

**STAFFORD COUNTY PLANNING COMMISSION MINUTES**  
**June 10, 2015**

The meeting of the Stafford County Planning Commission of Wednesday, June 10, 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, Bailey, English, Boswell, and Gibbons

MEMBERS ABSENT: Coen

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

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: If anyone needs to identify a disqualification on any item of the agenda this evening, if you do so now. Very good. Hearing none, we'll move on to public presentations. This is an opportunity for any member of the public to speak on any item except for those on public hearing. There will be an opportunity for public comment after the presentations of each of the public hearing items. So if you would like to speak on any item except for items 1 through 4, so that means if you would like to speak on 7 through 9 or any other topic, you can come forward and do so at this time. When you do we ask that you state your name and your address. Once you do so, a green light will come on indicating 3 minutes available. A yellow light will come on when 1 minute remains, and then a red light will start flashing when the time is expired and we would ask that you work to conclude your comments. Seeing no one race to the front we will move on from public presentations, but before we start the public hearing items, I would like to acknowledge that we do have a young man out here in the audience working towards his public citizenry badge portion towards the Eagle Scout effort, a tremendous and amazing effort and undertaking. We wish you the best of luck. Thank you for joining us this evening. My old boss, Secretary Gates, was an Eagle Scout and is now the head of the boy scouts nation, so we just wish you the best of luck. Thanks for being here. With that we'll move on to public hearing items. Item number 1, I assume we'll do 1 and 2 together, Mr. Harvey?

PUBLIC PRESENTATIONS

PUBLIC HEARINGS

1. RC15150498; Reclassification - Stafford Commons Retail Center - 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 a commercial complex including a bank, restaurant, and retail building on Assessor's Parcel 39-13. The property consists of 0.50 acres, located on the west side of Jefferson Davis Highway, approximately 1,100 feet south of Hospital Center Boulevard, within the Hartwood Election District. **(Time Limit: September 8, 2015)**
2. CUP15150499; Conditional Use Permit - Stafford Commons Retail Center - A request for a Conditional Use Permit (CUP) to permit up to three drive-through facilities within the HC, Highway Corridor Overlay Zoning District. The drive-through facilities are proposed for a bank, restaurant, and retail building. The site is on Assessor's Parcels 39-12 and 39-14, which are zoned B-2, Urban Commercial, and Assessor's Parcel 39-13, which is the subject of a concurrent rezoning request from the A-1, Agricultural to the B-2 Zoning District. The site consists of 10.45 acres, located on the west side of Jefferson Davis Highway, approximately 1,100 feet

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south of Hospital Center Boulevard, within the Hartwood Election District. **(Time Limit: September 8, 2015)**

Mr. Harvey: Yes, Mr. Chairman.

Mr. Rhodes: Very good.

Mr. Harvey: And for items 1 and 2 please recognize Erica Ehly for the presentation.

Ms. Ehly: Good evening, Mr. Chairman and Planning Commission members. May I have the computer please? The applicant is requesting a reclassification of Assessor's Parcel 39-13 from A-1, agricultural zoning district to B-2, urban commercial zoning district, and also a Conditional Use Permit on this parcel and two additional parcels, 39-12 and 39-14, to allow three drive-through facilities within a proposed commercial retail center. The parcel subject to the reclassification is approximately one half acre in size. The property is located on the west side of Jefferson-Davis-Highway, approximately 1,100 feet south of Hospital Center Boulevard and a single family home is currently located on the property. The parcel is wooded with general level topography with generally level topography, sloping down to the west, and without environmentally sensitive areas. The parcel is surrounded by the properties subject to the conditional use permit application which has been filed concurrently and is already zoned B-2. The parcel has a suburban future land use with RPA and is surrounded by the same. The boundary of the Courthouse UDA is on the eastern side of Route 1. The general area subject to the reclassification application is identified in red and includes the proposed entrance, parking and loading areas of the proposed commercial retail center as shown on the GDP. The GDP depicts the entrance as a full access point on Route 1 within the reclassification area. The TIA submitted by the applicant has recommended that the access point is signalized to mitigate for the level of service F without signalization. However, this location does not meet VDOT spacing requirements between traffic signal facilities. Additionally staff notes that the Abberly, the approved Abberly proffer statement includes a signal approximately 1,000 feet to the south, which will be at the proposed South Campus Boulevard. Although this is 1,000 feet further to the south from Hospital Center, it also still does not meet spacing requirements, VDOT spacing requirements. It is expected to receive a waiver from VDOT due to the benefit to the network overall. So this proposed signal at the entrance of Stafford Commons Retail Center would add an additional signal that does not meet spacing requirements within the roadway length. The entrance area also presents a concern related to circulation congestion as the design creates a convergence of site ingress/egress, parking movements, vehicles leaving the drive-through facility to the south, a proposed bus stop, and a monument sign. Staff has made recommendations in the staff report regarding this issue, which can be discussed in detail if the Commission so desires. The staff report also identified concerns with parking and loading as shown on the GDP. Although the GDP is not proffered, elements are being proffered, such as the location of the entrance on Route 1, right-of-way dedication, design of the inter-parcel connection, and proposed transportation improvements. The requirements identified in the Code will be applied at the time of site plan review, including those that will address parking, loading and HCOD standards, the Highway Corridor Overlay District standards. However, the increased area that results from over parking the sight may not be mitigated through that process. The site is over parked by 86 spaces which translates into a third of an acre in increased impervious area. Also the parking lot design is not consistent with the neighborhood development standards and the comprehensive plan. The recommendation includes parking to be oriented away from the street and also the provision of motorcycle and bicycle parking. The proffer statement includes proposed transportation improvements and limits the development on the subject parcel to 1,000 square feet. We can go over these individually if the Commission desires as well. I'm just going to briefly summarize them. The proffers also require commitment to architectural elements of the buildings and signage, limit building height to 65 feet,

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which is consistent with the B-2 zoning district but is not necessarily consistent with the suburban land use.

Mr. Apicella: How many stories would that be? 65 feet?

Ms. Ehly: It would approximately 5 stories.

Mr. Rhodes: 5 to 6.

Ms. Ehly: Mr. Chairman, Mr. Apicella, sorry, approximately 5 stories.

Mr. Apicella: Do we have a lot of buildings in Stafford that are 5 stories?

Mr. Harvey: Mr. Apicella, Mr. Chairman, we have a couple of buildings. One of which is a hotel near the Aquia Area. I believe also there may be another hotel somewhere else in the county.

Ms. Ehly: And this is also, this height limit of 65 feet is also inconsistent with the Highway Corridor Overlay District requirement that structures are 30 feet, no more than 30 feet in height within 75 feet from the Highway Corridor. So that might include the fast food restaurant and the pharmacy if you recall that from the GDP, but we'll talk about that further. The proffers also require the protection of RPA during development. Although this is a requirement and requires the consolidation of the three parcels that will be included in the conditional use permit and the commercial retail center. Section 28-206 of the Zoning Ordinance lists 12 criteria to be considered at each public hearing for reclassification. The proposal meets some, but not all, as identified in the staff report, and these can be discussed in detail if the Commission so desires. Staff finds the following positive aspects to the proposal, the use, the proposed use as a commercial retail center is consistent with the comprehensive plan. There are proffered potential capital improvements to the surrounding transportation network, and the proposed zoning district is consistent with the zoning classifications of surrounding parcel. With regard to negative aspects, the transportation impacts cannot be fully evaluated at this time, the entrance presents a safety concern related to the potential for circulation congestion, and it does not meet VDOT minimum spacing or VDOT minimum throat length for the number of egress lanes, and the site design is not completely consistent with several recommendations of the comprehensive plan. Staff is recommending deferral of this application and also the conditional use application until comments are received from VDOT regarding the TIA, the second submittal of the TIA, Transportation Impact Analysis. These final comments or these comments may also require revision to the GDP. VDOT requested a re-analysis in comments to the first submittal of the TIA. The applicant submitted a second submittal which is currently under review by VDOT. VDOT does have 40 days to review and that would put the deadline for comments the first week in July. If the Planning Commission desires to vote on the application this evening, staff provided several recommendations which are shown here and we can discuss those further. So, I'll move on to the conditional use permit. The applicant is also a conditional use permit to allow three drive-through facilities proposed as part of a commercial retail center in the B-2 urban commercial zoning district and located within the Highway Corridor Overlay District. A reclassification application has been submitted concurrently which we have just previously discussed. The property is primarily undeveloped and wooded with rolling topography and steep slopes in several areas. There is currently a single-family home on Assessor's Parcel 39-13. A perennial stream with wetlands, which is protected by a 100-foot Critical Resource Protection Area (CRPA) buffer, is located in the southwestern portion of the site. The proposal will result in the clearing of 7 acres of forested area. There does not appear to be evidence of historic resources on the site. However, given the historic nature of Stafford County, staff has included a condition that the applicant complete a Phase I Cultural Resource Study if

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evidence of historic resources is found during site development activity. The site is within the suburban and RPA land use areas and is surrounded by the same. The Courthouse UDA is to the east across Route 1. The site is zoned B-2, except for parcel 39-13, which the subject of the reclassification previously discussed and is surrounded by B-3 to the west, A-1 to the north-west, south, and to the east across Route 1, and B-3 zoning to the north. The drive-through facilities are related to a 3,549 square foot bank, 3,549 square foot fast food restaurant, and a 10,000 square foot pharmacy. The GDP shows one access point to the proposed development on Route 1. Staff notes that the issues previously discussed as part of the evaluation of the reclassification application also apply to the conditional use application, and the GDP also shows an easement for one future inter-parcel connection to the north. The GDP shows proposed landscaping, including street and transitional buffer areas and also depicts the interior landscaping for parking lots.

Mr. Apicella: Erica?

Ms. Ehly: Yes.

Mr. Apicella: From what you're showing here, there's no proposed buffers between the commercial piece of this parcel and the residents next door.

Ms. Ehly: Mr. Chairman, Mr. Apicella, I don't know how to...to the...there are buffers to the north, to that single-family home. I'm sorry, Mr. Apicella, which residential...

Mr. Apicella: Okay, maybe I'm confused about which is the property that has a house on it. So the two slivers, the one that's part of the rezoning and the other that's kind of part of this, or contiguous to this overall property. So the one that's to the left.

Ms. Ehly: So the, Mr. Apicella...

Mr. Apicella: What is that?

Ms. Ehly: That is a single family home.

Mr. Apicella: Right, so there's...I don't see from the plan that you just showed me anything that's buffering.

Ms. Ehly: There is the buffer, right there.

Mr. Apicella: But, what? I don't see any trees. What's going to happen with that area?

Ms. Ehly: Mr. Chairman, Mr. Apicella, that buffer area is partially located in the Critical Resource Protection Area, and also, there is a note they will use existing vegetation for the plant units in that transitional buffer.

Mr. Apicella: And from your professional experience, the existing vegetation is adequate to buffer that home from the rest of what's going to happen there if it gets approved?

Ms. Ehly: Mr. Apicella, during the review of the site plan we do have an environmental planner that will review the plant material within the buffer. A tree survey will be requested, and if the plant

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material doesn't meet the requirement, the applicant will be asked to plant that buffer area to ensure that the plant material is sufficient.

Mr. Apicella: And sorry to belabor the point, but what's going to happen on this side of the overall parcel, I call it one parcel even though there's several pieces to it. The part that I think is the RPA, if this were to get approved now or in the future, could anything else happen on that parcel down the road? Could they add some commercial to it? Or is it going to be otherwise, I call it protected or not developed?

Ms. Ehly: Mr. Apicella, the conditional use permit will identify, I believe it identifies the square footage of the uses. That would be the only mechanism where we could limit the development on this parcel.

Mr. Apicella: So there is a possibility that somewhere down the road something else could happen on that side of the parcel?

Ms. Ehly: On this side that is south of the single family home?

Mr. Apicella: Right.

Ms. Ehly: That's majority RPA buffer area. So they would not be able to...a road could go through there. I think there's maybe a couple of other things, utility type development can occur in RPA, but no vertical construction.

Mr. Apicella: Okay. Thank you.

Mr. English: Ms. Ehly, there's a, like a pump station or something down there, just prior to that, correct? Am I right or wrong?

Ms. Ehly: Mr. Chairman, Mr. English, I'm sorry, I'm not familiar with that. I can certainly verify that.

Mr. Harvey: Mr. Chairman, Mr. English, I can verify. There is a county pump station located at the bottom of the hill further south on Route 1. That's adjacent to that same stream that's depicted on the diagram.

Mr. Rhodes: Other questions for staff?

Ms. Ehly: Okay, so continuing on, Resolution R15-240 includes 21 conditions and I will note that the resolution that you received in your packets, the conditions were not within the resolution, but you have received a copy of the revised resolution at your seats for this evening. The conditions were identified in the staff report however, that you did receive. We can certainly go over these individually, but basically the conditions are related to mitigating any impacts from the drive-through facilities themselves. The conditions also address fire and rescue recommendations, the completion of a Phase I study, the correct amount of right-of-way dedication, and the buffer in environmental areas. Section 28-185 of the Zoning Ordinance lists 6 criteria to be considered at each public hearing for conditional use permit. The proposal meets some, but not all of the criteria as identified in the staff report. Staff finds the same positive and negative aspects as in the reclassification application. And again, staff is recommending deferral of the applications until comments are received from VDOT and can be incorporated into the conditions and the resolution. These may also require revisions to the GDP and we are expecting comments the first week in July. And then if the Planning Commission desires to vote on

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the application this evening, staff has provided several recommendations which are shown here and we can discuss those further.

Mr. Rhodes: Other questions for staff? Okay. Thank you very much.

Mr. Apicella: I though Mr. English was about to touch the button there, I do have a couple of questions. From staffs, again, professional experience and wisdom, are there any additional B-1, B-2 uses that you would recommend the applicant consider excluding beyond the ones that they've already agreed to proffer out?

Ms. Ehly: Mr. Chairman, Mr. Apicella, I will first point out that those proffered out uses only apply to that small sliver of property that's subject to the reclassification first of all.

Mr. Apicella: Oh, okay.

Ms. Ehly: So, certainly, the conditional use permit, we can incorporate conditions to exclude certain uses if the Commission desires to.

Mr. Apicella: Well, if it gets deferred, I would ask for your suggestions on what you think...

Ms. Ehly: Okay. Certainly.

Mr. Apicella: ...and work with the applicant. I looking at the GDP I see the fast food restaurant, I see the, what was the other use?

Mr. English: A bank.

Mr. Apicella: A bank. I'm not really clear which is the pharmacy because that's not specifically identified.

Ms. Ehly: Mr. Chairman, Mr. Apicella, if you look on this slide, the pharmacy is identified...

Mr. Rhodes: It's the box.

Mr. Apicella: Alright. Thank you.

Mr. English: Ms. Ehly, the one that's not in red, do you know what's that's going to be? Is that... have they said?

Ms. Ehly: Mr. Chairman, Mr. English, those are identified just as commercial retail. There is no specific...

Mr. English: Okay, thank you.

Mrs. Bailey: Ms. Ehly, just a quick question. The transit stop, that was something that was original to what the planning department was recommending. I did not see that in the updated. Is that still of concern? The transit stop being on the inside of the parcel rather than on the outside?

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Ms. Ehly: Mr. Chairman, Mrs. Bailey, yes, staff does recommend that the transit, the proposed transit stop would be located within an inset on Route 1, rather than within the parcel.

Mrs. Bailey: Thank you.

Mr. Gibbons: I'd like...

Mr. Rhodes: Yes, please, Mr. Gibbons.

Mr. Gibbons: What's the reason for that? You ever cross Route 1 from a bus stop and go across six, I mean, you got to be a pretty Olympic style runner to get across that.

Mr. Apicella: The game is called Frogger.

Mr. Gibbons: So wouldn't it be better to go into the property.

Ms. Ehly: Mr. Chairman, Mr. Gibbons, the location of the transit stop along Route 1 is more efficient for the service provider to continue along the route rather going, meandering through the shopping center. We do recommend that there would be pedestrian access to that inset area and also shelter provided.

Mr. Gibbons: Yeah, but is there a traffic light there?

Ms. Ehly: The applicant is proposing a signal there. However, it doesn't meet the spacing requirements, the VDOT spacing requirements, so we'll have to see if they receive a waiver.

Mr. Gibbons: I'll just make a note that that's and accident waiting to happen.

Mr. Rhodes: Okay. Any other questions for staff before the applicant comes forward? Mrs. Bailey.

Mrs. Bailey: Just a statement. Would that transit stop be for more the future than an immediate need though as development on Route 1 continues?

Ms. Ehly: Mr. Chairman, Mrs. Bailey, staff did recommend that the applicant coordinate with the service provider during this design stage of the development. As far as we are aware, that hasn't occurred. And we can certainly reach out to the service provider and bring some more information to the Commission for the next meeting or the next time.

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

Ms. Karnes: Good evening Mr. Chairman, members of the Commission, and Planning staff, I am Debrarae Karnes of Leming and Healy. I am an attorney and a land use planner representing the applicant. I'm here to present two applications, one for a rezoning of only a small sliver of the site, approximately half an acre, and one for 3 drive-through uses. The CUP is required because this is within a Highway Corridor Overlay District, but what I want to focus on generally is this concept. Again, the rezoning is for only a small sliver of property in an area where this development would be considered infill. This fronts on Route 1, is near the hospital, is near the Courthouse redevelopment district. Moreover the CUP is only for the three drive-throughs located on the front of the site. When we go through all the comments and recommendations I ask you to keep in mind that when you're

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reviewing recommendations, the question should be, how does this relate to the .5 acre rezoning application or how does this relate directly to the drive-through uses. The plan is fully compliant with the requirements of the HCOD. There was some discussion of height being limited to two stories in the HCOD and that is true for anything within 75 feet of the Highway. Our buildings are located no closer than 90 – 95 feet, and so the request that our height meet the HCOD requirements is not a valid request. Now going forward however, the Comp Plan designation for this area is suburban and the suburban text does encourage buildings, commercial buildings to be 3 stories in height. And we would be willing to work with the Planning Commission on the height issue. The drive-throughs toward the front of the site are probably going to be 1 story, maximum 2 story buildings. The larger commercial buildings will probably be no larger, or no higher I should say, than 3 stories. The big issue, as always in Stafford County, is transportation. We have done two traffic studies. The second traffic study is currently under review by VDOT. We have proffered the improvements recommended in the traffic study that seemed relevant to the rezoning. We anticipate other improvements will be recommended as conditions by staff when the VDOT comments come in. And because the VDOT comments are in, we anticipate the Planning Commission will defer action on this. And I will look to the Chairman's guidelines. I am prepared to do just a general overview of the other aspects of the proposal if the Chairman so wishes.

Mr. Rhodes: You're just going to go straight to questions?

Ms. Karnes: I'll make it short and I'll respond to some of the comment of the Commission. The other big issue raised by staff seems to be circulation, but we believe the circulation is adequate and we're prepared to show you that in future meetings. One of the issues was the criticism of our throat length, which for anyone who doesn't know, that's basically the area that one turns from one highway to another. The criticism is that we do not meet the requirement of 100 feet minimum. The problem is, is that the requirement is not 100 feet, it's 75 feet and we meet that requirement. Another issue was spacing of the intersection, of our access point. The traffic study recommends the signal. We believe the signal is warranted and in fact I think I heard staff say, the benefits of the signal outweigh the negatives. Other issues involve architecture. We have proffered to abide by comp plan architectural standards. We haven't proffered elevations because we don't have users yet. Comments, we received comments about over parking. I think staff has computed that we have 83 more spaces than the minimum. We compute we only have 5 spaces and so we will need to get with staff to understand their calculations, questions on environment, and history. I think Mr. Apicella raised concerns about the buffering immediately adjacent to the residential. The buffer area will consist of existing vegetation and to the extent the vegetation is not sufficient, we will supplement with additional plantings. What we do not feel we should do is to disturb the CRPA. Staff had originally requested that we plant plantings within the CRPA and we don't think that's ecologically sound. Cultural resources history; staff is requesting that we do a Phase I if at any time evidence is found during construction. I point you again to looking for a nexus between our proposal and the condition that is required. There is no nexus for staff to say because Stafford County has a lot of history we should proffer a Phase I. As to uses, as always we are happy to work with the Commission on either a condition, or a proffer limiting uses, keeping in mind that the issue for the CUP are the drive-throughs. I do have specific comments on the conditions and I'll make this maybe 60 seconds tops. Looking at the proposed conditions on page 12 of 15, number 2 mandates that the entrance shall have a minimum throat length of 100 feet. We believe that's wrong and we will follow-up with staff on that. Number 5; staff requests an inner-parcel shall be provided to the property to the east. I think the east is actually Route 1, so we will to seek clarification from staff. I will note that we proposed an inter-parcel connection to the north. Other directions are somewhat problematic because of slope. Number 11; staff requests that the three drive-through uses be limited to one pharmacy, one bank, and one restaurant. We suggest that it might be more prudent planning to open that up to other uses to allow for changes as necessary over the years. Probably the major concern is

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whether additional uses would create more traffic, and we'd be willing to work with staff to propose a condition that provided for additional traffic study if those uses became known. Again, the issue of height, 2 stories, we would want to work with staff on that, to correct that. Let's see, the only other one I'll mention is number 16; the applicant shall dedicate a minimum width of 67.5 feet of right-of-way. We have proposed 60 feet of right-of-way based on our design and precedent that VDOT has in the recent past. And finally on the drive-through, and I think Mr. Gibbons raised this a little bit, I'm not aware of any, I'm sorry I said drive-through, I meant the bus pick up, I'm not aware of any bus location in the County that is located off property as a pull off on Route 1, and we questions whether VDOT would even allow that. That's going to raise a lot of issues, including who would maintain that area. I would suggest that the bus is more properly located to pull off within the center, and if there's an issue on the exact pull off location, we'll be glad to work with the Commission, but I think the one purpose of the bus is to get folks as close to the uses as possible without interfering with traffic, and it's important to get the bus off the road so it can not cause additional congestion on Route 1. Other than that, I'll be glad to answer any questions that the Commission has.

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

Mr. Gibbons: When I look at the proffers, I didn't see a signal proffered.

Ms. Karnes: Yes sir, you did not. I...we proffered the transportation improvements related and resulting from the development on the half acre property. The traffic signal is recommended in the traffic study. I fully expect staff to condition that.

Mr. Gibbons: So can I take that as a positive?

Ms. Karnes: As a condition, yes.

Mr. Rhodes: Okay. Other questions for the applicant? Ms. Karnes, what did you say the...I apologize I wasn't picking up on the comment, what did you say the throat length is right now?

Ms. Karnes: The requirement is 75 feet and we meet that requirement.

Mr. Rhodes: Okay, so it's 75 feet, but if you take the 60, or 67 feet of right-of-way, if that were developed out, then it would be... is that already adjusted for that?

Ms. Karnes: Yes.

Mr. Rhodes: Okay, so that's after?

Ms. Karnes: Yes.

Mr. Rhodes: Okay, thank you. I just...I didn't look that up. Thank you. Any other questions for the applicant before we go to public comment? Okay, thank you ma'am. I appreciate it. At this time it's an opportunity for any member of the public to speak on items 1 and 2, item 1 being the reclassification of the one half acre to make it into a B-2 which is urban commercial zoning district to match the surrounding properties around it. And item number 2 being the conditional use permit which is a requirement associated with having drive-through facilities. Anyone who would like to speak on either of those items, you may come forward now. Okay, very good. We'll close the public comment portion and bring it back in to the Planning Commission. Is there further comment or discussion?

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Mr. English: I'm going to go ahead and make a deferral on both of those until the...

Mr. Rhodes: I think they said that the comments were likely 7, 8, 9 July and I think our session in July is 22 July, is that correct?

Mr. Harvey: That's correct, Mr. Chairman.

Mr. Rhodes: So you want to defer this to 22 July then, Mr. English?

Mr. English: Yeah, and I would like to meet with the applicant.

Mr. Rhodes: Okay, motion to defer these items 1 and 2 to 22 July so we can get the VDOT comments. Is there a second?

Mrs. Bailey: Second.

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

Mr. English: No, Sir.

Mr. Rhodes: Further comment, Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Rhodes: Any other member? Okay, all those in favor of the motion to defer to 22 July signify by saying aye.

Mr. Apicella: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. So be it. Thank you all very much. Appreciate that. With that we'll move on to item number 3, which is the Comprehensive Plan Text Amendment for the Cluster Guidelines. Mr. Harvey?

3. Comprehensive Plan Text Amendment - Cluster Guidelines for Cluster Subdivisions with Additional Density - A proposal to amend the textual document, "Stafford County, Virginia, Comprehensive Plan 2010-2030," dated December 14, 2010, last revised February 24, 2015, specifically Chapter 2, "The Foundation for the Future," Goal 1, "Manage growth and development in a sustainable manner" to create Policy 1.2.12, which provides development criteria for cluster subdivisions with additional density. The proposed amendment suggests natural resources be preserved or restored, cluster developments be in areas where public facilities can handle the additional demand, open space areas be contiguous and contain

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environmentally sensitive areas, proposed developments be compatible with the airport and military land use compatibility standards, and a minimum side yard setback of ten feet. **(Time Limit: August 9, 2015)**

Mr. Harvey: Again, Mr. Chairman, please recognize Erica Ehly.

Mr. Rhodes: Thank you very much. Erica's show. Computer please.

Ms. Ehly: Mr. Chairman, the slides really just show the proposed language. Since November the Planning Commission has been discussing various options to establish criteria for cluster subdivisions with increased density which are permitted in the R-1 zoning district as a conditional use. The language has been finalized as a new policy which could be utilized to recommend certain conditions during the review of the conditional use permit applications for clusters with additional residential lot density. And so this language did see in April, so we can go over those for the record if you'd like.

Mr. Rhodes: Thank you, please.

Ms. Ehly: Okay. Clusters subdivisions with increased density should meet the following criteria: Cleared natural resource area should be restored through the provision of increased landscaping in open space, buffer areas and on residential lots. Viable areas of existing agricultural uses and natural resources should be avoided when possible as part of the development design. Subdivisions should be located in areas of the County where public facilities, including schools, transportation, parks and recreation, water/sewer, emergency services, have planned capacity to absorb the demand of the additional density. Impacts of the development should be mitigated where existing public facilities are inadequate. Environmentally sensitive areas should be preserved within open space areas, including wetlands, floodplain, alluvial soils, slopes greater than 25%, designated trees and significant tree stands. Open space areas should be a continuous land mass that is not fragmented by the development of the subdivision and shall be of sufficient size and shape to support its intended use. The proposal should be consistent with airport land use compatibility standards, if the subdivision will be located within the Airport Impact Overlay District, including: the provision of a minimum area of usable open space; clustering dwelling units away from aircraft traffic patterns; locating dwelling units at least 3,000 feet from the runway centerline; noise mitigation measures in building standards; and disclosure notices where applicable. The proposal should be consistent with military facility land use compatibility standards that are in accordance with Chapter 3.4, and provide for real estate disclosure notices, noise mitigation measures in building standards and other sound attenuation measures where applicable, if the subdivision will be located within Quantico Noise and Range Compatibility Zones. The minimum side yard setback for each residential lot should be ten (10) feet or a residential fire suppression system should be provided within each dwelling unit. Staff is recommending approval of the text amendment to the Comprehensive Plan as the proposed conditions are intended to mitigate potential impacts resulting from the increase in density.

Mr. Rhodes: Any questions for staff on the Apicella amendment?

Mr. Apicella: Just kind of a little background that maybe staff could reinforce. As I recall, when we started working on the cluster language a couple of years ago, the state code requires that jurisdictions of Stafford's size have a cluster subdivision ordinance?

Ms. Ehly: Mr. Chairman, Mr. Apicella, yes, we are required to have a by-right to provide for cluster subdivisions in agriculturally zoned areas by-right.

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Mr. Apicella: And it's supposed to apply to a certain amount of undeveloped land as I recall.

Mr. Harvey: Correct, Mr. Apicella. Mr. Chairman, the state code stipulates we have to apply cluster regulations to 40% of our undeveloped land in the County.

Mr. Apicella: Okay, but it does not require the jurisdictions provide bonus density, that's a permissive provision in the code.

Ms. Ehly: That is correct.

Mr. Apicella: Do you happen to have the section of the code in front of you that speaks to the bonus density issue? If you don't, I do. Right. Okay. So if you don't mind Mr. Chairman, with your indulgence, I would like to read it. It's 15.2-2286.1, provisions for clustering of single family dwellings so as to preserve open space. It's part C. It says: Additionally, a locality may, at its option, provide for the clustering of single-family dwellings and the preservation of open space at a density calculation greater than the density permitted in the applicable land use ordinance. To implement and approve such increased density development, the locality may, at its option, establish and provide, in its zoning or subdivision ordinances, standards, conditions, and criteria for such development, and if the proposed development complies with those standards, conditions, and criteria, it shall be permitted by right and approved administratively by the locality's staff. It goes on beyond that, but that's basically the crux of what the Code says about bonus density. That's it Mr. Chairman.

Mr. Rhodes: Very good. Are there other comments for staff, or questions? Wonderful. Thank you very much. With that, I'll now open this item to public comment. If there is any member of the public that would like to speak on the Comprehensive Plan Text Amendment dealing with the cluster guidelines for cluster subdivisions with additional density, you may come forward and do so at this time. Seeing that no one is here for that item, we will close the public comment portion of the public hearing and bring it back in for the Planning Commission. I think some of the more...if there's...I don't know if there's other discussion, I'll actually, well it's not a district, turn to Mr. Apicella on this one.

Mr. Apicella: Mr. Chairman, I would recommend adoption of the text amendment, the guidelines for cluster subdivisions with additional density.

Mr. Rhodes: Okay, motion for approval of item number 3 by Mr. Apicella.

Mr. English: Second.

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

Mr. Apicella: I would just briefly say we've been working on this over many month to try correct what we've perceive at least as an issue with the way that cluster subdivisions with bonus density have been worked out, and in such a manner that the open space is scattered throughout the parcel rather than being contiguous or for the benefit of the community at large. I would say that the proposed guidelines comport the state code and I think they clarify the criteria and desired outcomes that may warrant increased density going forward. So I think it ultimately fixes the problem that we've seen with some proposals that have come forward.

Mr. Rhodes: Very good. Further comment, Mr. English?

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Mr. English: No, Sir.

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

Mr. Apicella: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; passes 6-0. Thank you all very much. With that, we'll move on to item number 4, which is the amendment to the Zoning Ordinance, the last item in our public hearing for this evening. Mr. Harvey?

4. Amendment to the Zoning Ordinance - Proposed Ordinance O15-20 would amend portions of the Subdivision and Zoning Ordinances to provide more guidance for the design and use of open space land in cluster subdivisions. The proposed Ordinance would amend Stafford County Code Section 22-153, "Lots for required buffers" and Section 28-82, "Required buffers," to clarify that open space land required for cluster developments cannot be used to satisfy buffer requirements. Additionally, Stafford County Section 22-267, "Open space land regulations" and Section 22-270, "Review and approval of cluster subdivision plans," would be amended to require the subdivision agent in his/her review of cluster subdivision plans, to ensure that the open space land is clearly marked with a designated use and that the configuration of the space(s) is appropriate for that use. **(Time Limit: August 11, 2015)**

Mr. Harvey: Thank you, Mr. Chairman. Please recognize Susan Blackburn for the presentation.

Mrs. Blackburn: Mr. Chairman, Planning Commissioners, this evening this is a public hearing to consider ordinance O15-20, to amend the Stafford County Code, Sections 22-153, "Lots for required buffers", Section 22-267, "Open space land regulations", Section 22-270, "Review and approval of cluster subdivision plans," and Section 28-82, "Required buffers" all regarding open space land in cluster subdivisions, and that was for review and recommendation. This item was referred to the Planning Commission on April 21<sup>st</sup> by the Board of Supervisors by them approving Resolution R15-123, and that gave you all authority to review these recommendations from the Board. At their May 23<sup>rd</sup> meeting, or you all's May 23<sup>rd</sup> meeting, you voted to conduct a public hearing, and that is this evening. And a little of the background on this. During the 2015 General Assembly Senator Richard Stewart presented to the Cities, Counties, and Towns Committee an amendment that would allow a locality to further regulate the open space land in a cluster subdivision. The Committee concluded that the provisions to accomplish such measures already existed in the Code. Therefore, the Board desired to further clarify the use of the open space land in a cluster subdivision that does not have an increase in density...so this is only for the by-right subdivisions... by requiring the review of the designated use of the open space for compliance with applicable industry and County standards for minimum area, configuration, functionality, and other necessities for such use, and to insure it furthers the goals, objectives, and policies of the Comprehensive Plan. Therefore, to combine residential development and

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open space land in a viable and compatible manner, staff drafted the proposed ordinance to reflect the desire of the Board and the intent of the legislation. The draft ordinance states that the use of open space land, as permitted in the definition, must be owned and maintained by a homeowners association, a conservation association, an individual, or an entity that can comply with regulations of the Code. The open space and the entity responsible for it must be stated on the recorded plat. Also, the open space requirement for a cluster designed subdivision is not permitted to satisfy a buffer requirement nor shall a buffer requirement be allowed to satisfy an open space requirement. And they are considered to be two distinct and separate pieces of property. And in addition, the use of the open space land must reflect the industry standards for that use. For example, if the open space land is used for forestry and we will require to see a forestry land management plan; or if it is used for conservation, it will be the requirements of the conservation group that is going to take over the property. This provides a set of standards that must be met for the use and attempts to pursue the intent of the legislation for cluster development which is to preserve open space. At the April 8, 2015 meeting, the Planning Commission recommended proposed language be added to the Comprehensive Plan that you just voted on and we feel that only compliments this amendment to the Code. The staff submitted some added language to the ordinance, trying to clarify the use of open space and buffer requirements. There was some discussion amongst staff and legal that that was maybe muddying the waters a little bit. And our attempt was to make sure that the open space land was open space and you had to do the calculations for that and the buffer area, land area could not be used to meet open space calculations. After some discussion with legal it was thought that we may go back to the original wording that was done at the May 13<sup>th</sup> meeting, unless you have any suggestions that may clarify it better.

Mr. Apicella: I'm a little confused. Is it the version that's in the staff report, or is there another version?

Mrs. Blackburn: It was the version that's in the staff report that adds in red lettering "and landscape buffer areas shall not be included as part of the open space calculations".

Mr. Apicella: So that's the version you're recommending we consider? Just to be clear.

Mrs. Blackburn: That's the version... and Rysheda can help me on this, I hope, if I remember it correctly, that is the version... Let's start over. You have a line that says "required open space land for cluster subdivision are exempt from this requirement". That is under 22-153(a). (a) we have that for (a) also, that's good. Then there is some added in red under (b), after "required open space land for cluster subdivisions are exempt from the requirement", and "landscape buffer areas shall not be included as part of the open space calculations". That is the part that started to get a little worky, and then we go on to have, and then "to keep the required open space land for cluster subdivisions shall not be used to satisfy any buffer requirements" under 28-82. And to, then again, with the writing in red, that it may cause some confusion.

Mr. Apicella: So again, the bottom line is that you're recommending that we strike the language that's in red. I just want to clarify what you're asking us to do.

Mrs. Blackburn: Yes.

Mr. Rhodes: And, now all, just to confirm, Ms. McClendon, all that's here was what was advertised for public hearing, so we would... so by striking items we are making it less restrictive and not significantly modifying what was advertised?

Ms. McClendon: That's correct, Mr. Chairman. I don't believe the modifications are significant.

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Mr. Rhodes: Very good. Just wanted to confirm. Thank you. So there's a... so what staff is suggesting is a little bit of refinement that we might, if we consider acting on this after the public hearing, we would do so, accepting the changes that were presented, the suggestion from staff. Okay. Other questions for staff before we go to public comment? Very good. Thank you ma'am. Now I open this item to public comment. If there's any member of the public that would like to speak on item number 4, the amendment to the zoning ordinance to consider proposed ordinance O15-20, you may come forward and do so at this time. And again, that's not why everybody came out. Okay, very good, we'll close the public comment portion of the public hearing and I'll bring this back in to the Planning Commission.

Mr. Apicella: Mr. Chairman, as we further consider the language to either recommend or approval or denial, I would recommend, based on staffs advice, to strike the language under section 22-153 (b), the words including "and landscaping buffer areas shall not be included as part of the open space calculations", additionally striking the language under section 28-82, required buffers, the language that reads "and landscaping buffer areas shall not be included as part of the open space calculations".

Mr. Rhodes: Very good. So it's a motion recommending approval incorporating those two items of change.

Mrs. Bailey: Second.

Mr. Rhodes: Your confirmation came out one half of a second before a second. I got you, okay, very good. So motion by Mr. Apicella, second by Mrs. Bailey. Further comment Mr. Apicella?

Mr. Apicella: Mr. Chairman, I just want to reiterate what's in the staff report, that this was an item considered by the Board of Supervisors. I believe they looked at most if not all the specific language and I think, again, it further provides perimeters and guidelines going forward on the open space land in cluster subdivisions.

Mr. Rhodes: Very good. Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Rhodes: Any other member? Okay, all those in favor of the motion which is recommending approval of the proposed ordinance O15-20, which the two modifications as were stated tonight, signify by saying aye.

Mr. Apicella: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; passes 6-0. We're now through the public hearing items and onto Unfinished Business, item number 7. I assume we'll do 7, 8 and 9 together, Mr. Harvey?

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5. 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 24, 2015) (History: April 22, 2015 Public Hearing Continued to May 27, 2015) (May 27, 2015 Public Hearing Continued to June 24, 2015)**
  
6. 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) (History: April 22, 2015 Public Hearing Continued to May 27, 2015) (May 27, 2015 Public Hearing Continued to June 24, 2015)**

UNFINISHED BUSINESS

7. COM15150540; Comprehensive Plan Text Amendment - Stafford Village Center - A proposal to amend Chapter 3, "The Land Use Plan," of the Comprehensive Plan 2010-2030 document, dated December 14, 2010, last amended on February 24, 2015. The proposed amendment would expand the areas where townhomes and multi-family dwelling units are allowed in the Suburban Area land use designation. **(Time Limit: July 26, 2015) (History: Deferred on May 27, 2015 to June 10, 2015)**
  
8. RC15150541; Reclassification - Stafford Village Center - A request for a reclassification from the R-1, Suburban Residential Zoning District to the P-TND, Planned-Traditional Neighborhood Development Zoning District, to allow a mix of commercial service, retail, and office uses and multi-family dwelling units on Assessor's Parcel 20-130. The property consists of 45.31 acres, located on the south side of Garrisonville Road, across from its intersection with Travis Lane, within the Garrisonville Election District. **(Time Limit: August 25, 2015) (History: Deferred on May 27, 2015 to June 10, 2015)**
  
9. CUP15150542; Conditional Use Permit - Stafford Village Center - A request for a Conditional Use Permit (CUP) to allow vehicle fuel sales within the HC, Highway Corridor Overlay Zoning District and P-TND, Planned Traditional Neighborhood Development Zoning District. The site is on a portion of Assessor's Parcel 20-130 and is the subject of a concurrent reclassification request from the R-1, Suburban Residential Zoning District to the P-TND Zoning District. The property consists of 1.56 acres, located on the south side of Garrisonville Road, across from its intersection with Travis Lane, within the Garrisonville Election District. **(Time Limit: August 25, 2015) (History: Deferred on May 27, 2015 to June 10, 2015)**

Mr. Harvey: Yes, please, Mr. Chairman.

Mr. Rhodes: Very good, Stafford Village Center. Thank you.

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Mr. Harvey: And Mike Zuraf will be leading the staff discussion on this item.

Mr. Rhodes: Wonderful. Thank you.

Mr. Zuraf: Okay, could I have the computer please? Good evening Mr. Chairman, members of the Planning Commission. Mike Zuraf, with the Planning and Zoning Department. These issues relate to a project known as Stafford Village Center. It's item 7, 8 and 9 on the agenda. Stafford Village Center, this project includes three separate applications as part of this project. A comprehensive plan amendment, reclassification, and conditional use permit. These three applications would allow for a mixed use development, proposed to include up to 500,000 square feet of commercial floor area and 453 multi-family residential units. The conditional use permit would allow for vehicle fuel sales within the Highway Corridor Overlay zoning district and within the proposed P-TND zoning district. The public hearing on these applications were conducted on, your last meeting, on May 27<sup>th</sup>. It was deferred to this meeting. The commission deferred the request to obtain additional information, and there were several questions and requests at the time, and in the memo that you received from us we summarized those issues and I'll run through those, hit the highlights. Just for reference again, this is the location of the site highlighted in red. It's along Garrisonville Road, across from the intersection with Travis Lane. The first issue to address was a request to modify the comprehensive plan amendment language that's proposed so the language more so would apply to infill development situations. We've included in the report a modified version of the amendment that was provided by the applicant. The new version does incorporate the suggestion that multi-family and townhouse units would be recommended on infill properties and then there are more standards that define what an infill property would be. Staff has been working with the applicant to develop a version of this that would kind of fit into the construct of the suburban land use definition. We're not quite there. We've provided a draft to the applicant. They're still reviewing that, but it says a lot of the same things, but it just relocates the information within the comp plan document. But I believe we're close to resolution on that issue.

Mr. Rhodes: Great.

Mr. Zuraf: Also, there were several requests for proffer modifications. Just to kind of go through those, the first one was a request to provide cash contributions for multi-family units. That has not added into the new proffers. There was a suggestion to include participation in the State Route 610, Garrisonville Road transportation service tax district. The applicant in their latest proffers, proffer 9 does address this request. Staff did note there are some concerns with some of the language that would allow for credits and what we have discovered through kind of discussions with the County Attorney's office is that we're no certain that credits can be given, not certain that the State Code would allow us to go that route and have that type of credit for this kind of task.

Mr. Gibbons: Mr. Chairman?

Mr. Rhodes: Yes, Mr. Gibbons.

Mr. Gibbons: That's the point that I had brought up, but at the current moment there is no provision to allow credits against proffers, correct?

Mr. Zuraf: Well, that's a separate, as far as, yeah, the County proffer guidelines does not allow, does not establish credits.

Mr. Gibbons: Thank you.

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Mr. Rhodes: But also on this item for the service tax district, it's silent on that as well? Is that what we're...

Mr. Zuraf: Yeah, it doesn't speak to... it's more so recommending a credit from the tax for the value for the improvements that are being made by the applicant.

Mr. Rhodes: Okay.

Mr. Zuraf: There is a request to provide fencing to the adjacent neighborhood. That is neighborhood to the east and south of the project. And proffer 8 does address that request. Staff does note that the proffer lists fencing as one of the enhanced buffer methods, but it does not specifically say, that is a required requirement. A request to provide a sidewalk extension through the site to Highpointe Boulevard, proffer 2.F does address this issue and provide that improvement. Provide notices to purchasers of residential regarding the potential for training noise from Quantico. Proffer 10 addresses this issue. And the other was, establish a proffer that would allow for the potential connection to abutting roads in the adjacent subdivision, if requested or agreed to in the future. So proffer 2.G does address the issue to allow for a potential connection to Peter Lane. That's in the area circled in red. That would be in the Patriot Landing Subdivision, and there's provisions that it would have to be upon the request from that neighborhood.

Mr. Rhodes: It's just an inter-parcel connector, if they should want it.

Mr. Zuraf: Yeah, if they don't request it, then the connection would not be made.

Mr. Rhodes: Okay, thank you.

Mr. Zuraf: Also, staff does not, just making some other points before I move on on the slides, the proffer statement modifications also do adjust some of the development phasing. Also they limit the number of 2- and 3-bedroom units in the development and they do add some new transportation improvements.

Mr. Rhodes: And that came out to slightly over, just slightly over half was all that could be more than singles, those 2- and 3-bedroom, and only a small subset of that could be 3.

Mr. Zuraf: Right. And staff does note the language is not silent as to what the remaining half... I would assume those remaining units would be 1-bedroom units, but it doesn't say that.

Mr. Rhodes: Worth clarifying, okay, yep.

Mr. Zuraf: The applicant did modify the neighborhood design standards to provide a new image for the gas station canopy design. The applicant has included this image and they included some standards saying the canopy would not be over 20 feet tall, and they also would be required to have brick columns as shown in this image. Some other points, there was also a request to consider options associated with the height of the buildings to mitigate the appearance of towering over neighboring uses and residents, it's dealing with building height and proximity to adjacent properties. Proffer 3 includes a modification to limit the height of buildings to 5 floors or 60 feet. Originally it was 7 stories and 75 feet. I believe also the applicant's going to have an image to present that kind of addresses this issue as well. There was also a request that if off-site improvements can't be made due to the lack of condemnation, would the applicant be willing to contribute to the County's... the value of the improvement cash, and that has

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not been addressed yet. Also consideration for providing a connection to Highpointe Boulevard earlier in the phasing and that has not been changed from what's originally been proposed. Also the general request for the applicant to address staff report issues, the issues raised in the staff report. Attachment 3 in your package includes a kind of consolidated summary of the issues raised in the staff report for all three of the applications and we included a response of how and if each issue has been addressed and I've covered some of that here already. There's also a request for a response on how the fueling station location may impact water quality. The applicant has included also a letter from their environmental consultant that did respond to this issue and discussed in general what's required of fueling stations from an environmental standpoint. Also a request of the number of gas stations in the vicinity of this site. Staff surveyed the area and identified five gas stations along Garrisonville Road from Eustace Road to Mine Road, those intersections. Also, there was a request to see a copy of the School Board staff comments regarding their recommendation and we included the email correspondence from Mr. Horan of the School Board staff that addresses this request. There were also questions about Fire & Rescue issues, several questions regarding what station covers this area. That would be the Garrisonville Fire Station, Number 14. We received a response from Fire & Rescue staff on these issues. They did note that that's a temporary station. It was one four person, standard fire engine. They are in the process of planning it for construction of a permanent facility in the coming month. There is also a request of, if the equipment is adequate for this type of project. They did say that this type of project at the time up to 7 stories would create a significant burden on Fire & Rescue services. Both building construction considerations as well as resources needed for appropriate emergency and incident response.

Mr. Rhodes: That was at the 75 feet though, right?

Mr. Zuraf: Yeah. They did point out the proffers being offered by the applicant to enhance the construction standards to a high-rise building construction standard. It goes a real long way to help mitigate potential safety concerns. But they did note that in general though with mid-rise and high-rise buildings fire emergencies often require a number of apparatus to respond, which can stress the county's resources. You did receive some of the other documents included in your staff report, included revised traffic impact assessment addressing previous VDOT concerns. Also a more specific traffic analysis of Highpointe Boulevard should it connect directly through the site and carry more traffic. Both documents have been provided to VDOT and it's currently under their review. We did also include a regulating plan illustration that show the potential vista termination point. You did receive tonight at your desk a modified general development plan, regulating plan, and modified neighborhood design standards manual. The general development plan changes are minimal, but the overall layout of the project is still the same. They just modified some of the notes that I'm aware of to reduce the building heights and they did, with the regulating plan, did make a modification to attempt to address the vista termination issue. The star highlighted on this image with the red circle around it, that's been identified in the regulating plan as the vista termination.

Mr. Rhodes: What does that mean?

Mr. Zuraf: That is the...

Mr. Rhodes: I kept creating my own definitions in my mind. So I'm just wondering exactly what that means.

Mr. Zuraf: We just roll on in our planning tunnel vision and forget about that some times. Vista termination is defined as for these purposes as a significant, kind of enhanced building design or

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monument or some enhanced feature that would be identified at the end of a main boulevard or main road in a neighborhood.

Mr. Rhodes: So a big fountain, a statue, but some point that designates and has some tie into the development.

Mr. Zuraf: Yes and this doesn't get to specific as to what the vista termination would be. It would have to be provided. The applicant had mentioned that it could potentially be this point as the area between two buildings as currently shown and so what they may do is possibly build a connection, a bridge over top and then there can be an enhanced kind of tower feature over top of that, kind of pass through, and that can create a vista termination.

Mr. Rhodes: Now I know.

Mr. Zuraf: And so you did receive also the latest revised proffers, dated today, we received those today. You received those, that had some minor modifications to the transportation improvements at Eustace and Garrisonville Road and then the only other changes were changing the dates of the plan documents that are referenced in the proffers. And then you also received in your package all the, the ordinance and resolutions that apply to all these cases. And I'll answer any questions at this time.

Mr. Rhodes: Okay. Questions for staff before the applicant comes forward? Yes, Mr. Gibbons, please.

Mr. Gibbons: I got one. The applicant is the church, correct?

Mr. Zuraf: The applicant is the Pence Group. The church is the landowner.

Mr. Gibbons: So the zoning of the property is the church, correct?

Mr. Zuraf: Well the zoning would go with the land, so it's whoever the owner is.

Mr. Gibbons: Because the proposed proffers is from the church.

Mr. Zuraf: Right. The property owner would sign off on those, unless they authorize the applicant to sign off.

Mr. Gibbons: Alright. Thank you. I got one thing, Mr. Chairman, and it's called issues, so I'll get it off my mind. I inquired whether the proffer guidelines that are currently effect make accommodations for credits for development. It's projected to have a net fiscal benefit. In other words, the guideline dollar amounts are reduced or mitigate based on the amount of annual net revenue projected for the development. To date, the Board of Supervisors has not adopted a formal policy in this regard. The current guidelines are available. They do not speak to allowing credits. In the past the Board has accepted proffer contribution that were less than the guidelines where the tangible proffers have been made, such as land dedication, construction, and infrastructure. Credits have also been considered by-right development prior to the reclassification (inaudible). So, as of today, I'm not aware of any provision from the Board that modifies the proffer to give to credit and I want to make sure that I'm on record. I've been studying this, I've been studying all week and I couldn't find anything.

Mr. Rhodes: And that is correct. Right now as it stands, there is not a provision or means and policy for formally accepting credit. We... it's talked about a lot, but it doesn't exist, correct?

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Mr. Harvey: That's correct, Mr. Chairman.

Mr. Rhodes: Okay. Very good. Thank you, Mr. Gibbons. Any other question for staff before the applicant comes forward? Mrs. Bailey.

Mrs. Bailey: Mr. Chairman, was there any discussion with the reduction in the... going from 7 stories to 5 stories, and the reduction in the number of multi-family as a result of that?

Mr. Zuraf: The applicant has not reduced the number of units.

Mrs. Bailey: Okay, so does that mean there'd be more buildings?

Mr. Zuraf: I suppose it could potentially, or what may actually apply, since they're reducing the unit size with more potential 1-bedroom units, that can maybe, more of those units can fit in a smaller area.

Mrs. Bailey: A clarification on that would be great. Are there bike lanes required as a result of...with improvements to the road in there? They have places to put bikes. There's going to be pedestrian traffic, so we don't want bikers on the sidewalks. Was that looked at?

Mr. Zuraf: It's not a requirement, and as far as I'm aware it's not necessarily something that's been identified on the plans.

Mrs. Bailey: Okay. The only other question I had was, it looks like there is the potential for Highpointe Boulevard to have a lot more use to that. Are there any improvements for Highpointe Boulevard? Does VDOT have anything in their plan?

Mr. Zuraf: Not that I'm aware of, no.

Mrs. Bailey: The reason why is ask that is there is a lot of overflow parking currently on Highpointe from, I believe it's the multi-family and the townhouses. There are not enough parking facilities currently, so you see a lot of additional vehicles, tag along trailers and such that line up the street there on Highpointe Boulevard. So that would be a concern for me.

Mr. Rhodes: Yes, Mr. Gibbons. Thank you, Mrs. Bailey.

Mr. Gibbons: Sorry. When it comes to aerial, when I looked at the apparatus distribution this week, we have an aerial at Quantico Engine... I mean Ladder 533 is there. We have one on Route 1, Widewater and we have one in Hartwood. So we have three in the area. So, maybe we need to force them, but we do have three that's available to us.

Mr. Rhodes: I think Widewater would be the next closest after the Station 14 probably for that location. Yeah, maybe Quantico, you're right. Other questions? Yes please, Mr. Apicella.

Mr. Apicella: Mr. Chairman, I have several questions. I ask for the Commission's indulgence after having looked at UAI's economic and physical analysis, and some related correspondence from the agent, as well as the most recent proffer statement that we just got, which really haven't had a chance to look through, but in general, the new proffer statement, there's still no monetary proffers for schools, fire, parks, general government?

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Mr. Zuraf: Correct.

Mr. Apicella: Okay. And the purpose of proffers, generally, for residential development is to mitigate the capital related impacts, is that correct? I was looking at Attachment 7 from the prior meeting, and in particular the tables that compare the projections of revenues versus expenditures. You indicated, or staff indicated that there was a disconnect between the operating cost information and the debt service cost. I couldn't find where or how the capital improvement annual cost were incorporated into the figures, so I'm going to give an example. On page 33 of the fiscal impact statement, or analysis, table 2 shows an annual cost impact of 782,000 for public schools for the 453 units, so what that equates to is for 168 students that's 4,640 per student annually, that seems kind of low to me, especially if that includes both operating and debt service cost. Have you had a chance to balance these numbers on this table against the respective county departments, especially in terms of whether they include capital cost?

Mr. Zuraf: No.

Mr. Apicella: Okay, but just from, again, your vantage point and having done this for a long time, that figure, just for schools, not counting all the other items that are listed, this 4,740 would that accommodate both operating, current operating and debt service cost?

Mr. Zuraf: I have to...

Mr. Apicella: I'm sure you'll have to take more time to digest.

Mr. Rhodes: Come on. Right now.

Mr. Apicella: Also, again, looking back at the previous staff report, there seems to be a difference of opinion, but generally speaking, from your vantage point and your experience, is there a net cost resulting from residential development that is to say, does residential development normally pay for itself?

Mr. Zuraf: In general, through the studies that we've done, there is a cost.

Mr. Apicella: Okay. Are commercial development revenue is allocated to a specific location or do they offset the impact of residential development across the county?

Mr. Zuraf: Any potential revenue from this project are not allocated, no.

Mr. Apicella: Right, and we desire commercial development to, again, offset the tax base, because we know, going back to the previous question, that residential development doesn't pay for itself, and throughout the County we want more commercial development to offset that cost, is that correct? Okay. Do we provide refunds or rebates for commercial enterprises where they're costs turn out positive?

Mr. Zuraf: No.

Mr. Apicella: For retail development, can revenues be influenced by the specific types of shops that materialize? So, if you have shop A, or shop B, there might be a difference in the revenue stream that results from that particular...those different types of shops. Some might produce more, some might produce less.

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Mr. Zuraf: Right.

Mr. Apicella: How about the occupancy rate duration, does that influence the amount of revenue we might get?

Mr. Zuraf: Yes.

Mr. Apicella: From the application, do we know the specific types of retail or offices that will occur at the site?

Mr. Zuraf: No.

Mr. Apicella: No. And how is Stafford doing today on current office space occupancy?

Mr. Zuraf: I'd have to go back and check on that.

Mr. Apicella: I recall from previous discussions that there is somewhat of a glut of empty office space in Stafford County.

Mr. Zuraf: I'd have to talk to Economic Development.

Mr. Gibbons: Almost 16%.

Mr. Apicella: Okay. Thanks Mr. Gibbons. Does the County student rate make a distinction, the student generation make a distinction based on the type of unit? So, does it have a different generation rate for 1-, 2- or 3-bedroom units? Or is it based on an average?

Mr. Zuraf: Based on an average.

Mr. Apicella: Okay. And is it fair to say that in any given year units could have no students, while some, depending on size, have 2, 3, 4 or more students?

Mr. Zuraf: It's fair to say.

Mr. Apicella: And we really can't predict from year to year what that might be, because, especially in terms of multi-family units, because you might have families moving in and out at any given time.

Mr. Zuraf: Right, that's why we use averages.

Mr. Apicella: Okay. For the recently proposed Oakenwold and George Washington Village developments, did they propose in kind or monetary proffers to mitigate the impact to the mixed use residential development?

Mr. Zuraf: Yes.

Mr. Apicella: Based on the County's experience, to what extent would some of the commercial retail and office simply offset, or be revenue neutral? And what I mean is, in any given project, you might have, say, a gas station, right? In this case they are recommending a gas station as part of the overall project, but you also have 5 other gas stations along the same corridor. So would you necessarily have

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more revenue because you're building another gas station, or would it just basically be distributing the revenues amongst the now 6 gas stations instead of 5 gas stations?

Mr. Zuraf: I would say theoretically...

Mr. Apicella: So it's not always the case that just because you add some commercial development that the revenue stream is going to go up. It might actually displace commercial development that already exists elsewhere in the County.

Mr. Zuraf: I could...

Mr. Apicella: It's not going to demand for goods necessarily just because it's there.

Mr. Zuraf: Not necessarily, no.

Mr. Harvey: Mr. Chairman, Mr. Apicella, you would have an increase in revenue from real estate side once a new property is developed.

Mr. Apicella: Right, and that's fair to say, there's going to be about 1,000 new residents if this development gets approved. I'm just saying, across the county, you're going to have competing commercial enterprises that may be somewhat displaced because there is similar types of venues at this project, versus those projects.

Mr. Rhodes: I think if the population didn't change, but if the population increases by 10, 20%...

Mr. Apicella: Right, but the assumptions, I think, in this fiscal analysis don't really kind of equalize those two constructs.

Mr. Zuraf: I guess that would be the case if the amount of commercial well exceeds the amount of commercial that would really be needed to sustain those new residents in that project.

Mr. Apicella: Depending on economic conditions, has Stafford experienced in property values, either decreases, increases or stable over time.

Mr. Zuraf: Yes, there are fluctuations.

Mr. Apicella: So it's fair to say that assessed values are variable and unpredictable over time?

Mr. Zuraf: Yes.

Mr. Apicella: Okay. And if the proposed revenue projections fail to materialize, what has to happen?

Mr. Rhodes: Nothing.

Mr. Apicella: So you either have to increase the tax burden or reduce services, or both, right?

Mr. Zuraf: Right.

Mr. Apicella: Within a 5 miles radius of this project, how many rooftops are there?

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Mr. Zuraf: I'd have to do some research on that.

Mr. Apicella: Okay. And doing that research, can you also identify what percentage of overall County rooftops are in the 5 mile... I mean... what that would... within... as compared to the overall number of rooftops in the County. So x percent is in a 5 mile radius and that is what percent of the overall total? What's the purpose and benefit of a special tax district?

Mr. Zuraf: To find any specific needs for an identified area. So to tax the properties that may benefit from the needs of that road.

Mr. Apicella: But is it specific just to that property? So are we just talking about the road right in front of that project or is it across the entire corridor? So for the 610 special tax district, I thought it was for the entire corridor, not just the road frontage that abuts those specific parcels that are being...that are being charged that special tax.

Mr. Zuraf: It's for the entire corridor.

Mr. English: Could there be a certain project for that, if there was a special tax district, saying that money could go towards like building a fire station, and... would that...

Mr. Zuraf: If there is a set... well...

Mr. English: Would that... could you... if that was a separate...

Mr. Apicella: Again, my point is, I don't think, and I could be wrong, I'm trying to validate and you can certainly do some more research, that if this special tax district is applied to this specific project it doesn't just... it's not just for the road right in front of that project. It's for widening all of 610, or roads that are associated with 610, not just for the benefit of this specific project. So this goes back to the do they get credits or offsets. It's not clear to me that that's what the intent of the special tax district is. Mr. Chairman, that concludes my questions.

Mr. Rhodes: Very good. Other questions for staff before the applicant comes forward? Thank you very much, Mr. Zuraf. Applicant please.

Mr. Leming: Good evening, Mr. Chairman, members of the Commission. I'm Clark Leming, I'm here on behalf of the applicant. We have all of our experts with us this evening, also representatives from Ebenezer Church. Before we get too far down the road there, let me clarify a couple of things. We received comments today on some of the proffers. I don't think Mike is aware that we actually did make three other proffer changes today in response to comments that we got today. One was to clarify what the other bedrooms, what the other apartments, how bedrooms the other apartments would have. They would either be 1-bedroom or studios. So that is now included in the proffers. Second is to eliminate the credit issue regarding the tax district that you were just talking about, Mr. Apicella. There are other sources for this. These units will also pay transportation impact fees and independent of any proffers, the ordinance and state code permits offsets because the county has defined all of the County as the traffic impact area. Offsets are permitted for other road improvements. Now to tell you what I'm talking about, the applicant here is proposing millions of dollars of road improvements. Now some of them are things that are absolutely necessary because of their development, things like turn lanes, but over and above that, well in advance of a million dollars, perhaps approaching about 1.5 million dollars for off-site intersections, oversizing stormwater ponds, dedication of right-of-way, things that are over

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and above what are required for this particular development. Now we're going to eliminate the County Attorney question whether or not that was permitted. I think it's an open question, but we're not going to get into it. We've removed that language, so we're not seeking an off-set for anything with regard to the tax district as the proffer is set up. The commercial portion of this development would be in the tax district. There are no other residential developments in the tax district, so the commercial portion would be and there would be a certain start day. So I wanted to clarify that while I was thinking of it. Also with regard to the question Mr. Gibbons asked with regard to who signs the proffer. State Code makes very clear that it's the landowner that signs the proffers. Stafford, I think, has gotten into a pattern where the applicant has come in and signed the proffers. And that became an issue in some recent litigation.

Mr. Gibbons: Repeat that one more time.

Mr. Leming: The landowner is the one that has to sign the proffers by State Code. That's very clear. I think we've gotten into a practice in Stafford, where the applicant signed off, even though there was authorization, State statute says the land owner.

Mr. Gibbons: So we'll give you an A+ for that? Is that...

Mr. Leming: Well, we're just cleaning up that matter. Now the other thing that I wanted to clarify and get out of the way has to do with the Comp Plan. We have no issue at all with the changes, small changes that staff has made to the Comprehensive Plan text amendment in response to what we had submitted. So we're fine with what they have proposed. There were really now substantial changes there. Now I want to, we're going to spend a good bit of time talking about proffers, but I want to handle some other issues first, cash proffers I mean. Transportation; we have submitted a revised transportation analysis to VDOT. It is fairly modest in its scope. There were a couple of intersections we were asked to re-examine. We already have those results. Mr. Torney is here and can go into some detail about that, but the improvements that were recommended as a result of that revised analysis we've already proffered to. One is an east-bound right turn lane at Eustace Road that Mike made reference to. Interesting thing about the re-analysis is that in some cases the improvements that we had already proffered to were no longer necessary. We're not changing...we didn't take anything out, but that's what happens when these re-analyses occur and you focus on different intersections. That can have an impact on other intersections. So we have already implemented the traffic improvements, the specific improvements that were warranted with the revised traffic analysis. Now the other issues that I wanted to talk about briefly on the buffer issue. We have indicated there is going to be a berm or a fence. It could go one way or another. One may be more effective than the other. And we don't have any problem at all with the neighbors having some say in that, but we can't have is a situation where one neighbor wants a fence and one neighbor wants a berm. So, it's got to be something that's consistent along that property line. Now we did come up with some elevations, and I already see this on here. How do I get...

Mr. Rhodes: Computer please.

Mr. Leming: How do I get this up there? We did put together some elevations for you. There are two points of reference there. The upper one, site elevation one, if you look at the one on the right side and the arrow, that's the visual from that stand point. Now I would point out that this does not incorporate a berm. So the berm would be in addition to this. There is some variation in slope along this property line. So the intent is to provide a uniform buffer all along that property line. The second visual, if you look at number 2, it's looking up, look at site section number 2, that's actually looking up approximately

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from the bottom up toward what you would see at the top. Notice the difference in elevation between the properties. The adjacent property is actually significantly higher. So a good bit of the elevation is actually down in the slope, it's not a consistent slope, but in those areas where there is slope, that would in and of itself address some of the visual impact. Now we have shown you the new canopy. I'm not sure whether we need any further discussion on that. With regard to Highpointe Boulevard, High Point Road, actually I think it is Boulevard, there are some improvements associated, some sidewalk improvements, paving and parking area associated with another project within Liberty Place that came before the Board some time ago. So there is that. I would point out that Highpointe Boulevard, the intersection at Highpointe and Mine, the intersection of 610 and Eustace, that right turn lane we were talking about, that east-bound right turn lane, these are both areas where there are improvements needed now, completely independent of anything else. The right turn lane, if you're coming off of Eustace, there is barely a chunk of pavement there to get two cars on to make that right turn. There are no modern turn lanes or approaches at the intersection of Mine and Highpointe. Those are things that are necessary now. One of the questions, the reason I go into that, the reason I go into that is, one of the questions that was asked is if...we have a proffer that says we will make those improvements provided that we get the right-of-way. And that is absolutely the case. The...and we will make a diligent effort to go out and get the right-of-way. The best thing that could happen, because those are things that are needed now, is if the County or the State would go ahead and acquire that right-of-way in the context of the 610 project. I think that specifically could be done if additional right-of-way is necessary at that Eustace right turn lane, but that would clear up that issue. We're more than happy to do the improvements. The reason that we tie into Highpointe Boulevard is to balance our transportation needs. You know, we have to accommodate the site in terms of trips in and trips out. So Highpointe Boulevard is an important part of that equation. We need to make that connection. What we've proffered is that if we don't make that connection we're stopped until we find another way out. So why don't we just give the County the money? Is the County going to buy the right-of-way and make those improvements? I don't know. We're going to be spending our money on another way out. If we have to come out to the west, if we have to come out to the east and make improvements, those are going to be costly improvements, but that's the way the proffer is set up. We want the Highpointe Boulevard option to work out, but we're not in a position to condemn the property. The County and VDOT are and that could be done now, because those are improvements that are necessary right now, independent of anything that's going on with this application. Now with regard to moving up, there was also a question about moving up the timing of that connection, I'd be happy to. That may actually occur, but the reason that it's staged the way it is, is because that's the entrance at the very back of the property. The development will occur from north to south. The most significant amount of the development will occur on the front portion of the property. So it is going to take some time to work through the back portion of the property. So that's why it is staggered the way it is. We hope that it can and will be earlier. Now, those are the main things that I wanted to cover independent of the cash proffer issue, and so unless, if there's something I missed, Mrs. Bailey, you had a question that I think I intended to...

Mrs. Bailey: It was about the reduction of the number of units.

Mr. Leming: Yes, there is not...what it would mean is that more of the units go over the stores in the event that, and again, it's all a market...

Mr. Rhodes: Maybe I can ask her question a different way. Do you still...right now the general GDP shows one structure that is solely residential. You still intend only one structure to be solely residential?

Mr. Leming: Yes, that is correct.

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Mr. Rhodes: Thank you.

Mr. Leming: And since the GDP is proffered, that is boxed in, so we'd have to come back and ask that the GDP be amended, I think, to show another self-standing residential structure. I'm sorry, Mr. Gibbons.

Mr. Gibbons: That's a miracle. That's the first one that you agreed to in many zoning cases.

Mr. English: Mr. Leming, I reference to your fencing that you said, is it possible...what type of fence would it be and is it possible it could be fencing and along with landscaping on top of that, like a double barrier for the residents. In other words you have a fence and then you have some...

Mr. Leming: You know, I think your buffer requirements, Mr. Harvey or Mr. Zuraf can correct me if I'm wrong, but I think your buffer requirements require that we do that.

Mr. English: With the fence.

Mr. Leming: Yes. I mean I don't think we can just put a fence up there. There's got to be landscaping that goes with it. You have options for modified buffers with a berm. You get to do an, as I recall, a narrower buffer, but there still has to be landscaping. Tell me if I'm...

Mr. Harvey: Yes, Mr. English, Mr. Chairman, Mr. Leming, the landscape requirements in the design standards manual stipulate that there be a minimum buffer width and it specifies the number of plantings. At the developers option you can reduce the buffer width, provided you have a fence. So the fence is an option rather than a requirement.

Mr. Leming: Now we that still... we still have to have the plantings. It just means that under your ordinance, the buffer can be somewhat narrower. And I think the same is true with the berm, is it not, Jeff?

Mr. Harvey: Correct.

Mr. Leming: So those are just various options. Our objective is to have the most effective buffer that's possible here. I'm not absolutely clear what that is at this point, but there will be an effective buffer there and I think, independent of anything else, your ordinance pretty much ensures that. Now, was there anything else that I didn't cover, other than cash proffers? I'm saving this for last because I know we're going to spend some time on it. First, and Mr. Apicella, I appreciate your questions and contingencies and possible economic occurrences that could have an impact here, but the starting point for me this evening is your own ordinance. Your ordinance requires that we submit fiscal studies, looking at tax revenues and anticipated public expenditures. That's a required part of the submission. Now we did that. We did a very thorough fiscal analysis, and we retained one of the best public economists in the area, whose model has been lauded by Stephen Fuller, who has worked with the County on a number of analyses. In fact, Dr. Bellas is a student of Dr. Fuller's. I think what is contemplated is that this fiscal analysis is going to be utilized and the manner in which, I assume, it's to be utilized is to determine what the fiscal impact is of the development on the County, both in terms of revenue produced and what Dr. Bellas does with his model is to look at all of the different sources of revenue, direct and indirect, that come in from the development and then the impact, the fiscal impact on the County, infrastructure, and services, and both are included in Dr. Bellas' model. Now I think you made the exact point that is very relevant to our discussion here and has kept this from moving forward

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earlier I think, and that is that you don't have a policy on how we handle these kinds of things. I think you can assume though your cash proffers are part of your Comprehensive Plan, your Ordinances are part of your Comprehensive Plan. I think you can assume that you require this fiscal impact analysis for a good reason, to look at what is necessary, if anything, to offset the cost of a development. And that's certainly why we prepared it. So that we try to give the County an accurate picture of what the fiscal impact is of this particular development. We do this with all large developments now. Now the definition of proffers, somebody eluted to one...

Mr. Gibbons: You're saying okay you require that, but when you look at the resolution that requires the proffers, it doesn't refer back to the fiscal analysis at all.

Mr. Leming: Well my point, Mr. Gibbons, is that your Comprehensive Plan includes all of these things. What doesn't make sense is that you require a fiscal impact analysis and then essentially staff is done, and we understand why now. The analysis is required, staff reports on it, and the staff report to you tells you what it says and then it's basically put on the shelf and disregarded. There is no other purpose. I don't think that was the intent of the requirement under the ordinance. I believe that your Comprehensive Plan is comprehensive and that it includes, not only your cash proffers. Cash proffer is not an independent policy in and of itself, not relating to any other policies, but the economic... I think you can infer that the economic impact, the fiscal impact analysis is intended to compliment the review of this very issue. Now...

Mr. Gibbons: Yeah, but I don't see that in the implementing document.

Mr. Leming: No, but there's other guidance, Mr. Gibbons. We have legal definitions of proffers. Proffers, this is from the Virginia Supreme Court in a 2009 case, proffers are voluntary commitments made by land owners in order to facilitate approval of conditional zoning and rezoning requests by ameliorating the impact of development of their property on the local infrastructure and the character and environment of adjoining land. Ameliorating the impact. I don't think anybody fundamentally disagrees with that, so that is, I think, what the fiscal analysis goes to. The fiscal impact analysis is to assist the County in determining what the fiscal impact is, so that there is balance of brought to the consideration of the economic part of the application. It is also clear that it is well settled in Virginia that a governing body has no authority to deny a rezoning request to proffer cash payments as a condition to the zoning. Since those cash proffers would constitute an involuntary condition precedent to the rezoning that is tantamount to the governing body imposing an unlawful impact fee. Again, straight from the Virginia Supreme Court. Now what I would submit is that cash proffers and cash proffer guidelines have morphed to a point that we have submitted the fiscal impact analysis, staff comes back and says cash proffers are not addressed. We did address them. We gave you a fiscal impact analysis. The point here, I think, is that if the response continues to be independent of what we have provided, we haven't addressed cash proffers, then that's become an impact fee. That has become tantamount to an impact fee, and that's not permitted. You have an area where you can impose impact fees. Now in addition we have the complication of all of these cash proffer categories, and I think Mr. Apicella eluted to the problem. We've created an expectation for each of the recipients of these cash proffers, that that's their pot. And, it's somewhat understandable, there are almost like interest groups out there. Fire & Rescue wants their portion of the pot. Education wants their portion of the pot and understandably. Even though in this case I think we have demonstrated that the money is there from the development itself, from the commercial development...

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Mr. Apicella: I'll ask you the same question I asked your economist at the last meeting. Are you guaranteeing with 100% accuracy that the revenue stream that is indicated in his analysis will be provided every year for the duration of the life cycle of this project?

Mr. Leming: I think that guarantee is too hard a word, but, and I'm going to let Dr. Bellas address that further, we have taken some steps to reduce, this is all about assumption of the risk, you know, we're telling you that we're going to produce so much money that you don't need anything else. You're telling us and I respect the concern that you have, you're telling us that, well, there's some things that could happen that may end up in a short fall and the County having to subsidize a development. We've done a couple of things to further reduce that risk. One is to tighten up the phasing requirement even more. Now we're not talking about 200,000 square feet of commercial that has to be constructed before we do the first portion of the residential. Now you've never received a proffer like that. That is the strongest phasing proffer that this County has ever received. We checked. Now, in addition to that, we've given you, what we call, a bedroom proffer, again, limiting the likelihood that at least with regard to school children that there are going to be. I understand everything you're saying about averages, as many school children as an apartment complex that had 2- and 3-bedrooms only. So we've tried to tighten that up. Now I'm going to have Dr. Bellas address part of what you...part of the questions...a number of the questions that you asked previously, but what I would ask...if it's clear that there is going to be a shortfall as I indicated in my email to Mr. Harvey which I copied you on, we will address it. But what we're not getting, because there is no analysis of the fiscal impact study that we've done, what we're not getting is any indication as to when, if, or when that shortfall would occur.

Mr. Rhodes: Mr. Leming, if I could approach it a little differently possibly. The... I think from the issue of impact to the County, the elements of this project's proposal that are significantly strong, or the high percentage of commercial to residential, or certainly the phasing as you mentioned, certainly the added element of limitations on bedrooms should to some degree mitigate some impact from the schools perspective and others, so those are all pluses. As you rightfully state, an application can't be denied solely for the lack of proffers and the requirement associated with it. Obviously we wouldn't be at any point in time, we won't be denying or approving. We'll be recommending to the Board of Supervisors and they will be doing such, and in that recommendation our focus is on what best meets and satisfies the planning requirements from the County's perspective and to include mitigating impacts and other dynamics. There is an element of uncharted water in this proposal. In the aggregation of actions and elements of an application, of all the applications we've had in the past of trying to consider, does it address all the planning requirements and mitigate the impacts on the County, a component of it included proffers and we've tried to decide in the... there's no perfect science, but we try to decide what best addresses that. I would submit, as was discussed last time, there has been a little bit of a precedent as to what combination of factors helped to satisfy that. You know, we have Aquia Towne Center, we have Abberly, we have some others that... they were showing some different approaches to it that I think could satisfy it, but the complication is that there is no perfect formula. There is no perfect way to tell. What I can tell you is that out of the general budget, the general funds of this County about 120 million dollars, they set aside about 15 million for capital improvement stuff. 80% percent of that is for debt service and 20% of it is for actual things they're going to do. So out of that general funds, you know, there's about maybe 12% that's going towards capital improvements. Added general funds that would that generated of this once it gets to full build out is about a million, 1.2 million, I think we all kind of collectively agreed if the numbers work out that way, so you know, you've got maybe 120,000 to 150,000 dollars a year going towards general funds, I mean toward capital improvements. Now again, there is no exact science. The question is, what portion of that if it goes with the same averages, that would go to satisfy capital improvement requirements. What... is that amount enough to meet the impacts of this and there is no way to exactly know. So there's agree to which every time we're voting

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on of these, just recommending forward to the Board, that we're going with a bit of a qualitative as well as a quantitative portion. So understand all the elements of the fiscal analysis, but I also tell you, in every one we've looked at, part of what we think helps to meet and satisfy needs and requirements for the County and properly addresses the capital improvement requirements and the other impacts on the infrastructure of the County have had an element of that included. So that's not to say it's absolutely mandated, it's an impact fee, and other things. It's trying to get a sense that this addressing those requirements and with the zero element in there it's harder to try and see that, because again, there's no perfect science and there's no perfect math. But I do go back and I look at a positive cash flow, which is a great thing, if it all works out like that, but again, I also recognize that only about 12% of any general funds here are going towards those capital improvements. So I go from 12%, now I'm assessing that number and saying does that feel like, because there is not perfect science, that would meet and satisfy those needs and requirements. And that's where I'm having a little complication.

Mr. Leming: And I appreciate those comments and this discussion is not over by any means. I just think it's important for the Commission and for the Board to hear the perspective of the development community on these issues. And with regard to the other developments that you've talked about and using those, looking for some kind of precedent, as we...if we look at Aquia Towne Center, we're talking about 280 something units, they pay 6,000 dollars a unit in cash proffers, it's 180,000 square feet of commercial space. They're not in the tax district, they're outside of the tax district. We are doing 500,000 square feet of commercial. We are in the tax district. We also are doing a substantial number of road improvements that were not necessary for that development. But just as a point of reference, and of course I did that one too, but in terms of trying to put this in some sort of perspective, the Abberly, of course, have no commercial. There was a cash proffer there that was somewhere between 6,000 and 7,000 dollars. The only other one that I found, the only other mixed development that actually got zoned, it's not built, is Austin Park, and there you have, it was B-2 when you could have commercial apartments under the zoning ordinance. So you did have apartments above the commercial. And in that case you have very small commercial, not even 100,000 square feet, and about 6,500 dollars in cash proffers. So I think our point is, we're giving the County something bigger than that. We're paying some of the things that, for instance, the tax district that the others don't pay. I understand what you're saying about how much money goes here and how much money goes there, but I think from the perspective of the development community it's all money coming into the County. And it's up to the Board of Supervisors to decide where it goes. And you know, what's unfair, I think, is for an entity, as is the case here, that is producing the surplus, if we agree that the surplus is there and that it's significant, what's unfair, I think, is for that not to count toward the effect on services. Now Mr. Apicella asked a question as to whether or not residential ever paid for itself. I think we all agree that, yes, at some point residential does pay for itself. There is a break-even point. Our analysis assumed a certain value for the apartment units, it may be wrong, but even if it's a wash, even if it's a break-even, you still have the commercial. Now what I would like to do, because we do have a few other ideas, first, I want to give, if it's helpful to you, I want to give Dr. Bellas a chance to address any...

Mr. Apicella: Before you do that, I have my own comments to kind of springboard of the Chairman's comments. I think you hit the nail on the head, as I maybe didn't artfully say as well as you did, it all depends if it bears out in reality. We can't know that and Mr. Bellas is not a Nostradamus. He can't predict what's going to happen in the future, but we do know since 2008 the economy has tanked and we have not gotten the revenues that we had hoped to get. As we look back say from 2000 and all the projects that would have been approved in that point in time, so there is a delta between what people thought would happen and what actually happened. And also, in looking at Mr. Bellas' analysis, there were a lot of assumptions, there were qualifiers, there were caveats and it's based on a static 2013 model. And it specifically says if anything changed from year to year, the figures or the bottom line can

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change. They could be positive, they could be negative, we can't know. Apartments will last, I don't know, 30, 40, 50 years, so over that duration of time things might go up, things might go down. We can't know at this point. We have to plan today for what might happen over the long haul. So I also kind of question the notion that just because an applicant submits a fiscal analysis, with all due respect to the economist that might be involved in it, that we somehow have to accept it at face value and make our decisions solely on that analysis. Because by Mr. Bellas', or Dr. Bellas' own admission, those figures cannot be guaranteed and it's based on, again, a static piece of information that will change. We know it will change. We know it can't be the same year after year. So, going to back to a point that you made, it's about risk, and the model that was presented to us, and your approach transfers risk from the developer to the County, because, again, we can't know what's going to happen 10, 20, 30 years from now. What we do know is that the number of units, the people who live in those units, the students who live in those units and the services required will take place once those units come to fruition. And despite the phasing, which is four years, from year 5 to year 50 we're still going to be impacted by the cost associated with that development. We will still have to provide those services. What we can't know is whether the commercial in any given year will provide the revenue that you say it's going to provide, because again, at the end of the day we don't know what retail specifically is going to be there. And as I ask the question, one type of retail might provide x revenue, one type of retail provide y revenue, or may not provide any revenue based on the economic conditions. So, again, you're suggesting that we take and hold in concrete what's been presented to us, when it can't be presented that way, when it can't bear out necessarily in reality what's been put in front of us. We can't predict the future. What we can know is what cost are going to be associated and what impacts there will be associated with the residential development as part of this project. We can calculate that. That's fairly fixed. It's the revenue stream that's not fixed. And with regards to assessments, again, as I asked the question, assessments will go up and they will go down. In recent years they have gone down, not providing the revenue that we would have otherwise expected. And the only way to recover from that, is to increase the tax rate. That hasn't always been the case. It may not be in the case in the future. So, again, this project, as it's currently presented to us, will transfer the risk in my view from the developer to the tax payer. And that's what we're trying to avoid happening here. Ultimately it is about whether or not this project offsets its cost, and I'm not seeing it here. Or at least you're presenting us something that we have to take as a given, and it's not a given.

Mr. Gibbons: Mr. Chairman, to follow up on what you said a few minutes ago. We've been saying for the last 6-7 month that our growth is physically constrained with the CIP and that's a fact and we only got x amount of percent it's going to be for that entity, and growth is going to be based on that ability to provide and are you going to have the same problem that Fairfax has today? And I'll say it again, fiscal constraint of the CIP is what we have to have, and Steven's right. The risk is on us and not where it belongs.

Mr. Leming: Well, two things in response. We're not suggesting by any means that you accept our fiscal impact analysis as it stands. I think I related to you last time that your neighboring county to the south, not that they do everything better, has developed their own economic impact model and they look at the same factors that Dr. Bellas does. And the applicant comes up with one and the models are compared and the results are compared. And it's based on that that they make the adjustments that are proffered. So no one is suggesting that you simply accept what we provide, but as we have discussed earlier, the problem is, there is no mechanism for a formal consideration of it. It just is sort of a nice thing that we submit that doesn't change anybody's perspective on things. So at least that's the way we see it. I understand the issue, of course, of risk and Mr. Pence doesn't want to assume more his share of the risk either and he's willing to do certain things and I think that's what it comes down to, is a balancing here. And my primary point is simply that I think you have the application before you with

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the greatest potential for the lowest risk to the County of any mixed development application that you've seen. This doesn't compare to Oakenwold. There was very small, maximum 150,000 square feet of commercial associated with that and little phasing. Now what I would suggest is, that there is an opportunity here to revisit some of these issues and hopefully fine tune some of the thinking that is...that occurs on this subject, on both our part and the Commission, and hopefully the Board's part. Because I think that commercial projections can be, I think Dr. Bellas would tell you that he thinks his projections are just as dependable as the County's are on cost. There are variables that can affect either of those projections. What I would like to do is to get Dr. Bellas just to... if you all have any other, more technical questions, I want Dr. Bellas to have a chance to address those. That is not necessary, but he's here and he's available. Mr. Apicella, if there's anything you would like him to clarify, he's happy to do so. Mr. Pence would like to take just a moment to address this issue, but, he'll be right back, so if you have a question for Dr. Bellas in the meantime we'll be happy to...

Mr. Rhodes: Any questions for Dr. Bellas?

Mr. Apicella: I mean, he can re-affirm my point, again, that he uses a static model that has certain assumptions and caveats, and qualifiers and that, again, as the analysis indicated, anything can change from year to year. Is that not correct, Mr. Bellas.

Dr. Bellas: You're absolutely right.

Mr. Apicella: Thank you.

Dr. Bellas: I mean, you're right, we don't have a crystal ball.

Mr. Apicella: Thank you.

Mr. Leming: Come on up, Doc. Is it Dr. Bellas.

Dr. Bellas: What I'd like to say...thank you very much, Mr. Chairman...

Mr. Leming: I guess the one question is, with regard to your projection, you have conceded the appropriate qualifications is that true to other cost projections, for instance, the county's cost.

Dr. Bellas: Correct. I, Mr. Apicella, I did my best to write down all the questions you raised to Mr. Zuraf, and I can answer those now for you if you like, or if you prefer to save time for the Commission, I can respond in writing.

Mr. Gibbons: (Inaudible) if he could put it in a report and give it back to us.

Dr. Bellas: If you gave me those questions I can answer all of them for you. It's really a function of the Chairman and you and Mr. Leming as to whether or not you want me to... how much time you want me to stand up here and what you want me to say.

Mr. Rhodes: Can we get... did you have those written possibly?

Mr. Apicella: I can send them now, yes.

Mr. Rhodes: You rock. Okay.

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Mr. Leming: You actually had those written down?

Mr. Apicella: Me? Write something down? C'mon... prepare in advance?

Mr. Rhodes: Okay, we can share those.

Mr. Leming: Alright, let me give you something else to think about. Thank you very much. Mr. Pence? I'd like you to hear directly from Mr. Pence on the subject of cash proffers, because I really do think that that's the issue that we're down to here, and the one we would like to work through.

Mr. Rhodes: Thank you.

Mr. Pence: Mr. Chairman, members of the Planning Commission, County staff, my name is Robert Pence, and I had the pleasure of addressing you a couple of weeks ago, and I'm delighted to be back here tonight. I'd like to, just for a moment, and I'm not getting paid so I'm going to be briefer than he was, address a couple of issues that a number of you folks have brought up tonight. The...first about the fence item. I would be happy to build, we would be happy to build a fence in one place and berms in another and landscape in another. The reason why that proffer wasn't changed to say we will build a fence, because there may be an owner there that doesn't want a fence and rather have more landscaping. We will agree in this process as we did by the way at Stafford Marketplace when we didn't have to. With townhouses behind us, we went to them, actually Mr. Stoltz went to them and we worked out an elaborate deal and we put up a fence in the back of the office building and we landscaped both sides of it. And that's a four story building and the citizens are very happy about that. Speaking of office space, I'd like to think that our office building behind the Lowe's is if not the nicest, one of the nicest buildings, office buildings in this county. And it is 100% leased. And it's leased to the likes of Lockheed, Hewlett Packard, I could go on with a few more...

Mr. Rhodes: Mary Washington Radiology.

Mr. Pence: Among, yes, I will avoid naming all of our tenants, but it is very successful, and I'd like to think, if you build a nice product, they will come. That's the history of this country, and certainly the history of this metropolitan area. With respect, Commissioner Bailey, to Highpointe, I too have noted the traffic on the road down there. It seems like a number of the citizens there indulge in the phantasy, that I do, they probably have some race cars that they put up on some of those trailers and they probably have...and some boats and what not, I'm surprised Marco Rubio's boat is not down there at the moment. We are acutely aware of the importance of that road. We've noted recently in being down there that the school buses make a U-turn there to pick up the children. So when we get into the design phase I assure you we're going to be talking about a roundabout there to preserve that turning movement for the school buses, and also operators as an effective traffic stop there. You also, I believe, asked a question, Commissioner Bailey, about where would the units go and I think our council said, and I believe the Chairman brought up that we are not changing the GDP and those units with the reduced height would be spread out, if constructed at all, above the other buildings, which are shown on the proffered GDP. I'd like to address some comments Commissioner Apicella raised and I'll answer as best as I can and that is this. You made a comment and I believe I understand why, but we couldn't have predicted in 2000, I believe that was the date you picked, until today the variations in income. What's changed? I'm no different than most people in this room. My mother was alive then. My brother was alive then. My principal partner was alive then. A banker's high school child was alive then. They're not... and Stafford Market Place wasn't there in 2000 either. There is no way that the County... the property been vacant for a long time. It was no way that anyone... this... you... the predecessor, members of this

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Commission or the County Board could have foreseen what that was going to turn into, and the cash generator that it is. But happily, I would hope, I know it's enjoyed considerable revenue from that and there's a question about whether in any given year the revenue was up or the revenue was down. In this world things go up and things go down. But I've been doing real estate since 1968 and I assure all of you, I'm sure you know in your hearts, that the long term trend is up. And if we could go back without even...I asked my son Jeff if he knew what the taxes were in Stafford Market Place in 2003, 2005 but he didn't know, but we know they're a lot more now than they were then. There are no guarantees. If I could guarantee that I wouldn't be building shopping centers. I'd be out in Las Vegas betting if there were such guarantees. There are not in life and we all know that. The best that we can do is look at what we perceive the market to be, what the current citizens want, what the long term trends are, the kind of people that are moving into our office building, the kinds of people that are coming to work in our shopping centers. And no one could have predicted I would submit in 2000 the kind of tenants that would be in the Stafford Market Place, just as I'm surprised right now, but the kinds of tenants that want to go into in this property, and we all expect they will. There is a guarantee, Commissioner, about one thing about the economics of this property. If we don't build this project, the County and the State are about ready in the next 12 month to spend a couple million dollars right in front of this property to build a road, to take the highway, to build a pond, to make changes down the street at Eustace, to make changes if ever at Highpointe, and if we don't do it, I know who's going to do it. The people who live in this County right now are going to do it. That's not a sufficient reason by itself to grant the zoning, but that I can guarantee you, those things will not happen and there will not be a contribution to the...from this property, not because of me, to the transportation district. I think those all suggest that there are a lot of benefits to this property. Could they all be quantified? Of course not. With respect to the vista termination, I would say this, this is a...we've had a little hard time getting our minds wrapped around this, but I'll wrap my mind around it and offer this up to you. In McLean we build a hotel that the citizens and the community gave us the redevelopment of the year, or two years, or what not. And we went and we put a statue... Phillip Ratner, who is the only person on...sculpture on permanent display on Ellis Island in New York and he has works in the Holocaust museum. We commissioned a series of statues, one of which is in front of this hotel. It's about 100,000 dollars. When we built the Potomac Run Shopping Center in Cascades we had the side of a Toys "R" Us and I wasn't about, we were not thinking about vista terminations per se, but if you go look at the side of the Toys "R" Us building right next to the Outback Steakhouse you'll see a 75% scale painting, Raphael's, one of his monumental works, the school of Athens from St. Peters. On the other wall is something else from Renaissance England. My point is, we build these things all the time, when we're not asked to. We're not going to let the county down about this. We will come up with something in this area. Not sure what it is, but it'll be memorable. The, if I may, I want to make sure I'm saving what I'd hope would be the best for last. My son's probably on the way home, and now he's going to start calling me Avalanche, or some such name, which I think is a nice name. I'm probably going to surprise my lawyer right now too. He's still getting pay. And that is this. I've listened carefully, I think I'm a close listener on almost all occasions, to what's been said about proffers and tax districts, and TIFs, and schools, and education, and fire departments. We've tried to address any number of those, and of course we have proffered, at the last meeting, that we would go into the highway tax district. I'm assuming since the church is a charitable institution that doesn't pay taxes until it does something else with this property. I may be wrong, but be that as it may. So we will go into that tax district. There is about 3,000 dollars a unit that gets paid per each housing unit. We have, we are proffering millions dollars and I can't tell you exactly what they are right now, but I know they're millions of dollars and some are allocable to what we must do, and some are allocable to what the County and the State want us to do, just as down the street, and I hope you all remember, that was not a proffered zone, we bought it as is and we got there and we solved a real problem on 95, and we spent about a quarter of a million dollars in 2003 to build a slip ramp. Nobody made us do it, and I believe Commissioner Gibbons was mindful of that when we were here

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before. Why do we do it? Because it was needed and we could do it and we had the opportunity and we in fact did it. So I'm mindful of the questions of cash proffers and that other developers have paid 6,000 or 7,000 dollars per residential unit for proffers. I'm mindful of the fact that some of those developers have done no road work off their site or in front of their site, much less things around the corner and down the street. I'm equally mindful, because my lawyer reminded us tonight that the Aquia Towne Center folks down there are not in the tax district. We are. And that's fine, and so I believe I've open up the last, my last appearance here with a statement that we were seeking two things. One was zoning, and one was quick permitting. And I'd like to suggest a third tonight if may modify what I said before. We would like to be treated no worse, don't want to be treated better, don't want to be treated any worse than anybody else that comes in here. And in fact, we're prepared to match and in fact exceed anyone else, and that is this. I'm telling him right now that we will proffer the 6,000 dollars a housing unit. I'd like to be treated quite frankly just like the Aquia...I took a lot of Latin in my life so if I stumble between Aquia and Aquia you'll forgive me. We would like to be treated like them and that is, they have a tax increment financing so, if we do the proffer, we'd like to have what they have. That's a great departure from what I said before, but I'm trying to get home here. I'm not trying to take a road to oblivion. I'm trying to get this project done and I'm trying to do it within those standards and modes of operation that have proven themselves to be successful in this County. And so if we can work on something along those lines, the other things that we've proffered still stand, I assure you we have not addressed, I have not addressed, we have not addressed the timing for the completion of Highpointe. I assure you that as fast as we can get to it we will. We're not willing to dally about such things. There are customers back there. We don't need them to drive 3 extra miles to go down to Mine and Highpointe just to demonstrate that their cars get really good gas mileage. If you would bear with me one moment. I'd just like to look for just a second to make sure that I haven't failed to raise any issues that I meant to. I think I've covered everything on my notes, so I thank you for this opportunity to address you. If you have questions of me, I would be happy to answer them.

Mr. Rhodes: Thank you very much. Are there any questions?

Mr. Pence: Or attempt to answer them

Mr. Rhodes: Wonderful. Thank you very much.

Mr. Leming: Mr. Pence is full of surprises. I think what I heard him say is that he will pay a cash proffer, but he'd like to be considered, and I realize that the Commission doesn't do this, but it may be possible for us to craft proffer that would give the County the cash proffer that Mr. Pence indicated in consideration for being considered for a TIF as the other shopping center has been set up for. That helps with up front construction cost. It is something that is done commonly in other areas to get economic development moving quicker. So, I think that's what he's proposed. I realize this is something new for you and me. We're happy to put together a proffer along those lines and get it to you in sufficient time for review. It would be helpful to have feedback from you on that. If not tonight, please feel free to do so, you know, in the next days or week, and I think we can tighten up everything else that has been raised. There are a couple of things that we're not going to anything else on, and that is with regard, and Mike mentioned this tonight to the public road through the center, we're not going to do that. And we're not going to redo the layout to come up with something that is more P-TND, as I indicated last time, you've gotten as close to P-TND as Stafford County has ever come with this and we still have to cater though to regional traffic, regional commercial traffic. It is not going to be totally self-contained as a P-TND might be. So those are the only two things that I don't think we're willing to concede on. The others, I think, we're very flexible on.

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Mr. Rhodes: Further questions for the applicant? I would just share that, a couple of the items that were addressed tonight, there were questions I threw out there, I appreciate the responses to many of the items. I understand the element of not contributing the value of the improvement if the improvement is on the curb because they are tied to your second exits, I got it, understood. I do appreciate the reduction in the bedrooms to help mitigate. I will tell you that the element of cash proffer was one that bothered me solely because, again, it's not a perfect math, so I couldn't, I had difficulty making an internal determination as to where, what actually properly resolves capital issues adequately, understanding that both, the County staff and you, had fairly similar economic impact studies, but the element of the cash proffer around that area which was somewhat of a precedent, that's what I was kind of looking at too over in Aquia, does make me a little more comfortable to satisfy that element of concern. I heard you identified they were taking out the element of credits. I heard you identify that you're locking down all the qualifications on the numbers of bedrooms, lowering the size of the overall structure and that you were comfortable with the Comp Plan text amendment that the staff had worked. And so it sound like many of these things that were remaining, at least from my personal perspective, can probably be smoothed out and finalize in the ensuing two weeks and be able to...be something we might be able to address, again, there are six other members that would need to address, but I appreciate the actions and I appreciate the added clarification and offer this evening to help to try and address some of these things. Any other feedback, comments from members? Mr. Gibbons.

Mr. Gibbons: So you're saying, I agree with Mr. Pence is trying to do in Aquia, but do you think that's going to be able to be done within two weeks? And that we will be able read it?

Mr. Rhodes: I would think that all the things that we have the authority to address, we have nothing to do with the first time ever tried deal that they are doing over at Aquia, and that's all the Board, but I think all the elements that we can address, in my mind, the other elements we discussed...

Mr. Gibbons: Within two weeks?

Mr. Leming: Mr. Gibbons, I think we can. I mean, the things Mr. Rhodes has indicated, I think we've already done some of those.

Mr. Rhodes: Yeah, we won't be addressing the... no, no, no.

Mr. Gibbons: Two weeks is a wish list. It's a very complex thing that he's dealing with and I think he's trustworthy because I've dealt with him before.

Mr. Rhodes: But I don't, I don't... what I think I heard is, I heard an offer of cash proffers.

Mr. Leming: Yes.

Mr. Rhodes: I also heard a preliminary statement to say, when he gets to the Board he's going to raise this other thing that they have the authority to deal with, but we don't have the ability.

Mr. Apicella: I heard it the same way, that they weren't mutually tied together in terms of what we're trying to do here...

Mr. Rhodes: In that right, they already got a Comp Plan text amendment from staff and they said, looks pretty good. They changed the words, they're okay with it. So I think we have that written and worded and I think we have most of the other things, so I'd like to try and give it a shot to see if we can't get this

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thing taken care of by our next session. Any other comments, folks? I'm going to throw my gavel that way. Catch it.

Mr. Leming: Let me ask one other question.

Mr. Rhodes: Yes, please.

Mr. Leming: One thing that you could give us some feedback on, if we're giving you a cash proffer, do you want it allocated in a particular way?

Mr. Rhodes: Personal reaction, certainly whatever others thinks, I'm not really driven to that. It's up to the Board of Supervisors anyways. They make the final decision. We're trying to make a frame work that says, we think this is about right, Mr. and Mrs. Supervisor, but it's up to them to do it. So I personally don't have a driving element there. There's always going to be a schools implication, we're just having that challenge around the county. Fire & Rescue has got some issues, but how they divvy that up, to me that's up to them. I don't know if others have a strong feeling. I think it's just a generalized and we let it get addressed, staff will work that.

Mr. Leming: We'll leave it unspecified then.

Mr. Rhodes: That's kind of where I'm at.

Mr. Gibbons: Well this is a fast track.

Mr. Rhodes: We shall see what it looks like. Or else it will be deferred again.

Mr. Apicella: Mr. Rhodes, this is in your district, what say you?

Mr. Rhodes: I'd like to make a motion that the items that we've addressed get, see if we can get those locked down and we'll defer this to our next session, which is the 24<sup>th</sup> of June and hopefully be able to see where we're at then.

Mr. Gibbons: Second.

Mr. Apicella: Okay, there's a motion that's been properly seconded to defer items 7, 8, 9 until our second meeting in June. Any comments, Mr. Rhodes?

Mr. Rhodes: Yes, I just would like to thank the staff and the applicant for working so hard to try and address the items that we raised last time and for their willingness to help us move forward as was stated tonight, you don't drive anything solely on proffers or solely on any other element. It's a mix and it's a match and I think that is positive here is significant amount of commercial as a percentage of overall development, significant phasing, which we truly haven't seen before, and that's what we've wrestled with in some of our other projects. So I like those pluses. We'll see what the package looks like in a couple of weeks.

Mr. Apicella: Mr. Gibbons? Any comments? Any comments from any other members? Okay. All those in favor of the motion signify by saying aye.

Mrs. Bailey: Aye.

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Mr. Rhodes: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Apicella: Aye. All opposed? Motion passes 6-0.

Mr. Leming: Thank you all very much for your time this evening.

Mr. Rhodes: Thank you all very much. Appreciate it. I lost my agenda. Here we go. With that we're on... no new business. Planning Director's report? I'm sorry, I need to do something that's completely screwed up here, but I just... we don't usually have faces that stay around for any reason. So we got some faces here. Were you just wanting to hear, or did you think there was going to be a public comment portion on this?

NEW BUSINESS

PLANNING DIRECTOR'S REPORT

From the audience: The only thing I'd like to know is, how would all these people like that crap in their backyard.

From the audience: We live in the community.

From the audience: How would those people in those people in these 500-600 dollar suits like that in their backyard. And my property tax is going to go just like that. My home value is going to go just like that.

Mr. Rhodes: We should be finished here in a few minutes, and I'd be happy to chat with you as well, after... okay, sir. Thank you. I just wanted to make sure I wasn't leaving anybody out, so thank you all for indulging me. With that, we're at the Planning Director's Report.

Mr. Harvey: No report, Mr. Chairman.

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. Rhodes: Thank you very much. Committee reports? You all have been quiet lately. Okay, very good. Thank you very much. Chairman's report. I got nothing. Everybody have their TRC information? Hickory Hill, George Washington Election District. He'll get it, okay, he'll be back. I'd entertain a motion for approval of the April 8<sup>th</sup> minutes.

COMMITTEE REPORTS

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CHAIRMAN'S REPORT

OTHER BUSINESS

10. TRC Information - June 24, 2015  
➤ Overlook at Hickory Hill - George Washington Election District

APPROVAL OF MINUTES

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Mr. Gibbons: So moved.

Mr. Rhodes: Motion by Mr. Gibbons. Second by Mrs. Bailey. Any further comment, Mr. Gibbons? Mrs. Bailey?

Mrs. Bailey: No further comment.

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

Mr. English: I've got one, oh, you're going to approve this, okay?

Mr. Rhodes: Yeah. All those in favor of the motion to approve the April 8, 2015 minutes signify by saying aye.

Mr. Apicella: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; passes 6-0. Yes, Mr. English.

Mr. English: What I've got is, the business district thing that Mr. Hornung presented us and I was going to see that maybe we could sit down with Steve and myself and maybe some of the airport authority, maybe a couple of Board of Supervisors just kind of go over this project with us and see where...maybe he can present it again.

Mr. Rhodes: I think we're emphasizing that forward to the Board, to highlight and for their consideration of how they might want to adopt and certainly, if they pick it up we'll make the offer that we're going in. Okay.

Mr. English: Okay.

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Mr. Rhodes: Very good. Good point. Okay. Anyone else? anything we've missed? Alrighty then, thank you all very much. We are adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:58 p.m.