 homes, 250,000 square feet. There's a separate phasing requirement

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for the multi-family, and that's reflective of some of the concerns that the Planning Commission had due to its location of the town center. So there'd be up to 375 multi-family homes; at that point in time the developer would have to have at least 55,000 square feet of commercial space built. Overall, there's a phasing of no more than 150 single-family homes per year for the first 10 years. Also, the proffers speak to development and consideration of a Community Development Authority, which would be a developer-run mechanism to fund public improvements such as the road improvements, the park improvements, and other amenities on the project. I mentioned with the GDP, the two significant roads that are in our transportation plan, they are Mine Road and Woodcutter Road, the proffers speak to construction of those roads, as well as a number of intersection improvements where they tie into Courthouse Road, Ramoth Church Road, and internal intersections. The proffers also stipulate three bus stops will be provided throughout the project. There would be an active park and passive park along the Accokeek stream valley. There would be a school site, as well as a site for a fire station. There's a little over \$35 million in cash proffers being proposed which would tie back into the financing of the Community Development Authority to build the infrastructure. Mitigation of airport noise is being proffered with the construction of the homes to minimize concerns with the proximity to the Regional Airport. There would also be a hundred thousand dollars set aside in an escrow account to mitigate any impacts this project may have on existing private wells in the nearby vicinity. Since the last public hearing the Planning Commission had, the applicant has made revised proffers. There are two specific amendments; they deal with limiting the maximum number of dwelling units by unit type. There would be a cap of no more than 300 townhomes within the project, no more than 750 multi-family homes, and 1,907 single-family detached homes. Also, wording with regard to the schools was modified. Previous proffers indicated that the applicant would consider entering into a public/private education authority partnership with the schools to build an elementary school. The proposed proffers have changed to say they will submit an application to the schools for that purpose. The proffers also speak to providing a 20-acre elementary school site and up to \$10 million in cash towards construction of that school. If they were successful with the PPEA agreement, those proffers would run towards the developer's contribution towards building that school. There are a number of questions that the Planning Commission had at your last March 11th public hearing. You wanted to see more specifics about the phasing of the Community Development Authority and the improvements that are being proposed. The applicant submitted a notional phasing plan which was included in your staff report and is posted online. Also, you asked for a map of existing water lines and private wells in proximity to the overall project, and cost estimates for water connections to existing homes. Also, the Commission asked if there were any new comments from the School Board and what the impacts to law enforcement would be. This is a map that was generated by the Utilities Department. They looked at the overall project and identified an area with a half-mile radius from the project limits to try to address the Commission's concern. The light blue lines shown on the map depict the existing water lines. They're very hard to see... there's small dots located throughout the area. These dots represent homes that are on private wells. The Utilities Department indicated through their cost estimates that there would be \$3.6 million worth of construction necessary to extend public water lines to all the homes on wells in this overall general vicinity. If all the wells in this general vicinity were converted to public water for the existing homes, in addition to constructing the collector distributor lines, there would also be connection fees required. So the total cost, if that were to be done, would be over \$5.4 million. And that goes back to some of the discussion that has in the proffers with regard to the \$100,000 escrow account to cover any concerns about wells that run dry. That was a concern that the Commission's had throughout some of the public hearings. The applicant's tried to address that, but noting that the applicant's projects are going to be on public water and sewer so they're not going to be necessarily drawing water from the ground for the purposes of the project. But acknowledging there may be some concerns about increased impervious area within the vicinity which may or may not have an impact to an existing well. And I'd be happy to

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answer any questions that the Commission may have further based on the revised proffers or the project in general.

Mr. Rhodes: Thank you Mr. Harvey for the very concise and direct presentation; appreciate it. Are there questions for staff? Wonderful! Applicant please.

Mr. Payne: Mr. Chairman and other members of the Planning Commission... can you hear me?

Mr. Rhodes: Yes.

Mr. Payne: My name is Charlie Payne with the law firm Hirschler Fleischer. We represent the applicant. It's always a pleasure to be before all of you. I think this is our sixth time from a public hearing perspective, so I have enjoyed every moment of that, I assure you. And I hopefully can provide you even more necessary information that you have requested. Thank you, Mr. Harvey, for your presentation and information that you provided. I will be as brief as possible and hopefully just supplement or add what has not already been discussed. Just quickly -- since our last meeting, as Mr. Harvey has stated, we added language pertaining to the residential cap mix which Mr. Harvey had just provided. We also provided language Mr. Apicella had asked us to be more specific about the triple P possibility for the elementary school. And just as a reminder, we have about \$40 million in proffers related to transportation. I know there was a note in a power point about \$35 million in cash. That's just part of our proffer package as you all know, which is seed money for the CDA. The overall CDA is well over \$98 million, includes \$40 million in proffers for transportation, \$20.4 million in parks, recreation, schools, fire and rescue, including \$10 million in cash for schools and a school site. We have provided prior proffer comparisons, both to staff and to this Planning Commission. And just as a quick reminder, if we were just to apply what has been recently approved by the Board of Supervisors regarding just single-family detached across all the units, all 2,957, the total proffer package would be \$88,710,000, which is less obviously than what we are proffering. If you applied the proposed proffer guidelines that this Planning Commission passed, it's about \$97 million. So we're on par, in my opinion, with that. Again, for purposes of roads, we have provided a... we do have a slide. Mr. Harvey, if you could provide that.

Mr. Rhodes: Computer please.

Mr. Payne: There was a question as to what would be required of the project if we did not proffer or address or take credit for the proffers that we're proposing. This is what's required. So, we would not have to build Mine Road extension or Woodcutter's. We would basically be putting the roads internally where all the development sites are. Certainly there would be an extension of Austin Ridge from Courthouse into the town center. And what this would do, it'd put lots of pressure on Ramoth Church and Courthouse, is what this would do. What we are proposing and what we do have is proffer credits. Mr. Harvey, if you could provide that quick. Thank you. You see, it's quite different. With the Mine Road extension and Woodcutter's extension being the two key pieces, and again, we have proffered the realignment of Austin Ridge and the widening of Courthouse as well. So a quite different approach. And you can see that this does provide relief to Courthouse and Ramoth Church. Otherwise, much of the pressure to the south would be on Ramoth Church Road.

Mr. Rhodes: And again, what are you identifying as the value associated with those additional improvements?

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Mr. Payne: Forty million dollars. That includes the extension and that's just in the base cash component of that. Obviously we've got to cover the debt financing on it as well. But that would be the extension of Mine Road, the realignment of Austin Ridge, the widening of Courthouse from Austin Ridge to Mine Road, and the extension of Woodcutter's from Colonial Forge. All of which are part of the County's future transportation plans. So, if in theory we didn't build it, the taxpayers would have to pay for it and build it sometime in the future. Otherwise, the alternative plan, again, with roads being internal to the various different villages and pods, would be putting pressure on already existing roads and we wouldn't be required to build any new roads that would be consistent with the County's future plans. Also note, and this is in our comment section, in regards to the TIA being incomplete, as many of you may or may not know, we can't complete it until VDOT completes its IMR on the redesign of the interchange. So we're tied to it. So we, County staff, myself, our engineers, and VDOT met today to talk about that process that's going to take another eight weeks plus for them to have confirmation of those numbers. We met with them a few weeks ago concerned about the IMR and what it included, including not only future growth in this County but also currently zoned approved property and how that would have an impact on the capacity of the then design of the interchange. I just want to say that this has to go through a process to figure out and confirm, whether this George Washington Village is approved or some other project is approved, the County has planned growth in the George Washington Village area of 5,000 plus units. The current design of the interchange will not address the capacity of that at full foresight build-out at 2036, which is how they evaluate the interchange. That was our concerns. So it's just not us; it's the County's overall plan for growth, not only on the west side but also on the east side including the Courthouse Redevelopment Area. I just point that out because it's just not us being impacted by that. And we did propose to be a partner in that process to address whatever the gaps may be and/or to provide alternative design plans. So I want you to know that we're very involved in that process. Mr. Chairman, moving on and being as quick as I possibly can, Mr. Harvey has discussed the CDA plan that we have. I don't know if anyone had questions about that; I can certainly go through it. I know Mr. Gibbons has asked questions about it in the past. I'm happy to answer those questions. We do have it phased over several years, including initially, as I have stated before, we would make the initial infrastructure improvements year 0 through basically 4, and at year 4 that would be the first bond issuance, including the dedication of the school site, cash \$2.5 million towards schools, dedication of the active parks site, and dedication of fire and rescue, and the I-95 interchange improvements. And again, I can go through this. This is listed out and if you have any questions I'm happy to answer them.

Mr. Rhodes: I'm trying to recall a note on CDAs. So, if the CDA is not approved or established, what happens with the proffers?

Mr. Payne: There are no proffers.

Mr. Rhodes: There are no proffers.

Mr. Payne: As we have stated, we basically (inaudible).

Mr. Rhodes: If the CDA doesn't go through, the project doesn't go through.

Mr. Payne: It's very likely the project would not happen. That and the interchange, of course, were tied together with it. We would not have a town center for sure.

Mr. Rhodes: But you could, in theory, go forward with the residential development.

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Mr. Payne: In theory; to the extent that we would have to provide road improvements to address the development requirements for that.

Mr. Rhodes: Okay.

Mr. Payne: It would not be a viable project. The CDA gives us the opportunity to put the necessary infrastructure in to make the project viable. Environmental, there were several obviously questions before in public hearings and we have submitted responses regarding the environmental. I don't know if you had a chance to look at it; it's fairly detailed and a little scientific. But just to address some of the concerns as this property has been evaluated, the wetland delineations for the CRPA. Seventy percent of it was done in 2005 and 7. We utilized that mapping for purposes of our GDP. That information would have to be updated obviously prior to a site plan approval. The other 30%, 310 acres or so, the project was also field-reviewed to preliminary map streams and potential wetlands as well. So 100% of the property has been evaluated for CRPA purposes. The point is, is that all that information has to be updated because it gets outdated after a certain period of time after the Army Corps of Engineer confirms it. So, to... and I think that's important for those who do not understand or know, this has been evaluated and delineated in the past. And there's an extensive amount of information in that report, if you've had a chance to look at it. I think it addresses many of the concerns. Cultural resources study as well, we've been working with the Stafford Historical Commission on cemetery matters. There has been an identification of two cemeteries on the site, so we're working with the Commission on that and working with staff to address those issues. That should be completed this week, the cultural resources study, so we should have that information. Obviously whatever cemeteries were identified onsite, you know, we have certain requirements under both state code and County ordinance to buffer and protect those areas and provide access to family members. On the utilities issue and wells, I mean, I appreciate staff's response to I believe it was Mr. English's question about a half mile out. That's not a standard analysis for purposes of development. But I understand, just sort of giving a birds eye view of what it would look like and again, we're not tapping into the aquifer. This is going to be utilizing water and sewer for this project, so we believe the risk is low for any impacts to wells adjoining or nearby properties. Economic development -- again, this project at full build-out as we have talked about before in the past is going to generate about \$4.7 million annually. Staff has analyzed this and basically confirmed our fiscal impact analysis. I also have Dr. Fuller here; if I could, I'd ask him to say a few things about his analysis obviously which he submitted via his fiscal impact in regards to this project and why we think this is an economic generator for Stafford County. Mr. Fuller?

Dr. Fuller: Good evening...

Mr. Rhodes: Good evening.

Dr. Fuller: ... Chairman Rhodes and Commissioners. Just a couple of minutes. The economic impact of what's being proposed is quite significant. And I'm distinguishing between economic and fiscal. The fiscal impact study the County Planning staff has undertaken to I think in a sense confirm what within a few dollars, a couple hundred thousand dollars of, or 5% of what I propose is fiscally sound. But the economic piece of this gets underplayed. Clearly, the construction of what is proposed is important. And most people easily recognize that a billion, almost 100 million dollars worth of new construction spread over a construction period of course, as that money is spent within the County, it generates additional economic activity. The multiplier on construction activity in the County is 1.44 so there's additional growth. Support about 8,200 jobs again over the construction period; about 64% of those would be held by County residents. These are not all construction jobs, these are jobs that are supported by the spending of the payroll of construction workers and the construction activity. Most people

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recognize that. It's once all that's finished, these 2,757 new households, you're talking about all the impacts they may have on the community, they also represent an economy. Almost 400... if you take their salaries and add them together, \$424 million a year, once they're all there, about a quarter of that goes into local retail spending and consumer services. The workforce in the retail center, 3,335 jobs -- it represents a payroll and spending and operations of about \$240 million a year. So, as you begin to add up these numbers, I was looking at the recent forecast for Stafford County, over the next 20 years Stafford County's proposed or projected to add about almost 23,000 new jobs. And where are those jobs going to come from? What do they look like? Where are they going to be? Well, 3,335 of them will be at the shopping center. Now that's 15%, since there's going to be some others somewhere else of course. The retail sales -- almost \$700 million worth of retail sales a year can be in a million and a half square feet. That's a third of all the retail sales in 20 years. This is a very impactful, economically impactful project. If you look at the growth of retail sales, about \$900 million; these are constant dollars over the next 20 years. Eight hundred million of that is going to come from the center. So, this becomes a not only a major employment center, but also a major economic generator. The value of the County's economy right now is about \$7.5 billion; it'll double over the next 20 years. There's a lot of economic growth coming down the highway. Actually it's going to be emerging from within. This represents the operating benefits to the County, just the work that's going on within the center, the spending of residents; about 6% of the economy, the County's economy will be in this village. So, as you think about it, it's a lot of different things to different people. But it's clearly a source of economic activity. On the fiscal side -- just one point and then I'll stop -- the fiscal impact analysis has shown about \$4.5 million plus surplus in revenues over expenditures that in itself; that's annual. It is quite significant. But in doing this analysis, there is a category called debt service. And just to get balance there's debt service. So these almost 3,000 new households are paying debt service on County debt for facilities that they may or may not need or use, or load on top of the \$4.5 million a year extra benefit that they benefit. And so this looks to me like a plus clearly on the fiscal side, but the economic side is really quite exciting.

Mr. Rhodes: Dr. Fuller, the \$4.5 to \$4.7 million in annual and net positive, how much of that is based on the commercial? What level of commercial development is that based on?

Dr. Fuller: That's build-out. All of these numbers are assuming a finished village.

Mr. Rhodes: And what level of commercial is required to have it better than break even? Do you know that?

Dr. Fuller: Well, I'm in disagreement or the County's in disagreement on that. We interestingly enough come up with a very similar total number, but where it comes from is different. And in my analysis, the proposed mix of residential units at their projected value or sales price are positive in and of themselves. Not every type of unit, but as an aggregate, the single-family detached because they're more expensive, carry some of the less expensive units on a fiscal basis.

Mr. Rhodes: Is that, and because I heard this before, is that primarily due to the fact that you're using a 2013 property tax rate and they were using 2009?

Dr. Fuller: Well, this was actually done I think on 12; I was using 12. This is an old enough project (inaudible).

Mr. Rhodes: It just...

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Dr. Fuller: But they're using 9 and the value of the units is greater. I think the main difference here is the...

Mr. Rhodes: What were you valuing units at?

Dr. Fuller: Well they range from I think \$55,000 to \$270,000; I forget. But there's quite a range of units from the townhouse to the (inaudible).

Mr. Rhodes: Right, but I'm just trying to... I understand the couple year's difference tax rate, I was just curious of the difference in the value of the units that also drew the rest of the math. I knew there were two variables.

Mr. Harvey: Mr. Chairman?

Mr. Rhodes: Yes, Mr. Harvey.

Mr. Harvey: The staff based our review of the fiscal analysis on our work that was done with the 2010 Comprehensive Plan, and that looked at countywide average values. They may have taken more of a projection on what their project specific values would be.

Mr. Rhodes: Okay, very good. So you did average values from the 2010 Comp Plan and that property tax rate.

Mr. Harvey: Correct.

Mr. Rhodes: Okay, got it.

Dr. Fuller: The big difference though is that each year the budget's different. And so the revenue mix and the expenditure mix varies. And so using an 09 or 10 or 11 or 12, the answer's going to be a little bit different based on what your source of revenues and what you're spending money on that year.

Mr. Rhodes: Okay, thank you very much.

Dr. Fuller: Good; thank you very much.

Mr. Rhodes: Yes please, Mr. Coen.

Mr. Coen: Just a quick question to, before you sit down. Is there any guarantee that you could... are going to give us, or have 1.5 million square feet of commercial or even 25% of that in the build-out? Or is it, you know, the predicate is at a build-out it will be x but there's really no guarantee thereof.

Dr. Fuller: Well, I think 20 years out or 10 years out, there's a lot of things that aren't guaranteed. This is the program that's before you and those are the numbers that go with that program.

Mr. Coen: Thank you.

Mr. Payne: Thank you Dr. Fuller. And I would just add to that that the County is hoping that it will have 1.5 million square feet of commercial space in this area. And the County, and what we are putting forward, is consistent with this plan for that purpose which is to concentrate growth. Concentrate

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growth will attract commercial investment. And that's the key. You can't guarantee it, you can't create it any other way.

Mr. Rhodes: Mr. Payne, could you just remind me, to get to full build-out, what is the requirement in the proffers on commercial? Sorry, I just can't find the number.

Mr. Payne: At full build-out?

Mr. Rhodes: Yeah. Mr. Harvey? Does anybody recall? Sorry, it was on like that third slide.

Mr. Payne: You mean the amount of commercial?

Mr. Rhodes: Yes. Like at 150?

Mr. Apicella: Yeah, I believe it was 150,000 square feet Mr. Chairman.

Mr. Rhodes: That's what I think I recall; I'm just trying to remember. Sorry. I think it was slide three of the staff presentation; I just don't have a copy of the slides.

Mr. Harvey: Yes, Mr. Chairman, give me a second and I'll pull that up.

Mr. Rhodes: Thank you. Please go ahead Mr. Payne.

Mr. Harvey: Mr. Chairman, I have the slide up.

Mr. Rhodes: Computer please.

Mr. Harvey: And right now there's 2,000 dwelling units...

Mr. Rhodes: It needs 250.

Mr. Harvey: It has to have 250,000 square feet.

Mr. Rhodes: Got it, okay.

Mr. Payne: At 2,000 units.

Mr. Rhodes: Yeah, so there's at least a requirement to go beyond 2,000 units to have 250,000 square feet of commercial.

Mr. Payne: And I recollect the staff's review of our fiscal impact analysis said at 25% of our commercial we break even.

Mr. Rhodes: At their review, yeah, okay.

Mr. Payne: At their review.

Mr. Rhodes: Thank you very much.

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Mr. Payne: Mr. Chairman, and also I would remiss in not emphasizing what our comment section said regarding proffers in lieu of the CDA. So without a doubt, we would prefer to push forward the CDA. We think it's better for the County. We think it's better for the project. The taxpayers are not having to carry the debt. We are working on an alternative cash proffer package; it's in its very infant state at this point. It's very complicated to put this stuff together and our position has always been we want the CDA but notwithstanding that fact we understand that there are concerns that if we don't have the CDA approved, that we could develop this site without proffers. I will tell you that would be a huge hurdle for us to do that just because of the fact that the infrastructure is so important to this project. Notwithstanding that fact, we are working on that, so I did not want you to think that we had dismissed that.

Mr. Rhodes: Okay, thank you.

Mr. Payne: In moving along, in my response we did review the Sheriff's Department's comments. Just as a note, as you all know that the Sheriff's Department's capital improvement resources are not part of the proffer guidelines. Notwithstanding the fact, our Sheriff's Department has done a wonderful job in maintaining its professionalism and reliability during the extraordinary growth that we've had over the past 25 years. And I'm sure it will do so in the future. And in regards to the Comp Plan, the Airport Overlay, we've addressed the airport's concerns about residential units being close within 3,000 feet of the center of the runway, centerline of the runway, and also we've obviously submitted a Comprehensive Plan Amendment which will be discussed later on this evening to address Comp Plan questions. With that, I'm happy to answer any questions you may have.

Mr. Rhodes: Thank you.

Mr. Payne: Again, we appreciate all your patience during this process.

Mr. Rhodes: Questions for the applicant? Very good, thank you very much.

Mr. Payne: Thank you Mr. Chairman.

Mr. Rhodes: Now at this time, we'll open the public comment. If there's 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 come forward I'd ask you to just state your name and your address. When you do, a green light will come on. When there's 1 minute remaining, there will be a yellow light, and once you have a red light starts blinking, that will be an indication for you to please work to wrap up and conclude your comments. Thank you.

Dr. Fetterolf: Mr. Chairman, members of the Planning Commission, Dr. Dean Fetterolf. Education is an economic incentive and George Washington Village is an economic disaster. Half of our schools are over capacity or quickly approaching. In a January 13th School Board agenda item that I'm passing out to you now, school staff calculated the infrastructure impact of George Washington Village as \$107 million with 3,092 students, which represents a \$15 million annual operating impact. Proffering only \$10 million and undesignated land for school is insulting to the common sense, decency, and general welfare of every citizen in this County. That's nearly \$100 million in unfunded liabilities for schools alone. Just where will those 1,058 high school kids go that's on that sheet? Not 763 as the developer originally claimed. The CIP shows \$7 million to expand Colonial Forge from its current capacity or its current enrollment of 1,969 students to 2,000. Colonial Forge will be overcrowded before that renovation is even complete. There is no high school (inaudible) for 10, 12, 13 years; who knows.

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Where will those 42,820 vehicle trips go if there's no new interchange or widening of Courthouse Road? Many of the so-called improvements are internal to the development. The Level of Service at existing interchanges... intersections remains Level F and delays increase. Traffic will be delayed by 7½ minutes in the evening at Austin Ridge and Courthouse Road, 3.2 minutes in the morning at Mine Road and Courthouse intersection, and 15 minutes in the evening at Kelsey and Rockdale Roads going onto Courthouse. Finally, don't be swayed by this claim of \$4.77 million in annual fiscal benefit. Selling this project on one and a half million square feet of commercial is disingenuous at best. It may never happen and we have a 40-year glut now. Read the phasing proffer very carefully. At 150 single-family homes, for every year for 10 years, 1,500 single-family homes will be deve... will be constructed, yet only 10% of the commercial space is proffered. That's less than a half a million dollars of annual fiscal benefit for an awful lot of traffic and an awful lot of overcrowded schools. George Washington Village is an economic disaster for Stafford. I urge you not to delay any further, just vote this darn thing down.

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

Mrs. Carlone: Recommend denial and get this over with. CDA is not a good idea. Oh, sorry... thanks Bob. Ruth Carlone.

Mr. Rhodes: Thank you.

Mrs. Carlone: Where was I now? Oh gosh. Oh, anyway, when you think of CDA, think about Silver Company. The George Washington as we know is not compatible with the Airport Authority study. This landing... we keep going over this and over this. The impetus for the airport was to be a moneymaker to bring in industry distribution center. It was not to bring in residential around that airport. The impact on law enforcement per the Sheriff's letter, you have to add seven added patrol officers, two detectives, and two emergency tele-communicators. The first year cost for this setup is \$1,508,688. The second year on to support this is \$917,307. We're also facing TDR areas; we're in a receiving area and I'm not too sure exactly where this is going to be. But take a look at that. This is absolutely ridiculous that we're standing here. The phasing is another thing. For the school site, 450th residence for occupancy permit. Where in the heck are those kids going to be? What schools are they going to be split? And I'm watching my language too. Clearing 66 acres for... oh it's yellow already... active... it says again for the clearing of 66 acres for the park prior to 450th residence. These phasings are ridiculous. Final construction of the trail system, again, is at 1,900 units. Apartment pool -- this is a good one -- apartment pool prior to issuance of residential for 400 multi-family units. So 400 people are going to sit there; they've been promised a pool. So what happens? This is like Woodstream; people waiting two years to get the amenities. The commercial... there's a commercial plan for Embrey Mill and for... oh gee, I just forgot the other name of the unit up on the hill. Anyway, there's two areas already they're scheduled, I don't think it's been approved yet... ooh-ooh... for Embrey Mill but this... we shouldn't be here anymore. Just have the guts to go ahead and recommend denial. Thank you.

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

Mr. Scharpenberg: Mr. Chairman, members of the Planning Commission, my name's Hank Scharpenberg. I also serve as Chairman of the Airport Authority. The Stafford Regional Airport Authority continues to strongly opposed any rezoning for George Washington Village that would place high density residential development under the airport's traffic patterns. The joint Airport/Planning Subcommittee guidelines laid out those concerns and identified potential ways to address compatible use of land in the airport operations overlay district for consideration and adoption by this body and the Board of Supervisors. At the last meeting, the attorney for the applicant stated he wanted the airport to

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succeed. The way to ensure that success is for you to deny any rezoning request that needlessly places 1,500 homes under the airport's traffic patterns. As a resident of this County, my concern is more visceral. Driving, or should I say crawling home along Garrisonville Road each evening, it's apparent to me that the transportation infrastructure can't sustain what we currently have, let alone what the applicant proposes to add. You are well aware of the demand upon our schools, fire and safety, and other services. If funds from the County, the state, and the applicant are available and can pay for the needed infrastructure without driving the taxes of existing County residents through the roof then I would not oppose future large developments. As I strongly believe the money is not there to fix the added problems caused by the proposed rezoning, this request should not be considered. The Planning Commission should reject any rezoning that permits additional residential development unless its adverse impact to quality of life is mitigated by the necessary improvements to transportation, schools, and County services. Thank you.

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

Ms. Vicklund: I'm Erica Vicklund. There are too many unanswered questions surrounding George Washington Village. Many of us have been attending these Planning Commission meetings since December, and still there are more questions than answers about this project. Despite Mr. Payne's efforts to assure us that all is well, in looking at the documents that are available online it's clear that there are still numerous outstanding issues related to transportation, cultural resources, public safety, schools, environmental consideration, future demand for brick and mortar stores, and fiscal feasibility and responsibility, just to name a few. These are issues that have major impacts on the future of the County and on the quality of life for its residents. Too many of these questions have been deferred by the developers, pushed off until after they have already gotten what they want. It's a lot like Nancy Pelosi saying that we have to pass Obamacare to see what's in the bill -- a little too late at that point. I see no shortage of available homes or commercial space in the County at the moment. If you recall, Mr. Waters provided a slide show of some of the many, many vacancies in the County. So why rush to push a half-baked development project through the pipeline without due diligence on the part of the developers? Mr. Payne likes to tell us that this could be the biggest thing ever to happen to Stafford County. If that's the case, then it's all the more reason to insist that the County receive a thoroughly researched plan, not just a slick sales pitch. So let's not waste any more time or resources letting them put more and more lipstick on a pig. Thanks.

Mr. Rhodes: Is there anyone else?

Mr. Palmer: Mr. Chairman, members of the Planning Commission, Hamilton Palmer. I'm also Vice Chair of the Stafford Regional Airport Authority. This project as currently laid out is not compatible with the land use guidelines around Stafford Airport. Three thousand feet from the runway Mr. Payne was talking about only addresses the distance, it does not address the density. And the density is not compatible. I would rather have this Planning Commission had addressed the Compatible Land Use Plan that's on your agenda later this evening first, but that's not going to happen. Since the plan before you is not compatible with the airport, I ask that you recommend denial for that. Thank you very much.

Mr. Rhodes: Thank you sir. Anyone else?

Ms. Sigmon: Hi, good evening. Susan Sigmon. Because we're addressing George Washington Village, I'm going to include in my presentation to you some George Washington quotes. The first one being "Experience teaches us that it is much easier to prevent an enemy from posting themselves than it is to dislodge them after they have gotten possession." I would offer that the developer has been

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questionable as far as being good stewards of the project. They've offered to this committee late presentations minutes before the meetings have occurred, maybe 24-hours before the meetings have occurred. Residents of Kelsey Road and at several of these meetings we've asked and this committee has asked, have they offered any information to residents regarding wells, have they reached out by email, by flier, in any sort of way. I can say that I have still yet received nothing regarding the status of the wells and the projects. Things keep changing; every time it comes back it's changing but there's still no definitive answers on anything. Another quote, "Do not suffer your good nature to say yes when you ought to say no. Remember that it is a public, not a private cause that is to be injured or benefited by your choice." Again, going back to the issue on the wells we had talked about, there might be some funding there for wells. Still no information has been disseminated and distributed in regards to how that would actually be accessed, how long that could last, what would happen if that money ran out. Nothing has been put up as far as illustrations or photos about the wildlife. I have tons of pictures of the beaver dam and egrets that are nesting in the areas back there. Originally there was presentations that there was no cemeteries, then there was one cemetery; now there's two cemeteries. Again, where is the transparency? Kelsey Road, again, why should the residents of Kelsey Road who have chosen to live and purchased their homes in a certain area have to be rezoned because someone else wants to develop something? I ask you to carefully take a look at that as well. Where, again, is the transparency and where has it been for any of us throughout this entire presentation that has gone on for months and months and months. It's obvious from the community response that the public is not in favor of this. And I'd finally like to finish with one final quote. Stafford advertises as being George Washington's Birthplace. Billboards everywhere, Birthplace of George Washington. You know, thinking of a good moral place, is it going to be big draw to say, Stafford, We Have a Town Center. George Washington, final quote, "I'd rather be on my farm than emperor of the world." Thank you.

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

Ms. Callander: Good evening. Alane Callander. Well, I think any approval of this project tonight would definitely be premature. The whole transportation element is uncertain. We know CDAs haven't worked in the past here in Stafford, so I don't know why this CDA would resolve financing problems and so forth. I'm sure the developers and you, as Planning Commissioners, have learned a lot from this process that will be helpful in perhaps reworking a George Washington Village concept. I know the County has indicated it once an Urban Development Area in this part of Stafford; however, the County was a bit negligent in not having an Airport Compatibility Zone established before developers pounced on the opportunity to present this proposal. And now the applicant, I know at the last meeting, wanted to have the housing exempt from the Airport Compatibility Study, the guidelines. The housing that is in their plan they wanted to be exempted. And that just doesn't make any sense. So no point in even considering that. Also, the County needs to communicate higher expectations, then any projects that come forward should not burden Stafford taxpayers. They rather should pay their own way. When Stafford creates proffer guidelines, they shouldn't be... the Planning Commission should not be so quick to dismiss those guidelines. It seems what happens is developers say they can't make a project work with those proffer requirements and that, in other words, the development wouldn't be financially viable if they have to pay the high proffers. So, if that's the case, it doesn't sound like it's a viable project no matter how you look at it. They'll say well, we'll do this or that instead, but trouble is this or that doesn't cover the true cost for the County and the result will be severely overcrowded schools, roads that can't handle newly generated traffic, overstretched fire and rescue services, etcetera, etcetera. George Washington Village would be the largest project ever in Stafford if you approve it. It's time just to put this to rest. Deny it this evening. There's no point in any further delay. Thank you very much.

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

Mr. Waters: Hi, my name's John Waters. And I had a cd that I brought in.

Mr. Rhodes: Computer please.

Mr. Waters: I'm not sure how this is supposed to work here. That's not where I want to be... alright, here we go. This is a picture of my front yard right here. This is what we see when we come home from work right here. This is my back yard. This is a picture of our side yard during the snow. And this is what we see from our back yard when we look out beyond our property. This is what we see right here. We bought into this 25 years ago with the idea that this was what we wanted out of life. And to have it changed to... well, that's not it either. They've got these all in the wrong order. This is what we'll see if this is approved. This will totally destroy the value of our property. Right now, we might get two or three hundred thousand dollars for it. If this is approved, our property will be totally worthless, because the only value of our property is the seclusion that we chose when we moved here. That's just wrong. Let's see here. I've already showed you guys the distressed businesses in Stafford. If this thing comes to fruition like Mr. Payne says it will, and it's all that and a bag of potato chips, it will have a totally devastating effect on Garrisonville Road, Route 17, and the already distressed Route 1. It'll have the same effect on these areas that Interstate 95 had on Route 1 when it was built. There'll be ghost towns. And this here's the environmental part of it right here. This is one of the lucky ones right here. There will literally be billions of critters killed in the process of building this. I know this because I'm an expert on the environment over there. I've lived there for 25 years and I've walked that land thousands of times, all the way from Ramoth Church Road to Interstate 95, and there are literally billions of critters there that will be squashed during construction, starved to death when they have no land. These are the lucky ones right here because he had a chance to escape. He didn't make it but he had a chance to escape. Thank you.

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

Ms. Moore: Good evening, my name is Lorrie Moore. I wanted to just speak to the... the parcels of land that are requested in the rezoning, I guess, or... I'm not sure what you call it... reclassification, I'm sorry. Most of them are either A-1 or A-2, Industrial, and there's a small portion that is I guess Commercial Office or Urban Commercial. And then there's one small parcel that's about 15 to 20 acres from what I can tell on the maps that is Urban Residential. The rest of it is A-1 and A-2 and Industrial. The Industrial part is all that area near the airport that the people from the Airport Authority keep talking about. That's really important. It's something that we need to really pay attention to because, like you said, it's not just the distance, it's the density. That was planned that way a long time ago when, you know, we started talking about where we wanted the airport. And so now we're going to change that because there's been some speculation on land and they've acquired various pieces to do this project, the applicant has. But just because they've come up with a plan doesn't mean that we should change every bit of the zoning. We personally live on A-1, along with three other properties. We will be an island surrounded completely by Urban Development Area. Mr. Waters is our neighbor; we have two other neighbors and we're going to be isolated. I'm A-1 so I reckon I still have the right to get pigs on my property and I don't think that the people there will like it, but I'm still A-1 and I'm hoping that that can't change. I don't even know anymore. So, I just wanted to voice my objection, my opinion, and I feel like I would kick myself if I didn't.

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Mr. Rhodes: Thank you very much. Is there anyone else who would like to speak? Seeing... I'm going to close the public comment portion and bring it back. Mr. Payne?

Mr. Payne: Mr. Chairman, other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and represent the applicant. I don't think there's anything I can say here tonight that would change the minds of those who have come tonight and before you in opposition to this project. I think we're just going to have to agree as good neighbors and friends that we're just going to disagree. And I'm sorry for that. I think sometimes we forget the big picture here in regards to what George Washington Village is, why the County has planned for growth in George Washington Village. Why it has UDAs, why it has high growth areas. We look out 20 years plus when you do your planning. This project is a 20-year project; 2,957 units are not going to happen overnight. They're not going to happen in 5 years, they're not going to happen in 10 years. There's going to be a long process before this is built out. We're hoping that the concentration of this growth and the infrastructure that will be constructed on it and the investment, commercial investment it will attract will change the dynamic in Stafford County. Folks don't like to hear that. They kinda like it the way it is -- rural in their minds, a bedroom community in Northern Virginia, independent on the Federal government for employment and economic development. Stafford County, in order to survive the 21st century, to compete in the next 10 to 15, 20 years needs to diversify its economy. It needs commercial centers. It needs to attract investment. It needs to attract employers. It needs to get folks off the road. I betcha if you polled the majority of the citizens in this County at 136,000 that live here, they would tell you that they would prefer for those that commute to be off the road, to live, work, and play in their... at their home... in their local town. Stafford doesn't have a center. It needs a center to compete. This is a unique opportunity for it to happen. One property owner who has consolidated this amount of acreage and this is the time and place for it to happen. And we may fundamentally disagree on certain aspects of it. I know there are those who wish we'd invest more in school proffers, investment in school proffers versus infrastructure, we see the infrastructure as absolutely necessary to the success of the commercial component of this project. It does alleviate taxpayers in the future from having to pay for planned infrastructure that this County has planned. Schools are not left empty-handed. There is a significant amount of cash for schools. I bet the most amount of cash that's ever been proffered for schools from any other project. And the fiscal impact benefit of this project will benefit the capital facilities including schools. But you gotta create it. And this project does that. And again, I'm sorry that we don't all agree to it, and I disagree to the speaker who said we're not transparent. This is the sixth public hearing, before that we had a community meeting at Colonial Forge High School, we had a work session with the Planning Commission, we met in closed session with the Airport Authority which, by the way, never raised issues regarding within the flight pattern. We met with the business community. We have met with the school system and the School Board. We have been extraordinarily transparent and we have not changed fundamentally what our plan is and why we're doing it. Politics behind the school issues I can't control. There's going to have to be another redistricting whether George Washington Village is around or not. The County is not growing fast. It's fairly anemic compared to the late 90's and early 20's; 2% maybe last year. There's not a whole lot of growth. There's some internal movement to better schools within the County. You're seeing that. You're seeing a lot of local investment in moving to this area and along the Courthouse area. Again, this is a long-term project. It's consistent with the planning of the County. It is in the area where you are planning infrastructure improvements and utility improvements, and we believe that this *is* in the best interest of the County. And I just would close to say that it has been a delight and I appreciated your professionalism and your diligence. Someone had said that we keep changing our plans; we amend our plans, not fundamentally, but we amend our plans to address the concerns of the constituents who come here and your questions and your concerns. And we may not be there a hundred percent, no project is perfect, but I think we have undertaken our best efforts in cooperating during that process. And Mr. Chairman, I want to thank you and the other

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Planning Commissioners for your time. And staff, this is a big project; there's no doubt that this is a big project. Mr. Barody in the Economic Development office makes fun of me when I say it's a game changer. It is a game changer. There's no doubt. And we need it. You might disagree with me in the short term, but I'm telling you, in the long term we have to diversify our economy and be less dependent on Federal government. And this is the way to do it. It's one step. As Mr. Fuller said, this will be 6% of our local GDP. That's a huge deal. So with that, I'll be quiet and I'll answer questions you have Mr. Chairman.

Mr. Rhodes: Thank you. I did have one question for Mr. Harvey. There was an inference or a comment about that this effort here would actually change the zoning of private parcels that were surrounding it. It won't change anybody else's, is that correct?

Mr. Harvey: That is correct.

Mr. Rhodes: Okay, it's only for the... okay, I just wanted to clarify and confirm that. Okay. Are there any other questions for applicant, for staff, or internal dialogue? Please Mr. Coen.

Mr. Coen: To Mr. Harvey if I could ask a quick question. If the reclassification goes through, but the CDA is not approved, which has been discussed by the applicant's lawyer a couple times, but if the reclassification goes through, then by-right, in the future at some point, it will be zoned P-TND and so in the future it will fall under the auspices of what can be built there. Is that correct?

Mr. Harvey: That's correct.

Mr. Coen: Thank you.

Mr. Rhodes: Okay, thank you. Other questions for staff or applicant? Okay, thank you sir.

Mr. Payne: Thank you Mr. Chairman.

Mr. Rhodes: I'll bring it back to the Planning Commission. Thoughts? Where are we at?

Mr. English: It's mine and I've just got a quick statement here to make. I wrote some comments and notes here. The first public hearing on this project was in December. Tonight brings the fourth one. It was important to keep the public comment part and hearing open was a large part due to the way the proposals have been continuing to change. Granted a project this size will evolve, but often the changes of the proffers were made known to the Commission and the public shortly before or even at the meetings. A major element of this Commission works to prepare Stafford appropriately for the future. As we look at the project, we must ask if it's appropriate for our County. Several elements indicate that it's not. When this project was first presented to the public at Colonial Forge nearly a year ago, there was questions on transportation, particularly the concerns in the widening of Courthouse Road and the new interchange at 95. While we have a rough estimate of when VDOT will start the Courthouse Road, the interchange is still an unknown. We've learned in the March meeting that when VDOT planned its most recent version of the interchange, they didn't take this project into account. They announced that this project will make their planned interchange fail. It's true that VDOT is revisiting this issue, but Stafford is in the same point that it was a year ago, not knowing what will be built and when and not knowing whether the project will have any impact in the area. For a project of this size, these elements need to be known. Having worked on the Airport Land Use Plan, I'm concerned as to the way this plan does not comply with the guidance. While the County has not adopted this plan, it was created with the

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input of many different groups and has been examined by the Supervisors. It would set a precedent to ignore these elements. One element of the Airport Plan ties to another area of concern -- that's the schools. First a parcel was indicated for the elementary school throughout this process and one of the land classifications is not compatible for this use. If this parcel is unusable, then the proffer's amount of \$800,000 does not make sense. The proffers do mention that if the land is not desired, the applicant will use the land (inaudible) elsewhere within the County. As Ms. Healy pointed out at the last Tuesday's School Board meeting, what if the County doesn't want a school there? The School Board has repeatedly used the figure \$100 million for infrastructure. Yet the proffers are \$10 million and the land I just mentioned and now possibly the building of a school. But actually the language is that they will submit a proposal. Either way building one school does mitigate the impact of their development on the schools. The information provided to us by the Sheriff's office also indicated the impact of this development on a community and the cost it will bring to everyone in the County. There are other issues with this proposal which other members are likely to raise. The County needs to plan for the future in wise and sensible ways. This proposal has too many elements that fail to demonstrate that in the best interest of our County, most notable that it fails to meet public welfare and safety and this proffer fails to mitigate the impact. For that reason, I am making a motion to deny this project tonight.

Mr. Gibbons: I second it.

Mr. Rhodes: Okay, so there's a motion recommending forward disapproval of the reclassification by Mr. English, seconded by Mr. Gibbons. Further comment Mr. English?

Mr. English: No sir.

Mr. Rhodes: Mr. Gibbons? Anyone else? Mr. Coen?

Mr. Coen: Yes, it's the evening of prepared written responses. There is a line of thinking that it's important to articulate the reasons for one's vote on a project. To do so places it into the official record. It is this record read by our Supervisors as they do their deliberations and it is read by other entities trying to judge a project and our decision. Applicants too benefit by us explaining our decision, this one as well as others. They can glean from it what works and what could be more helpful in the future. Importantly, and probably to some most importantly, it's the public that deserves to know the rationale for our decision. Particularly those people who have come here since December and over and over and over again, they would like to know that not only were they listened to, but that they were heard. At our first public hearing the applicant's lawyer said that this project was a game changer. In February, the phrase used was the largest rezoning in the history of Stafford County. We have attended the informational hearings, we have been here for the public hearings, particularly the public hearings since December. It has been stressed that this is a new way for Stafford County. There's a great deal of information to look at, but also to look at not just the macro level but the specifics. Mr. English's comments on the interchange and the roads and the schools and the Sheriff are superb; rather than repeat them, I'm going to address some other issues. If this is a new way of thinking, it seems to be wedded to the past. For those people who are not familiar with the process, we have our public hearings here, on television in the evening, then the Board of Supervisors will get this where they will have public hearings and things in the evening, and if it actually were to be approved, the next level would be to have meetings which are open to the public but are in the afternoon and they're not televised. So, at those meetings quite often the plans will change. And so people could be thinking, we made progress by bringing up these issues and then, low and behold, when this actually gets done it's not there anymore, it's been changed backwards. As I pointed out at our February meeting, there is Proffer 2.B.4 with the wording that says the applicant may relocate residential lots, commercial buildings, trails, and pathways.

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While this complies with the County ordinances, it shows that it is not a new way of doing things; it is the consistent old way of doing things. So it goes against what we were hearing that this is a new way forward. One request by the public has been consistently an environmental impact study. It's called other things by other people, but they want to know what the impact is to the environment and to particularly to the wells. We heard at one of our meetings that this would cost around \$200,000. Logically, if this were approved, the applicant would pay this \$200,000 anyways and given the different plans, having this study done first when it came to this level, there'd be less changes into the further level. But in particular, we have the question about the wells. Staff has indicated, and tonight we heard from Utilities, that it is an exciting \$5.4 million of impact. And yet the applicant, in the proffer, proffers \$100,000 with possibility of more. But, the big question is in the language. And this is the details of it. The language says, if that amount is not enough, it is the "reasonable cost" that will be covered. But who's going to determine what's the reasonable cost. Probably lawyers. Is part of hooking up to the County part of that cost? Is the actually doing it? We don't know. And as Mr. English said, there's an element of doubt. One element that has been discussed again, even tonight, is the financial analysis. The key to any equation is the variables that are inputted into the equation. In all of the analyses, the premise had been a full build-out. Yet we have heard, since December, that this is a faulty premise. We have seen, whether it's from the slides from one of the public, whether it's comments from the public, whether it's from news reports and the national news, or even from the article that Mr. Gibbons found for us and had distributed to us that retail is changing. As we head further into the 21st century, brick and mortar retail stores are closing. And online and home businesses are what is moving towards. And yet the variable being put into this is the construct of 100% build-out. If the variable being put into the equation is faulty, that means that your projection is faulty. And as we found out this evening, there's no guarantee of this build-out or even 25% of this build-out. The main proffer of this project is construction of roads and actually, when pressed about proffers for other areas, we keep hearing the response back, well, because we're putting so much in the roads, we can't put more proffers into other things. At our February meeting, there were conflicts between the amount of money it would cost for doing Mine Road and Woodcutter's Road between the applicant and the staff. And in the recent staff information, I have yet to see that clarified. So, in my mind, if it was an issue in February, it's still an issue today. Continuing with roads, the proffer that is in there about taking credit for right-of-ways is problematic. While yes, this has been done by the County on an ad hoc basis since 2011, two questions arise. First, the value of those parcels. We don't really get to see what the value of each of those parcels is, so there's no way that we can say if what's being told to us is actually the value of the land as far as it's being carried over as a benefit to us. Secondly, is the question that a lot of these particularly are going to be really things that VDOT would require and that VDOT would do. And so therefore is this really a proffer to Stafford County as in a benefit to Stafford, or is it really a benefit to VDOT and in which case why is it being counted against what the proffers should be for other entities, police, fire, rescue, schools, and etcetera. One of the general transportation improvements is for the paths and trails, an offer of \$1 million. But they really shouldn't be included because it's not a realistic element. The bike trail/walking trail may be very nice but it's not connected to the existing bike and walking trails of Stafford County. And so therefore the idea that Stafford County would actually build this is spurious. But secondly, can we really envision that people in George Washington or down near... people in Hartwood or Widewater are going to, on a Sunday afternoon, say hey let's go and walk and go on the bike trail in the middle of this area. And then where are they going to park. So, there's a question about the logic of that and should it even be applied to the benefit to Stafford County as a proffer. We talk about the transportation, if you remember on the map, there was a little red dot down by Ramoth Church Road which was commercial. And I kept... from early on I pointed this out and... it hasn't changed... that delivery trucks would have to go to that commercial. So either those commercial trucks would come down Mine Road and through their subdivision, or they'd have to go on Ramoth Church Road which, as we heard last month, is not going to be widened in the foreseeable future. So we are setting up

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another problem on Ramoth Church Road. The proffer of the tennis courts -- is it really realistic to say that that's a proffer to Stafford County when, again, are people going to come from odd parts of Stafford County to go to this one place to play tennis. It's really an amenity for the people in that division. This project has repeatedly been called forward thinking, but it is actually more 20th century. This project relies on a commercial retail construct that does not take into account the changing nature of the 21st century. It is akin to building a traditional factory community in the 1980s when the signs were there that factories were being sent overseas. Basing this project on traditional brick and mortar retail center when these retail centers are fading is not planning for the 21st century. It is planning for the latter part of the 20th century. Several Commissioners have commented that the growth is coming and the County needs to plan for it. The proposal before us does not do that. It fails to offer proffers that will mitigate the impact of this development on the County. The applicant's lawyer admitted as such when I asked him about the delta between what the school department was asking for and what they were going to give us in building a school. And the response was, we can't afford that. Looking at this project, the County can say the same -- we cannot afford it. And so I urge you to vote against it.

Mr. Rhodes: Other comments from other Commissioners? Mrs. Bailey?

Mrs. Bailey: Mr. Chairman, I'll make a few brief comments. I know that we're pushed for time here this evening. But I did want to take a minute to thank the applicant and their representatives for all of their hard work and their diligence in pursuing their vision for the George Washington Village. The concept of the Village is very exciting and it has very many positive aspects to it. And I think it's unfortunate that the viability of the project will be centered on retail. We all know that you've got to have the rooftops there for the retail business to sustain itself. And in time that will happen. We've seen that with many projects throughout the State of Virginia. And the George Washington Village project concept I think is a project for our next generation. And we see that in a lot of areas where we want to be able to have shopping, and we want to be able to work where we live. And in my industry I see that continuously. And whether it's good or whether it's bad, that change will occur and it's going to happen. I think the unfortunate situation for this project is that it doesn't fully mitigate some of the impacts; in particular, schools and fire and rescue. And there are issues with transportation. I do wish the applicant much success and I do hope that some point in time the George Washington Village does come to fruition.

Mr. Rhodes: Thank you. Anyone else? Mr. Apicella?

Mr. Apicella: Mr. Chairman, as been said several times tonight, this is one of if not the largest and most complex development proposals ever considered by Stafford County. And it creates challenges, opportunities, risks, for both the applicant and the County, and our job is to kind of balance all the issues and weigh all the information that's been provided to us thus far. We've been reviewing this application as identified over several months, and there have been lots of changes and tweaks and issues raised throughout this month's long process. While the applicant's made some important changes -- I agree with the comments raised by my fellow Commissioners -- and while there are some very positive attributes, there's still some key issues and concerns with the current revised proposal in front of us. I'm concerned about and I don't agree with eliminating the commercial and other proffers associated with the Augustine and Colonial Forge developments that the applicant wants to eliminate. These proffers were associated with density already approved by the County, not new density requested in the current application. I don't see a nexus; I see these issues as being mutually exclusive despite the desires of the applicant. While we received responses from the applicant on many of the points raised by staff and the Commissioners, after these many months there's still some important lingering concerns, unanswered questions, and more importantly unresolved issues; not the least of which is what's going to really

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happen with the interchange. Will this town center really happen? What about the CDA? If it doesn't happen, will we get the proffers? Those issues have not been resolved. Even though we got a breakdown of the proposed proffer contributions, we were not provided any detail or confirmation on the figures used. Well, that's pretty important to us because if somebody says it's going to be x and it turns out to be y, I think quite frankly the County doesn't get what it needs or deserves. And that's why it's important for us to, especially given the magnitude of this project, to dig deeper on the numbers and see how the values were determined. I'm very concerned about the impact that almost 3,000 units we'll have when not programmed into our CIP on our school system. We've reached out to the school system several times and asked for their views and for information about what this would cause, and they've indicated that this project alone, by itself, will generate 3,200 students driving the need for one and a half elementary schools, three quarters of a middle school, and half a high school, at a total cost of over \$100 million. That's not small change; that's a lot of money. Where an applicant doesn't provide sufficient proffers and adequate revenue to offset the cost of these infrastructure improvements, who's going to pay the bill? County taxpayers. They'll have to make up the difference. I'm also not in favor of trading blacktop pavement for brick and mortar schools. Thousands of children from this development will have to be schooled somewhere and we don't have the schools right now to take care of the needs that are currently in place. We can't kick that can down the road. Moreover as staff noted, much of the road improvements substantially benefit or are necessary for the development itself. Again, this approach comes at the expense of providing sufficient school infrastructure that we wouldn't need absent this project. Even with the proposed transportation proffers, we've been advised that several intersections will fail or further degrade at full build-out, contrary to the goals and objectives in the Comprehensive Plan. While the applicant indicates that the commercial development and other revenues will provide a net gain, even with the proposed phasing of units and tying it with commercial footage benchmarks, they're not guaranteeing all of the commercial that they've proposed. Instead, they're only guaranteeing 15% of the potential 1.5 million square feet of commercial space. So, it's still very speculative that we'll get what we need to offset the cost. And County staff already indicated that we'll require at least 400,000 square feet to reach the break-even point. So 250,000 square feet are potentially guaranteed when you reach the 2,000 unit mark; we're still 150,000 square feet below just to break even. With regard to the park proffer, the County's Park & Rec Department has raised questions and concerns about the 250-acre park and the liabilities it will create ostensibly again on the taxpayers and whether, as I think my fellow Commissioner indicated, it will be of benefit to the entire Stafford community or primarily again of the benefit of the particular community that we're talking about. Having worked on the Airport Compatibility Land Use Plan for the better part of a year, I believe there's too much residential development under the flight path and pattern, especially in the horizontal zones. While that Plan has not formally been approved, we simply cannot ignore what we well researched and the conservative effort that went into the development of that Plan. I think it was well-informed and it's the right way to go. Again, not formally approved but certainly something we should take into consideration. Given the size of the parcel it would appear that they could change the layout, revise their approach, and move density elsewhere to avoid conflicts that exist with the airport, so it's perfectly within their control. Mr. Chairman, I strongly believe in the TGA concept. We do have to find places to put the thousands of new residents who are coming to Stafford; we know that's going to happen. It's happened every decade, every 20 years. Nonetheless, we need to have a solid project in front of us. Staff had reservations and recommended against approving this project noting that based on the given details of what was being proposed, the negatives outweighed the positives. And I will admit and am thankful to the applicant for making several tweaks as we asked for during the course of this process. But we're still not there. I believe the applicant has the ability to present a TGA plan to the County that meets the requirements and objectives of the County's Comprehensive Plan, provides sufficient proffers to mitigate the impacts of the proposed development, strikes the right balance of residential and commercial uses, is phased appropriately, and does not jeopardize the airport's operations or adversely

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impact the health and safety of residents. Again, despite all the changes made thus far, the package is not there yet. Consequently, I agree with the motion before us and would recommend denial of the rezoning application as it currently stands.

Mr. Rhodes: Okay, thank you very much. Is there any other Commissioner...? Mr. Gibbons?

Mr. Gibbons: Mr. Chairman, I'll make my comments very short.

Mr. Rhodes: You're a good man.

Mr. Gibbons: Any community has got to have a triad just like the Department of Defense has with the nuclear forces. We've got to have an outstanding school system (inaudible) don't bring industry in. We've got to have a strong safety and we're short on that. Fire and rescue is the other leg of the triad and we're very, very short on that. I watched the budget go through this year and we didn't have enough to meet all the goals. So I went back and took a look at the CIP. I didn't realize that we're almost maxed our fiscally constraint on our CIP for the next few years. We can only borrow x amount of dollars. This application we've got before us, we can't afford it at this moment. And I agree with my fellow Commissioners that it should be redone. There was no phasing in it. The CDA... I just can't support a CDA. We've been through three or four of them already. It's not the right approach. So, to make a... if we're going to have growth, we've got to have the mechanism to forward the growth when it comes. And Mr. Chairman, I've been looking at this and you and I disagree on a couple items, but on the fiscal plan that we have, our Comp Plan goes out 20 years but a fiscal plan only goes out 10 years. Somewhere in the process we've got to be able to extend this out a little bit further. So my second on the denial is that I don't see, and I've been through this four times now, I don't see where the money is coming out of this project anywhere comes close to support the impact that it has on the community. Thank you.

Mr. Rhodes: Thank you very much. I would just share that I will vote in opposition of the motion that is before us and it is for this purpose. I just, for clarity sake since we've all gotten clear out here, it is the fact that I think we ought to continue to work this. So I would actually be more in favor of a deferral to continue to try to work things. And it's for this purpose: as has been stated for the last 55 years, in any 20-year period this population in this County has grown 127%. Our population that we are tasked and responsible to plan for in the next 20 years is actually only a 70% increase. The lowest we've ever seen; we've never statistically seen it that low. It could be the knee in the curve and it could be just what it is, but it's a fairly conservative number. With that, that's 32,000 homes. We've got a plan that we've had on the books for about five or six years with something called UDAs that we never really liked, but it's where we were going to put half of that growth. Four to five thousand units of that has been in this area for like six years. The County has said, this is the area that we think that should be. And the reason is, we're supposed to be planning growth where it does the minimal impact on the community. The next major road expansion we're going to do is on Courthouse Road. We've got an interchange that we're wrestling with right now to make sure it scopes for the long-term growth, but the fact is that's our next major project that we've got from the state's perspective on our roads. This is where we have said for a long time and where we're still looking at we need that growth. We've got 32,000 homes we have to plan for; 16,000 are supposed to be these concentrated areas. That's been the guidance of the Board of Supervisors for a long time. So it's in an area we keep saying that we want this growth to go in some form or fashion. So to me it seems like we should continue to work for it. Should we do as Mr. Gibbons stated and actually look out 20 years to get all our requirements or some plan for it in there, or figure out and start attacking the challenges we have to how to get there? Yes, we absolutely should and unfortunately we have a CIP that only does half of that timeframe. And (inaudible), we'll figure it out

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later. Those are certainly challenges and there's a lot of good things here. I do appreciate the work of the applicant and the efforts to try and address some things that we've addressed and their respectful approach to it. I appreciate the continued effort of the community members to come out. I would always encourage a very positive communication of our opinions and our positions and not an attacking aspect that's discouraging when we do that. We need to be careful in that regard. But it's for the reasons that I think we still have some requirements. This is where the County has said, at least until the leadership says something different, this is where we've said we want this growth to be. So I think we ought to continue working and that's the only reason I'll be voting the no on here. So, with that, we've had comments from all. I guess we'll go ahead with the motion. The motion on the table is to recommend forward a denial of the reclassification request, RC1400155; all those in favor of the motion signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Any opposed? No. So it passes 6-1. This is a recommendation that will now go to the Board of Supervisors which recommends denial, and then they will hear it through their series of public hearings. I thank everybody for their effort and time coming out here. Thank the applicant for all their effort and work on this. We're now going to move forward. I'd ask those who are departing if you could do so quietly; we've got a ton of other items to go so we're going to continue to move forward. Thank you very much. With that, we're going to move onto item number 1 which is the amendment to the Zoning Ordinance, proposed Ordinance O15-09. Mr. Harvey.

1. Amendment to the Zoning Ordinance - Proposed Ordinance O15-09 would amend the Zoning Ordinance, Stafford County Code Section 28-39(o), "Preservation of existing cemeteries," to require cemetery standards to apply to all plans of development. The proposed Ordinance would also require cemeteries and associated buffers to be located within an easement or as a separate parcel on development plans; require the buffer to be fenced in addition to the cemetery; require that maintenance responsibilities for the cemetery be established on the plan of development or by a separate recordable document; and require reinterment information be provided to the County prior to the removal of cemeteries and/or disinterment. Additionally, proposed Ordinance O15-09 would make clerical changes and/or correct clerical errors throughout Section 28-39(o).
(Time Limit: June 23, 2015)

Mr. Harvey: Thank you Mr. Chairman. Mrs. Baker will be giving the presentation.

Mr. Rhodes: Thank you very much. Again, I'd ask you to take the commentary outside please. Thank you very much. Appreciate it. That's how good I do at home too. Computer please.

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Mrs. Baker: Good evening Mr. Chairman, members of the Commission. Kathy Baker with the Department of Planning and Zoning. This item is an amendment to the Zoning Ordinance regarding cemeteries. Excuse me for once again technical difficulties. Section 28-39(o) of the Zoning Ordinance provides standards for identification, protection, and maintenance of cemeteries. These standards were adopted back in 2007. The standards apply to new development which currently has an HOA, Homeowner's Association or Property Owner's Association, or is planned for that. The County Cemetery Committee has recommended changes that would further protect the 400+ cemeteries that are located throughout the County. The proposed amendments will include applying standards to all new development plans, as opposed to just the development plans that are proposed to have the Homeowner's or Property Owner's Associations. They would require that plans show limits of the 35-foot cemetery buffer on a development plan. They would also have the cemetery and the buffer area be located within an easement or as a separate cemetery parcel within the new development. The amendment would also include a requirement for fencing to be located outside of the required buffer. So, basically you would have the cemetery delineation, you'd have a 35-foot buffer, and then fencing outside of that. The proposed amendments also add property owner as a responsible party for maintenance. These were some clarifications made to the Ordinance as the County staff and Cemetery Committee was going through the proposal. The amendments also add provision for documentation regarding maintenance responsibilities. It also adds a requirement to document the location and contact information anytime a cemetery might be relocated under state regulations. And then there are other minor clerical errors... excuse me, revisions. For those reasons, staff is recommending proposed Ordinance O15-09. I do have Anita Dodd who is the Chairman of our Cemetery Committee here to answer any specific questions. Just to note, while she's here, she and her committee have done a tremendous amount of work. They go out in the field; they've located many, many, many cemeteries, identified them, and actually do now GPS coordinates so that we have a better idea where these cemeteries are. So I want to thank them for all their diligent work and their many hours of volunteer time. So, with that, I will entertain any questions.

Mr. Rhodes: Questions for staff? Ms. Dodd? Anyone? Please, somebody ask her a question since I made her stay an hour and a half longer than she planned on. Yes, please; thank you Tom.

Mr. Coen: Hi Ms. Dodd. Good seeing you again. Just generally speaking so people understand about... you can take this either way just so that you... what's the process to find these or what do you do once you find these? Just so that you can have... honor you by at least letting you explain something and educate us.

Ms. Dodd: I'm Anita Dodd and I'm here as the Chairman of the Stafford County Cemetery Committee. The primary reason for identifying the cemeteries is so that when a project like George Washington Village comes up, we know where the cemeteries are and the applicant can (inaudible) accordingly to the cemetery ordinance. So that's one of the big things in identifying the cemeteries. And it has... you know, the existing ordinance has proved to work pretty well. We've had a couple of little glitches and that's what these amendments we hope will make it a smoother operation. And also, like I said, adding a couple of things that weren't in the original; in my mind, the most important one has to do with the relocation of cemeteries. The County in the past has sort of been left out of the loop as far as where these people are reinterred. And so, when we have questions about them, we're like, oh, I don't know, which is not a good answer. I find it very lax at the state level that when an applicant applies for a permit to relocate individuals, the state does not require them to say where they're going to go. And to me that is just unbelievable. So, we're putting that, you know, into our community ordinance so that at least in Stafford County we'll know where they went. But we... also, this information is, we often get inquiries about where family members are buried. So this also helps us to try to, you know, answer

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those questions as well. So, it's just a good planning maintenance mechanism, to know where things are so that you know how to provide for them.

Mr. Rhodes: Great. Any other questions for Ms. Dodd, Mrs. Baker, or any other member of staff? Very good. We'll now open this for public comment. If there's any member of the public that would like to speak on this item, you may come forward and do so at this time. Seeing no one come forward and...

Mr. Gibbons: Mr. Chairman, I move for O15-09.

Mr. Coen: Second.

Mr. Rhodes: Very good. So there's a motion recommending approval of the amendment to the Zoning Ordinance, O15-09, by Mr. Gibbons, seconded by Mr. Coen. Further comment Mr. Gibbons?

Mr. Gibbons: I know the defendants can't defend themselves.

Mr. Rhodes: Very good. Okay. Mr. Coen?

Mr. Coen: I can't top that.

Mr. Rhodes: Okay. Any other member? All those in favor of the motion recommending approval of the amendment to the Zoning Ordinance, O15-09, signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? It passes 7-0. We'll now move onto item number 2, RC14150333, the Reclassification of Embrey Mill Commercial. Mr. Harvey.

2. RC14150333; Reclassification - Embrey Mill Commercial - A request for a reclassification from the A-1, Agricultural Zoning District to the B-2, Urban Commercial Zoning District, to allow for the development of up to 103,770 square feet of commercial uses on Assessor's Parcels 29-72 and 29-72B. The property consists of 16.63 acres, located on the north side of Courthouse Road at the intersection with Mine Road, within the Garrisonville Election District. **(Time Limit: July 21, 2015)**

Mr. Harvey: Mr. Chairman, again recognize Mrs. Baker for this presentation.

Mr. Rhodes: Thank you very much.

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Mrs. Baker: We'll try this again. Item number 2, Embrey Mill Commercial Reclassification. This is a request to rezone from A-1, Agricultural, to B-2, Urban Commercial, on 16 acres. The agent is Leming & Healy, P.C., and the applicant, North Stafford Associates.

Mr. Rhodes: Thank you very much.

Mrs. Baker: You'll see the two parcels highlighted in red. The larger parcel, 29-72, is the primary parcel to be developed. The small triangle that you see to the left of the roadway is a part of the overall acreage but would not have development on it. As you can see, the light green is A-1 zoning, the darker green to the south is A-2, and you'll see the darker gray to the north and east is PD zoning which is the area planned for Embrey Mill development. This is an aerial view of the property. You can see to the lower end is Courthouse Road, with property frontage on Courthouse. To the left you'll see Mine Road, which has recently been constructed in this location. And then at the very top you'll see a stub street which will eventually be a street connection that will be built across the northern part of the property and continue. And I'll show you a larger view of that in just a moment. The property right now is generally wooded. You do have some clearing that has occurred for the construction of Mine Road. And to the front of the property there is an abandoned home that would be removed. And just to show, the purple triangles you see, these are the nearby residential properties that are in the vicinity. This proposal is for a retail development, totaling around 103,000 square feet. It would consist of one large anchor store at about 53,000 square feet, but also have three multi-tenant buildings as well as three stand-alone buildings that may eventually have drive-through facilities. Those facilities would come through the County for review. This shows the General Development Plan of the property. As you can see, again, Courthouse Road to the south at the bottom, Mine Road to the west, and Sunflower Drive is a proposed road that will be constructed to serve both this development, as well as additional commercial development and other areas of Embrey Mill. You have one right-in entrance off of Courthouse Road. You have an entrance off of Mine Road, which would also be right-in/right-out just based on the design of Mine Road, and then you'll have a third entrance off of the proposed Sunflower Drive. That entrance would be shared with this development, as well as commercial development immediately to the east. The three buildings to the top are your multi-tenant buildings and A, B, and C is how they're referenced throughout the proposal. Then you have buildings D, E, and F which are your standalone buildings, and then building G which is the large anchor building. Just to show you in the context of the overall development, you have the property in this location, Courthouse Road, Mine Road, Austin Ridge Drive to the east, and then Sunflower Drive would actually connect from Mine Road to Austin Ridge Drive in the future. The yellow line is where the applicant is proposing to construct a half section of Sunflower Drive initially. And it would be the further extension done by other development. This is the proposed commercial development as part of Embrey Mill, and this is a mixed use development area. And this is the property that you'll see under construction where townhomes are currently being constructed off of Shields. You also have a proposed Austin Ridge Commercial development. And this is existing Austin Ridge Section 7. This is the general location of the new Embrey Mill Park that's currently under construction. Additional features that the developer is proposing is pedestrian connectivity throughout this development, as well as connection to the adjacent residences. There is a planned shared use path along the frontage of Courthouse Road and it's proposed with the Courthouse widening project. If that goes in first and there's any disturbance to that, then the applicant would reconstruct that. The buildings along Mine Road and Sunflower Drive are proposing a more urban streetscape to encourage people to come out to walk to these facilities. They're looking at wider sidewalks, open areas where if there are restaurants they would allow outdoor seating. So they're trying to promote that urban development. There is a future bus stop planned within the area. That is something that it would be worked out in the future with regional transit such as the Fredericksburg... the FRED Service. There are also bicycle racks throughout the development to also have folks be able to use vehicles to get to this area. And the

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applicant is also proposing architectural renderings that they would build in general in compliance with. This is a general concept of the large building G along the front, and then just a conceptual view from the, I believe the southeast corner at the bottom. They are including many of the materials, including stone; you'll notice some of that stone actually matches what's currently being constructed on the buildings within Embrey Mill. And these are just concepts of building D at the top and building C at the bottom; building C being the multi-tenant. With regard to transportation, they did submit a Transportation Impact Analysis, a TIA, has been sent to Virginia Department of Transportation for review. The trip generation, the net trip generation is 7,867 vehicles per day. The TIA does have recommendations for various road improvements to accommodate the proposal. I'm not going to get into a lot of detail about the transportation. We do have the applicant's transportation engineer here this evening that would be able to talk more to that. In general...

Mr. Rhodes: Mrs. Baker, if I could just ask. On the subsequent additional feedback from VDOT that was just received, I don't see... I just want to make sure I read this right... I don't see remaining outstanding issues from their perspective at this point. Is that correct?

Mrs. Baker: Not necessarily on the TIA. There are some minor issues that are more looking at specific costs associated with offsite improvements. A lot of that is tied to the new interchange design, so some of it may not be definitive at this point.

Mr. Rhodes: May need to be refined or tweaked.

Mrs. Baker: But VDOT is... they haven't looked specifically at those numbers at this point but they have indicated that they will do so.

Mr. Rhodes: Thank you.

Mrs. Baker: So, generally the TIA recommends the improvements including pedestrian facilities, which we've discussed; also, an excess in parking just to allow the area to be over-parked so that you're not going to have backups in getting out. I'm not saying that where you're following me. But they're proposing to over-park the facility. They're recommending the three access points as spelled out in the proffers, including turn lanes into the access points, phase site access, and tying in with the improvements to both the Courthouse Road widening project and also taking into consideration the I-95 interchange; also proposing traffic signals when warranted; and coordination again with VDOT and the Embrey Mill developer for the Austin Ridge and Sunflower Drive improvements. As I alluded to, there are proposed improvements to the I-95 interchange and you all are aware of that. There is a new design in process called a diverging diamond interchange still in design, and later this year we'll know more about that project. Originally, we were looking at a possible 2018 construction. That is likely going to be pushed off a year or two. I'll note that this project is west of the actual construction limits for the interchange. The proposed Courthouse Road widening is a separate project. We don't have construction dates confirmed on that but the design is in the works and the project is within those construction limits. I've touched on some of these proffers, but they're proffering the three access points; right-of-way dedication and improvements to Sunflower Drive; turn lanes on Sunflower, Mine Road, and Courthouse Road; the traffic signal at Sunflower and the site entrance, and also at Sunflower and Mine Road; cash contributions for offsite road improvements. They have created... this is one of the things that VDOT is looking at with regard to the cost... they have tried to determine what their pro rata share would be for the contributions to these improvements. They are also proffering the 10-foot asphalt trail along Courthouse Road; proffering the transit stop; the 21 bicycle racks throughout the development; they're proffering a building cap of the 103,770 square feet, and also a maximum 43 ½

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feet of the building height. They're prohibiting some of the higher intensity uses in the B-2 zone. They're also proffering their architectural renderings and, finally, water line and fire hydrants along Courthouse.

Mr. Gibbons: Kathy, what are the... prohibit certain uses, which ones did they...? It's in the package? I'll find it.

Mr. Rhodes: Adult businesses and a couple others.

Mr. Apicella: Page 7 of the proffer statement.

Mr. Gibbons: Thank you.

Mrs. Baker: Adult businesses, building material sale and storage, mulch sale, funeral home, and indoor flea market are the ones they've proffered out. Those are by-right uses. The Comprehensive Plan designation for this is Urban Development Area and the plan generally complies with the Comprehensive Plan in this regard, including the design and the propose for the pedestrian activity throughout the development. Staff is recommending approval with the proffers as proposed. We note it's consistent with the development pattern in the area. The transportation impacts have been mitigated, and the visual impacts to the residential uses will be minimized with proffers. I will note that we did talk to the applicant about the inconsistency with our Neighborhood Development Standards... not the inconsistency necessarily, but they've proffered renderings just for a couple of the buildings. We would request that they actually proffer following those Neighborhood Design Standards as opposed to just the architectural renderings. They only cover basically... they don't cover all the buildings; they're just generally conceptual. With that, I will be happy to answer questions.

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

Mr. Apicella: Mr. Chairman, I see the GDP referenced but it doesn't appear to be proffered, so what I glean from that, if that's the case, that they have a great deal of flexibility as long as they, in terms of the layout and specific uses going forward.

Mrs. Baker: They're generally proffering many of the components of the GDP, while they don't specifically proffer the GDP.

Mr. Gibbons: Is that why you call it a General?

Mr. Apicella: When you say they're proffering many of the components, where is that? I don't see it.

Mrs. Baker: Well, I mean, for instance, your access points. Those are going to be...

Mr. Apicella: I'm talking about the specific buildings, how they're laid out. So, I mean, I certainly see the size of the buildings are restricted but, other than transportation, it seems like again there's a lot of flexibility here going forward. Is that true? Not true?

Mrs. Baker: Yes, there's definitely flexibility as there is in any General Development Plan, a lot when we come to the point of site plan when the actual engineering takes place. That's typically when we're going to see the more specific designs, but... if you have, I mean, are there certain things that you're looking at at this point (inaudible)?

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Mr. Apicella: No, just again for transparency sake, I don't want people to think that what they see in this conceptual plan is necessarily going to be it. I also see under the architectural design paragraph something along the lines of nothing shall prohibit a national... a regional retailer from employing features or prototypes that they would normally use. Again, does that cause you some concern, especially in regards to the fact that they're not proffering the Neighborhood Design Standards. I mean, could they have a neon colored McDonald's just because that's the prototype that McDonald's might suggest be used in the future?

Mrs. Baker: The applicant... we've seen this proffer many times before in commercial developments, and basically it is stating that we may have architectural renderings but there may be a franchise that comes in here that has specific designs and so the applicant has put that language into the proffer.

Mr. Apicella: We've worked with applicants to try to get them to build structures that are consistent with the surrounding area. I think Freddy's Frozen Custard was an example of how they might have had a brand that they normally went with, or I'm thinking of a gas station too. They had a specific brand that they normally went with but they agreed to mesh their structure in with the surrounding community.

Mrs. Baker: And that's why we've recommended they follow the Neighborhood Design Standards.

Mr. Apicella: Gotcha. I just wanted to understand what the risk is if we don't get that. In terms of the... I see four uses, and this has been a pet issue of mine since I came on the Planning Commission, considering uses that may not necessarily jive with the surrounding, with the project surrounding area and further along the roadway. So, did you have any additional conversations with them about other uses that they might want to consider that you think might be incompatible with this area?

Mrs. Baker: I did forward your comment to the applicant and they... we basically submitted to them other uses that have been proffered out. Particularly, the most recent one in the area was the Austin Ridge Commercial. So they already knew what those were but we sent them the list of those items and asked if they wanted to consider any of those. So I would let the applicant address that with you.

Mr. Apicella: Thank you.

Mr. Rhodes: Okay, very good. Other questions of staff? Very good; applicant please. Thank you Mrs. Baker.

Ms. Karnes: Good evening Mr. Chairman, members of the Commission, and staff. My name is Debrarae Karnes. I'm the attorney and land use planner for the applicant. I'm going to try to be concise, Mr. Chairman, but also want to do that project justice. This project was very well explained by Mrs. Baker and I'd like to thank her for her assistance throughout the process. I think there are two big issues. As always in Stafford County, whether the transportation impacts have been mitigated, as well as the architectural design and use. And we'll discuss each of those in turn if I may. First of all, the applicant has committed to do two things regarding transportation: to make certain actual road improvements, and also to pay a cash contribution toward other improvements that may be affected in part but aren't justified to be done in whole by the applicant. And the improvements have been reviewed by VDOT and we received comments last night that indicated that they approved the... they had no objection to the recommendations or the recommended cash pro rata proffers. The only issue they had, they want us to meet with them to make sure our amounts are okay. Basically the amounts may have changed because of the new intersection design. And if you want to get into the details, the traffic engineer is here. Bottom line, we believe the amounts are okay and actually remain accurate.

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The reason we believe that is that in some instances the actual mitigation measures will need to be increased, and in some cases, they will be decreased, and we believe the difference will be a wash. But we are setting up an appointment with VDOT, as I understand it, later this week. As to the architecture, you have reviewed as part of the GDP the architectural design that will be used for all seven buildings. And I want to make a slight correction here; the architectural design proffer, which is on the bottom of page 11, says, the color, design, and material of all buildings shall be designed and built with the architectural design shown on the GDP. We actually show three designs; one for a pad site, one for the major building that will most likely be a grocery store in the center of the site, and then the three general commercial buildings located adjacent to Sunflower Drive. We have not proffered the total GDP. By that, I mean we have not proffered the exact location of the footprints of the buildings. However, we have proffered access points, we have proffered architectural design, and we have proffered other elements that will be key to the design of this building. The primary building on the site will be oriented toward Courthouse Road. It is proposed to be a grocery and its location is important to the applicant. A question was asked by one of the Commission members pointing out the latter sentence of the architectural proffer which provides that nothing herein shall be construed to prohibit a national or regional retail user of any building from... and I'll emphasize... reasonably employing general features of its prototype architectural design. But I also want to emphasize the latter phrase of the proffer, which says, provided the building design and colors are consistent with this paragraph. And I will submit to you that this paragraph provides the County protection against any very unique corporate motif that is glaringly inconsistent with the remainder of the architecture. The Commission also asked questions about uses that would be proffered out, meaning that the applicant would agree not to construct, even though otherwise authorized by the Zoning Ordinance. I have discussed these with the applicant and we would be willing to hear and discuss other uses that are of concern to the Commission, with the possibility of proffering those out. Other than that, the only thing I'd like to point out is staff was very kind to offer design suggestions at the beginning of the process. And we made an effort to attempt to locate buildings A, B, and C in a manner that would provide a neo-traditional perspective from Sunflower Drive. We also focused on internal site circulation for both pedestrians and vehicles. That's important. We have three pad sites; two of those pad sites may be drive-throughs, and it is important to provide safety and organized circulation for everyone. With that, although I'll be glad to answer any questions, I ask that the Commission heed staff recommendation to approve this and to consider approving it tonight. Thank you.

Mr. Rhodes: Very good; questions for the applicant?

Mr. Gibbons: I have one.

Mr. Rhodes: Yes Mr. Gibbons, please.

Mr. Gibbons: So, you're saying you have a concept for an anchor but you don't have an anchor.

Ms. Karnes: I do not have a user.

Mr. Gibbons: Okay.

Mr. Rhodes: Other questions? Mr. Apicella.

Mr. Apicella: It's not a question, but, you know, I still have potential concerns about the limited exclusions. I'm not prepared tonight to really go into it in greater detail, especially given the length of our agenda. So I know the request is to make a decision tonight; I hope there's some flexibility there so

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we can take another look at it. And I would also say that you mention that there are 11 pages on a proffer statement; I'm only finding 9. You mentioned something about the materials. I don't see it.

Mr. Rhodes: I think the staff report page 11 had a very limited bullet commentary recap of the proffers. Staff Report, page 11 of 14. That's where I perceived she was referencing.

Mr. Apicella: But that's a staff report, it's not a proffer.

Mr. Rhodes: It was just a listing... yeah, gotcha. Okay. I do note that, I mean, a couple that stand out of the ones that were at the neighboring, that I think she forwarded to you of uses certainly were like the mini storage. I would just highlight a couple, the mini storage, the fleet parking, there are a couple of them there that kind of stand out that don't appear to be consistent with the type of development that is probably in there so, certainly a few of those might be worth consideration.

Ms. Karnes: Mr. Chairman? Just to move this along speedily, we did look at the Austin Ridge Commercial proffers and we decided that there would be no issue excluding the following uses: lumber/building/electrical/plumbing supply; nightclub; warehouse/mini storage; boat sales; and motor vehicle sales. I'm not sure whether those were of concern to the Commission or others.

Mr. Rhodes: So that basically leaves recreation enterprise, carwash, convenience store, because you're going to be road front there I think, boat sales, okay, and restaurant. So what were those again, just so we get that straight?

Ms. Karnes: Lumber/building/electrical/plumbing supply; nightclub; warehouse/mini storage; boat sales; and motor vehicle sales.

Mrs. Bailey: Fleet storage?

Ms. Karnes: I don't have that but... would fleet storage be...? The applicant is telling me that they would agree to proffer that out as well.

Mr. Rhodes: Okay, very good. So that was the lumber/building/electrical/plumbing; nightclub; boat sales; motor vehicle sales; and fleet storage... and mini storage.

Ms. Karnes: Staff has already pointed out that we have already proffered out fleet parking. It's fleet parking.

Mr. Rhodes: Fleet parking; thank you very much, I said it wrong. Okay.

Ms. Karnes: I said it wrong.

Mr. Rhodes: Eh, we both did. Okay, other questions for the applicant at this point? Yes please, Mr. Coen.

Mr. Coen: Just looking over the list, under conditional use it says adult business. Would you be okay with taking that one out?

Ms. Karnes: We already have adult business proffered out.

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Mr. Coen: Hot diggity.

Mr. Rhodes: Yeah, adult business is defined, building materials sales and storage yard, and mulch sale, funeral home, and indoor flea market were on the first list. Okay, other questions for the applicant before we go to public comment? Thank you very much. Is there any member of the public that would like to speak on item number... gosh, I lost it... item number whopping 2, got it, okay. Seeing no one come forward, I'll close the public comment portion of this public hearing and bring... Yes, please.

Mr. Gibbons: Question amongst us Commissioners.

Mr. Rhodes: Yes Mr. Gibbons, please.

Mr. Gibbons: Why do we have a General Development Plan when we never get it proffered?

Mr. Rhodes: We get some of them proffered, but you're right. That's fair. It's given us a general idea of a thought for there.

Mr. Gibbons: I guess that's why they call it general development.

Mr. Rhodes: Do we have the square footages? We do have the square footage of certain size buildings, the one larger than the others. I think those are somewhat locked in; no larger than that size... and general area. We do have that they have to stay consistent with architectural renderings and the colors that are identified in there. But that's fair, it doesn't lock in the shapes and sizes and locations. Are there other questions or thoughts for the applicant or for staff?

Mr. Gibbons: It's in your area.

Mr. Rhodes: Yep. I'm just... I want to see if there's... we did have added to it so, we've got adult business, we've got building material storage and yard... sale and storage yard mulch sale, we've got funeral home, we've got indoor flea market, we've got the lumber and electrical plumbing sales, we've got the nightclub, we've got the boat sales, the motor vehicle sales, the fleet parking, and the mini storage warehouse that are excluded items now as part of the B-2, if we accept those as the modifications to the proffers. Are there other lingering concerns?

Mr. Apicella: Again, I'm looking at the list from Austin Ridge. I see a couple more. It's hard for me to kind of digest it and kind of go back and forth between the various lists. Carwash was one in Austin Ridge that was proffered out. I don't think they said they would take that one out.

Mr. Gibbons: Well, do you want to wait one more meeting?

Mr. Apicella: I'd like a chance to take another look at this. I'm not sure what the urgency is for a two-week delay.

Mr. Rhodes: Okay. If there are things folks still want to wrestle with, I'm fine with a deferral. If there weren't necessarily, we've got huge agendas the next three sessions. I would also want to move forward, when we can. But if we are not ready, I certainly respect that, if folks want to digest that. The one thing I would comment here is that I did see a couple of those carwash, a couple others, convenience, but in this location separated from the other housing units, it's somewhat different than what we did over in the Austin Ridge side in that those were abutting homes. And so they looked for a

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more exclusive exclusionary list because of the proximity to the homes. And when I looked at this, I looked at it the fact that this is rather separated, right on the road front, and so it may have a broader expanse of types of businesses that might be there. But I'd certainly be fine with if we wanted to defer to one more session and we can just digest the revised list and make sure there's nothing else outstanding there. I think we're don't see that there's many other questions but certainly it's worth a little bit of consideration. Okay, so I'm going to hand over the gavel if I could and I would like to make a motion to recommend deferral to the next meeting of RC14150333, Reclassification, Embrey Mill Commercial.

Mr. Gibbons: Second.

Mr. Rhodes: Thank you. And with that the only comment would be just that I think it's worth just making sure we're comfortable with the list as they are, and it doesn't sound like we have many other items, but it's worth just making sure there's nothing else hanging out there.

Mr. Apicella: Mr. Gibbons, any comments? Okay, there's a... any comments from anybody else? Alright, there's a motion on the floor to defer the Embrey Mill Commercial reclassification for a two-week period. All those in favor signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. Rhodes: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Apicella: Aye. All those opposed? The motion passes 7-0. I'll pass it back to you Mr. Chairman.

Mr. Rhodes: Thank you very much Mr. Apicella. And then that one would be... actually, I think there's a, because there's a weird set of Wednesdays, it's going to be a three-week gap, if I'm not mistaken, correct? The first meeting in May would be May 13th, right? Yeah, okay, very good. Just to confirm. Okay, with that we're going to move onto item number 3, the Comprehensive Plan Text Amendment, Old Dominion Village, COM14150427. Mr. Harvey.

3. COM14150427; Comprehensive Plan Text Amendment - Old Dominion 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 amendment would expand the areas where townhomes are allowed in the Suburban Area land use designation to include where townhomes are constructed and incorporated within a mixed use district, such as PD-1, Planned Development-1; PD-2, Planned Development-2; and P-TND, Planned-Traditional Neighborhood Development Zoning Districts, at a proposed maximum density of 12 dwelling units per acre. **(Time Limit: June 21, 2015)**

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4. RC14150428; Reclassification - Old Dominion Village - A request for a reclassification from the A-1, Agricultural and M-1, Light Industrial Zoning Districts, to the P-TND, Planned-Traditional Neighborhood Development Zoning District, to allow for a development consisting of up to 146 townhouses and 93,100 square feet of commercial uses on Assessor's Parcels 38-101, 38-102, 38-102A, 38-103A, 38-103B, and 38-103C. The property consists of 40.273 acres, located on the east side of Jefferson Davis Highway, approximately 1,000 feet north of the intersection of Jefferson Davis Highway and Eskimo Hill Road, within the Aquia Election District. **(Time Limit: July 21, 2015)**

Mr. Harvey: Thank you Mr. Chairman. Ms. Ehly will be making the presentation. We ask the Commission to combine 3 and 4.

Mr. Rhodes: Thank you, please.

Ms. Ehly: Good evening Mr. Chair, members of the Commission. The applicant is requesting a text amendment to the Comprehensive Plan to allow townhomes within the new development in the Suburban areas, and a reclassification from A-1, Agricultural Zoning District to the M-1, Light Industrial Zoning... and the M-1, excuse me, Light Industrial Zoning District to the P-TND, Planned-Traditional Neighborhood Development District. So we'll start with the text amendment to the Comprehensive Plan. The applicant is requesting the proposed amendments to allow townhomes to be permitted in the Suburban areas of the County when designed as a development within a mixed use district, such as PD-1, PD-2, and P-TND zoning districts, provided that the project abuts a major County transportation corridor such as Jefferson Davis Highway, Garrisonville Road, or Warrenton Road. During the staff evaluation, this part of it, it was determined that the text amendment could result in an increase in density throughout the suburban area as it proposes a maximum density of 12 dwelling units an acre for townhomes. Currently, the suburban area is intended for single-family detached dwelling units on quarter to half-acre lots buffered from adjacent commercial areas. Development density should not exceed 3 dwelling units an acre in the suburban areas per the land use description. And townhomes and apartments are currently permitted in suburban areas; however, it is only where land is already zoned for these types of dwelling units and where listed criteria are met, the criteria identified in the staff report. We can go over that in detail if you wish later. This proposal would have impacts to adjacent properties which would include visual impacts as areas adjacent to and within the suburban area is a mix of undeveloped and rural residential uses that utilize private wells and drainfields. Mixed use development has a potential to include large areas of clearing and grading and will have an overall effect on adjacent properties due to changes in the landscape. The residential portion might be less impactful in regards to adjacent land use compatibility; however, townhomes are generally at a greater height than single-family detached homes. Additionally, taller commercial buildings and associated parking lots create visual impacts. Some of these issues can be mitigated with additional landscaping buffering. Also, noise impacts -- townhomes are at this density of 12 dwelling units per acre may generate more noise than the typical lower density single-family residential development. This also could be partially mitigated by additional landscaping requirements. The proposal would also impact community facilities and natural resources. The amendment could significantly increase the amount of residential development within the suburban areas. There could be an increase in future demands for schools, parks, libraries, fire and rescue services. Additionally, there could be impacts to the transportation network from additional vehicle trips generated from additional units. The potential increase in impervious areas as a result of greater density could result in more clearing, grading, and other impacts to stormwater management system and natural resources. Staff finds the following positive aspects of the proposal: townhome development, when part of mixed use proposal, can provide compact form that relieves the transportation network of vehicular trips by supporting multi-modal

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options, and in areas where mixed use development is desired, townhomes help to provide a mix of housing types as intended in mixed use districts. Staff finds the following negative aspects to the proposal: the potential increase in density within the suburban area could create additional demand on public facilities. The proposed language does not state specifically that townhomes will be permitted in mixed use developments, but rather in mixed use districts. The proposed amendment language does not provide for internal consistency within the suburban land use description. And guidelines have not been included related to potential mitigation of possible incompatibility with surrounding development such as additional landscaping requirements, height limitations, parking location, and general site design. Staff notes that a wide scale application of this proposed amendment could negatively impact the planning construct of the Comprehensive Plan with regards to availability of adequate community services and community compatibility. Staff recommends that the applicant consider the provision of additional analysis regarding the impacts of the increase in density to suburban areas of the County, the inclusion of guidelines for townhomes within mixed use developments rather than mixed used districts, and to mitigate potential impacts to the surrounding area and maintain the internal consistency of the suburban future land use description in the Comprehensive Plan. So, the next... this application is running concurrently with an application for a reclassification. The applicant is requesting a reclassification from A-1, Agricultural...

Mr. Gibbons: Are we combining both?

Mr. Rhodes: Combining the presentation; we'll have to deal with each separately, but yes. That way we can just talk about all the facts at the same time.

Ms. Ehly: From the A-1 and the M-1 zoning districts to the P-TND zoning district to allow for a proposed development consisting of 146 townhomes and approximately 93,000 square feet of retail commercial use, on Assessor's Parcels 38-101, 102, 102A, 103A, 103B, and 103C, which are located within the Aquia Election District. The site is just over 40 acres and the current zoning classifications of A-1 and M-1 would provide for Light Industrial, Residential, and Agricultural uses. The Comprehensive Plan identifies the site as being within the Suburban Future Land Use designation. The proposed development is not consistent with the recommended development standards for the designation as described in the plan at this time. As previously identified, the applicant has submitted a concurrent application for a text amendment to the Comprehensive Plan to allow townhomes that are designed as part of mixed use districts to be permitted in the Suburban Land Use area. The property is surrounded by A-1 and A-2 zoning to the north which have existing land uses of undeveloped area and rural residential development. To the south, A-1 and M-1 zoning districts with rural residential and suburban residential land uses. To the east is M-1 zoning district which has existing uses of suburban residential and industrial manufacturing. And to the west, A-2, Agricultural, and M-1 land industrial zoning districts with commercial retail, rural residential, and undeveloped area. The property is primarily undeveloped and wooded. Existing on the southern portion of the property which include a pole barn and an abandoned one-story dwelling are intended to be demolished. There are wetlands and streams onsite and staff has requested the completion of a perennial flow determination on all streams in order to identify the location of any potential Critical Resource Protection Area and related buffer on the property. The potential impacts to the site design of any Critical Resource Protection Area cannot be determined at this time. The topography includes rolling terrain, alluvial soils, and areas of steep slopes throughout the site which are highlighted on the Environmental Inventory Plan on this slide in solid gray areas. Policy 4.3.1 of the Comprehensive Plan discourages development in these areas of steep slopes and alluvial soils. The proposal would also include clearing of 75% of the site or 30 acres, and would require mass grading and the construction of retaining walls to develop in the way proposed. And this is not necessarily consistent with the Traditional Neighborhood Design. Staff notes that the Environmental

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Inventory Plan does not reflect potential wildlife habitats and/or the existence of threatened and endangered species which were identified by the applicant in correspondence by their consultant, ECS. Regarding cultural resources, the staff report notes that the Stafford County Historical Commission has requested the completion of a Phase 1 Cultural Resource Study for the project site. The project is located near Civil War campsites and fortifications that have been identified in other studies completed in the area, and the Comprehensive Plan supports the evaluation of the impact of development on cultural resources. Additionally, there is a natural spring located within the project area. The Historical Commission recommends that the spring and associated springhouse are recorded and avoided during development. The Commission also noted that historic resources could be used as a point of interest in the proposed development to connect the project to the history of the area. The proposal does not appear to directly impact this location although it is located in the vicinity of proposed right-of-way dedication for potential future widening of Route 1. The proposal, the specific proposal is for a Traditional Neighborhood Development under the P-TND zoning district. The application materials that are submitted with this rezoning are greater than what is required for a typical zoning reclassification. They include a Regulating Plan which shows the location of all transect zones, primary roads, civic buildings and uses, pedestrian sheds, primary commercial frontage, and vista terminations. Also, the Generalized Development Plan which provides additional detail and Neighborhood Design Standards which are required to provide specific landscaping details along with the architectural features, building elements, proposed streetscapes, and lighting details. This proposal includes three transect zones, the T-6, the T-5, and the T-2. The T-6, or urban core zone, highlighted in orange, is intended to consist of highest density with the greatest variety of uses and civic buildings of regional importance. The T-6... excuse me... zone in this proposal covers 16... approximately 16 acres and the Regulating Plan notes that 70% of the area is non-residential use. The specific uses include 66,850 square feet of retail commercial and 70 dwelling units in the form of townhomes. The applicant has identified that the retail commercial buildings are the civic uses within the development. The parking requirements for the uses within the T-6 zone are 201 spaces for retail and 105 for residential. The proposal shows 226 spaces within the T-6 zone which is above the requirement because the Regulating Plan notes that the residential parking requirements are required by 2-car garages attached to the townhomes. Staff has recommended for both the T-5 and the T-6 zones that elevations should be proffered within the Neighborhood Design Standards to illustrate the frontage of residential buildings and specifically the placement of pedestrian access to residential structures with a 2-car garage within a 20-foot wide lot. It is also recommended that extra parking spaces are removed or relocated as parallel parking, consisting with the multi-modal intent of traditional neighborhood design and the preservation of natural resources. The proposal does not include parallel parking spaces which are consistent with traditional neighborhood design and also recommended by fire and rescue. A recreational area is shown within the T-6 zone which is highlighted by the red circle. Recreational areas in T-6 zones, and also in T-5 zones, are intended to be areas improved for outdoor recreational activities. Staff recommends that improvements and acreages are shown as required by code for this area in the T-6 and the one in the T-5. The T-5 zone, or urban centers highlighted in orange here on the slide, is intended to consist of higher density mixed use building types that accommodate retail offices, townhouses, and multi-family. Also a tight network of streets with wide sidewalks, steady street planting and buildings set close to the frontages are also intended. The T-5 zone covers 11, almost 12 acres, and the Regulating Plan states that 30% of this area is non-residential use. The proposed uses include 24,250 square feet of retail commercial and 76 dwelling units as townhomes. The residential and commercial uses are shown as within separate areas of the transect zone and mixed use building types are not proposed. Additionally, townhomes with frontload garages and driveways are not set close to the frontage. The T-5 zone allows for townhomes to be placed along the lot line without a minimum front yard requirement. This proposal shows a 20-foot... a 25-foot front yard setback. The Neighborhood Design Standards in the Comp Plan recommend garages to the rear accessed by alleyways. In the T-5 zone, the parking requirements for the uses, these

two uses are 73 spaces for retail and 114 spaces for residential. Here also the Regulating Plan notes that residential parking is provided by two-car garages attached to the townhomes. The proposal shows 273 parking spaces for retail and is significantly over-parked by 73%. And staff recommends also here that extra parking spaces be removed. The T-2, or rural zone highlighted in orange on this slide, is intended to consist of lands open or cultivated state or sparsely settled. These include woodlands, agricultural lands, grasslands, and regulated or dedicated athletic fields and golf courses. The T-2 zone in this proposal meets the stated intent and provides approximately 30% of open space. The GDP shows the overall development plan in greater detail. The proposed commercial development is shown to be concentrated to the western portion of the site and the proposed residential development is shown to the eastern portion of the site. Two access points are shown to the proposed development. There is a right-in/right-out shown to the east on Jefferson Davis Highway, and an access point on Big Spring Lane to the south. There are also three future inner-parcel connections shown with the smaller red circles. Staff notes that the GDP does not show location and description of proposed landscaping and the height of commercial buildings is identified as 45 feet maximum and residential buildings as 40 feet. Development in suburban areas is recommended to be under 35 feet. Some rear-load garages are shown on the GDP; however, access to the rear-load garages is not clear. Staff recommends that access is provided by alleyways. The Transportation Plan shows the location of bicycle racks. Staff recommends that bicycle parking is adequately provided and evenly distributed throughout the proposed development and in close proximity to the respective use, to prevent required street trees from being used for bicycle parking, and also to meet the intent of a P-TND development. Staff notes that not all loading spaces are shown connected to parking areas and parking is not shown to be screened along the main street. This is inconsistent with Code Section 28-38. Staff recommends that loading spaces are located close to the relative use and have adequate access for delivery vehicles and parking should be screened from the main road. The screening and landscaping requirements should also be reflected in the Neighborhood Design Standards that are being proffered. Also, handicapped spaces should be shown to have direct access to all commercial buildings. This building with the red circle appears to be some distance from proposed parking areas. The Conceptual Utility Plan shows the proposed provision of water and sewer utilities to the development and the connection points to existing infrastructure. The water and sewer lines are shown to be placed under roadway pavement. In order to place utilities under pavement, permission is required from VDOT and County Utilities. Proposed roadways are depicted on the Transportation Plan. VDOT has stated that utilities may not be placed under pavement of roadways to be dedicated to VDOT which are highlighted in red. County Utilities has stated that sewer lines may be located under private streets, highlighted in orange, but that water lines must be located outside the paved area and within easements. Staff recommends the revision of the GDP and the Regulating Plan to reflect the required relocation of utilities. The Neighborhood Design Standards submitted with the application generally show the required elements. Staff notes that the applicant has proffered that the development will be designed in substantial accord with the submitted Neighborhood Design Standards. However, the Neighborhood Design Standards state that the text of the document is intended to be mandatory. The diagrams, drawings, tables, photographs, and/or renderings are intended to be illustrative only and are not proffered. Staff recommends that elevations are proffered as the architectural feature should be specific to the development and to reflect how identified elements will be incorporated. Additionally, the street tree planting plan in the neighborhood development standards proposes a minimum of 50 feet between each tree. Staff recommends that trees are planted 50 feet on center to ensure a steady planting of street trees consistent with the T-5 and T-6 transect zones. And I think I stated before, screening requirements for parking and loading do not appear to be reflected in the Neighborhood Design Standards. The proposed proffers include the following: the development is limited to 146 townhomes and 93,100 square feet of commercial development; the proffers will require that 20,000 square feet of commercial development will be issued before... will be constructed before the issuance of the 60th residential occupational permit; access will be limited to two access points, the

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one on Jefferson Davis Highway and an entrance on Big Spring Lane. The proffers will require the applicant construct several transportation improvements. These include upgrading Big Spring Lane, turn lanes on Eskimo Hill Road, Route 1, and Centreport Parkway, and emergency pre-emption equipment at the Route 1/Eskimo Hill intersection. The proffers will also require diligent pursuit of right-of-way for transportation improvements; the dedication of a maximum of 80 feet of right-of-way on Route 1; building and maintaining an area for local bus service... for future local bus service; the extinguishment of development rights on 117 lots, one 25-acre lot and one 5-acre lot within Crow's Nest Harbour subdivision; identifies the height limit, 45 feet for commercial buildings and 40 feet for residential; require the proffering of the Neighborhood Design Standards regarding certain elements; and require that development is served by public water and sewer. The applicant did provide a revised proffer statement which was provided to the Commission this evening. The applicant can speak to the changes between the version in the staff report and the revision. The statement primarily... the revised statement primarily includes amendments to the transportation improvements being proffered. I would just like to note because we can go over them specifically if you would like, however, considering the time constraints, Section 28-208 of the Zoning Ordinance lists 12 evaluation criteria to be considered for reclassification applications. The proposal meets some of the criteria but not all as identified in the staff report. Staff finds the following positive aspects to the proposal: the proposed development will construct potential capital improvements to the surrounding transportation network; and it has been determined that the project would have an overall net positive fiscal effect of \$181,042 per year. Staff finds the following negative aspects: the proposal is not fully in conformance with the land use recommendations in the Comprehensive Plan regarding location of uses and form of development; the development proposal is not clearly in conformance with the P-TND zoning district; it cannot be determined at this time whether proffer road improvements fully mitigate transportation impacts to County schools, Parks and Recreation, Fire and Rescue, general development, and libraries would not be fully mitigated because there are no monetary proffers included in the proffer statement; presence of potential impacts to Critical Resource Protection and other natural resources and cultural resources are unknown at this time. Although the project has positive aspects, Planning and Zoning staff believe the negative aspects outweigh the positives at this time and recommend denial of the application. Staff has identified a series of recommendations to the applicant. They are referenced in the staff report. We can certainly go over them if you wish. Should the Planning Commission consider approval of the project, staff recommends the issues raised in this staff report be considered to fully mitigate potential impacts.

Mr. Rhodes: Questions for staff on item 3 or 4? Mr. English.

Mr. English: The recreation area -- what is that going to consist of? Do you know? Or should I ask the applicant?

Ms. Ehly: Mr. Chair, Mr. English, that would be a question for the applicant. We don't have any further detail than what's shown on the...

Mr. Rhodes: Okay, thank you. Yes Mr. Gibbons?

Mr. Gibbons: With the comments from staff, is this a complete project that's been submitted? I've never seen one like this that had so many questions from staff.

Mr. Harvey: Mr. Chairman and Mr. Gibbons...

Mr. Gibbons: When you accepted it, it met all the...?

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Mr. Harvey: The applicant has provided required information for a complete application; however, like Ms. Ehly indicated, there's a number of situations where this application does not comply with the current code requirements. If it was to be approved, there'd have to be modifications.

Mr. Gibbons: Well, wouldn't they have to do that when they came in? Doesn't that have to meet the code requirements?

Mr. Harvey: Well, that would certainly be something from a staff perspective which would be a positive in consideration.

Mr. Gibbons: I guess I'm not... I hope you're following what I'm getting at. If you file the application, shouldn't you file it in accordance with the code? What do you consider a complete application of?

Mr. Harvey: Mr. Gibbons, our County Ordinance and our application form stipulate they have to correctly fill out the form, provide proof that they've paid taxes, provide a General Development Plan, and meet a number of other criteria. Proffers are not required as part of a reclassification. Again, comments are based on the General Development Plan which could be subject to change.

Mr. Gibbons: Okay. Thank you Mr. Chairman.

Mr. Rhodes: Okay, thank you very much. Other questions for... Mrs. Bailey?

Mrs. Bailey: Ms. Ehly, with the, I think there were like 10 or 12 different areas in here where requests were made or additional information was made or it wasn't in compliance with one thing or another, had the applicant responded with any of those things? I don't want to go through the whole list because there is quite a number of them. Did the applicant know about them beforehand?

Ms. Ehly: Mr. Chair, Mrs. Bailey, we have submitted two versions of comments to the applicant identifying these issues and the issues identified in the staff report remain. And the applicant... we've had ongoing discussions with the applicant regarding our concerns.

Mrs. Bailey: There was a Transportation Analysis that is VDOT still working on that? Are they still analyzing? What's the status of that?

Ms. Ehly: Mrs. Bailey, VDOT has received the second submittal of the TIA. They have 45 days to review that and provide comments. They did identify in the first round of comments that there were significant failing movements and long queueing created by the proposed development, and they requested a new analysis that would show mitigation for the impacts of development.

Mrs. Bailey: Thank you.

Mr. Rhodes: Thank you. Mr. Coen.

Mr. Coen: Just a... I'm going to go back to the Comp Plan text amendment issue. And I'm corrected, were that to go through, that would impact throughout the County, not just this one parcel?

Ms. Ehly: Mr. Chair, Mr. Coen, without any limiting factors included in the language, it would apply to suburban areas throughout the County.

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Mr. Coen: And do we have any estimate of how many parcels that would impact and/or theoretically the end result of allowing all them to put in townhomes would be?

Ms. Ehly: Mr. Coen, staff recommends that additional analysis would be included with an application like this, to determine that.

Mr. Coen: Thank you.

Mr. Rhodes: Thank you. Other questions for staff before we get to the applicant? Thank you very much. Applicant please.

Ms. Karnes: Mr. Chairman, members of the Planning Commission and staff, my name is Debrarae Karnes. I'm an attorney and land use planner with Leming and Healy representing the applicant. Mr. Chairman, I think before I start I need to solicit your guidance on time. Some of the specific issues will take some time to explain, and I'm not sure how much time you are allocating me.

Mr. Rhodes: We're trying to move through these as deliberately as we can and addressing the issues. So I'm sure you will try (inaudible) to address them.

Ms. Karnes: I will try... I will try to be concise. We're taking these two applications together as a whole. And so, I'm going to spend two minutes or so talking just in general about the proposal and then lead onto the Comprehensive Plan.

Mr. Rhodes: Thank you.

Ms. Karnes: When I attempt to work on a project, the overall test I use is will I be proud of this effort in 20 years. This case involves the proposed transfer of density of land in Crow's Nest Harbour which, as everyone knows, is the what I think the County considers as its most important environmental resource and the County is looking for a way to preserve it. This rezoning case proposed to not only assign the development rights, but actually dedicate the land for 117 recorded residential building lots and an additional 30 acres. Now... in the review of any rezoning matter, it's bad planning to consider only one issue. And it is our job to also demonstrate to you that the proposal meets the Ordinance, and moreover, is an example of good planning. And by the end of the time that we are negotiating with the Planning Commission, I believe you will see that. So let me proceed first to the Comprehensive Plan Amendment. As the Comprehensive Plan is written, a majority of the land in the County is within the suburban designation, which allows for primarily single-family detached homes, retail, and office. And there are special strategies in there which provide for special guidelines to ensure compatibility for office and retail when it is next to residential neighborhoods. This suburban area includes major transportation corridors such as Route 1 and it includes major areas that are next to industrial areas. The proposed development here is located on Jeff Davis Highway in the middle part of the County that is located proximate to existing and planned industrial areas. Under the Comprehensive Plan right now, it is not possible to build a mixed use development, meaning both commercial and residential, unless it is only single-family detached houses. And we submit that this Jefferson Davis location isn't the most appropriate location for single-family homes. It makes more sense to build a mixed use development featuring townhomes. And we proceeded to look at the Comprehensive Plan Text Amendment and see what it would be possible to suggest. Growth is coming to the County. We know that. Townhouses provide an additional housing option for people that may not want to choose or cannot afford single-family detached homes. The proposed Comprehensive Plan Text Amendment provides additional flexibility, and only additional flexibility. It will not mandate that townhouses are built in every possible

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location across the suburban area because, the bottom line is, that an application for a new development will still have to go through the Planning Commission and the Board. What this provides is flexibility. We asked... we suggested that the tax be amended to allow townhouses within mixed use zoning districts contained within a suburban area. And it wasn't just limited to the suburban area, but prescribed along major County corridors such as Garrisonville Road, Warrenton Road, and Jefferson Davis Highway. We'll be happy to work with staff to define other limiting factors. It just... we just believe that the suburban designation is unduly limited when it only allows for single-family dwellings, with a few exceptions. Staff also commented that they thought that there should be additional guidelines to ensure compatibility with adjoining neighborhoods. We've never received that comment before but we'd be glad to work with staff on that. I will note that there are existing provisions in the suburban district providing for a compatibility test, and I believe that those are appropriate. But we would be willing to work with staff to more precisely hone this proposal. To the rezoning application. You know, I talked about the dedication of the Crow's Nest land. And that's important for another reason. You see in the staff report that staff cites is one deficiency that we have failed to mitigate impact on infrastructure. But in reality, if we are transferring density from the outside of the Urban Area, we're not increasing the number of homes. This would be a transfer of approved building lots that the building lots are recorded, at least 117 of them, and they were recorded prior to the Chesapeake Bay law adoption.

Mr. Apicella: Can you tell me what the 25-acre and the 5-acre lot are for?

Ms. Karnes: The 25-acre lot was identified for a commercial site but it is not restricted to that. It is zoned A-2. The 5-acre site is identified for a school site. And I may have those reversed. But neither one of them are limited to that use; they are zoned A-2 and therefore, if they were subdivided, could hold 1-acre lots.

Mr. Apicella: They're part of the Crow's Nest subdivision?

Ms. Karnes: Yes they are.

Mr. Apicella: But they have not been platted as residential lots.

Ms. Karnes: That's correct. They would have to be subdivided. Someone asked how the numbers worked out. You know, we're proposing 146 townhomes and we are offering to dedicate 117 by-right recorded buildable lots plus the 25-acre lot plus the 5-acre lot. And this is what I compute: first of all, the property, the Old Dominion property on Jefferson Davis Highway, would allow 10 residences by-right. We add in the 117 by-right recorded buildable lots. Then we have the 30 acres, which could be subdivided into 1-acre lots which could mean 30 lots, but from a practical perspective, no subdivision is going to yield exactly 30 lots. I'm estimating 20 lots could be built there, although, I admit, we have not done the engineering on that. If I add 10 lots by-right, 117 by-right recorded buildable lots, and 20 lots resulting from the resubdivision of the 30 acres, I calculate 147 units.

Mr. Apicella: What's the average lot size in Crow's Nest Harbour?

Ms. Karnes: They're minimum 2-acre lots. They seem to range between 2 and 3 acres, generally. But I have not computed the exact average. But there's one other difference I'd like to point out. If we were to use the traditional ordinance for Transfer of Development Rights, the development rights would transfer but the land would not. And there are a few residual uses that could be done. This proffer would give the County a tangible grouping of Crow's Nest Harbour land and would take... put the

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County in the position of acquiring sufficient land so that it makes it more likely that Crow's Nest Harbour will not be developed. That is the value of the proffer. We think it's tremendous. We think 20 years from now this will be looked at as a victory. But it's my job to make sure the development plan at Old Dominion not only meets the code requirements, but is overall good planning. And that's what I'm going to discuss next. Now, staff went through a long laundry list of purported deficiencies. And I'm inclined not to go through them point by point unless the Commission wants.

Mr. Rhodes: Nope.

Ms. Karnes: But I will tell you this -- we disagree with some conclusions and other conclusions we just heard about. I was in fact on the phone with Ms. Ehly this morning and she gave me two more comments. And I'm very happy to try to work out some of these issues with staff, but I do have to know about them. Some of the conclusions are contrary to the comments we've received in other P-TND cases. Again, I'm not necessarily criticizing anyone; I'm just pointing out that my client is here to try to make this case work. And we would like to make every effort to do that. What I'd like to do is focus on the big issues that I see. And the biggest issue, quite frankly, is transportation. We have now performed a total of four different transportation studies in order to respond to VDOT comments, even though some of the comments went above and beyond the scoping agreement that we originally set. We have provided for road improvements at different directions at the intersection of Route 1 and Eskimo Hill, as well as Centreport Parkway and the intersection of Route 1 and Hospital Boulevard. You received new proffers that I turned in a week ago in enough time I thought to make the staff report that basically increased the value of the proffers by over 200,000 in transportation improvements, in response to the comments that VDOT gave us on March 3rd. We're still waiting for the final VDOT comments, and I don't expect the Planning Commission to be able to adequately evaluate our proffers until receipt of the VDOT comments. And we are willing to continue to working with the Commission on that. A couple of issues that I'll go over real quickly -- Ms. Ehly mentioned environmental concerns. We... our environmental team has determined that there are no perennial streams. The County is obligated to check that conclusion and has scheduled an appointment with our environmentalist to go out I believe this Friday. Bottom line, we are required by federal law to mitigate impact on wetlands and we would be willing to proffer those intentions even though, generally speaking, you don't proffer compliance with federal law. We heard about the concern about the historical resource April 14th. Ms. Dodd contacted us and requested a Phase 1 and preservation of the well house. We've since provided Ms. Dodd documentation that the well house was, in fact, reconstructed in the 70's and I believe she has concluded that that's no longer an issue. We will be willing to proffer the Phase 1 that she's requested, and we're also willing to work with her concerning the location of the spring. It is my understanding this spring not only is in the future right-of-way, but... for Jeff Davis Highway, but is within a utility easement. But I would like the opportunity to get Ms. Dodd's on a better more formalized basis.

Mr. Rhodes: Okay.

Ms. Karnes: Ms. Ehly talked about how the utilities are located under the street and that is not required. We just determined that within the last month and we will revise the GDP accordingly. Also, concerns little things like location of doors. I will point out that staff approved... or Mr. Harvey approved a waiver allowing us not to show doors on the GDP. So, now I'm getting criticism that we didn't show doors. We intend to work with staff to give them the detail they feel they need to adequately review this case. Loading spaces or dumpsters were also waived and not required to be shown. And that seemed to be a concern now in the staff report. Again, we will work with staff to ensure that they get the plan they think they need. I will note that this area is... contains slopes, contains wetlands, and will be a challenge to develop in the best possible way. I will note that every P-TND development I've seen come through

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Stafford has separated the commercial from the residential. And that is the one comment from staff that I am concerned we cannot meet. The market dictates that the units be separated and not built with residential atop commercial, which I believe Ms. Ehly indicated would be more desirable.

Mr. Rhodes: Is there... before we get to questions or other things, is there anything else you'd like to call out to staff on?

Ms. Karnes: Um, well, my client just wanted me to indicate that we filed this application in November. We've been resubmitting and resubmitting based on staff comments. We're anxious to get more comments and to resolve this. And that's why I bring it up.

Mr. Rhodes: Okay.

Ms. Karnes: Finally, um, I think you'll find, as we get into this that the design standards do provide additional detail. Someone asked a question, uh, and I believe it was Commissioner Coen, and at this moment I do not remember what the question was. But I will be glad to entertain it.

Mr. Rhodes: Okay, questions for the applicant?

Mr. Coen: That's okay, in my profession I'm used to people not remembering what I say.

Mr. Rhodes: Anyone else with questions for the applicant before we go to public comment? Yes Mr. Gibbons.

Mr. Gibbons: On the lots that are in Crow's Nest, are they buildable lots or just building lots?

Ms. Karnes: Every lot can be built.

Mr. Apicella: Are you saying they don't have steep slopes and hydro soils? Every single lot?

Ms. Karnes: Um, I'm not commenting on every single lot. I will tell you that some of the lots contain steep slopes. We believe that under the subdivision ordinance, one single-family house could be built on each.

Mr. Rhodes: Okay. Any other questions for the applicant? Please Mr. Gibbons.

Mr. Gibbons: It's always hard to pin you down because you're a master at it. So, the question I asked, are they buildable lots? Is the building lots buildable and you're saying yes.

Ms. Karnes: That is my understanding.

Mr. Gibbons: Okay.

Mr. Rhodes: Okay, very good. Any other questions for the applicant? Very good; thank you very much.

Ms. Karnes: Thank you.

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Mr. Rhodes: Is there any member of the public that would like to speak on this item? If so, you can come forward at this time. Please. Again, I'd ask you to state your name and your address. A green light will come on indicating 3 minutes available; a yellow light when there's 1 minute; a red light when we'd ask you to conclude comments. Yes sir, please.

Mr. Scharpenberg: Mr. Chairman, members of the Planning Commission, Hank Scharpenberg, Chairman of the Stafford Regional Airport Authority. Items number 3 and 4, if approved, would permit high density residential development in the horizontal zone of the airport, something which is viewed as incompatible by the Land Use Compatibility Standards under consideration. Consequently, we urge you to deny both actions. Thank you.

Mr. Rhodes: Thank you very much. Is there any other member of the public who would like to speak on this item? Yes please.

Ms. Williamson: I'm Margareta Williamson. After 51 years, it was a bit of a shock to realize that I was going to have 146 townhouses appearing on my doorstep. It was totally incomprehensible and it still is. My safety and my sanity are now on the line. My house and the lane to it are at least 200 years old. The half-mile stretch is all of the remains of the original horse and wagon access, a rare remnant which should be protected as it is because it is part of our culture. Important also is the loss of the springs. We have several springs on that property; in particular, though, the one on US 1 which has also been called a mineral spring. It is still in use and it is the spring for which Big Spring Lane was named. The proposed exit onto Jefferson Davis Highway will destroy that spring and it will create also a highly dangerous traffic situation. The traffic coming from north from US 1 going at the Eskimo Hill Road fly over that road. The vision would be very, very limited and I can foresee that there would be many accidents in that three-tenths of a mile stretch. There is a reason that the previous owners never used that end of their driveway to exit onto US 1. But I also want to defend some of the 30 acres of 100+ year old trees, thousands of mountain laurels 6 to 8 feet high, hundreds of dogwoods, the state flower -- and isn't that protected species? Saving the natural beauty of the woods contributes to good air quality and the loveliness (inaudible) is essential to combat popular explosions... population explosions. Woodland trails are important. Stafford can't have enough mint parks. Thank you.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to speak on this item? On either item 3 or 4. Very good; I'll close the public comment portion of the public hearing. Back to the applicant; any comments you need to make based on those?

Ms. Karnes: I think the biggest issue here is transportation, at least for the reclassification. I would like the opportunity to see the VDOT comments after we've done four separate studies. I believe we have now mitigated the impact but we defer to VDOT as the expert. And so therefore I request a deferral of both of the applications, as they do run together. And I'll be happy to answer any other questions any of the Commissioners have.

Mr. Rhodes: So, back to the Planning Commission. Are there questions for the applicant or staff, or discussion among Commissioners?

Mrs. Bailey: Mr. Chairman, I want to make a motion that we hold open for public hearing both items and defer.

Mr. Rhodes: Okay. So you'd like to retain item 3 and item 4 open as public hearing.

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Mrs. Bailey: Correct.

Mr. Rhodes: Can we do both of those together since we're just carrying forward or would you like to act separately?

Ms. McClendon: Mr. Chairman, you can do them together and I also suggest you include an exact date for the public hearing as well.

Mr. Rhodes: Thank you very much, for notice purposes. Very good. So I'm hearing a motion to keep open the public hearing and defer these forward to the May 13th session of the Planning Commission?

Mrs. Bailey: Yes, Mr. Chairman, and I do have a comment.

Mr. Coen: I'll second.

Mrs. Bailey: Thank you.

Mr. Rhodes: A motion, second by Mr. Coen. Further comment Mrs. Bailey? Thank you very much.

Mrs. Bailey: Well, I would look to staff, because of our schedules, to see what would be a viable date to allow for the additional analysis.

Mr. Rhodes: Oh, thank you very much. So you might want to modify the 13th is what you're saying?

Mrs. Bailey: Yeah.

Mr. Rhodes: So upon staff's perspective, do we think we will have the information from VDOT and the opportunity to have the robust dialogue that's desired? When do we think would be a good time and we'll modify the motion possibly, based on that? Mr. Harvey? Staff? Anybody?

Ms. Ehly: Mr. Chairman, I could say that the 45 days for VDOT comments ends the week of May 18th. So that's one kind of... we could get them sooner but that's their deadline.

Mr. Rhodes: That's their deadline, gotchu.

Mr. Gibbons: Mr. Chairman, the applicant can always extend that for us also.

Mr. Rhodes: We've got till... technically we've got till June 21st on the test amendment, so we're not butting up against something. But that would take us... so, to be safe, we should be at least going to the 27th to make sure you get the comments and have the dialogue that's in there? Okay. Would you like to modify the motion to be the 27th Mrs. Bailey?

Mrs. Bailey: Yes I would.

Mr. Rhodes: And the seconder? Very good, okay. So it's a motion to recommend maintain open the... maintain the open hearing of... bleh... maintain the public hearing open and defer this to the meeting on the 27th of May. Further comment Mrs. Bailey?

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Mrs. Bailey: I just would like to ask staff, in regards to the comments about the airport and would we be able to have some sort of mapping to show the proximity of this request to the horizontal zones?

Mr. Harvey: Yes ma'am.

Mrs. Bailey: Thank you.

Mr. Rhodes: Very good. Further comment Mr. Coen?

Mr. Coen: And I think... and I may be correct... but if we do the Comp Plan change, what areas around the airport that are suburban would be impacted as well? So not just this parcel, but it would be others. Personally, I'm really...

Mr. Rhodes: Mr. Coen, just if I could confirm, I think before I'd heard a question about all the other areas that would be impacted by this, so it's not just around the airport but any of it.

Mr. Coen: Right, and then that too as well. Thank you. My inclination after being on the Comp Plan Steering Committee or subcommittee, is we had already gone into the idea of giving the Board of Supervisors a list of other issues and sort of asking them if they'd like us to look at it. And so my inclination is, on number 3, that we just make that one of the list of things that we want to know if the Supervisors want us to go into. I'm a little leery of doing it countywide. So, that's my personal feeling. But since they're grouped together and we're doing a deferral, I'm okay with that. I just think personally I'd feel more comfortable not doing it countywide without knowing a lot more. From staff and /or the applicant, I'm curious if we can find out what lots in Crow's Nest we're talking about. So that'll help me visually. And I also think it would be interesting to get... we saw a map that had the springs on it, but we didn't... and I was trying to remember where the spring was when they put the other map on it. So if we have one that shows both, that would be helpful for us to see how it would impact and if there are indeed other springs, how that would impact it as well. And then if the applicant would sort of think... I'm touching on this because you did... is that you have wetlands on this property and we're preserving Crow's Nest because it's such a pristine area, so it'd be really nice to again sort of look at the wetlands that are on that map and where you're putting things and see if that is. I think it's in your mindset but it's sort of counterintuitive to say we're going to be preserving sensitive land on one parcel and then we're going to wipe it out on the other. So, those area couple things that pop into my mind. Thank you.

Mr. Rhodes: Okay, very good. Other comments? Mr. Apicella?

Mr. Apicella: Mr. Chairman, on a previous package that we've been deliberating on for some time, I found it very helpful when staff kind of gave us a summary of all the issues by major category, rather than having to go back and forth through the staff package. If that's possible here, what the issue is and what reaction or response we got from the applicant. I will also say, you know, as a proponent of TDRs, having worked on that for 4 or 5 years, and as I mentioned during the deliberations on that, I feel strongly about how lots get transferred and what calculations are used in that transfer, what exclusions should be considered, as we placed into the ordinance. And we did specifically reduce the density based on steep slopes and hydric soils. And I'd also like to know more about the 25-acre and the 5-acre, what those are and maybe some more justification as to why there should be a 1 acre for 1 residential unit at this proposed site. So, those are two important issues to me.

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Mr. Rhodes: I've heard a couple comments about the acres in question, 117 lots, the 25 and the 5, and maybe if we could get staff to just identify where those are, between staff and the applicant, and possibly overlay it over a topo or something just to get an orientation of where they are (inaudible).

Mr. Gibbons: And then how many lots are left after we take these out.

Mr. Rhodes: Good point, how many are left after that. Okay, those are all good points to highlight so that we make sure we make the most effective and productive use of the next session possible, so thanks for those clarity. Any other comments? Okay, I'll call for a vote. All those in favor of the motion to remain open the public hearing and defer this to the May 27th session with the requests of the questions and information as were stated signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; passes 7-0. That was addressing both 3 and 4 since we were allowed to address those both at the same time and we have noticed the next continuation public hearing on May 27th. So, with that, we're going to move to item number 5, RC15150551, Reclassification, Abberly at Stafford Courthouse Proffer Amendment. Mr. Harvey.

Mr. Harvey: Mr. Chairman, given the hour, staff would ask the Chairman's indulgence to consider the bylaws to go past ten o'clock (inaudible).

Mr. Rhodes: Just go ahead and do it early?

Mr. Harvey: Well, our presentation will probably go into that hour.

Mr. Rhodes: Okay, then we'll go ahead and I think we do that by a vote. I'd entertain a motion to extend beyond ten o'clock for this evening.

Mr. Apicella: So moved.

Mrs. Bailey: Second.

Mr. Rhodes: You all had that synced up, the move and the second all at the same time. Very good. Any further comment Mr. Apicella? Mrs. Bailey? Any other member? All those in favor signify by saying aye.

Mr. Apicella: Aye.

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Mrs. Bailey: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Okay, very good; any opposed? None opposed; passes 5-0. A couple abstentions because they're wandering about. Very good; ready to roll.

5. RC15150551; Reclassification - Abberly at Stafford Courthouse Proffer Amendment - A proposal to amend proffered conditions on Assessor's Parcel 39-16L and portions of 39-16, 39-16B, 39-16H, and 39-16J, zoned UD-4, Urban Development, Mixed Use Village Center, to adjust the mix of dwelling unit types. The property consists of 22.02 acres, located on the west side of Old Potomac Church Road, approximately 2,000 feet south of Hospital Center Boulevard, within the Aquia Election District. **(Time Limit: July 21, 2015)**

Mr. Harvey: Mr. Chairman, if you'd please recognize Kathy Baker for the presentation.

Mr. Rhodes: Thank you very much. Mrs. Baker.

Mrs. Baker: Yes, this item is Abberly at Stafford Courthouse and this is a proffer amendment application.

Mr. Rhodes: Okay, very good.

Mrs. Baker: This request is to amend proffered conditions, primarily to adjust the mix of dwelling unit types on this property. It would also modify façade materials and clarify other proffer language which I'll get into in a moment. The property is zoned UD-4, Urban Development. This is our only UD property zoned in the County. There are several Assessors Parcels totaling 20 acres that are combined for this project. As you can see, the property highlighted in the red boundary, you see Jefferson-Davis-Highway is off to your left and Old Potomac Church Road to the right of the property. You see the A-1 zoning to the south and there is B-2 and B-1 zonings in the red and the pink. This is an aerial view of the property and highlighted in red and a couple of features that are spelled out in the proffers and in the report itself. The property was zoned UD-4 back in 2013. There has been a site plan submitted for the project and that is nearing completion. You can see the Generalized Development Plan, there are no changes to the plan itself. Just to orient you again, Route 1 to the west, Old Potomac Church Road to the east, and the proposed South Campus Drive to serve the property. There are 288 apartment units proposed within this project. The proposed amendments are intended to modify the number of 1- and 2-bedroom units within this 288 unit complex. They're not increasing the total number. They would reduce the 1-bedroom units from 140 to 102 and then increase the 2-bedroom units from 142 to 180. So it's an exchange of 38 dwelling unit types from reducing the 1-bedroom and increasing the 2-bedroom. The original estimate for student generation during the rezoning process was 68 students. This was based on a specific study of 1- and 2-bedroom unit types. Typically when we calculate student generation rates we don't go to that level and determine it based on the number of bedrooms for these calculations. So a standard estimation would have been 92 students, and that's based on typical existing department complexes which are typically 2- and 3-bedroom apartments. So just based... my point there is, this application is... the new estimate would be 86 students, based on the unit type, which is still below the standard estimation of the 92 students. There is revised language regarding the community development authority, or the CDA. It would delete provisions allowing additional

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infrastructure and improvements to the CDA. It also includes specific reference to proffered improvements that apply. It would also modify language regarding the applicant's responsibility to bear the pro rata share and also explain... there's language explaining how funding and reimbursement would occur. I will note that it doesn't change any of the required improvements or the intent of the CDA, it's just clarifying language. The proposed amendments also include modifying the building siding materials from fiber-cement-lap to vinyl. The vinyl would include a trim of fiber-cement. I will just note that this isn't consistent with the neighborhood design standards which specifically discourages aluminum or vinyl siding. The amendments also delete unnecessary language for public water and sewer and clarifies proffer language for monetary proffer credits, and those are spelled out in the attached red-line version of the proffers. Staff is recommending approval with the revised proffers. We're basing that on not increasing the school students above the standard multi-family generation rate. Also there is no real change to the visual impacts and would also clarify development conditions. We will note that the architectural material is not necessarily with the County's architectural guidelines. So with that I'll be happy to answer any questions.

Mr. Rhodes: Thank you. Questions for Mrs. Baker? Mr. Apicella.

Mr. Apicella: Kathy, when was this project approved by the County?

Mrs. Baker: The rezoning was in 2013.

Mr. Apicella: Do you have a rough idea of when? I'm just trying to figure out how long ago this was. Less than 2 years certainly; maybe a year and a half?

Mrs. Baker: You mean the month? October I believe.

Mr. Apicella: October. So a year and a half. Who suggested the 140 1-bedroom apartments? Was it a compromise or was it something that they suggested themselves as part of the initial application?

Mrs. Baker: That's what the applicant proposed at the time. I don't recall without going back and doing research and looking at minutes and such as to whether there was any issue with the original number that was proposed. I'm not sure. Jeff?

Mr. Harvey: I don't recall any staff discussion on the unit mix.

Mr. Apicella: There was a lot of discussion though on school impacts as I recall and the only proffer provided for schools was the site, the Germanna Community College site, right?

Mrs. Baker: That is the primary school proffer. There were, I think, towards fields, to improve... give me just a second to pull the proffers out. I think there were field improvements, or monetary donation to field improvements to Brooke Point High School, and I believe that was the...

Mr. Apicella: Do we know how much?

Mrs. Baker: I want to say 800,000. Just one moment. I apologize, this is Mr. Zuraf's application and he's not here tonight. \$800,000 to be used for providing artificial turf and/or field lighting for the playing fields at Brooke Point High School.

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Mr. Apicella: Okay, and so one of the data points in the package that was provided was we now know how much the value of the property, at least the purchase price of the property, was. It was a little over 1 million dollars, and I think staff calculated, that turned out to be about 3,650 per unit. Is that correct?

Mrs. Baker: I believe that's the number.

Mr. Apicella: So if I add up the total proffers provided as part of this package, 3,650, 613, 6,500 for transportation, 790 for fire and rescue, 532 for general, and about 2,777 for the fields, comes out to about \$15,000 per unit.

Mrs. Baker: Okay?

Mr. Apicella: Okay. What is our standard? What is our proffer recommendation for apartments?

Mr. Rhodes: Multi-family.

Mrs. Baker: I have that somewhere here as well if you give me a moment. Sorry I just can't remember all of those figures out the top of my head. Jeff, do you have that number handy?

Mr. Harvey: No, I don't have that readily available. I'll have to get back to that.

Mrs. Baker: I'll have to look that up for you and if you give me a few minutes I can do that.

Mr. Rhodes: So we can look up between questions. So the question is the current proffer amount per multi-family?

Mr. Apicella: Right.

Mr. Rhodes: Okay.

Mr. Apicella: In terms of the material change, do we have any idea... I mean this is another important discussion point as we were deliberating this project. I remember asking the applicant, was this a class A, whatever that really means, apartment complex, and he said it would be one of the nicest apartment complexes we have gotten thus far in Stafford. So it seems to me that this is a pretty dramatic change to go from fiber-cement to vinyl. Do we have an understanding of why they're asking for that change?

Mrs. Baker: I do not, no, but the applicant is here and can certainly address that.

Mr. Apicella: Okay. Thank you.

Mr. Rhodes: Any other questions for staff before we go to the applicant? Yes please, Mr. Coen.

Mr. Coen: Thank you, Mr. Chairman, and this is more for our legal expert, and you already got the question, so I'm just putting it... one of the things that we received was saying that they didn't envision that they would have children, but federal law does, unless we made this a senior community, there is really no way to prohibit children from being in this if we go to 2-bedroom.

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Ms. McClendon: That's correct, Mr. Coen. Even with the age restricted housing, you can have children there. It's just certain percentage requirements that have to remain; I believe it's actually under state law.

Mrs. Bailey: Mr. Chairman, I do have a question in regards to the verbiage changes throughout. Did county staff, I'm sorry, did the County Attorney get a chance to review those changes to make sure that everything is okay?

Ms. McClendon: Commissioner Bailey, the proffers, we have reviewed them and I didn't have any concerns.

Mrs. Bailey: Thank you. And I just want to make sure that although there would be changes to the internal apartments, there is no change to the footprint of buildings.

Mrs. Baker: As far as I am aware of, that is correct.

Mrs. Bailey: Thank you.

Mr. Rhodes: Okay. Other questions for staff? I know we're still looking up that one.

Mr. Harvey: Mr. Chairman, I do have the answer on that.

Mr. Rhodes: Mr. Harvey.

Mr. Harvey: The multi-family proffer guideline as of December 2014, which is our current policy, is a total of \$26,324 per unit.

Mr. Rhodes: Okay. Very good.

Mr. Harvey: School portion is 9,734 dollars.

Mr. Rhodes: Very good. Okay. Thank you. Any other questions before we go to the applicant? Applicant please. Thank you very much, Mrs. Baker.

Mr. Payne: Mr. Chairman, other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant. Thank you for your time this evening. I know it's been a long evening. I will quickly, as I possibly can, go through some background points and then address some of the questions.

Mr. Rhodes: Thank you.

Mr. Payne: This project although approved in 2013 actually started out in 2011. I was not council for this project, but I understand there were several reiterations and perhaps amendments to the Comprehensive Plan, etc. that drove the timeline the way that it did. The initial thinking obviously during that process was the plan that was presented. Over time, as many of you probably know and doing your market feasibility analysis, and also looking to finance project of this magnitude, this is a 50 million dollar project obviously, as many of you know, does have impacts. So when you do that analysis and moving forward towards construction, you begin to realize that those adjustments need to be made. Now, notwithstanding that point, there's not an increase in the number of units, it's simply an

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adjustment among the 1- and 2-bedroom units, not increasing the 3-bedroom units, which are usually the large driver for school age kids. As many of you know or don't know and perhaps staff can confirm this for me that when the school numbers are calculated, I think, by the school system, they're literally counting kids that get off the bus and go into an apartment building. There not dissecting whether it's 1, 2 or 3 bedrooms. So if you think about this project being a 6 bedroom total of 288, that is a fairly... that is a very low number in regards to, in our opinion, what school impacts would be. In fact, we did our own analysis for similar projects that my client operates and owns which are throughout the Commonwealth as well as in North Carolina and other parts of the country, and that number was 35. But notwithstanding that fact, we did analyze what the county wide number is in regards to school age kids for multi-family, as well as what the more current number is. Again, the data behind that somewhat speculative in my opinion and still this project net a fiscal impact, a positive fiscal impact, which we have provided in our analysis which staff has also reiterated this evening. Where we are now with this project since the approval? We haven't been sitting back and waiting to come to you to make this adjustment at the last minute. We have been moving forward. The project is prepared to start construction on July 15th. We have submitted a financing package to our lender. We anticipate to get a commitment by April 30th of this month. We have closed on the Germanna site, which was key... a key component to this rezoning approval. And we own the property debt free. And as you know, that site will be conveyed to the County to initiate the Germanna process, which has its own process, which takes time to move forward through the community college system. That will be conveyed upon the first, I believe, the final site plan approval. We have submitted comments regarding utilities. We're in our final rounds of comments regarding site plan and utility. We should have those approvals in the next 2 or 3 weeks and we submitted our final construction plans. So again, we're well along the way here in moving this project forward. As you may recall, some of the key components of this project is the dedication of the future Germanna site. I'm sorry, I correct myself. That is to be conveyed upon the first building permit of the multi-family unit. I apologize for that. The cost of that was estimated at 1,050,000 under the rezoning that cost us actually 1.3 million at the end of the day when we closed on the property. There are also significant road improvements that are planned for this project that tie in, obviously, off of Route 1 into the hospital. Those road improvement include construction of two lanes but we're grading to four. The South Campus Boulevard from Route 1 to Old Potomac Church Road. Improvements to Route 1, both south and north turn lanes, left in, right out and pro rata share of our traffic light for that requirement. \$800,000 in cash, as staff has noted, for the fields at Brooke Point. \$50,000 for Civil War Park, and again, offsite... significant offsite and onsite utility improvements for this area, which will benefit other properties, including the Germanna site. Again, private amenities as well were involved and also additional cash, about 600,000, for Fire and Rescue, libraries, and general government, which could be used for schools if the County so deemed. As staff has noted, the purpose of this was to reduce the number of bedrooms from 140 to 102 and increase the 2-bedrooms from 142 to 180, again, not increasing the footprint of the facility or the number of units. Again, the reason why we're doing this is to address conclusions of a market analysis, it appears to be, which is very positive for the County, a market desire for more 2-bedrooms for single folks to live in, especially being close to the hospital, with the plans for future Germanna, Courthouse Village obviously now being a focus for investment, and it's near by the way several schools where school teachers would have an opportunity to live by... live in... I'm sorry... and live nearby. We did, there were some questions about the sort of clean up language if you will. There were minor changes to provide some clarity, and again, we've talked about the fiscal impact. We did take in account sort of the high end of the school numbers and what we believe those numbers will reasonably be and we provided you that information as well. There are nominal changes from a transportation perspective as well. So there'll be no significant transportation impacts and with that, I'm happy to answer any questions.

Mr. Rhodes: Can you address the change to vinyl?

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Mr. Payne: The change to vinyl... the use of vinyl is consistent with my client's other projects for purposes of their construction process. It's a high premium vinyl. I've got photos here if you want to look at some of their projects. It is a class A project. It's a \$50 million investment. This is just more consistent with what they do, I wasn't here, notwithstanding what the discussions were during that session, but this is a very good product by the way.

Mr. Rhodes: Okay. Other questions for the applicant? Very good. Thank you, Sir.

Mr. Payne: Thank you, Mr. Chairman.

Mr. Rhodes: At this time we'll go to public comments. 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. Seeing no one jump up, we will close the public comment portion of the public hearing and bring this back in to the Planning Commission. Are there further comments/questions for staff or applicant, or comments with the Commission?

Mrs. Bailey: Mr. Chairman?

Mr. Rhodes: Yes.

Mrs. Bailey: In keeping with the Courthouse area design and the neighborhood design standard, would the applicant be willing to stay with the siding that was originally proposed?

Mr. Rhodes: Applicant please.

Mr. Payne: I'm sorry, Mrs. Bailey, can you repeat that question?

Mrs. Bailey: Yeah. Would the applicant be willing to stay with the hardiplank siding rather than the vinyl in keeping with the neighborhood design standards and the Courthouse area design? It is in close proximity to the hospital as well as the Courthouse area, and my fear is that the vinyl would be diminishing the look.

Mr. Payne: Did you get a chance to look at some of those... personally I don't think it's a diminished look. Any other design standards or recommendations, and I understand the sensitivity, I mean, sometimes there's a false perception of what vinyl is and, you know, I don't think we need to belabor the issue, I don't... I'm fairly reluctant to say that we would give in to that, but respecting your request and obviously this is your district, we'll make that change.

Mr. Rhodes: Okay. So they're willing to strike the change to the siding. Okay. Do we need to, if we act on this, do we need to take any formal vote on that, Ms. McClendon, or do we just... is it noted for the record?

Ms. McClendon: Mr. Chairman, I believe it's a pretty simple change, so I think it's fine in the record.

Mr. Rhodes: Thank you very much. I appreciate that.

Mr. Gibbons: So what is the change?

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Mr. Rhodes: That they are not changing the siding. They're staying with the original hardiplank, consistent with the neighborhood design standards.

Mr. Gibbons: Thank you, Mr. Chairman.

Mr. Rhodes: Okay.

Mr. Gibbons: It's a motion too, isn't it?

Mrs. Bailey: Yeah. Mr. Chair, I'd like to make a motion to approve the Courthouse proffer amendment to include striking the change with the vinyl siding to keep it at the hardiplank.

Mr. Rhodes: So, motion recommending approval of RC15150551, Reclassification, Abberly at Stafford Courthouse proffer amendment, noting the... dropping the one change to the language dealing with the siding. Is there a second?

Mr. English: Second.

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

Mrs. Bailey: No further comment.

Mr. Rhodes: Further comment, Mr. English? Any other member?

Mr. Apicella: Mr. Chairman, I appreciate the applicant, their agent, willing to make the change about the materials. I still have reservations about this proffer change. This project was just before us and just approved a year and a half ago, and, you know, everybody rolls the dice when they put a project forward. Things change all the time. Six month from now, things could change. I do think there's going to be an impact as a result of adding another 38 2-bedroom apartments. I was a single parent. I had a child living in the room next door, going to school, and so there's no proffers to mitigate the increase to, I call it density or potential number of students in our school system. I quite frankly think, the applicant got a pretty good deal here, when I look at what was ultimately provided and having not offered something further to mitigate what I think is a big change, I can't support it.

Mr. Rhodes: Okay. Very good. Mr. Coen.

Mr. Coen: Yes, and I'll just echo what Mr. Apicella said. In my case, I know of a family which had a single parent and two children living in the bedroom next door. So there is going to be an impact. Quite honestly, we keep having discussions whether at our subcommittee or whether here, about how we need to be planning for the impact of this development and all these people, and all these children, schools, and etc. And I've been very consistent that I think we need to make sure that the proffer amounts come up to something sensible. I was not on the Board when this came forward the first time, but the amount of money that they got to say they're giving the land for Germanna comes out to a very small amount per unit. I think they could have given something at this point. Especially now that they know how much they got... had to pay for that land. They could have given something to offset, to mitigate the impact of what they're offering. And so just to be consistent, if we're going to say that our CIP is going to be imploded and we're going to have all this growth, and we need to make sure we have funding for it, it has to come from somewhere, and if we're not going to have it come from proffers then it's going

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to hit the regular tax payers. And I think we just need to be consistent and not just say we should do it. We should do it.

Mr. Rhodes: Very good. Any other comments? Okay. All those in favor of the motion, which is... please, Mr. Gibbons.

Mr. Gibbons: I'd like to make a motion to defer (inaudible - microphone not on).

Mr. Rhodes: Okay, so that's a substitute motion then, right?

Ms. McClendon: Yes, Mr. Chairman.

Mr. Rhodes: So you're making a substitute motion to defer till the 13th of May. Is there a second?

Mr. Boswell: I'll second.

Mr. Rhodes: Second by Mr. Boswell. Further comment, Mr. Gibbons?

Mr. Gibbons: No, sir.

Mr. Rhodes: Mr. Boswell?

Mr. Boswell: No.

Mr. Rhodes: Any other member?

Mr. Apicella: I appreciate the motion. I think it's a good idea and it gives the applicant a chance to revisit this and maybe make it, at least from my vantage point, more palatable and more equitable.

Mr. Rhodes: Okay. Very good. Any other comment? Yes, please, Mrs. Bailey.

Mrs. Bailey: No further comment.

Mr. Rhodes: Oh, okay. Very good. We'll act on the substitute motion which is to defer this until the 13th of May. All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

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Mr. Rhodes: Aye. Any opposed? Okay, very good. We'll defer that and come back on the 13th of May. We're now on to item number 6, which is the amendment to the Zoning Ordinance, proposed Ordinance O15-16, microcell communications facilities. Mr. Harvey.

6. Amendment to the Zoning Ordinance - Proposed Ordinance O15-16 would amend the Zoning Ordinance, Stafford County Code Section 28-25, "Definitions of Specific Terms," to define microcell communications facilities. The proposed Ordinance would also amend Section 28-39, "Special regulations," to add performance standards for the microcell communications facility use, and to allow this use as an accessory use to any by-right use in the B-1, Convenience Commercial; B-2, Urban Commercial; M-1, Industrial light; M-2, Industrial Heavy; PD-1, Planned Development-1; PD-2, Planned Development-2; P-TND, Planned-Traditional Neighborhood Development; and UD, Urban Development Zoning Districts and on any public facility in any Zoning District. **(Time Limit: June 9, 2015)**

Mr. Harvey: Thank you Mr. Chairman. Susan Blackburn will be giving this presentation.

Mr. Rhodes: Thank you very much. Fun night.

Mrs. Blackburn: Mr. Chairman, Planning Commissioners, good evening.

Mr. Rhodes: Good evening.

Mrs. Blackburn: This morning...

Mr. Rhodes: Almost.

Mrs. Blackburn: This evening you're holding a public hearing to consider approving proposed Ordinance O15-16 to amend Stafford County Code Section 28-25, "Definitions of Specific Terms," to define microcell communications facilities and Section 28-39, "Special regulations," to add performance standards for the microcell communications facilities.

Mr. Rhodes: Computer please. And this is the one that we voted for public hearing just last session.

Mrs. Blackburn: Yes. According to the Telecommunication Industry, the use of cell phones as a phone and an internet has greatly increased. And in doing so they have felt the need to develop new technology and microcell communications, and they are doing this by designing small systems that utilize existing structures such as buildings and light poles as communication hubs. And they are also calling this the microcell communications. The technology is relatively new and has only been in operation for the past few years. It utilizes approximately 60 watts of power, and has a designed coverage of only a few hundred feet. The normal areas where they are using this is in the shopping centers, the government complexes, and the schools. In our particular community they are looking at Carter's Crossing, Doc Stone Commons, Stafford Marketplace, Aquia Park, and also the Courthouse area. And we had been approached by several companies to do this, so we did kind of an inventory of surrounding counties and what they do. Spotsylvania County, Prince William County, King George, and Fauquier all have definitions and standards for dealing with the micro communications facilities as opposed to towers. Currently, our Code requires the approval of a... let's do this, wait a minute, I haven't played with this in a long time, currently our code requires a conditional use permit telecommunications towers. These microcell communications facilities do not have the same impact, because they are not at the same scale. And staff does recommend having this use to be allowed as an

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accessory use on non-residential structures per the proposed regulations. These are some of the examples of microcell communications facilities that I found. I did take them off the internet and they are found throughout the country. As you can see, the steeples are concealing antennas on the churches. The cactus is also an antenna that is being concealed, and the Cold Water Creek façade is hiding communication equipment, and on this particular building, as you can see, the brick, kind of like a top hat, is actually concealing equipment. So they have been able to design facilities that are quite incognito as some would say. And they have proposed these changes such that they can perform, or get more equipment into the various areas. In the process of drafting this, we did have some input from Verizon Wireless and they had wanted to change some of the language in the proposed amendment, that the facility be designed to be unobtrusive as possible, and may not be completely camouflaged. They said that may not always be possible. And they did want to allow all the zoning districts to be used, and I know, we had a discussion with legal, and it was decided that they wanted the B-3 district added, and that would have been past the confines of the advertisement.

Mr. Rhodes: So these were feedback and input after we advertised the language?

Mrs. Blackburn: Yes. Yes.

Mr. Rhodes: Okay. So any changes we make, we would have to first make sure it's not more restrictive, A, and B, we would have to vote to accept it, or?

Ms. McClendon: Mr. Chairman, if you wanted to add in the B-3 office district you would have to send it out for re-advertisement.

Mr. Rhodes: Re-advertisement, okay. But the other change in language we would not have to send out to re-advertise. That's just to refine them.

Ms. McClendon: That's correct.

Mr. Rhodes: Okay. Thank you very much.

Mrs. Blackburn: And the proposed amendment defines the microcell communication facilities. It designates the height and size of the facilities. It requires the use to be integrated with the existing structure, so to be camouflaged from view, and it does allow it as an accessory use or structure for the non-residential uses in the districts that were listed. And this would mean that staff would be making the decisions. We have questions from a couple of the Commissioner's about changing some of the language and they may want to discuss that as far as the terms for camouflage. But we presented this information to the Board of Supervisor's Community and Economic Development Committee in April, and they referred this item to the Planning Commission at the March 3rd meeting, and staff recommends the Planning Commission recommend approval.

Mr. Rhodes: Okay; very good. And question or comment, Attachment 2, Page 1 of 1, that even from the input of industry changed the camouflage to the more broad description, correct?

Mrs. Blackburn: Yes.

Mr. Rhodes: Correct, okay.

Mrs. Blackburn: And if you feel the need to do that, that is fine.

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

Mr. Apicella: Mr. Chairman, I was trying to find a, I guess I would call it compromise language, so I can't say this is exactly perfect, but what I might recommend for consideration is that the equipment antenna shall be integrated with the architectural integrity of the building or primary structure, or use self-techniques, or be camouflaged when integration is not possible. So I think that kind of help cover the basis. They may not always be able to architecturally meld in something that fits in with the building, so it's trying to give some flexibility while also, again, making sure it isn't obtrusive.

Mr. Rhodes: Okay.

Mr. Apicella: Would that work?

Mr. Rhodes: Any reaction to that Mr. Harvey or other staff?

Mr. Harvey: Mr. Chairman, Mr. Apicella, I believe it still goes towards the same overall intent, it may be a different way of wording it.

Mr. Rhodes: What was your reaction to the changes that were suggested by Industry or outside that is now presented in the blue?

Mr. Harvey: I think it's all, again, trying to get towards the same intent.

Mr. Rhodes: Okay.

Mr. Harvey: The question is, what's the right wording so it's clear for everyone to understand what we're trying to do.

Mr. Rhodes: Okay. Very good. Any other comments for staff before we go to public comment...yes, Mr. Gibbons.

Mr. Gibbons: Have we coordinated this with NSA?

Mr. Rhodes: Mr. Harvey is working on that, but it's covert. Okay, thank you very much. We'll now go to public comment. Is there any member of the public who would like to speak on item number 6, the amendment to the Zoning Ordinance, proposed Ordinance O15-16, if so, you may come forward and do so at this time. Thank you for your patience sir.

Mr. Thornburg: My name is B.J. Thornburg. Chairman Rhodes and other Commission members, I'm speaking out on this, I just found out about it tonight, because I just got a call said hey... but the problem you have is that the federal telecommunications act of 1996 opened the door to telecommunications companies to have a great impact on what decisions are made at the local levels, at our level, and the fact of the matter is, once you've opened the door to them, you currently have policies in place with your Stafford County Telecommunications Plan of 2011. You have policies and procedures in place that can kind of stave off and hold at bay the telecommunications companies, the vendors. Once you start to open that door, you legally can't stop them. I mean, this has been proven in a lot of other communities. These microcell communication facilities fall underneath that same telecommunications act and that same telecommunications plan. And so when you open the door to everything, you have no control over it. So I would just suggest to you that you got areas that, where

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you don't know what the ultimate impact of these are health wise. I'm a Vietnam veteran and I'm suffering from Agent Orange and getting blood tests on health issues from Agent Orange that was perfectly safe, nothing to worry about, and now, you know, 40 years later I've got something to worry about. People have the same problem with asbestos. My grandparents put asbestos siding on their house. And I don't know how many of you know about the radium watches where the people did the licking of the paint, you know, and now they have no jaws and no faces left. So my concern is that you open the door to something you don't know the full ramifications of it. The world health association has said, we don't know that it's not... that it's bad for you, but we don't know that it isn't. And so we're suggesting that you put it off until you have more information. And that's what I would suggest you do, is consider the impact when you open it to all zoning areas, even though I did notice you said something about non-residential, but you got schools, you got hospitals, you got playgrounds, you got all of those things that could be affected. Thank you.

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

Ms. Soulis: Good evening. I actually came her to speak to the two cell tower issues which were deferred from a couple of weeks ago, but obviously I'm noticing this microcell issue. I would like to echo the concerns just voiced by the gentleman directly before me. These are EMF devices. Tonight I've brought for you a lot of literature on EMF, and...

Mr. Rhodes: I'm sorry, could you state your name and address?

Ms. Soulis: Yes, Katherine Soulis.

Mr. Rhodes: I'm sorry. Thank you.

Ms. Soulis: This is just more EMF. Since appearing here two weeks ago and since researching this three years ago, I've re-researched it in the last week and I found even more established science that really tells us that walking in front of one cell tower is never going to kill you. What we need to do is look at the accumulative long term effect which multiplies in our bodies every day with every exposure we have. What's happened now is, this is a comfortable community, it's a successful community, we have lots of cell device, they are increasing daily. Our children have way too many cell devices, and again, it's no one device, but accumulatively in the aggregate your choices, your decisions in the Planning Commission over what tower, or what antenna, or what other EMF device goes where, crucially impacts not only your own health but those of pregnant women, children and the elderly particularly, our three most at risk groups. We all grew up perhaps enjoying relatively good health as I look upon the group here, and yet I know so many middle school and high school students whose health is challenged and one of the factors that contributes to their bad health is too much EMF exposure. The wise parents, the informed parents are now limiting as much as they can, this exposure. The fact that Verizon requests, and other companies, not just Verizon, school exposure and now rural if I'm understanding correctly, in other words rurally zoned places, means that literally property values are being diminished by the setting up of these microcell things, because, I didn't read in here what the term of a contract might be or the term... but it's all affecting value and health. So I submit to you as regards microcells or cell towers no amount of money this community could garner from leasing its space is ever going to compensate for the health costs you're going to incur. Thanks.

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

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Ms. Petway: Good evening. My name is Stephanie Petway and I'm here representing Verizon Wireless. I work for a company called Network Building Consulting and we're in Elkridge, Maryland. I just wanted to basically state our support for the change to the text to support what you call microcells, what we call small cell installations. This is sort of the next generation of where telecommunication is going. Particularly in the more urban areas such as the Washington D.C. area. What we're trying to do with these microcells essentially is to bring very low wattage, they're 60 watt or less, which is effectively the size of the wattage of a light bulb, one antenna, maybe two, to large shopping centers, large urban areas where we have a congregation of large numbers of individuals. These particular sites would allow us to bring some additional capacity into a particular area where we have a large congregation of people without having to build new towers and we're talking about one, maybe two antennas per shopping center, again, as I stated earlier, with a wattage of no more than 60 watts, which is equivalent to a light bulb. You know, I know there are concerns about health and I'm not here to speak for or against it, but I am here to tell you that we are in compliance with the FCC. This has been studied for many, many years, for decades. As of yet, we have no indication that any of this has caused any issues. So I'm saying that we are in compliance and we will be in compliance as required by the federal communication commission.

Mr. Rhodes: Great. Thank you very much. Does anyone else like to speak on this item? Very good. I'll close the public comment portion of the public hearing and we'll bring it back in to the Planning Commission. So then we've had some suggestions of additional or other modifications that maybe we might want to work through and make sure we're comfortable if we're even to move forward on it, but I don't know what other thoughts there are. Yes, Mr. Apicella.

Mr. Apicella: Yes, Mr. Chairman, I do have one other point.

Mr. Rhodes: Please.

Mr. Apicella: One of our duties is to make sure there is no unattended consequences, I know staff has taken another look at it, but I'll just put it out there one last time. In terms of the definition, is it clear enough that we would know what is not a microcell facility, because in my view when you just say equipment that receives or transmits communication signals sounds pretty broad. And how would I know that there's something larger than what is intended as a microcell facility being attached to a building, especially when it can be 15 feet above the top of the roof line.

Mr. Rhodes: Hm. Okay.

Mr. Coen: Mr. Chairman?

Mr. Rhodes: Reaction? Staff at all. Are you comfortable with the...we know what the definition is?

Mrs. Blackburn: Mr. Chairman, I understand Mr. Apicella's concern. I would be more than willing to work more on a definition. I also have thought while sitting here, with this definition we could also potentially add a line in accordance with Section 28-39(x), which would then tie that definition directly to those standards, which would then give it the height and the percentage that it could cover the roof structures, if that were the way. But, if you were so inclined to, we could also look to see if you want to add any kind of wattage, or anything like that to the definition.

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Mr. Apicella: Again, my concern would be folks running a Mack truck through what is potentially an overly broad definition. Not that they would, but the potential is there and then we end up with a bunch of mini communication towers, not microcell but mini communication towers on tops of roofs.

Mr. Rhodes: And I hear this, so I hear what I think is forming a thought to do a little more work on this and I know Ms. McClendon will look at it closely to make sure it's something that's consistent with what we've already advertised and that if it's more restrictive or more definitional that shouldn't be problematic because it's not expanding the scope of what we advertised.

Mr. Gibbons: Do we have anybody that's a consultant to us on telecommunication for the county?

Mr. Harvey: Yes, Mr. Gibbons. Our representative is here tonight to talk about some other the other items on the agenda at the Commission's request.

Mr. Rhodes: So we may be able to leverage some of that expertise. Mr. Coen.

Mr. Coen: I'm just curious and... I'm gathering too that this going to come back, so you're going email me, I'm just curious why so of the other zones, I'm just curious about, you know, why all of those different ones, I mean, are we envisioning that at every shopping mall there's going to be four, or five, or six of these puppies? One of the comments was, you know, the idea that the county would make money, but if this is going to be on somebody's business I'm gathering the county really doesn't get any money out of it. And I may be wrong, but the impression I'm getting is, either a cell phone company goes to a business at a mall and says, hey, I want to hang this thing on your building and I'm probably going to pay you. And so that business will get money off of it. And then either the cell phone company or the business comes to the County to ask for permission, staff says yes or no and then it gets put up. And so I'm just sort of wondering how many is enough, how many is too many, you know, does every single cell phone company want to put something on every place in Stafford Market Place. And so I'm just curious to get my head around that.

Mr. Rhodes: I believe this one is more of a convenience type of a function and it would enhance the experience at the location we got a heavy density and a heavy draw on the wireless networks, whereas the reference to funding is, if we're leasing a space on a water tower which is another item on the unfinished business, and so I think there's a mixed metaphor. Mr. English?

Mr. English: Would there be a way of tracking how many they put out there? Is it possible we can do that if this is approved or whatever?

Mrs. Blackburn: Yes. Partially it would be through, actually, building permits, because they would have to be wired.

Mr. English: Is it possible that maybe you could do some more research health wise, if you can find any issues with that, or is that kind of out of the scope to do that.

Mrs. Blackburn: Oh no, I can easily see what I can find, yes.

Mr. English: Yes, I think so. Thank you.

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Mr. Rhodes: Okay. So I'm hearing an indication to defer at least to May 13th to work a little bit more on definitional ties to the regulation ensuring there's no un... trying to minimize unintended consequence associated with this as well.

Mr. English: I make the motion to defer.

Mr. Rhodes: Motion to defer to May 13th. Mr. English. Is there a second?

Mr. Coen: Second.

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

Mr. English: No sir.

Mr. Rhodes: Mr. Coen?

Mr. Coen: No sir.

Mr. Rhodes: Any other member? All those in favor of the motion to defer to May 13th signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. Very good. We're on to item number 7.

7. Amendments to the Subdivision and Zoning Ordinances - Proposed Ordinance O15-03 would amend the Zoning Ordinance and proposed Ordinance O15-04 would amend the Subdivision Ordinance, to update the terms and definitions in both Ordinances to align with the Virginia Code, to clarify and simplify some terms and definitions, and to ensure consistency between the Subdivision and Zoning Ordinances by providing similar definitions and terms in both Ordinances. Proposed Ordinance O15-03 would provide a list of references and resources that may be referred to in interpreting any term not defined in the Zoning or Subdivision Ordinances.

Mr. Harvey: Mr. Chairman, Mrs. Blackburn will also discuss this item.

Mr. Rhodes: Yay!

Mrs. Blackburn: Mr. Chairman, Planning Commissioners, this is to consider amendments to the County Code, Section 22-4, Definitions, and Section 28... oh wait, no -- wrong piece of paper.

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Mr. Rhodes: We're trying to catch up, but...

Mrs. Blackburn: I know. Too many pieces of paper.

Mr. Rhodes: Too many agenda items.

Mrs. Blackburn: Yes, this is for proposed Ordinance amendments 15-03 and... for the Zoning Ordinance, and proposed Ordinance amendment 15-04 for the Subdivision Ordinance, to amend the definitions. And this is to update the terms, as I said, in definitions in both Ordinances and to align with the Virginia Code to clarify and simplify some of the terms and definitions and to ensure consistency with the Virginia State Code.

Mr. Rhodes: This was the work over the last six months of last year, right?

Mrs. Blackburn: Yes.

Mr. Rhodes: Yep, okay.

Mrs. Blackburn: Yes, yes. And this was first brought before the committee, the Board of Supervisors Community and Economic Development Committee, in February of 2014. And that was sent to the Board, and at their April 15th meeting, almost a year ago, they decided to send it to the Planning Commission. The Planning Commission discussed it at their June 21st Retreat and sent it forward to the July 9th meeting where a subcommittee was formed. And from that time, work was done to work on all the definitions to make sure they were the same, make sure they were compliant with the Virginia Code at the time, and to clean up a few inconsistencies. And at the March 11th meeting, it was brought forward to the Planning Commission. At that time, there was a little discussion on retail sales because there had been some incidents by other decision-making bodies for the County. And unfortunately we did not find a good definition for retail sales, but thought in the situation that was going on, as far as what was happening in the County for home occupations in particular, that there were other ways that we would be able to deal with those uses. So, at the March 25th meeting, the Commission voted to conduct a public hearing for tonight.

Mr. Rhodes: Very good.

Mrs. Blackburn: And this has all come about because of the Comprehensive Plan requires us to update the elements and amend the land development ordinances. And an Implementation Plan has been developed and it includes rewriting the Zoning and Subdivision Ordinances. And the Plan does provide for this task to be done in phases. And this is the first phase of that process. And staff recommends that you approve the proposed amendments.

Mr. Rhodes: Great, thank you. Questions for staff? Very good. If there's any member of the public that would like to speak on this item, you may come forward and do so at this time. This is the amendment to the Subdivision Ordinance and the amendment to the Zoning Ordinance as proposed Ordinance O15-03 and O15-04. Seeing no one racing down the isle, we'll close the public comment portion...

Mr. Gibbons: Mr. Chairman, I'll make a motion to approve Ordinance O15-03.

Mr. Rhodes: Very good. There's a motion recommending approval of the...

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Mr. Gibbons: 03 and 04.

Mr. Rhodes: ... Subdivision Ordinance.

Mr. English: Second.

Mr. Rhodes: Second by Mr. English.

Mr. Gibbons: Do we have to vote on them separately?

Mr. Rhodes: Ms. McClendon?

Ms. McClendon: I would recommend they be voted on separately.

Mr. Rhodes: Okay, so we'll take a motion on O15-03, Mr. Gibbons recommending approval, second by Mr. English. Further comment Mr. Gibbons? Mr. English? Mr. Apicella?

Mr. Apicella: Mr. Chairman, this is sausage-making at its best.

Mr. Rhodes: Yeah.

Mr. Apicella: Really, I want to thank you for all your hard work. I think you went above and beyond the call of duty.

Mr. Rhodes: Well, if it weren't for the slow subcommittee of me, we would have been here a long time ago. But anyways, nonetheless, very good. Okay, all those in favor of the motion to recommend approval of the proposed Ordinance O15-03 for the Zoning Ordinance signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? It passes 7-0. And Mr. Gibbons?

Mr. Gibbons: Ordinance O15-04.

Mr. Rhodes: Motion to recommend approval of the Subdivision Ordinance O15-04. Is there a second?

Mr. English: Second.

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

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Mr. Gibbons: No sir.

Mr. Rhodes: Mr. English? Any other member? Would you like to talk about sausage again? No? Very good. All those in favor of the motion to recommend approval of the change to the Subdivision Ordinance O15-04 signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; it passes 7-0. We are whopping onto Unfinished Business, item number 9. Woohoo! Good Lord, we're never this late. Okay, Mr. Harvey. COM15150549, Comprehensive Plan Text Amendment, George Washington Village.

8. RC1400155; Reclassification - George Washington Village

Amended agenda to move item 8 before item 1.

UNFINISHED BUSINESS

9. COM15150549; 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) (History: Deferred on March 25, 2015 to April 22, 2015)**

Mr. Harvey: Mr. Chairman, as you recall, there was a previous public hearing on this matter. It was to amend the Comprehensive Plan to be more in accord with the reclassification application that was discussed earlier this evening. I'd be happy to answer any questions the Commission might have. It was deferred for consideration of marrying up with the reclassification application.

Mr. Rhodes: Yep, yep. So we talked about this before. We deferred it while we were deferring the other items to work on these in total. Are there particular open items for staff on this or questions? Would we like to hear from the applicant?

Mr. Gibbons: Is this new because of the action we took earlier?

Mr. Rhodes: It's still an open item, right?

Ms. McClendon: That's correct Mr. Chairman. It's still a proposed Comp Plan amendment.

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Mr. Rhodes: It was a separate independent item, though certainly it was related to that because it was necessary to get some alignment between the Comp Plan and the application, but they are still independent actions. Applicant, you got anything you want to throw out here? We're rolling my friend.

Mr. Gibbons: If we don't have an application, then...

Mr. Rhodes: But they still have requested a Comp Plan amendment, so we still have to...

Mr. Payne: Mr. Chairman, other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer. I feel like this is Groundhog Day, certainly not only in regard to this application this evening. I know you guys have had a long evening as well. Notwithstanding my disappointment in earlier tonight's decision to deny the George Washington Village Reclassification. I do encourage you to reconsider your thinking and your thoughts pursuant to this Comprehensive Plan Amendment. Whether you believe in the merits of the George Washington Village rezoning classification, this Comprehensive Plan Amendment does address the density issue and questions that you are currently are discussing I know with other proposed Comprehensive Plan issues, especially with the Business Campus and with the Central and/or proposed South George Washington Village Campus in order to meet the density planning that this Planning Commission and Board of Supervisors spent a lot of time doing. And the Comprehensive Plan that we have proposed is consistent not only with, in our opinion, the spirit of the Comprehensive Plan and regarding the overall density and the commercial square footage as proposed for this area. It is also in my opinion generally compatible with your proposed, not approved, Airport Overlay Land Use Compatibility Plan. Notwithstanding comments from the Airport Authority, which basically does not want any growth near the airport, I can understand that to a certain extent, but airports do succeed and thrive with growth near them especially when they're in the center of the County. But, I would again respectfully request that you consider this and approve it. Again, I think this is good for the overall County, not just for George Washington Village. And with that, Mr. Chairman, I'll end my comments. And I again appreciate your diligence and your patience tonight.

Mr. Rhodes: Are there any particular questions for the applicant or discussion? I do know the... I would just highlight that while this is a particular Comprehensive Plan text amendment on the current Comp Plan, the fact is we also have some other suggested changes on UDAs, TGAs, and the Comp Plan in general that we'll be addressing a little later as well, in addition to this proposal that's here.

Mr. Gibbons: With that in mind, Mr. Chairman, I'd like to make a motion that we delay this until the May 24th period because we've got the committee report we're giving back to the Board.

Mr. Rhodes: And that we're still going to... yeah, we're still going to have to... We've got to vote that one for a public hearing which we'll be holding... we have to vote it out tonight, right Mr. Harvey? On our UDA/TGA, which would be to vote it out to the 13th of May public hearing?

Mr. Harvey: Yes sir. And this case has a deadline as well; in particular, it's for tonight's meeting unless the applicant is willing to grant an extension.

Mr. Rhodes: This one? I thought this one had a...

Mr. Harvey: I'm sorry, I'm looking at the wrong item.

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Mr. Rhodes: But it would be helpful I think is if we could get a... is this, I'm sorry, a Comprehensive Plan Text Amendment, is that one that the applicant can give us an extension on?

Mr. Harvey: They're the ones requesting it.

Mr. Rhodes: Okay, so it would be theirs to... because if we could get that till the 27th and address it then, that way we could do our public hearing and see where we're at on those items, see how that turns out and then we'd probably more informed to act on this one, if that's acceptable.

Mr. Payne: That's acceptable.

Mr. Rhodes: Okay, thank you very much. So, the motion, Mr. Gibbons, is to defer this to the 27th of May...

Mr. Gibbons: Yes sir.

Mr. Rhodes: ... given the indulgence of the applicant. Okay, is there a second?

Mrs. Bailey: Second.

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

Mrs. Bailey: No comment.

Mr. Rhodes: Anyone else? Yes Mr. Coen.

Mr. Coen: I'm not quite certain the need to defer, so I'm going to vote against; I think we can vote tonight. Quite honestly, I think it sends a mixed signal to say one thing on the project and then on one element of the project, say we're not going to make a decision for x number of weeks. So I'm not quite certain why we need to defer so I'm just going to vote against deferral.

Mr. Rhodes: Okay, very good. Any other member? I would just highlight to where I stand on it is I'd like to see how we end up, whatever we end up with after the public hearing, which may incorporate some of this language, may not, may make this moot. But I wanted to see that addressed and then see how that's in here. So that's why I'm going to vote supporting that. So all those in favor of the motion to defer this to May 27th which is an extension allowed by the applicant signify by saying aye.

Mrs. Bailey: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed?

Mr. Apicella: Nay.

Mr. Coen: Nay.

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Mr. English: Nay.

Mr. Rhodes: Was that three? One, two, three? Okay, very good; passed 4-3. It's deferred to May 27th because we don't want to close anything out. Very good. We're onto item number 10, COM15150546, Comprehensive Plan Compliance Review, Telecom Tower AT&T at Stone River Water Tank. Good Lordy, we're into these; okay good.

10. 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) (History: Deferred on April 8, 2015 to April 22, 2015)**

Mr. Harvey: Mr. Chairman, Erica Ehly will give this discussion.

Ms. Ehly: Good evening again Mr. Chair, members of the Commission.

Mr. Rhodes: Now this is the one we had for public hearing last time. We had a few questions that were thrown out there and so we kept it over for unfinished business, right? Very good, okay.

Ms. Ehly: Yes sir. Just as a quick reminder of the location, the site is located on the north side of Jason Lane, approximately a thousand feet west of Greenridge Drive, and 2,000 feet to the east of Jefferson Davis Highway. So, there were...

Mr. Gibbons: Can I ask a technical question please?

Mr. Rhodes: Yes, please.

Mr. Gibbons: If we just got done talking about microcells, why do we need this?

Mr. Rhodes: Well, these are big things in lieu of independent towers. Yeah, microcells are tiny; this is more fun.

Mr. Gibbons: Oh, okay.

Mr. Rhodes: Separate proposal which is consistent with our telecom's plan and something that the County has actually been endorsing and pursuing, and now we need to consider how we may or may not recommend going forward on addressing it.

Ms. Ehly: Okay, so there were several comments from the public hearing at the last meeting, and I'll just go through them. The first comment was regarding the visual aesthetics of the proposal. And so photographic simulations were provided and this is the... you can see the existing view in the little cut-out in the upper right-hand corner, and then the proposed view with the equipment on top in the center. From the... okay, this is from the southeast of the site. And this view is from the southwest. And this view is from the northeast. And this is from the north. And additional comments were or concerns were raised in addition to the visual impacts. The first one was the responsibility of the service provider to remove the equipment. And in the staff report it was identified that there's a provision in the executed

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lease agreement, and the summary of it is that any portions of the facility that are not removed by the applicant within 120 days after the end of the term of the lease or whenever the applicant ceases operations, whichever comes later, shall be deemed abandoned and owned by the County. And there is no responsibility for the applicant to remove the equipment. And the next concern or question was potential tax revenue regarding this facility. There was a mention in the lease about the tenant being responsible for any assessed value on the equipment provided on the water tower. So, the applicant provided an estimate of a value of \$150,000 for the equipment and the County does assess a tax on telecom facilities. And the approximate tax would be \$8,235 annually; the tax bill would be for this particular facility. That's just approximate of course. And the next concern regarding this particular site was the reason for locating equipment within the water tower... the water tank structure. And according to the applicant, when they went to design site visit, the County... well, they were told that the County didn't own the property outside of the water tank and that all of the equipment needed to be within the tank shell. So that's the reason for that. And then also the question of the ability of the tank to support the proposed equipment. And it will be required to go through building permit process and they are required to file a structural analysis, signed and sealed by a Virginia licensed engineer during the building permit process and it will be reviewed and the ability to hold up the equipment will be determined then. Staff also confirmed there was a comment from Mrs. Bailey regarding the comments by Fire and Rescue at development review meeting. We did confirm that Fire and Rescue had a comment regarding the equipment within the tower, that a two hour fire rated construction should be separating the equipment from the tower structure, and the applicant has stated that the space in which the equipment will be located is already fire rated. Also, the applicant provided hand-outs which the Commission received this evening; one summarizes that there are no health concerns related to cell site RF exposure according to the FCC, American Cancer Society, and the World Health Organization. And then the second hand-out is just kind of summarizing the importance of cellular wireless service to the Emergency 9-1-1 System. And then the final comment was related to technical aspects in general related to radio frequency thresholds for safe exposure levels and things like that, and we do have Mr. Pegram is here. He's a representative from RCC Consultants who is attending on behalf of the County to address those technical issues related to the exposure limits and things like that. So, if you don't have any questions for me, I'll turn it over to Mr. Pegram.

Mr. Rhodes: Yeah, please. We usually don't make people sit here this long, so sorry about that. Thank you.

Mr. Pegram: It's quite all right. I appreciate it. It's been an education. Mr. Chairman, members of the Planning Commission, I do have a short presentation that I think would address your questions that came up. I did review the meeting of the 8th.

Mr. Rhodes: Great, thank you!

Mr. Pegram: And I've given that on a thumb drive.

Mr. Rhodes: Computer please. He's getting there.

Mr. Harvey: Give me a minute Mr. Chairman.

Mr. Rhodes: Okay. Here's where you have to sing your school fight song; that's usually what we do at this point.

Mr. Pegram: The fight has left me.

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Mr. Rhodes: Here we go; okay.

Mr. Pegram: Again, this is a presentation that addresses some of the questions that came up. I'm going to go through several topics here as quickly as possible. The FCC Guidelines, the hazard, if you will, the concerns that have been raised, the vocabulary that's behind some of that, and some propagation basics. We're not going to get into any heavy math but just to go through some of these things. What guides all of this is the FCC Office of Engineering Technology Bulletin 65. It was put together by health professionals and medical professionals with a lot of scientific research put into it. That's what the FCC used to establish what's safe for humans. And as long as that is met by the wireless carriers, the Wireless Telecommunications Act of 1996 says, you can't question the science that's behind it; if they meet these requirements, this is the science as of now until someone improves that. So, that is the report and the bulletin that they go by. The hazard is for the exposure to excessive amounts of radio frequency energy because it basically heats like a microwave oven is a very good example. The electromagnetic energy basically excites and vibrates water molecules. And if they're within your body, it does that and that tends to warm them up. So it's the heating and the rising temperature. They're temporal; as you go out into the sun and warm up, you step inside you cool off. So, as long as your body is able to compensate and dissipate that heat and you don't exceed those limits, you're okay. It's a temporary thing. The requirement is to ensure that the body doesn't get exposed to and absorbed at a higher rate than the body is able to dissipate. Some vocabulary, and we're going to go through these again very quickly, but not to any great technical detail. Non-ionizing electromagnetic radiation is the first one we'll talk about. Maximum (inaudible) exposure which you've heard several times raised. Specific absorption rate. Isotropic refers to the antennas that we're... the theory if you will, how waves propagate. Effective radiated power. And the controlled and uncontrolled environments that appear in our report. I'm not going to read this entire thing but this is from the Occupational Safety and Health Administration and basically the non-ionizing electromagnetic radiation is differentiated from like radioactive, nuclear radioactive devices, and it doesn't do anything permanent to the cells; it simply heats through that vibration we talked about. So, the thing is that it can't... it could cause considerable health risk if you're over-exposed and it's not properly controlled. Maximum permissible exposure -- again, this is out of the FCC report. This is the maximum allowed amount that you could be exposed to without harmful effect. And there are safety factors built into that as well by the FCC and by the experts in the industry so that we're not going right up to the limit. It's like as you're below this limit, you're well within the allowable. This is a quick graph with some red lines there; I don't know how well that shows up for you. But the body's ability to absorb and dissipate this energy depends on what frequency it's in. So, the red lines there show, for cellular communications that's generally the band that you're talking about and it's in portion of the band where the body does absorb those signals a little better than in other areas of the band. Specific absorption rate again is a measure of the rate of the energy absorbed or dissipated within your body by an incremental mass contained in (inaudible) materials. That's your body. How much can your body absorb and still be safe? And according to the scientific research, 4 watts per kilogram... and I hate metrics as much as the rest of you do... so that's about 1.8 watts per pound of absorption averaged across your whole body. So, if the entire volume of your body is exposed to no more than 1.8 watts, that's acceptable. And again, that has safety factors built into it. Effective radiated power -- this is kind of a... it's an engineering issue but energy can't be created. If you start off with 100 watts, you can't make more than 100 watts out of it. You can focus it into a beam and you can make it more effective, but you can't make more than what you start off with. So that's an important concept we'll come back to in just a moment. Moving onto the environments that we talked about, there's a controlled environment. That's where you have people, typically folks who are employees, they're in the environment, they know that they're walking into an environment where antennas are present, they know that that hazard is there. They wear monitors, they have the ability to control it. If they're going to step up to it and stay long enough so that they would be overexposed, then they turn off

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or command for the equipment to be turned off. So that's a controlled environment; they're fully aware of it and they can control their exposure. Examples are if you get behind a gate and you've got the posted signs, that can be considered and is considered a controlled environment. You're warned at the entry; the folks that go in there should need to have special training. Uncontrolled environment is where the general public might be. They may or may not be aware of their exposure; they have no control over being exposed even if they are aware of it. They're simply there and can't do anything to... they don't monitor themselves. The difference between the two is, overall, there is no difference. But in a controlled environment, those folks are aware of it. They wear those special monitors; they can, over a short period they can absorb up to five times the regular limit but only for a six minute... it's averaged over six minutes. So they can step into a field near an antenna and stay there five times the regular rate, but only for up to six minutes and they wear monitors typically to tell them if they're overexposed. In the uncontrolled environment, the level is one-fifth of that, but it's averaged over a much longer period of time. So it's 30 minutes instead of the six minutes. So that's the difference; overall, the absorption and dissipation is the same on average, it's just the amount of time over which somebody might step into the environment. Basically, in an uncontrolled environment, they may be there indefinitely and not be overexposed. Awareness and control -- as we said, signage is placed in those areas that are considered controlled. The access is restricted; it's not a public place. We're talking right not about the tops of water tanks. The public should not be on the tops of water tanks. The only folks who should be up there are folks working on and maintaining the tower or the equipment that's on it. And then those authorized personnel are trained. They receive the special training. They wear monitors. And if they have to get in there and move too close to an antenna and have to stay there for a longer period than time that's acceptable, then they can call the cellular companies, open a maintenance window, and turn off the equipment and do whatever they need to do within that area, and then turn the equipment back on when they're done. So, those are all things that can be done to address exceeding that maximum permissible exposure, to prevent it. The signs are fairly typical. There's a company that makes these signs, and they make good money making those signs. You see them everywhere at these sites. And that's the purpose is to inform those folks there is the potential of a hazard. Monitors are worn almost like the old time pagers. They will beep and go off if you've been overexposed or you're about to; it will tell you. There's a little gauge on there that says you're at 50%, you're still good, and if you exceed that, it will start to beep and tell you, you need to step out of the area, you need to turn off the equipment, you need to do something; you're in a controlled environment and you've just been overexposed. Allow yourself some time to cool off. Isotropic -- this is where I'm going to give you a couple of slides that show you generally how waves propagate and isotropic simply means it moves in all directions equally, it's not focused in any one direction. It's like a big balloon, if you will, or a sphere. Propagation is the spreading or distribution of energy. Again, you can't create it; you can transform it. So if you start off with a hundred watts, as it spreads out it's just a 100 watt spread over a larger distance and it gets less and less dense. And it diminishes very rapidly because of that. As waves propagate through space, think of it like blowing up a balloon. If you start off with a little small piece of rubber and as you blow it, you don't get any more rubber in that; it stretches thinner and thinner and gets bigger and bigger. It's the same thing with waves as they go out. They stretch and go out but the density gets smaller and smaller. If you cut out one little 1-foot square out of that, then that gives you the watts per square foot, if you will, or whatever square area. I don't know how well that's readable, but that's an example of how things diminish as you go out, in distance, from the center of the isotropic or that center dot. And if I can read here, if you get out to about 12 or 14 feet from a 1,000 watt transmitter, that's about the equivalent of holding a cell phone up next to your head. So, a cell phone on your ear is about equivalent to a thousand watt radio 15 feet away from you. So that gives you an idea of how quickly it diminishes in space. But going into reality, we start off with that dot and we expand from that. That's not the way that antennas work because antennas are not points in space, they have dimensions. Typically they're vertical and so they don't radiate very well up above and down below. They don't need to because

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there's not much distance to the ground and there's nobody up in the sky to talk to. What they like to do is they like to talk out to the horizon. So they will actually focus those beams and that's where the effective radiated power is; there's not much above, there's not much below, it's all out towards the horizon where it's needed. And then again, with cellular systems, they usually want to go in that direction and not in all directions, so they concentrate it into one sector. So they further focus it in one direction and it's not going in the other direction. So, here are some example calculations that we did. I forget... I think this was the Stone River application. But I don't do all these by hand; when I do them I basically say, here's the equipment, here are the antennas, the equipment that go into the system, and then here's how far somebody can be away and be within these maximum permissible exposures. But I can do sample calculations like this to show you. Down in the bottom right-hand side, you see this is standing at the same level as the antenna, 16 feet away from it. And you can see there that the general public would be about 20% of their maximum permissible exposure. The occupational would be 4%. So, our recommendation I believe was to be 16 feet. This is from one of the antennas that's on top of the tower. So by the time you put multiple antennas on the multiple systems, then it would increase above that 4%. But basically if you stay outside of that 16 feet away from the antenna, at the same level, you're not going to be overexposed. If you talk about the antennas at 160 feet, and I'm 6 feet above ground down below it at the same horizontal distance, then the occupational... you know, both of those are green and it basically diminishes to nothing because the beams are going out to the horizon and not going down below. By comparison, strong sunlight results in a heating effect of about 16 watts. So we're talking about, you know, the maximum permissible exposure that's allowed... that you have to meet for the FCC guidelines is just a little over one-tenth of what you get on a strong day from the sunlight. So there's very little heating effect from that. And in summary, the radio frequency emissions are non-ionizing electromagnetic radiation. They heat because they excite the water molecules. And as long as you control that exposure so that it doesn't exceed the ability to dissipate it, then there's no long or lasting damage to living tissue. The FCC has established the guidelines for the maximum permissible exposure. The overall limits are the same for everybody and those who can control their environment can be exposed to higher levels for shorter periods of time. Signal levels diminish very rapidly to very low and safe levels well within the established limits. And the antennas, while they're concentrating that signal out to the horizon, make sure that it doesn't go down to folks who are in close proximity to it. With that, that generally talks about how these waves get propagated, the very quick and rapid dissipation of the energy. And if you have any questions...

Mr. Rhodes: Thank you. That was certainly one of the key questions we had last time was to better understand. Are there questions for the consultant?

Mr. Gibbons: Are you saying that both applications that we have present no hazard?

Mr. Pegram: What we did in our report was we did an analysis. Again, we didn't do it step by step; we put in the parameters for as proposed and ran an analysis by computer that goes through and said, if you're standing on top of the water tank for, I think it was the Austin Ridge, I think as long as you were within... at least 6 feet from the antennas, then you were not in what would be considered an overexposed situation. And for the other, there were three sets of antennas and so it was like 18 feet away from those. So they were very similar; as long as you're not on top of the water tank then the maximum permissible exposure is not exceeded for either the controlled or uncontrolled.

Mr. Gibbons: If you're doing maintenance, then you would have to shut it down while...?

Mr. Rhodes: Or have protective clothing.

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Mr. Pegram: Right. Those folks... if it's one of the tower folks, one of the guys who's working on the antenna, they certainly wear monitors because that's what they do all the time. And they would be aware.

Mr. Gibbons: No, I'm talking about our employees. Sometimes you have to go up and paint.

Mr. Pegram: Right...

Mr. Rhodes: Yeah, I think the presentation last time indicated that there would be a requirement for them to modify some procedures, have protective gear involved because they would... yeah. Now, if I could just... my sensing is here that based on the quick, the strong diminishment of the impact of the signal, but the concerns that some individuals might have over the emissions, that's why the public law statute says for the zoning, local zoning bodies, that we can do typical zoning for what's compatible in the area. But no state or local government or instrumentality may regulate the placement, construction, or modification of (inaudible) while they service these facilities on the basis of environmental effects of radiofrequency emissions. So it's based on this science here that they've made a determination there's really not an impact because you're never going to be within 6 feet. Therefore, to clarify it and to preclude the potentials of risk, they've just put into public law that we can't use that as a bases for restricting.

Mr. Pegram: Yes. And I'm certainly not an attorney, I'm an engineer, but the FCC says as long as you meet these maximum permissible exposures, and I think the applicant does that themselves independently, we also went in and verified that (inaudible).

Mr. Rhodes: And that was an attachment to page 5 of 6 of the staff packet, subparagraph IV. Okay, other questions for the consultant?

Mr. Coen: Just two quick, if I could. One, just some clarification because I got lost. It's 11:16. So, is this going to go up through the tank or on the outside of the tank?

Mr. Pegram: Well, the transmission lines typically would be routed up I think on the inside of the tank.

Mr. Coen: Okay. Which is why the question about heating up the water and etcetera, etcetera is relevant and it's in a confined space so over time... the science is that over time it will dissipate and cool off. But it's still going to be there and depending on how quickly the water is taken out by people...

Mr. Pegram: And how well it circulates itself, yes sir.

Mr. Coen: And lastly, we keep hearing gear but you keep talking about just having a monitor. So, is the gear... I mean, one mindset of gear we're talking about is Sci-Fi movies where they have protective gear, and then you keep saying all they have is this little monitor to tell them if they've gone over.

Mr. Pegram: Right.

Mr. Coen: So, the gear really is not protective gear; it's this little thing just to warn them that they're getting too much.

Mr. Pegram: For somebody working on a broadcast tower, they do make actually protective gear that would protect you somewhat. But they typically lower their power as well. But the monitor is to make

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sure that you... you can't really feel, even at these low levels, you can't feel the heat increase, so this monitor is the (inaudible).

Mr. Coen: Is the gear, right. I mean, and then we started talking about if our water people go up on the tower, they're getting gear which, in one person's mind is protective gear which is not really, it's just a little device that says, hey, you've got to get out of here.

Mr. Pegram: It's about the size of a pager, yes. And to your point on the water tank and the lines going up through the middle, all of those lines are actually shielded so there is no... the only radiation, if you will, comes out of the antennas. Everything else is shielded and the antennas are on top of a metal tank so the metal actually reflects...

Mr. Rhodes: And if you recall the applications, I think one of the water towers is designed where the equipment will be inside. The other one is designed where it'll be down I think at the base. But it's really the radiation off the top. Yeah. Two different configurations (inaudible). Any other questions for the consultant or the staff? Okay, it's back with us. We have item number 10, the Comp Plan Compliance Review for the Telecom Tower at Stone River Water Tank.

Mrs. Bailey: Mr. Chairman, I want to make a motion to approve item 10.

Mr. Rhodes: Motion to approve COM15150546; is there a second?

Mr. Boswell: I'll second.

Mr. Rhodes: Okay, second by Mr. Boswell. Any further comment Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Rhodes: Okay. Mr. Boswell? Any other member? Okay, all those in favor of the motion to recommend approval of COM15150546, the Comp Plan Compliance Review for the Telecom Tower AT&T at Stone River Water Tank signify by saying aye.

Mr. Apicella: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Is there any opposed?

Mr. Coen: Nay.

Mr. Rhodes: So, 1 nay, 6 ayes; it passes 6-1. Is there anything different for the presentation to go with item number 11?

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11. 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) (History: Deferred on April 8, 2015 to April 22, 2015)**

Ms. Ehly: Mr. Chair, there are some photo sims that were provided by the applicant regarding this particular site, visuals, which I did have in the power point. But we also handed them out to you. So that's something that's different. As far as the issues... let me see... there were actually less issues with this one. Their agreement is a draft lease agreement rather than an executed lease agreement, and they have a provision where the, let's see, the applicant would have 90 days to remove the antenna or equipment... and that is all I have in here. The applicant is here though to address whether it's the responsibility of the applicant to do that.

Mr. Rhodes: Okay.

Ms. Ehly: Also, the same issue with being able to support the equipment and then also the radio frequency safety issues. And then also, just for the record, there was some revised engineering drawings that were submitted. The original drawings showed the tank at 148 feet 6 inches, with the elevation of the antenna at 150 feet. And that's been revised to indicate that the top of the tank is 140 feet and the largest antennas will reach 149 feet. So, just some minor changes; but just for the record those were revised.

Mr. Rhodes: Very good, thank you.

Ms. Ehly: The applicant can speak to the lease agreement regarding removing the equipment.

Mr. Rhodes: Very good, thank you. Sir, if you could just state your name and who you represent.

Mr. Dwyer: Good evening. Yeah, I appreciate you guys hearing us so late. Tim Dwyer for Verizon Wireless, care of Network Building and Consulting. The lease agreement, which is not executed yet between Stafford and Verizon does state that if this site is out of service for 90 days, it is the applicant's and Verizon Wireless's responsibility to remove any equipment or antenna. So it's a little different from the AT&T lease and it probably suits Stafford's needs as you guys are not in the cell phone business.

Mr. Rhodes: I like it.

Mr. Dwyer: The reason for the change in the plans is because we got our hands on the actual water tank specs from Stafford Water and we revised to accurately depict the actual height of the water tank. So it's not a material change, just to make sure of transparency.

Mr. Rhodes: Understood. Okay, questions for the applicant or staff? Thank you very much. And I assume your presentation would be exactly the same if you did it again... okay, very good. Thank you. Where is this one? Ah, it's in mine. Okay, I'm throwing you the gavel. Okay, given the... Mr. Apicella, given the information that was presented tonight, given the item in public law and the clarification of the information received tonight, I'd like to make a motion to recommend approval of

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the Comprehensive Plan Compliance Review, COM14150487, Telecom Tower Verizon Wireless at Austin Ridge Water Tank.

Mr. Apicella: Okay, there's a motion to approve; is there a second?

Mrs. Bailey: Second.

Mr. Apicella: I believe Mrs. Bailey beat you. Mrs. Bailey, anything that you'd like to add?

Mrs. Bailey: No further comment.

Mr. Apicella: Any comments from anybody else?

Mr. Coen: Yeah, I'll just articulate. The reason why I'm voting no on both is just while there's a lot of good information, I would like to have received the whole power point in enough time so I could process it and get all of it and do it. But, so I'm not, just make sure that we're not... you know, no one's saying we're trying to violate federal law that says thou shall not vote against it because of health concerns. I'm voting no because I just would like to have ample information before I vote on something that we're getting a good amount of the information at the last minute. And, you know, I'm certain there's other things on the other side which, you know, I would have liked to had too. So it's not a question of I'm violating federal law, it's just that I quite honestly would have liked to have been able to have it in a timely manner so that I could process it and make an informed decision.

Mr. Rhodes: Very good.

Mr. Apicella: Okay, there's a motion to approve COM14150487, Comprehensive Plan Compliance Review, Telecom Tower Verizon Wireless at Austin Ridge Water Tank. All those in favor signify by saying aye.

Mrs. Bailey: Aye.

Mr. Rhodes: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Apicella: Aye. All those opposed nay?

Mr. Coen: Nay.

Mr. English: I'll abstain (inaudible).

Mr. Apicella: Okay, so the motion passes 5-1-1. Back to you Mr. Chairman.

Mr. Rhodes: A hockey score; very good. Thank you very much Mr. Apicella. Item number 12, the Amendment to the Stafford County Comprehensive Plan which deals with the Airport Land Use Compatibility Guidelines, which kept our friends here all evening long. Thank you very much.

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12. 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) (History: Deferred on April 8, 2015 to April 22, 2015)**

Mr. Harvey: Mr. Chairman, Ms. Ehly will also give this presentation.

Mr. Rhodes: Good deal!

Ms. Ehly: So, this... we had a public hearing at the last meeting regarding this proposed Comprehensive Plan Amendment to provide compatibility guidelines for development around the Stafford Regional Airport. And there were some issues raised at the public hearing, and so I'll just go through those really quickly, the issues and staff recommendations in the staff report. There was a concern that it was not clear whether the residential use category, single-family rural, referred to lot size or density, 1 to 3 acres in size. It was suggested that establishing a use by a measure of density may allow for more flexibility to meet additional review standards in the plan. And staff recommends amending the use category description to state single-family rural maintains 3-acre density with a minimum lot size of 1-acre outside the Urban Services Area, and lot sizes can be smaller than 1-acre inside the Urban Services Area. This change is highlighted in Table 1 on page 23 and Table 2 on page 26 of the proposed Chapter 3.9.

Mr. Rhodes: Please Mr. Apicella.

Mr. Apicella: Ms. Ehly and Jeff, I had a conversation with Jeff about this over the last couple of days. Just to make sure again that the language is fairly clear and that it provides sufficient flexibility that it doesn't inhibit clustering, or we may want clustering to occur, and so between Jeff and I we have some alternative language. It doesn't change it too much, but I think helps clarify it. I don't know if you want me to bring it up now, but I'll just kind of throw it out there to Ms. Ehly to see if she has any...

Mr. Gibbons: *inaudible – microphone of 4:56:54*

Mr. Apicella: Well I appreciate that and I apologize for not being here at that meeting. I would have, but circumstances wouldn't allow me to. So I'm just going to throw it out there and ask Ms. Ehly if she has any concerns about it, alternative to what you just said, the recommendation between Jeff and I is, maintain the 3 acre density with minimum lot size of 1 acre outside the USA, while inside the USA lot sizes can be smaller than 1 acre if significant areas are retained for open space and the lowest density recommendations of the land use plan are not exceeded. Any concerns with that alternate language? Jeff?

Mr. Harvey: It's at the discretion of the Commission. Again, talking with Mr. Apicella, the concern was in the previous discussion with the Committee that we try to have some open space areas, so if there was an emergency, you could have a place where a pilot could try to aim for, so the speak. In the case of the 1 acres requirement as a uniform requirement, it doesn't allow for any of those open space areas and we have some parts of the comprehensive plan that are within the flight pattern of the airport that are currently designated for higher density. So in the areas where this might be a conflict between the projected land use in the land use plan and the airport operations we thought this would be somewhat of a compromise.

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Mr. Apicella: And again, also to provide a little bit more clarity on what's desired here.

Mr. Rhodes: Okay. Very good. Other thoughts? Comments?

Mr. Apicella: I didn't mean to jump in, you were moving along. I think the other suggestions are to accommodate some other changes, in particular those that were recommended...those that are appropriate, that were recommended by the Virginia Department of Aviation. I see those under other comments, also there was a proposed change in regards to my concern about the AP-3 approach zone and while it makes sense, I guess I would call it further issues or restrictions, as you get closer to the runway, but when you're 10-15 miles out from the runway, I think we might want to reinforce some greater flexibility. So I guess what I'm trying to say is, all of the language changes that are recommended by staff, I would certainly support with the revision that I just spoke about.

Mr. Rhodes: We're at a point now where we are with whatever modifications or wherever we are, is to vote this to complete it and send it back forward to the Board, correct?

Mr. Harvey: Yes.

Mr. Rhodes: Yep. Okay. Thank you. Just wanted to make sure we knew where we were at.

Mr. Apicella: So, I'll try to tie this in a bow. I would first recommend that the language regarding single-family to be amended to say maintain 3 acre density with a minimum lot size of 1 acre outside the USA, while inside the USA lot sizes can be low...can be smaller than 1 acre if significant areas are retained for open space and the lowest density recommendations of the land use plan are not exceeded.

Mr. Rhodes: And you have that written, correct?

Mr. Apicella: Yes.

Mr. Rhodes: Okay.

Mr. Apicella: I would also recommend as part of an extended motion that we incorporate the language that staff has suggested with regard to the AP-3 approach outer zone requiring additional review as provided in the staff package under comment 2.

Mr. Rhodes: You're on a roll.

Mr. Apicella: Under "other comments" I would ask that we incorporate the language as suggested by the Virginia Department of Aviation and staff under 1, that all development within the Airport Planning Area must, at a minimum, be consistent with Federal Aviation Regulation Part 77 and Advisory Circular 150/5300-13A and any subsequent revisions. And that that language be added to Policy 1.5, page 20, of Attachment 1. And lastly, in terms of the modification to the Airport Land Use Compatibility Plan, I would agree and ask that we remove the Virginia Department of Aviation as one of the recommended reviewers under Policy 1.12, page 21, of Attachment 1. With those modifications, Mr. Chairman, as indicated, I would recommend that we recommend to the Board approval of the draft Airport Land Use Compatibility Guidelines.

Mr. English: Second.

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Mr. Rhodes: Okay, a very long motion that was shortly seconded by Mr. English. Further comment Mr. Apicella?

Mr. Apicella: Mr. Chairman, we've been at this over a year. I think we've talked about the merits of it. I think it's a good solid quality product and that's all I really have to say at this point in time at this late hour.

Mr. Rhodes: Very good. Further comment Mr. English? Other members?

Mrs. Bailey: Mr. Chairman, I do have a question in regards to the comments, comment number 3. Did we receive information on that?

Mr. Rhodes: There was the open item where staff said they were waiting.

Mrs. Bailey: Right, the open item in regards to the AGL for small planes and larger jet planes?

Ms. Ehly: Mr. Chair, Mrs. Bailey, we did receive... let's see here... basically that would be going from a standard pattern to a non-standard pattern if you go from the standard height or the TPA. And we did receive some feedback from the Airport Authority representative that basically when you deviate from a standard pattern, you're addressing another safety concern that might be more of a concern than deviating from the standard pattern. It's the same type of explanation as not using the full right and left (inaudible).

Mr. Rhodes: And Mike actually researched this with the state as well, right?

Ms. Ehly: We did try to get some information from the FAA, but we haven't heard back yet.

Mr. Rhodes: You didn't hear back from them?

Ms. Ehly: No.

Mr. Rhodes: It was fundamentally that the standard is a thousand feet. You do have the right to go to FAA... it's either state or FAA... gain approval for modifications to some other elevation, but that's not the standard default. So, a pilot going in somewhere they don't know where it is, they're always going to assume a thousand feet unless they know differently. So, by making a modification, you actually add some risk because an unfamiliar pilot who may not be sure that it's been modified is always going to go at a thousand. So that was the risk that came out of that. And that's all I know about airplanes. That's it. That's the whole damn thing.

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

Mr. Rhodes: Okay. So we got a motion and a second; further comment? I would just submit once again, not to belabor, but this has been a great product, a great effort. Certainly I think something that's almost a standard I think for some areas. I don't think a lot have done what has been accomplished here and it's something to be very proud of for the efforts and work of the staff. So, with that I'll call for the vote. All those in favor of the very detailed motion that was specified and written and clarified and seconded signify by saying aye.

Mr. Apicella: Aye.

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Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? This is going to the Board; very good! Now we're onto item number 13, Comprehensive Plan Amendment, Urban Development Areas and 5-Year Update. Mr. Harvey.

13. 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) (Subcommittee referred to Planning Commission on April 8, 2015 to April 22, 2015)**

Mr. Harvey: Thank you Mr. Chairman. I'll lead the discussion on this.

Mr. Rhodes: You guys are going to miss it!

From the audience: How long is it going to be?

Mr. Harvey: Mr. Chairman, this is an item that the Commission's been working on for quite some time. We got recent guidance from the Board of Supervisors earlier this year and this body of work reflects those recommendations, specifically, dealing with the future growth of the County for the next 20 years. The Board of Supervisors had asked the Planning Commission to consider an alternate construct to the UDA concept. The Planning Commission developed a construct called Targeted Growth Areas which essentially is similar to an Urban Development Area but not as restrictive. It does, at the Board's request and direction, provide for half of the future growth in a 20-year time horizon in the Targeted Growth Areas, whereas the current Comprehensive Plan has the Urban Development Areas assuming half the growth within the first 10 years. So it's a similar construct, but a little bit different. I have the future land use map that's been generated by the Committee up on the screen. If I could have the computer please?

Mr. Rhodes: Computer please.

Mr. Harvey: This is the proposed Future Land Use Map. We've identified six Targeted Growth Areas. That compares to seven currently in existence. You'll note that the Eskimo UDA has been removed. The Targeted Growth Area in Leeland has been scaled back a little bit, as well as some of the density that was originally proposed in the Targeted Growth Area around Centreport. So, we've seen proposed increases in dwelling units resultingly in the Courthouse, George Washington Village, and Southern Gateway Targeted Growth Areas. At your desk you'll find a completed copy of the edits that staff has prepared. That includes chapters 1 through 7 and the appendices. I'll note that chapter 7 and the appendices, staff really didn't do much as far as modifications to those...

Mr. Rhodes: Bless you.

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Mr. Harvey: Bless you. Due to the nature of those specific provisions, we could make some minor modifications to the appendices by modifying the tables in Appendix B if the Commission wants us to. That was basically a build-out projection of infrastructure needs. Right now it's currently still listed till the 2030 year; we can adjust that to 2035 if the Commission would like us to do that. Primary changes for the overall document was in chapter 3. There were some minor modifications in chapter 2 with regards to taking out the term UDA and replacing it with TGA. Chapter 4 was transportation; based on state code requirements, we looked at all the FAMPO projects that were determined to be consistent with the state transportation plan. We've included those. We've also included updated maps throughout the document. Chapter 6 is the existing conditions section, and that's been updated based on new mapping, new information from Census websites, as well as gleaning information from web pages from the various County departments and other sources which we had previously looked at in the Comprehensive Plan. Staff believes that the plan, as proposed, is ready to be authorized for public hearing. It is my understanding from the last meeting there was discussion about possibly holding the hearing on the 27th, but the Chairman, in discussions with him earlier this week, thought that the 13th may be better. It gives the Commission more time to see if there's some additional things that may require some minor tweaks. In saying that, the advertisement to the newspaper will have to go in tomorrow, by close of business tomorrow. So, staff believes we can accomplish that, but if the Commission gives that direction.

Mr. Rhodes: So, just a couple things to highlight and remind -- whatever we advertise for public hearing, we certainly can make clarifying modifications to, after public hearing. We can certainly make other edits as long as they are not more restrictive on the public than what was advertised. Is that the right way to say that Ms. McClendon? I just want to make sure folks remember what we authorize here and the implications.

Ms. McClendon: Actually, I think it's usually the reverse. As long as you're not making it more permissive, so you're not increasing densities. That's the big one.

Mr. Rhodes: Okay. So, what she said. So we just remember that, what we vote, that's really all we're kind of hampered by. But we can make edits and modifications, especially where it's just clarifying or better understanding the intent of what's in there. Those types of editorial and it can be somewhat significant editorial, but as long as that's the end result and the purpose, we certainly have that ability to do that.

Mr. Gibbons: Like the General Development Plan, it's general.

Mr. Rhodes: Hahaha, yeah. But the thought would be if we could get this advertised... voted, get it advertised for the 13th, and that's really jamming the staff a little bit, but it gives us just a little more buffer room if we really, after the public hearing, think we want to dive into a little something it gives us one more session was kind of the thought there. Thoughts? Woohoo.

Mr. Apicella: First of all, I want to say thank you... a *big* thank you to the subcommittee who worked on this. I think they did yeoman's work and were given a very big charge to deal with something very complicated in a very small amount of time. And I think they did a great job. My concern is, as I went through the document, I found a couple things... maybe they're just editorial things for the most part... that I think need to be addressed. For example, there's a paragraph that doesn't end, and there's a presumption that there's going to be more, but it's not there. I found a couple places, at least in the draft that we were provided as part of our package, not the one that we just got, where there were some maps, for example, that were x'd out in the version that I was provided by mail, as compared to the version that

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was in our staff package. And it looked like the staff package might have been correctly put those back in. So I think there's some pieces that really need to be scrutinized and fixed, and some other places where I thought there might be some clarity needed. For example, later on in the document it talks about what the numbers are, what numbers are we driving to. But we talk about trying to accommodate half the growth in the more up front portion of the document, but we don't even talk about what those numbers are until we get to the back end of the document. I thought that might be confusing for a reader. Even if it's duplicative you at least might want to put it in the front section, or move that whole section up to the front since that's kind of the driving force.

Mr. Rhodes: You mean further up than section 3?

Mr. Apicella: Umm...

Mr. Rhodes: Because we talked about each of the TGAs in section 3, starting at 3-20... 3-what the hell...

Mr. Apicella: Okay, the land use map growth projections, right, that drives a lot of what we're trying to do here but it comes after we've talked about trying to establish a Comp Plan that meets those population numbers and residential unit numbers. So, you'd have to know that you have to get to that section to understand what the numbers are. The only reference we're trying to drive to... we're trying to build these Targeted Growth Areas to accommodate half the growth, but we don't say what that half the growth is until you get to this one section. That's just, you know, just an example of where I think it would be helpful to the reader. There's a section on transportation impact fees that I think is now incorrect.

Mr. Rhodes: So that first portion, I mean, it's worth the time -- hell, we're here late anyways, no big deal. I think on that first portion I would just submit the degree to which we want to tie some thoughts together, I think that's, even if we vote this for advertising, I think that's editorial, clarification, modification we can make and we can work on those reading through this latest package, even in the intervening time and think about where we just make those clarifying type of narrative changes. So, that one there I would submit shouldn't stop us, or shouldn't be problematic. Things that we find that would be problematic we can sit here and fix tonight.

Mr. Apicella: I don't know if it's a big thing or a small thing on page... what was provided to me... on page 3-17 where it talks about public infrastructure and services. That whole section -- I'm not quite sure why we're taking that out.

Mr. Rhodes: Well, at least in the beginning, there's no longer state legislation that requires it.

Mr. Apicella: Right, so that's an easy fix. But the overall discussion about, you know, incorporating principals of traditional neighborhood design in Urban Development Areas, whatever we call it, Targeted Growth Areas...

Mr. Rhodes: Weren't those specific excerpts from the law?

Mr. Harvey: Correct.

Mr. Apicella: It may be from the law. It still makes sense to me, that's what I'm trying to say. We do want these things, I thought, to be traditional neighborhood design. So taking that out kind of leaves I

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think an important guide post out. We want inner-connection between local streets -- I thought we did. We want pedestrian friendly road design. I don't think it says declarative in the follow-on paragraph as it is in the upper paragraph. Just because the state legislation went away doesn't mean that some of these concepts aren't still worthwhile. Again, I don't know whether that's editorial or that's substantive. Just my point of view. On page 3-23, again, I don't know if this is policy but on the last paragraph it talks about fiscal balance, and we talk about developing over time in a balanced -- and I would say a phased manner. Because we're really trying to link the timing of growth with the phasing of commercial. So to me, that word phased is very important as a signal to folks who come in with plans that in order to be balanced you need to have a phase... in my view, a phased approach. Again, I don't know whether that substantive or editorial.

Mr. Rhodes: So you would say the TGAs recommend a fiscally...

Mr. Apicella: It is recommended that each TGA developed over time in a balanced and phased manner. So balanced might be, you know, we need some commercial as compared to residential, but by the same token we also want these things to be phased over time.

Mr. Rhodes: So be it and phased...

Mr. Apicella: Right.

Mr. Rhodes: ... the beginning of that last line on the page.

Mrs. Bailey: What page is that?

Mr. Rhodes: 3-23, where it says manner; start at the last line on the page where it says manner. It's the packet you got tonight. It's this one right here; the thick package they handed you tonight.

Mr. Apicella: That's the phasing of the total number of TGAs, not the phasing of units within a TGA.

Mr. Rhodes: I don't care if we want to add "and phased" in there, just to make sure the concept of phasing is included. Where it says "and manner" on the last line, starting off the last line, it would be "and phased manner", balanced and phased manner. You got some others?

Mr. Apicella: I had a conversation with Jeff about this and I feel like I need to put it out there, especially as it relates to the George Washington Village TGA. Oh, by the way, we still have UDAs in some of the descriptors. We're dramatically reducing the amount of commercial by almost half. And the way Jeff described it to me is we have to because of the size of the parcel.

Mr. Rhodes: Yep.

Mr. Apicella: So, I guess I understand that. I think that's a big policy change, but the one piece of this that I have the biggest heartburn about is eliminating the Business Campus. And I'm wondering if it's not possible, out of the 8, you know, almost 9 million square feet, is there some portion of the 500-acre Business Campus, again, close to the Stafford Regional Airport that we might want to continue promoting. This is a fantastic asset. I think we lose some of the important vision about the airport by doing away with this Business Campus. I think it's a missed opportunity to just kind of throw the baby out with the bath water to accommodate residential growth. You know, the area by the Stafford Regional Airport could be our own little mini Silicon Valley or, you know...

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Mr. Coen: Medical research.

Mr. Apicella: ... medical research or another contractor office location. So, again, maybe it can't be 500 acres; maybe it's 300 acres. But just to throw it out by the wayside to me is a bit disconcerting and not where I think we should be headed. I think we need to continue to have some vision for the area around the airport.

Mr. Gibbons: Is another week or two going to hurt?

Mr. Rhodes: Well, I think we have to vote for public hearing, whether the public hearing occurs on the 13th or the 27th. We can't vote for it on the 13th and get it in time to do the 27th; there's just not enough time for advertisement.

Mr. Harvey: Correct.

Mr. Rhodes: So we have to vote for public hearing tonight. So we have to kind of address I think the... that I think is enough of a change. We ought to talk about it a little bit and figure out what we want to do on it.

Mr. Coen: I think Mr. Apicella has a good point. I think keeping the Business Campus in there makes sense.

Mr. Harvey: Mr. Chairman and Mr. Coen, we can add reference to a Business Campus as a preferred form of commercial development in that south Accokeek portion of the Targeted Growth Area. I'm not sure we can get to the level of defining acreage because of the need to accommodate the residential density.

Mr. Rhodes: How about we just leave it as a concept of a Business Campus to complement the location of the airport, as can best complement the location of the airport, and just not identify acreage. But leave the concept in there so there's certainly a planning concept.

Mr. Apicella: I'm good with that.

Mr. Rhodes: Okay. What others Steve?

Mr. Apicella: Since we weren't able to kind of float this by other County departments besides Utilities, and I realize that, you know, it's based in part on the 2010 version, I still think there may be... we know... we're smarter today than we were five years ago. We know more than we did back then. And, again, using the George Washington Village proposal as an example, we at least as it's articulated now in terms of the inventory of infrastructure that we need, it's not... let's look at what the school system said. For the number of units, about 3,000 units, we need 1.5 elementary schools, .75 of a middle school, and half of a high school. Well that's not here. And that's...

Mr. Rhodes: Well, that is captured in section 5.

Mr. Apicella: I don't think that's captured in... not at that number.

Mr. Rhodes: The aggregate requirements of the growth in the County.

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Mr. Apicella: We're trying to signal to the development community these are the infrastructure requirements associated with the TGAs. If we're lowballing it, they can come in and say, hey, we gave you what you said you wanted, right? Other parts of the Comp Plan say, we expect developers to provide the infrastructure or at least mitigate the impacts. And so, if we're... in some places... for each one of these TGAs, talking about what the infrastructure requirements are, and that doesn't mesh with reality, again, we're kind of undercutting ourselves. You can say it's caught in the aggregate elsewhere, but a developer can say, well, you didn't say that and I had no way of knowing that some portion of the aggregate was attributable to my project.

Mr. Rhodes: Well, maybe can have staff then enter a short paragraph for the TGAs that say, that reference there are... as with all growth as represented in section 5, particularly section 5-19 or something like that, there are infrastructure requirements associated with the growth in the TGAs, and refers and ties them to the 5-19, which is our public cost and growth.

Mr. Apicella: I guess I'm not following.

Mr. Rhodes: Well, I mean, nobody can build .53 of a school. So you can't say for this TGA you have to build .53 of a school. But you can... in section 5 we talk about the public cost of growth and investment. And so, maybe we have staff, they're pretty good, have staff put a paragraph in there with the TGAs that ties them to section 5 which talks about the infrastructure costs of growth, population growth. Because the TGAs are just talking about where to put a subset of our population growth.

Mr. Apicella: Again, I don't know that it gets us there. I guess part of my point was, and maybe I didn't articulate it very well, the proposal that we got for George Washington Village is a thousand units less than what is now recommended for the George Washington Village.

Mr. Rhodes: Yeah!

Mr. Apicella: So, even the 1.5 elementary schools, which is not captured here, is lower than what the new number is. So, we might need two elementary schools.

Mr. Rhodes: This says in 20 years we're going to need 8 elementary schools, 4 middle schools, 5 high schools, 5 fire and rescue.

Mr. Apicella: Well, you're not... here's what I'm trying to say. Even that aggregate number might be wrong based on the information that we have now. That aggregate number was built on the sum total of each one of these TGAs, right? We've changed our whole construct about how we...

Mr. Rhodes: I thought it was based on our aggregate 20-year growth, not just TGAs, not just UDAs, it was based on our aggregate 20-year growth.

Mr. Apicella: And what I'm trying to say is, it appears at least from the school system that their way of calculating the number of seats, however we did that in 2010, may not reflect what we need to be driving to going forward. We may be lowballing the need, in the TGAs, in the specific TGAs, and in the aggregate.

Mr. Rhodes: So, I would submit that, two parts: one is, when we publicize this for public hearing, advertise for public hearing, staff can also send it to the schools, can send it to others, and have them

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make technical corrections. And again, we can modify that from what we advertise as long as it's a technical correction for accuracy.

Mr. Apicella: Is that fair? Can we?

Mr. Harvey: Mr. Chairman and Mr. Apicella, for advertising purposes, if we send the ad to the paper tomorrow, it'll run in the paper on Tuesday. So, we would have to have the document finalized and available for public comment Tuesday.

Mr. Rhodes: No, I've got you. But if after that, after it's already advertised, the schools say, your math was wrong, that's actually 9 schools or 10 schools based on student generated population. Is that not a technical accuracy correction? Or is that being more permissive or less? Is that an editorial change we can make to correct the accuracy?

Mr. Harvey: Well, Mr. Chairman, going back to the part of the appendix that deals with the growth issues, that calls out the methodology in which public facilities were designed for. And the Board has not authorized us to make any policy changes.

Mr. Rhodes: Okay.

Mr. Harvey: The Board hasn't changed their policy on it even though there's been recent discussions for rezoning applications that we would use the new student generation number. But the Board has not adopted a proffer guideline which sets up the framework for those policies on how to determine what the future need for capital facilities is.

Mr. Rhodes: They haven't changed our math.

Mr. Harvey: We haven't changed the math yet.

Mr. Apicella: I think we ought to let them know that there might be an issue here if we can't fix it as part of our recommended package going forward.

Mr. Rhodes: (Inaudible) we've got to remember that the other subsequent information in determined in schools is that schools where new homes are being built... where new homes are being built has a higher student generation than we were using before. But in established neighborhoods, they've actually got a lower student generation than we were using before.

Mr. Apicella: I don't disagree with any of that. All I'm trying to say, one more time, is five years later we're smarter than we were before and this whole way of figuring out what our infrastructure needs are might need to be... this is it! This is our chance to update the Comp Plan, right. We're not going to keep making incremental changes. And I realize the Board gave us kind of limited parameters, but we owe it to them, we owe it to the public to know whether or not whatever number we're driving to in the revised Comp Plan has any basis in reality or not. That's my view. I mean, we don't have to go there. I just think it's... I think we've been provided evidence based on a recent proposal that shows some inconsistencies.

Mr. Coen: If I may sort of tag along, I think what Mr. Apicella's sort of getting at is that what we've frequently heard in that unnamed incident recently was, the Comp Plan only says we have to do x, you know, in this UDA. So, if in our TGA we don't put any specificity or any type of room in there that

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says there's more than x involved, we'll have the same situation. Where logic tells us it needs a middle school and a high school, but it only said... and .75 of an elementary school... but it says in the thing one elementary school; ergo that's all they have to do. And then we have this sort of dog chasing the tail again. Is that sort of what you're getting at?

Mr. Apicella: Yes, it's sort of what I'm getting at.

Mr. Coen: I'm just throwing that out there.

Mr. Harvey: Mr. Chairman, Mr. Coen, just to go back to the original UDA construct, the intent was that it was going to be a more dense area where you're probably not going to have large expanses of land for big schools and other types of big parks. There are some exceptions in the UDA recommendations but, for the most part, the facilities are somewhat limited compared to what you'd normally see on overall growth basis. So that's kind of the way the Comp Plan was set up in 2010 would be assuming that all your public facilities would have to be located in the USA, but you're going to put most of them in the suburban areas, not necessarily in the UDAs.

Mr. Apicella: But we still need them. Wherever they are...

Mr. Harvey: Yes.

Mr. Apicella: ... this additional growth is going to drive the need for additional school capacity, for example. And again, I would think we'd want to get it as close to right as possible. If we're undercutting ourselves by two or three schools, that's a hundred million dollars, right, that no one accounted for. I realize it's... we are where we are and we're limited in terms of how much flexibility we have to readdress this issue. Again, at worst I would suggest that we let the Board know that there might be -- I want to call it a show stopper.

Mr. Rhodes: I do think, along those lines, it was seeming to me from some of the evolving conversation here that as we transmit whatever we transmit to the Board, that there's probably some other commentary we want to share with them for other areas. Mr. Gibbons raised one element, and I know several have talked about that, and that is, you know, the importance for longer term planning to align the requirements of your capital investment program with your 20-year planning. Even if you don't have a deliberate detailed bond floating plan for your 11th through your 20th year, you ought to be thinking about what are those other requirements based on the growth you're planning for so you can be thinking about how you might approach it. So there was one area that seemed to be forming that we might make a case, just as we transmit this, for other things that we observe. Along your lines, we might make a case for other policy decisions that we weren't authorized to make, but we have highlighted as areas of concern for the Comp Plan. So we could come up with possibly a few of these in a transmittal along with the direction we were given for the modifications on the Comp Plan. As another possibility. That said, it does seem like even without the authority to make policy changes, we can make a reference, we can add a referencing paragraph in section 3 on TGAs that ties to the fact that there are requirements, they may be a little outdated or they may need to be refined and updated and approved, but there are requirements in public infrastructure requirements that are outlined in section 5; and at least make that correlation to the two that they exist. And while they... the actual way the calculator may change over time, the fact is there are infrastructure requirements which are discussed in section 5 and we can maybe have staff work up some enhancing language in that regard.

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Mr. Apicella: That's fine. And so I'll go back to the... I would just ask staff, before they publish something or send it to the newspaper, and maybe it's not important because I think the ads... it's not going to get into the level of detail that's actually in the plan, but where they see any errors or omissions, to give them some authority to fix that.

Mr. Rhodes: Agreed 100%. They ought to have the flex to... what's here is probably not what's going to get advertised for public hearing, because there's this other... You just saw the UDA on George Washington Village, that's a TGA, so and everything they see I think we would all expect staff to go ahead fix. I think, as specific direction, we had the one we talked about, wait, buffer... and phasing, we have a little paragraph here that at least do some correlation between section 3 and section 5 that we'd like to see in there. We had that one little bit of section about the... we took out the legal language on the UDA requirement but we'd like to get a little of the theme of that language in there. So those are three areas specifically we'd like to see staff go ahead and take the full authority and flex to try to get to the best that they can, the intent of what we discussed tonight, and any other corrections they see on technical errors.

Mr. Apicella: I'll just add one that you had missed...

Mr. Rhodes: Please.

Mr. Apicella: ... and that's under, on page 5-15, transportation impact fees (inaudible - microphone not on).

Mr. Rhodes: Now it's countywide.

Mr. Harvey: Correct. And that's one of the issues with that chapter in general is that a lot of this information is tied back to goals and policies which can't change. But we will make that correction; I saw that myself.

Mr. Rhodes: Okay. Other thoughts? So, I'll entertain a motion to advertise this for public hearing, giving staff the discretion to make technical corrections as seen, and plus the other areas we've asked them to expand on, as discussed tonight?

Mr. Coen: So moved.

Mr. Rhodes: So moved by Mr. Coen. Is there a second?

Mr. English: I'll second.

Mr. Rhodes: Second by Mr. English, the seconder tonight. Any further comment Mr. Coen?

Mr. Coen: No, I just would ask that members, for example, Mr. Gibbons I know has a couple things that he would like us to go to the Supervisors with to sort of ask to purview, if people could start making the list up and sending it to staff so that as we get to that rush of excitement...

Mr. Rhodes: Have a draft transmittal letter (inaudible).

Mr. Coen: Right... we have at least an idea before us to say it's on topics A, B, C, D, and then that will make life easier for them and me.

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Mr. Rhodes: Right; yep. Good. Any other comments? All those in favor of the motion signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? Yay! New Business, none. Planning Director's Report.

(Inaudible from audience).

Mr. Rhodes: There's none scheduled on the agenda.

NEW BUSINESS

Ms. Soulis: Oh, don't I have new business on mine? I'm so sorry.

Mr. Rhodes: No ma'am, sorry.

Ms. Soulis: You won't allow a comment?

Mr. Rhodes: The public comment portion is up at the beginning of the Planning Commission agenda, and then any public hearing item, there's always a separate item for public comment.

Ms. Soulis: Oh, I guess I picked this up at the door. It says new business here, so...

Mr. Rhodes: That's usually scheduled new business for the Planning Commission. What was it you were wanting to address?

Ms. Soulis: Well, forgive me for not being too familiar with your procedures but...

Mr. Rhodes: That's okay.

Ms. Soulis: ... I did want to reflect a new business item. I would like to request that the Planning Commission please do a thorough investigation of the health effects of cell towers and EMF exposure, because you have a tremendous amount of power here to do the right thing. And not only not increase cell exposure for the public and yourselves and your families and loved ones, but to actually conduct a thorough review and potentially reduce cell tower exposure. Because we've already reached saturation and we understand that there is clearly right now a political atmosphere in which the report that the gentleman from RCC gave you, an engineer, which reflected, you know, work from the FTC, the

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American Cancer Society, and the World Health Organization. Clearly the American Cancer Society and the World Health Organization have very bad track records at maintaining good health.

Mr. Rhodes: The World Health Organization and the...

Ms. Soulis: Yes, yes.

Mr. Rhodes: Yeah, they're horrible at health. Okay.

Ms. Soulis: Yes, statistically... well, statistically they've made a lot of bad calls. So, I have prepared...

Mr. Rhodes: We'll investigate them too.

Ms. Soulis: I have prepared this document which contains two general articles for your general information about the health effects of cell towers, of EMF.

Mr. Rhodes: Do we have an authority to do an investigation on RF emissions or something to that effect? Mr. Harvey, is there a means or is that something we can even entertain?

Mr. Harvey: Well Mr. Chairman, in the discussion about the microcells...

Mr. Rhodes: Can we ask for more information... yeah.

Mr. Harvey: ... we can ask Susan to do a literature search.

Mr. Rhodes: Yeah, a literature search; I did recall that. Okay, so we can do a literature search.

Ms. Soulis: Okay, may I contribute to your literature search by...

Mr. Rhodes: Yeah, please, absolutely.

Ms. Soulis: Okay, I have two articles here and three lists of articles with refer to 3,600 articles, and that is just for the lay person to read. These are articles over the last five years or so. But just for your information, already in many countries of Europe they are cutting back on cell towers. So, in other words (inaudible).

Mr. Rhodes: Very good. We are excluded by law from restricting our approvals on these based on emissions. By public law.

Ms. Soulis: Uh-huh. Well, there are many types of emissions and he mentioned RF, but there's also megahertz wattage I find to be fairly irrelevant.

Mr. Rhodes: Yeah, public law 113-296 47 US Code Section 332 does preclude local zoning authorities from taking restrictive actions on placements and approvals of radio emissions based upon the medical effects of the emissions. That's because the FCC has deemed that that's not a bases that we can take an action.

Ms. Soulis: That's really bad policy obviously.

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Mr. Rhodes: It is federal law.

Ms. Soulis: What's the citation again (inaudible)?

Mr. Rhodes: Public law 113-296 47 US Code Section 332.

Ms. Soulis: Yeah, I'll check it out. I think I have actually researched that a few years ago, so I'll check my notes. But, um, yeah, you know, that's where we're at. But this is our County and this is our home and these are our children and this is not pie in the sky. I'm not sitting here because some wacko scientist, you know, up on a mountain somewhere made a prediction or made a pronouncement. This is extremely, extremely solid science. And it's much more so now than it was a couple years ago when I looked into it. It's a growing body of acceptable medical information by some of the finest Universities in the world. And no, they may not be government studies, you know. Right now a lot of these cell towers are obviously for monitoring and observation purposes, and so we are overloaded. So thank you for listening. I'm terribly sorry. When I saw new business here I stayed the extra hour.

Mr. Rhodes: I'm sorry you stayed the extra hour. But I'm glad we got to chat.

Ms. Soulis: And I don't know if this is on the record or off the record, our discussion. Is it?

Mr. Rhodes: Everything's on.

Ms. Soulis: Okay. So, I appreciate very much the fact that you all raised questions about health and that you care. And I'd like to offer any time I have without charge if you need my services as a researcher to talk to you about this, or if you need me to converse with the health community because I do a lot of research for the health community to possibly get some Ph.D.'s, some M.D.'s to talk to you. I would think it's worthwhile. I mean, this is our County.

Mr. Rhodes: I would... I personally would direct a good bit of that energy towards the Senators and the Representatives who have established the public law specifically citing what local zoning authorities and bodies can do and cannot do.

Ms. Soulis: I'm aware of that catch 22, but still in all, there may be something that can be done here. Do you have to offer up 60 parcels of land for additional cell towers? You know, to me it's not even a good financial deal. And I drive past the high school at the corner of Garrisonville Road and, uh...

Mr. Rhodes: Shelton Shop.

Ms. Soulis: ... Shelton Shop.

Mr. Rhodes: I drive by it every day.

Ms. Soulis: Yeah, and there's a cell tower there. If it's not on the high school property, it's on a parcel adjacent to, and there's a huge cell tower there.

Mr. Rhodes: Yep.

Ms. Soulis: Which I believe is fairly new from what people...

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Mr. Rhodes: No, been there a long time. Been there a billion years.

Ms. Soulis: Okay, I'm fairly new to that location. Anyway, every time I drive by it virtually, there are extra disks up there, extra transistors, extra this and extra that. So, with all due respect, the gentleman's engineering report from the FTC and medical, it doesn't account for multiplicity of cross-exposures. You know, we're all saturated, okay. And I was shocked this week when I looked up this topic again to find that not only...

Mrs. Bailey: Are you a researcher ma'am?

Ms. Soulis: Pardon me?

Mrs. Bailey: Do you conduct research?

Ms. Soulis: I do health research on a number of health topics, yes.

Mrs. Bailey: You conduct (inaudible - microphone not on).

Ms. Soulis: I give my research to doctors when I'm in a good mood and I charge for my time when I'm not.

Mrs. Bailey: By what means do you conduct your research?

Ms. Soulis: Just web research right now. If somebody asked me to do a deep dive, I would do a deep dive.

Mrs. Bailey: Okay, thank you.

Ms. Soulis: And, you know, you have to be careful about what your sources are obviously. You can go to good scientific websites and get all of the best (inaudible).

Mr. Rhodes: We've still got the rest of our agenda to hit.

Ms. Soulis: Okay. Well, anyway, just please know that EMF affects not only the brain, the heart, the neurological system, but is responsible for many of the eye problems we've all been having, and, of course, mutates your DNA. And is now considered to be responsible for bad sugar metabolism, which they're calling diabetes type 3.

Mr. Rhodes: Very good.

Ms. Soulis: So, all of this goes to immunity which will just all kill us sooner. So, thank you for listening and, um, if you need me, I'm available to all of you to help in whatever way I can.

Mr. Rhodes: Thank you. Okay, Planning Director's Report?

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you Mr. Chairman. I have two items to report. Last night at the Board of Supervisors meeting they approved the Dominion Virginia Power substation expansion off of Forbes

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Street, in the Falmouth District. They also referred amendments to the cluster regulations, specifically, subdivision and zoning ordinance requirements for cluster subdivisions. So, we will give you a detailed report at the next meeting.

Mr. Rhodes: Okay, 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: Oh, Ms. McClendon, come on, you can come up with something. We're setting a record here. Committee Reports. All our committees are closed, aren't they? ARB, you been goofing off?

COMMITTEE REPORTS

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

Mr. Rhodes: Oh, okay, very good. Okay. Chairman's Report. I have about 43 items but I'm going to bypass them all tonight. Other Business. Does everybody have what they need from the TRC perspective? Aquia, Griffis-Widewater and Rock Hill; does everybody have their stuff? And you know your times? You're good? Okay. I'd entertain a motion for approval of the March 11, 2015 minutes?

CHAIRMAN'S REPORT

OTHER BUSINESS

14. TRC Information - May 13, 2015
- Stafford County Sheriff Tactical Building - Aquia Election District
 - Reserve at Woodstock Lane - Griffis-Widewater Election District
 - Lupi Office Park, Phase 3 - Rock Hill Election District

APPROVAL OF MINUTES

March 11, 2015

Mr. English: I make a motion.

Mr. Boswell: Second.

Mr. Rhodes: Motion by Mr. English; seconded by Mr. Boswell. Further comment Mr. English? Mr. Boswell? Any other member? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

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Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? Anything else we've forgotten?

Mr. Gibbons: One abstention.

Mr. Rhodes: One abstention? Did you abstended?

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

Mr. Rhodes: Oh, who wasn't here? March 11th. No, I think everybody was here; I think it was the 25th he wasn't here. Okay, so we had 7-0.

Mr. Apicella: Thanks for not noticing me Bob.

Mr. Rhodes: Anything else Mr. Harvey?

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

Mr. Rhodes: Surely we can come up with something else. Okay folks, the next three are pretty full. Might not be this full, but they're still pretty full so I apologize in advance. We're adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 12:18 a.m.