

STAFFORD COUNTY PLANNING COMMISSION MINUTES
June 24, 2015

The meeting of the Stafford County Planning Commission of Wednesday, June 24, 2015, was called to order at 6:30 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: Gibbons

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

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Are there any declarations of disqualification on any item on the agenda this evening? I would like to, while not a disqualification, I would like to just clarify for full visibility that the landowner associated with items 4, 5, and 6 is Ebenezer United Methodist Church. I do attend Ebenezer United Methodist Church. I am not a member there but I have attended regularly. I do not participate in any of their Boards or government processes and, as I had mentioned before, early on in this process when they acquired that land, they did in general ask some questions of me on how the process works. I did talk to them about commercial corridors and a few other generalized items, but that has been my involvement there. With that, I would like to, before we go to public presentations, one last thing, I would like to suggest consideration of a modification to the agenda. We have 4, 5, and 6 that'll be worked together and that'll probably have a little bit of discussion with it I would assume. And then we have 9 and 10, New Business, which I think I anticipate will be fairly shorter items. I'd like to make the suggestion and possibly reconsider modification... a motion to modify the agenda to move the New Business items 9 and 10 ahead of item number 4?

Mr. Apicella: So moved Mr. Chairman.

Mr. Rhodes: A motion by Mr. Apicella; is there a second?

Mr. Boswell: Second.

Mr. Rhodes: Second by Mr. Boswell. Any further comment Mr. Apicella or Mr. Boswell? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

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Mr. Rhodes: Aye. Any opposed? None opposed; so we will 1, 2, 3, then we'll go 9, 10, and then we'll start 4, 5, 6. With that, I'll now move to the Public Presentations. So, Mr. Harvey, do we do the County Transportation Construction Project first or the comments from public first? How does that work?

Mr. Harvey: Mr. Chairman, we take typically presentations by the public first before we begin business.

PUBLIC PRESENTATIONS

Mr. Rhodes: Thank you very much; I just wanted to confirm. So, at this time, if there's any member of the public that would like to speak on any item except for items number 1, 2, and 3... with the items 1, 2, and 3 we will have an opportunity for public comment after the presentations by staff and by applicants, and then the public can speak on those. But if you would like to speak on any other item on the agenda, 4, 5, 6, 9, 10, or if you'd like to speak on any other item, now's the time, you can come forward and do so. As you do, we'd ask you that you state your name... I'll help you through this... we ask you state your name and your address, and then once you do a green light will come on indicating 3 minutes are available. A yellow light will come on when there's 1 minute available, and then a red light will come on when there are... your time is remaining we'd ask that you work to conclude your comments. Thank you very much.

Mrs. Hazard: Well, good evening Mr. Chairman and members of the Commission. Thanks for the reminder. My name's Holly Hazard. I am here to tell you all tonight and to compliment this Board on raising the many concerns that you have about schools and the impact of development on schools. I've watched the debates and the conversations that have gone over the last, really, several months. And it seems like that's an unprecedented way that we are moving in this County. I don't know... I'm sure many of you know that Dr. Benson, our new Superintendent, has decided to stay here for four additional years. The School Board extended his contract, so we have a real solid leadership as our Superintendent. I believe that the schools are moving in a wonderful direction. We have some work to do, but I think that part of that is not just within our schools. It's how we communicate and work with our other community stakeholders in making sure that schools and all other community services and how our students are brought into the system, how they learn. Everything comes about being in this community. And so, I really just wanted to say that... I wanted to thank you for recognizing how that development impacts schools and vice-versa. The better our schools are, the better our development, the type of things that we want to sell, the prices that we get. So, we want to continue to work hand-in-hand, and I just wanted to thank you all for reaching out, at least to me and to those with Mr. Horan. I know that there's been a lot of conversations and I just think that we want to continue to foster that relationship so that we can do what's best for this County on a variety of levels, not with one stakeholder holding the main card, but making sure that all stakeholders are at the table and looking at the resources that we have to make sure that we are there. So, again, thank you very much. We are excited for Dr. Benson to stay and for the wonderful change and excitement coming in Stafford County Public Schools.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to speak on any item except for items... actually 2 and 3; I think 1 is (inaudible). Seeing no one else come forward, I'll close the Public Presentation portion. Mr. Harvey, if I could just ask... I'm sorry, I forgot to confirm this... I believe item number 1, we have a technical issue with it and so we're not going to be addressing that this evening? We'll have to work to re-advertise... or will we have a discussion on it?

Mr. Harvey: Yes, Mr. Chairman, staff would request the Commission consider cancelling the public hearing for item number 1 and moving that item to New Business on the agenda.

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Mr. Rhodes: Very good. And again, I think there's some language that has to be changed and we would have to work to re-advertise to take care of that.

Mr. Harvey: Correct, and I'm prepared to discuss that with the Commission.

Mr. Rhodes: Okay, very good. So with that... I know I'm jumping around and I apologize... but just to get the agenda straight, I'd entertain a motion to cancel Public Hearing item number 1 and then move the Amendment to the Zoning Ordinance to item number 11 of New Business.

Mr. English: I'll make the motion.

Mr. Rhodes: Okay, motion by Mr. English, seconded by Mr. Boswell. Is there any further comment Mr. English or Mr. Boswell? Alright, so all those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. So, just for everybody's clarity, after we do the Public Presentation here on County Transportation Construction Projects, we'll do items number 2 and 3, then 9 and 10, then we're going to jump back and go 4, 5, and 6, and then we'll do the new 11. So it'll be a fun night. Very good. So with that, we'll have the County Transportation Construction Project Quarterly Update by Chris Rapp. Mr. Harvey? Mr. Rapp? And just because I've done nothing in order, if you'd hold on for just one moment, Mr. English, I see that you've brought some fans with you. We've got Troup 1717 from Hartwood working on some of their requirements in this County, so thank you very much for joining us this evening; we appreciate that. Wonderful. Now sir, I'll try and stay on track, I promise.

County Transportation Construction Project Quarterly Update by Chris Rapp, Director of Public Works

Mr. Rapp: Mr. Chairman, members of the Planning Commission, Christopher Rapp, Public Works Director. Thanks for inviting me tonight. We have a lot of exciting projects. I last updated the Planning Commission in March, so we've had a lot going on. So I'll get right to it.

Mr. Rhodes: Thank you.

Mr. Rapp: The first project is the phase 1 and 2 of Poplar Road. This is going really well. They got a running start, E & S measures installed, clearings done. The contractor's installing culvert pipes and is preparing base for the roadway, and we anticipate paving not for the entire portion but some paving in July. Truslow Road is located near Poplar and it's actually the same contractor working on both projects. Right-of-way acquisition is complete, Dominion and Comcast are relocating their utilities, construction started, clearing and grubbing has been completed. Working on grading and replacing one drainfield for a property owner. Mountain View Road -- we just recently paved 3,500 feet of new and

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temporary road. They striped that. The contractor's milling up old pavement and that's going well. Phase 2, which is adjacent to that, is also going well. The contractor working on permanent and temporary road, almost finished with water line relocation, and as you can see has placed a number of culverts under the road.

Mr. Rhodes: Is this where that real, real sharp curve kind of U's around the little...?

Mr. Rapp: I'm sorry, I couldn't quite tell you where exactly it's at on the project. And we also anticipate paving this mid-July. And then Poplar Road and Mountain View land acquisition has started. We've sent out initial offer letters and started meeting with property owners as well. Brooke Road -- we had been working on land acquisition for quite some time. We've reached agreement with 15 owners and continue to negotiate with the remaining owners.

Mr. Rhodes: Could we go back one?

Mr. Rapp: Yes sir.

Mr. Rhodes: One more? So that's right at the intersection, is that... yeah, okay.

Mr. Rapp: Yes sir.

Mr. Rhodes: Okay, thank you very much.

Mr. Rapp: And then the Jefferson Davis... Route 1 Highway and Telegraph Road improvements -- this is almost done. They generated a punch list that will be complete by July. Garrisonville Road -- we've received right-of-way authorization from VDOT so the plats and appraisals are finished and we should be sending out offer letters next week and start negotiating with property owners. We've been coordinating with the Pence Group, with Stafford Village development. There's some opportunities there for the utility relocations. And then we are going to start planning on utility relocations, but first we have to acquire right-of-way.

Mr. Rhodes: And this is the one that will do the Onville to Eustace?

Mr. Rapp: Yes. By the way, since you mentioned Onville, I wanted to make sure I let the Planning Commission know that that will be rebid August 11th with bids due September 23rd. So that's going to be rebid, and VDOT has worked on generating interest in that project, so hopefully we'll get some interested parties. Centreport Parkway -- that project was actually... we just awarded the construction contract and the inspection contract, and we should have a notice to proceed by July 1st, next week. We also have water and sewer lines that we've added to that project as well. Enon Road -- we're working on public hearing plans so we can work toward a public hearing. We met with the infrastructure committee and updated them. Anticipate holding a public hearing... and actually it's more of a public meeting... in late August. Right turn lane at Route 1 and Garrisonville -- this is actually really two plans combined into one. There's a traffic signal improvement; we have 90% plans we've submitted to VDOT and then there's the actual right-turn lane as well that those plans have been submitted to VDOT. And we have to take this to the CTB, Commonwealth Transportation Board, because we're shifting the limited access fence. The intersection of Route 1 and Courthouse Road -- we updated the infrastructure committee. We're working on 20% plans. We're exploring several options for locating some utilities underground in the area. We anticipate an informational meeting in early August to present to the public and to get feedback. Wayfinding signs -- the contract has been awarded and we issued a notice to

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proceed in June. And the vendor's working on a schedule for fabricating and installing the signs. Telegraph Road safety improvements -- VDOT had done a study that identified various fixed objects that were a safety hazard. We worked to send letters to property owners to inform them and get permission to go on their property, because some of the trees straddled their property. And that work is complete and we removed trees. And it's a safer road now.

Mr. English: Is there any plans to widen Telegraph Road? Is that in the future, I mean, because that was some issues with the schools there. I'm sure that road's pretty heavily travelled.

Mr. Rapp: If it is, it's in the... it's not within the next five years, let's put it that way.

Mr. English: Okay.

Mr. Rapp: And then we're going to do a Truslow Road safety improvement as well. That's similar. We've identified 196 trees to be removed. We've sent letters out to the property owners; we had a good response. We put that out for bid. Juggins Road sidewalk -- this is some sidewalk along Juggins Road and that should be starting up pretty soon as well. And, the last one you might have noticed we installed some landscaping at Hope Road and Route 1 to improve the appearance of that intersection.

Mr. Rhodes: Great! Are there questions? Please, Mr. Coen.

Mr. Coen: Yes, just a couple things. One, is it possible for us to get a copy of that?

Mr. Rapp: Sure.

Mr. Coen: Thank you. Second one, two roads that particularly I ask questions about a lot, one is what's going on in Ferry Farm, Ferry Road. I know they're repaving but it seems as though they're widening it and whatnot. And then last time you were here, I asked about some sort of status about 17 and you were going to let me know. And it may well have come; March was a long time ago (inaudible).

Mr. Rapp: I had talked to the VDOT project manager and I didn't really get back a formal response. So, today I actually met with VDOT this afternoon about several items and they said that it's ahead of schedule and it'll be finished up sometime next year. But they didn't really provide an exact date. But it is ahead of schedule.

Mr. Rhodes: Between January and December. Other questions? Yes, please Mr. Apicella.

Mr. Apicella: So, in this week's paper there was an article that indicated the federal government's going to provide some money for some improvements along I-95 and 17. Do you have any insights into that or you'll be tracking or working with VDOT on that?

Mr. Rapp: We're working with VDOT on that. We're aware of it definitely. At this point, I cannot really provide insights but we are greatly aware of that.

Mr. Apicella: Okay, thanks.

Mr. Rhodes: Other... Mr. English.

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Mr. English: What about Courthouse and the interchange? Anything on that as far as 95 and Courthouse Road?

Mr. Rapp: Yes. We... VDOT updated us today and they said there'd be a public hearing. I believe there's going to be a public hearing in the fall and... let me provide some additional... I'll send Mr. Harvey some additional information for you.

Mr. English: Thanks.

Mr. Rhodes: Anything else? Very good. Thank you very much for taking your time this evening to give us that update.

Mr. Rapp: Thank you.

Mr. Rhodes: Appreciate it. I'm very heartened with some of those projects. About a decade ago, the County put together the Youth Drive Task Force and there were a number of those that are really... were identified by our Sheriff, our Deputies, by Fire and Rescue, Emergency Services, by school bus drivers, that they say these are our worst places. These are where you've got problems. We had the Emergency Services folks say, look these are the ones that scare us because we know we're going to be coming back. And then the residents of this County got together, did the bond issuance to help facilitate some of these being able to go forward, and it's just exciting to see some of those safety improvements be able to happen. And especially, the other one is on clearing those objects, those trees out the way. And when the state took over the roads in the 30s, (inaudible) they got three feet of right-of-way on each side and that's it. So everything else growing up to it, that's all they had the right to clear. But now, to see that we're working with the landowners to get some of those safer zones on the side is just really exciting. So that's great. Wonderful stuff. Okay, with that we're going to move onto item number 2, which is a Comp Plan Text Amendment, Old Dominion Village. And I would assume we'll do 2 and 3 together Mr. Harvey?

PUBLIC HEARINGS

1. Amendment to the Zoning Ordinance - Proposed Ordinance O15-24 would amend the Zoning Ordinance, Stafford County Code Sections 28-25, "Definitions of specific terms;" 28-39, "Special regulations;" 28-56, "Application for planned developments;" and 28-137, "Types of signs permitted in P-TND districts," to modify development and performance standards for the P-TND, Planned-Traditional Neighborhood Development Zoning District. The proposed Ordinance would define principal building, secondary building, and street screen, and remove the requirement to screen parking areas. Additionally, technical modifications to regulating plans and neighborhood design standards would be approvable by the Director of Planning and Zoning for redevelopment projects. Proposed Ordinance O15-24 would allow business signs in the P-TND Zoning District and establish standards for the signs. **(Time Limit: July 4, 2015)**
2. 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)**

3. 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)**

Mr. Harvey: Yes Mr. Chairman.

Mr. Rhodes: Thank you very much.

Ms. Ehly: Good evening Mr. Chair and members of the Planning Commission. As a quick review, the applicant is requesting a text amendment to the Comprehensive Plan to allow townhomes within new development in the Suburban area, and a reclassification from the A-1, Agricultural Zoning District to the M-1, Light Industrial Zoning District... and the M-1, Light Industrial Zoning District, sorry, to the P-TND, Planned-Traditional Neighborhood Development Zoning District on Assessor's Parcels 38-101, 102, 102A, 103A, 103B, and 103C. Public hearings regarding these applications, the first public hearing was on April 22nd and that was deferred, or continued, sorry, to May 27th. And on May 27th the staff report was waived and that public hearing was continued to the meeting this evening. So, in this staff report regarding the text amendment, the Commission received some revised proposed language as an attachment. The revision was a coordinated... a result of a coordinated effort between members of staff and the applicant to address some inconsistencies between the proposed language and existing language in the Comprehensive Plan and also to limit the impact... potentially limit the impact of such developments on public facilities and surrounding properties by including criteria within the language. The language... proposed language criteria include that townhomes should be planned and designed as part of a P-TND Zoning District, that the development should be located on a major County transportation corridor such as Garrisonville Road, Jefferson Davis Highway, or Warrenton Road, the projects containing townhomes should contain a mix of residential and commercial uses, a phasing plan should be proffered for the developments and this should demonstrate that a portion of the non-residential uses will be built before all residential dwelling units are constructed, and the structures within the project should be designed to be compatible with the location and massing of uses abutting the proposed mixed use project, and differences in height may be mitigated by landscaping and buffering. And the projects should not exceed a residential gross density of 3 dwelling units per acre of the overall tract; however, the maximum density may be increased up to 7... a gross density of 7 dwelling units per acre by retiring or relocating development rights or dedicating land to the County in rural areas. And structures should not exceed 4 stories in height. Staff did run some analysis with GIS and some of the variables skewed the results. We ran vacant parcels but then later realized that a lot of these parcels that will be redeveloped as these P-TND developments, they currently include single-family homes. And so that skewed the results and unfortunately we'll need to run the analysis again to provide a more accurate map and location of where the increase in density can occur. So, staff is recommending that the application be deferred. And the applicant is also requesting a reclassification as in the location depicted here by the aerial. It is within the Aquia Election District and it's just over 40 acres. It's to... the proposal includes 93,000 square feet of retail commercial use and 146 townhomes.

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Again, a public hearing was held on April 22nd and was continued to May 27th. At the meeting on May 27th, the applicant requested a 30-day deferral in order to evaluate the impact of the perennial stream, which was determined to be there on May 14th by a Department of Environmental Quality and also to address VDOT third review TIA comments. And so the public hearing was deferred, or continued, sorry, to this meeting this evening. Between... in the interim, between the public, the first public hearing on April 22nd and tonight's meeting, there have been several revisions made to the application materials. The GDP, which is shown on this slide, and the Regulating Plan have been revised to show the general location of this Critical Resource Protection Area buffer and the relocation of one of the recreational areas towards Route 1 and the repositioning of one of the commercial buildings in the general vicinity where the red circle is. The springhouse is also now located within the Critical Resource Protection Area buffer. Parallel parking... additional revisions include parallel parking that's been added on the streets in the commercial area, motorcycle parking has been added. Additionally, the applicant has submitted a revised Regulating Plan which addressed the ratio between the non-residential and residential uses. The Neighborhood Design Standards has incorporated some additional language to be more consistent with the recommendations of the Comprehensive Plan. A revised proffer statement was also submitted and includes the completion of a Phase 1 Cultural Resource Study as requested by the Stafford County Historical Commission. And the applicant also submitted a revised Impact Statement which includes language for consistency with the proposed transportation improvements in the TIA to potentially mitigate for the impacts of the development on the transportation network. And also a list of parcels within the Crow's Nest Harbour subdivision on which development rights are proposed to be extinguished was provided. And also a fiscal impact conclusion that townhomes valued in excess of \$295,330 will pay for themselves and therefore there are no cash proffers being proposed. Regarding the VDOT comments, they were received by staff and the Commission did receive them as additional information via email; they're dated June 22, 2015. The results of the comments can be summarized as the analysis is not suitable to show the impacts of development and the recommended mitigation measures cannot be evaluated until the analysis is suitable as deemed by VDOT. This conclusion is similar to previous comments issued by VDOT for the first and second reviews of the materials, the TIA materials that were submitted. And staff notes that until the analysis is deemed suitable by VDOT, neither the effectiveness of transportation improvements proposed in the proffer statement or the quantification of the degradation to intersections that are operating below Level of Service C cannot be evaluated. That's in relation to our Comprehensive Plan policy which states that intersections that operating below Level of Service C, that that increased degradation as a result of the development, staff would request that that be mitigated either by a capital improvement project or, you know, cash proffers that would go towards mitigating that impact. The staff report included an attachment which identified a summary of outstanding concerns. I'm not going to go into that right now; we can certainly go into that in detail if the Commission so desires. The following slides show a timeline related to the application. I can go over these in detail if you wish but, as you can see, it's been a steady progress of comments and submittals, submittals to VDOT and comments. The application was considered a complete application March 27th. The first public hearing was April 22nd. Staff did identify some concerns at the April 22nd public hearing. Those concerns basically still remain. And staff has met with the applicant several times and we have had ongoing communication regarding the outstanding issues. And I'd like to add, this map GIS prepared is a visual regarding the parcels identified by the applicant in Crow's Nest Harbour. The applicant identified 117, and also there's a 25-acre school site and a 37-acre open space site. So this is a visual that kind of provides that the areas with the red crosshatch over the yellow background are those lots that are... that have some percentage of encumbrance on them, meaning that there's some environmental constraints. They might not be able to be fully developed. That's approximately 34 lots. The yellow are parcels... so, all of the yellow includes the parcels being submitted by the applicant where development rights are being proposed to be

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extinguished. So, our layer shows the parcels that have those possible environmental constraints as the ones with the red crosshatch on top of those.

Mr. Rhodes: And few with all red?

Ms. Ehly: The all red ones are encumbered parcels that are owned by the same property owner; however, they have not been submitted as lots to be considered.

Mr. Rhodes: Thank you.

Mr. Harvey: And Mr. Chairman?

Mr. Rhodes: Yes please, Mr. Harvey.

Mr. Harvey: Just to clarify, there was a request made by the Commission at the previous meeting for more information about what properties might be potentially discussed in the proffers and also how they relate to some of the environmental constraints that were studied with the Transfer of Development Rights Program. So, as Ms. Ehly pointed out, the striped parcels are ones that have some environmental constraints on them and may or may not be eligible for Transfer of Development Rights. However, they are existing platted lots which, if roads and water and sewer were provided to the neighborhood, could be built on.

Mr. Rhodes: Got it; okay. Please Mr. Apicella.

Mr. Apicella: Can I just clarify that last point. So, is that based on the standard that we put into the TDR Ordinance lots that would not otherwise have their units transferred to a sending area because they have environmental or other issues?

Mr. Harvey: Mr. Chairman and Mr. Apicella, these parcels that have been identified have either hydric soils or wetlands or other features that were spelled out in the code. They don't analyze to what extent those parcels are affected. The code provision... excuse me, the zoning for this property is A-2, Rural Residential, which has a minimum lot size of 1 acre. These lots generally are 2 acres or larger. So, it could be that for TDR purposes, if you combine all the parcels, they may have equal number to the number of lots already there or possibly even more potential rights could be transferred under TDR than the current lot configuration allows for.

Mr. Apicella: How many of the lots are hatch-marked?

Mr. Rhodes: Thirty-four?

Ms. Ehly: Mr. Apicella, it's 34.

Mr. Rhodes: We were listening.

Mr. Apicella: Okay, thank you.

Ms. Ehly: And so, staff would just note that the time limit for the Planning Commission to make a recommendation for the reclassification application is July 21st and for the text amendment it is this evening.

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Mr. Rhodes: Very good. Other questions for staff before the applicant comes forward?

Mrs. Bailey: Mr. Chairman?

Mr. Rhodes: Yes Mrs. Bailey.

Mrs. Bailey: So, back to the sites at Crow's Nest. The 25-acre parcel that is indicated as the school site, who owns the school site?

Ms. Ehly: Mr. Chairman, Mrs. Bailey, it's my understanding it's owned by the property owner, 7K Investments.

Mrs. Bailey: Okay. Was that parcel dedicated for a school?

Ms. Ehly: Mr. Chairman, Mrs. Bailey, the proffers do identify that as a school site but I believe Mr. Harvey can provide greater detail.

Mrs. Bailey: I'm wondering how that fits into the equation of it being able to be a transferable...

Mr. Harvey: Mr. Chairman and Mrs. Bailey, actually staff's not aware of any proffers on the property that would indicate that this land be given to the County in the future. Currently, the property has a plat restriction indicating that it's a school site. So, as far as its future use, it would have to remain as a school site less and except if there is a removal of that restriction on the plat.

Mrs. Bailey: Okay. Also, another question. In regards to the Comp Plan amendment, there's a statement that the applicant has not submitted analysis regarding the impact of the text amendment. Do we know what the status is of that? Are they working on that or has there been communication with you on that?

Ms. Ehly: Mr. Chairman, Mrs. Bailey, the applicant is here, the applicant's representative is here, and she may be able to answer that more clearly. But we have been talking about that throughout.

Mrs. Bailey: But we don't seem to be getting anywhere. So I have a great concern that there are still a lot of outstanding issues, both with the Comp Plan Text Amendment and the reclassification. And so I'm not sure if anyone can explain where that breakdown of communication is and why.

Mr. Harvey: Mr. Chairman and Mrs. Bailey, if I may, after the last meeting, staff took it as the Planning Commission's directive for us to do some analysis. As Ms. Ehly mentioned, we've attempted to do that but we need to revisit the parameters. As she indicated, we've asked the GIS Office to take a look at vacant properties, but we really should ask them to look at vacant and underutilized properties in the analysis. So, the result we got wasn't what we expected, so we have to go back and do further analysis for us to get a better view for the Planning Commission as to what the ramifications of the amendment might be.

Mrs. Bailey: Okay. Has this applicant developed in Stafford County before? And the reason why I ask that, are they unaware of the processes and the things that are looked at or needed in an application?

Ms. Ehly: Mr. Chairman, Mrs. Bailey, I will say that I am the project manager for these applications and I have identified code sections and Comprehensive Plan recommendations, and also I've been very

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involved with communicating with the applicant regarding the process and the expectations of what would be included in the application.

Mrs. Bailey: Alright, thank you.

Mr. Apicella: Can you pull up the timeline again?

Mr. English: But the question was, has this developer ever developed in Stafford before?

Ms. Ehly: Mr. Chairman, I'm not aware of whether they have or not. Mr. Harvey may be able to answer that.

Mr. Harvey: Mr. Chairman and Mr. English, I'm not aware of a specific project that I can think of where they developed land. I know that they've owned property in the County in various locations for a number of decades.

Mr. Rhodes: Okay.

Mr. Apicella: So the application was submitted about seven and a half months ago, right, based on the timeline. And there was dialogue back and forth with the applicant and/or their agent during this period, both informal and formal?

Ms. Ehly: Mr. Chairman, Mr. Apicella, yes.

Mr. Apicella: And comments were provided as part of the Development Review Meeting process?

Ms. Ehly: Yes.

Mr. Apicella: And there also have been issue identification as part of the staff packages going back to the point where we had the first public hearing?

Ms. Ehly: Yes.

Mr. Apicella: Okay. There was a comment I made or a statement made about the value of the townhomes. I don't remember what the exact amount was.

Ms. Ehly: Mr. Chairman, Mr. Apicella, I believe that the applicant has stated that the... they will be valued at \$300,000 apiece. They're fiscal impact statement stated that as long as they're valued at \$295,330 that they will pay for themselves.

Mr. Apicella: Okay, so I don't know if you can answer this question, maybe it's a question for the Commissioner of Revenue, but is market value or sales cost the same as assessed or taxable value?

Ms. Ehly: Mr. Chairman, Mr. Apicella, I've a, you know, a limited experience with that but I will say it's not the same. But I can't provide any more detail than that.

Mr. Apicella: Okay, thank you.

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Mr. Rhodes: Okay, any other questions for staff before the applicant comes forward? Wonderful, thank you very much. Applicant please.

Ms. Karnes: Good evening Mr. Chairman, Commissioners, and staff. My name is Debrae Karnes. I am an attorney and land use planner with Leming and Healy, and I am here representing the applicant. Mr. Chairman, I'll discuss the Comp Plan first and I'll address the questions of the Commission. I will point out that we believe our application meets all the requirements of the P-TND Ordinance. As we'll discuss further, staff feels that we should go further in meeting some of the mixed use goals of the Comp Plan, and I think that's where some discrepancies exist. The Comprehensive Plan Amendment proposes to allow mixed use developments such as P-TND in the Suburban district, which is the main Comprehensive Plan category in the Urban Services Area. The goal of the County is to encourage at least 80% of development to locate within the Urban Services Area and discourages new development outside of the Urban Services Area. The proposed Comprehensive Plan Amendment provides additional flexibility to allow townhouses and multi-family units under very controlled circumstances in the Suburban area. Specifically, it requires a mixed use development that is phased. In other words, that there... the County has some sort of guarantee that non-residential uses will be built before or concurrent with the construction of residential. There are also other guidelines provided in the Comprehensive Plan. I would like to thank Mr. Zuraf and Ms. Elby... Erby... Ehly, I'm sorry, I wanted to get that correct... for their assistance. We specifically worked with Mr. Zuraf in making changes to the Comprehensive Plan Text Amendment that would provide additional limitations. And we are happy to support the text amendment as written with one minor modification. You heard staff read the proposed text changes with the limitation of 3 dwelling units an acre per gross tract, which is consistent with the current Comprehensive Plan. And in those few instances where dedication of land is proposed for areas outside of the Urban Services Area, a density of 7 dwelling units an acre. And the clarification I request to be made is that the density standards parallel each other. So, for instance, 3 dwelling units per acre per gross tract, and then 7 dwelling units maximum for the areas where we have dedication of land outside of the Urban Services Area -- 7 dwelling units per acre per gross tract. And those per gross tract, those words were deleted out of that clause and I believe staff agrees that for consistency, those should be added. Let me talk to you about the individual parcels being dedicated in this case. We are proposing to dedicate 117 lots; all but 2 are platted lots, meaning that each could hold one single-family detached unit. Now, each are entitled to do so because they're already platted and recorded. But moreover our engineer, and I'll bring him up if you'd like to talk to him, Bruce Reese, has personally reviewed these lots and has determined that each is buildable. We believe that our proposal provides an excellent opportunity to do several things. First of all, to relocate existing approved lots out of the rural area and into the development area. In addition, our proposal allows the County to acquire 117 acres of Crow's Nest, which is, I believe it's appropriate to characterize the most impressive environmental feature contained within Stafford County. And it's long been a goal of the County and its residents to preserve this area. A couple of questions came up from the Commission. One question involved the school site. The property has never been dedicated to the schools; it was designated on the plat back in the early 70s. Another question... or staff made... indicated that there were several lots owned by the applicant that were not included in the dedication. In fact, the applicant is dedicating all lots that he owns and has control over. There are several lots that are under contract to another entity. Finally, a question I think was raised about fiscal analysis. For the past month, we've spent our time working with staff trying to narrow the application of this text amendment. When staff receives the GIS information, they have offered to share it with us and, at that point, we will also provide our recommendations as to expected and probable build-out. And so we plan to continue working in that manner. We tried to be responsive to staff and Commission needs. I will note, Mr. Chairman, that this afternoon we submitted a letter indicating our consent to extend the consideration period for the Planning Commission. In part because of the need to give further scrutiny to the Comp Plan Amendment, and in part because of the

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transportation comments that were received yesterday. I'll go on to discuss the rezoning proposal, but are there any other questions at this point?

Mr. Rhodes: Questions at this stage before she talks about the rest of the proposal? Please Mr. Coen.

Mr. Coen: Just a couple quick questions if I could. You mentioned a moment ago that the owner is going to dedicate all the lots he owns but that some others... so, especially for our scouts in the back, what exactly... I mean, is it all those lots that we saw in yellow would be moved over? Or are there additional ones that in theory that if they were in communication to get? I mean, what's the logistics of what you were saying?

Ms. Karnes: Alright, I need to look at the map. This was the first time I've seen this map. A hundred and seventeen lots are being dedicated. Are those the ones in yellow?

Ms. Ehly: (Inaudible - not at microphone).

Ms. Karnes: Okay, so 119 lots are shown in yellow and those are the ones being proposed to be dedicated to the County. The ones in red staff indicates are owned by the applicant. However, those lots are under contract to someone else and so the applicant has no, shall we say, equitable ownership or control of those lots. The bottom line is, the applicant is tendering to the County every single lot over which he has control to and ability to dedicate to the County.

Mr. Rhodes: And just to confirm, as best we understand it, that's all the yellow as well as the hash-marked one, correct Ms. Ehly? Okay, thank you.

Mr. Coen: Okay, and then the second question, I'm gathering that... you can leave the picture up there, nobody wants to look at me... the big chunk down there is the 25-acre school site? I mean, you mentioned it was designated on the plat...

Ms. Karnes: Yes.

Mr. Coen: ... so I'm gathering that, since it's the only larger parcel...

Ms. Karnes: That is my understanding, yes.

Mr. Coen: Okay. And then, one question would be as that is shifted over, how is that being computed into the rest of the proffers of this whole entire proposal? I mean is it that that amount of land is being deducted from cash proffers or being credited or something? How is that being weighed?

Ms. Karnes: Generally speaking, our analysis factored in only 117 buildable lots. And then additionally, the County would obtain this additional acreage. We've not employed the literal equation utilized in the Transfer of Development Rights Ordinance for one simple reason -- in Transfer of Development Rights there is a limited amount of development allowed on the lots. In this case, not only is all development foreclosed... eliminated, but the County is physically receiving title and control of the property. The amount of parcels we are dedicating we believe affectively means there will be very little development parcel... development potential, excuse me, for the remaining lots.

Mr. Rhodes: Okay. Please proceed.

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Ms. Karnes: Okay. The rezoning proposal proposes the construction of a development under the P-TND Ordinance that allows mixed use development. There will be construction... and excuse me, I'm going to shift over on my notes on... on this proposal. We propose to build a maximum of 146 townhouse units and 93,100 square feet of commercial uses in a mixed use design. We've already discussed, I think last time, that the biggest issue in this project and the majority of projects in Stafford County is transportation. The other overall issues is whether this development meets the spirit of the P-TND Ordinance. And I'd like to discuss the transportation issues at this time. Questions arose concerning the applicant's understanding of the requirements of a rezoning application and the fact that we've been working diligently for some time. The delays were caused by the applicant's effort to meet the requirements and expectations of VDOT. The applicant did three separate studies. Now, interestingly, the applicant, before the rezoning is filed, meets with VDOT and with the County and does basically what's called a scoping document that outlines the study that VDOT expects. The applicant met and, in fact, exceeded the requirements of the scoping study, but VDOT turned around the second time and then the third time and asked for additional information. The applicant wants to ensure that all the issues are covered and so provided those additional studies, but these were time consuming. Now, the proffers itemized certain transportation improvements the applicant has agreed to make. Turn lanes at the intersection of Eskimo Hill and Route 1, at the intersection of Hospital Center Boulevard and Route 1, and the intersection of Centreport Parkway. The bottom line is, at least for the intersection of Route 1 and Eskimo Hill, and Centre... I'm sorry, and Hospital Center Boulevard, current conditions and background traffic mean that most of the traffic movements are already failing. The applicant was studying various alternatives to bottom line not make traffic any worse. And by the way, the Comprehensive Plan doesn't require all traffic to operate at LOS C. It requires the applicant to not further disturb or reduce the efficiency of the transportation network. Part of the problem is that Route 1 hasn't been improved for years. It needs six lanes. The six lanes are not funded anytime in the near future. Hospital Center Boulevard intersection -- now, when I first got into this, when someone said Hospital Center Boulevard intersection, I didn't know what they were... I couldn't picture it. The Hospital Center Boulevard that we all know is used to access the Stafford Hospital. But there are future plans that are associated with the Courthouse Road expansion to serve the new I-95 ramps, and those plans provide for the construction of a new Hospital Center Road on the west side of Route 1. So, we're talking about construction plans for a road that hasn't been built yet. Even though that road design was done maybe five years ago, according to the traffic analyst, it's already outdated with failing movements. Our attempt over the past seven months was to work with VDOT in a manner to mitigate all impact of our traffic. Now, unless you want to, I'm not going to go through all of VDOT's comments because they're very technical in nature. But their overall comment is that they believe our traffic study is incomplete because it did not analyze Saturday movements, which are considered different from a.m. movements or p.m. movements that occur during the week. In fact, if you look at our traffic study, you will see that we analyzed fully Saturday movements. And the traffic study is located as Attachment 3, page 1 through 12 of your staff report. And I would like to direct your attention to page 2. Page 2 analyzes the improvements needed to fully mitigate for year 2020 Saturday peak hours. We have proffered some, but not all, of these improvements; specifically, Saturday movements, if fully mitigated, traffic from Saturday movements would require two additional eastbound approach lanes on Route 1 and two additional westbound approach lanes. Let's step back for a minute. I think it's an accurate statement to say that applicants in Virginia are required to mitigate for the impact that they cause. It is fundamentally unfair to require an applicant to mitigate for existing deficient conditions. We've attempted to balance those requirements and proffer improvements in accordance with this study that mitigates everything based on weekday traffic. There are some other comments from VDOT that are just basically technical and ask for clarification. We believe we can address those comments directly with VDOT and obtain better consensus. And we'd like the opportunity to work with staff on that. Indeed, the applicant is committed to mitigating the impact of his development. Perhaps

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staff suggest other ways, but I believe the evidence will show that the traffic improvement... the traffic issues there caused by this development are being fully mitigated. I'm going to stop there on traffic.

Mr. Rhodes: Thank you. Questions for the applicant on that portion? Okay.

Ms. Karnes: Um, I'm going to go to fiscal impact because I think I heard either questions or interest from one or more of the Commissioners. First of all, since we're relocating density from the Urban... I'm sorry, from the rural area. We don't believe there is a need for cash proffers, keeping in mind the amount of transportation proffers we are making. However, let's go beyond that. My impact statement indicated that the townhouses were expected to be valued at approximately \$300,000 apiece. And we identified studies by Dean Bellas, Dr. Dean Bellas, that showed that in 2012 the... across the County on an average, townhouses paid their own way when they were valued at \$295,000. Based on that assumption, since the townhouses will pay their own way and the commercial will also benefit the County in a positive manner, we do not believe proffers are indicated. Now, I have to make one small correction in the interest of total accuracy. When I wrote that impact statement, I was using, with Dean Bellas' permission, his study from... on the Oakenwold development. Since then, he updated it based on 2013 figures. And now townhouses pay their own way based on 2013 figures, if they are worth at or over \$303,000. So I don't want the Commission to feel that I'm misleading them. That's a very small incremental percentage, but I wanted you to have all the facts because I knew that at least one Commissioner would be asking about that.

Mrs. Bailey: Debrarae, I have a question please.

Ms. Karnes: Sure.

Mrs. Bailey: Mr. Chairman? How long does it take for a townhouse to pay for its way to mitigate the impacts?

Ms. Karnes: I would have to consult Dr. Bellas, but I understand it's not a long period of years. I would have to get back to you with the exact calculation however.

Mrs. Bailey: Okay.

Mr. English: Can you do that then? I'd like to know.

Ms. Karnes: I will.

Mr. Apicella: Ms. Karnes, so you're suggesting again that a house that is valued at \$300,000, the sales price or the market value is the same as the assessed value in Stafford County?

Ms. Karnes: Well, Commissioner Apicella...

Mr. Apicella: That's how we get the revenue from those, based on the assessed value, not on the sales price.

Ms. Karnes: I'm not a real estate appraiser but yes, I would argue that a sales price would be a valid comparison, comparable if you will, for tax purposes.

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Mr. Apicella: I don't get your logic. The tax bill that I get is not the same as the market value of my house.

Mrs. Bailey: Mr. Chair, I'm not an appraiser, but I am in real estate and those values fluctuate with the market so it's one year your assessments will be at full value, at market value, then, as trends change, then it'll be the opposite. So you really end up taking an average, if you can ever get to that point.

Mr. Apicella: Do you remember during the 2000 period, there was a point in time where there was a stability in housing values? I lived in a townhome in South Stafford. I bought my townhome for 150,000 dollars, the market went up, those houses went to 300,000 dollars, and a couple of years later the values completely dropped and those same houses were worth 120,000 dollars, all in a span of just a couple of years. Do you recall that? Okay. Thank you.

Ms. Karnes: I will, Commissioner English, get that information for you. Continuing on. A P-TND project, we have submitted a GDP, a regulating plan, and proffers, as well as design standards that impose requirements that this development be built in accordance with the P-TND zoning ordinance. Now, I think we've discussed before in other cases, the Stafford market will not support the classic P-TND development that you see in urban areas. Staff has requested for instance that we build a combination of units that might include single and towns. This site is small and quite candidly could not support that. Staff has indicated that concern that we are disturbing steep slopes. In Stafford County development permits... requires that. Now, but let me tell you what we are doing. We have a mix of uses. We are proffering to build at least part of the commercial before many residential uses. We have open space that far exceeds the requirements of the ordinance. We have recreational areas that are located between the commercial and the residential uses. We have pedestrian areas that fully connect the residential with the commercial. And we have design standards that will ensure that the development is compatible. By the way, going back to the Comp Plan ordinance, one of the things that it provides, or the Comp Plan designation I should say, one of the things it provides is a limitation that no structure will be over 4 stories. We have amended our GDP and our proffers to ensure that we are meeting that height limit. We are also proposing to do a Phase I study, and this is at the express request of the Historical Commission who have indicated interest in seeing the well structure near the natural spring preserved. And so we will accommodate their request and do that.

Mr. Apicella: Ms. Karnes, when you use the term compatibility, are there any multi-family homes abutting this parcel, or these parcels?

Ms. Karnes: No. The adjacent properties are zoned A-1, and they're quite frankly underdeveloped and M-1. We provide for compatibility by perimeter buffering. The townhouses, well, let me say this. The commercial is located closer to Route 1, the townhouses are nestled behind it.

Mr. Apicella: And where are the nearest multi-family units in relation to this parcel?

Ms. Karnes: Multi-family? I would suppose not too far away, near Route 1 and Hospital Center Boulevard, but again, we're not proposing multi-family.

Mr. Apicella: You don't consider townhomes to be multi-family?

Ms. Karnes: Oh, okay. I stand corrected.

Mr. Apicella: So what's that? A mile? Two miles away?

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Ms. Karnes: Less than two miles and I am specifically referring to the Abberly development, which the Board approved, but has not been built yet.

Mr. Apicella: Right. But that's in an Urban Development Area.

Ms. Karnes: Yes.

Mr. Apicella: This is not an Urban Development Area. Okay. Thanks.

Ms. Karnes: I'll be glad to answer specific questions you have, but we stand ready to continue working with staff to fine tune this application. We feel it has many, many advantages, including providing a quality mixed use development with townhouses that will meet some of the growing housing needs of Stafford County. And finally, and most importantly we're doing it without increasing the net number of new residential units. We are relocating density from the rural area and helping the county to preserve Crow's Nest, which they've been working for at least for the, what, past 15 years. I'll be happy to answer any questions.

Mr. Rhodes: Thank you very much. If I could just ask staff or the applicant, I know the letter... I know you did submit a letter to allow for extension beyond the deadline. Did it have a date specific... or... I haven't seen it. I knew it existed but I haven't seen it. Because I know our next session won't be until the 22nd of July. So I'm just wondering. I'm just curious what it said in that regard.

Mr. Harvey: Mr. Chairman, I don't recall. I'd have to ask the applicant or his representative if there's a time limit on the request for the extension.

Ms. Karnes: We did not impose a time limit.

Mr. Rhodes: Okay. Thank you very much. I just wanted to confirm. Thank you. Any other questions for the applicant before we have the public comment? Thank you very much. I appreciate it. If there's any member, now at this time, if there's any member of the public that would like to speak on this item which is items number 2 and 3, both the Comp Plan Text Amendment for Old Dominion Village and a reclassification for Old Dominion Village, you can come forward at this time. When you do it I ask that you state your name and address. As you do that a green light will come on indicating 3 minutes are available to you. A yellow light will come on when there's 1 minute available and then a red light will start flashing when your time is expired. We would ask that you work to conclude your comments. Anyone like to come forward at this time?

Mr. Palmer: Good evening, Mr. Chairman, members of the Planning Commission, Hamilton Palmer and I am with Stafford Airport Authority. The proposal before you and with these lots in Crow's Nest and the TDR that's dangling a big carrot and it's attractive and I hope it gets done, but not with this project. Stafford Airport does not support this application and has voiced our opposition previously. Whereas we appreciate the additional proffers in the packet that you have and offered by the applicant, they do not mitigate our concerns for high density residential within our flight operations. We also have concern with the precedent that this project sets, density. We can't support a 1.5 increase in the density and I think that we've previously said that with a proffered plan. This is not a by-right project and we do not support project with the residential density that's proposed. Thank you very much.

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

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Mr. Kirkland: Mr. Chairman, members of the Commission, my name is Lindy Kirkland and I'm also a member of the Airport Authority and I'd just like to add a couple of things to what Mr. Palmer said and that is that I'll just remind you that over the last year plus members of the Planning Commission along with members of the Airport Authority spent considerable effort in developing land use standards for the airport area and surrounding land around the airport. And while unfortunately that has not been made readily available to developers and people within the county yet, it doesn't change the fact that those guiding principles are very viable and provide a lot of ways to use in and around the airport for the maximum benefit of the county. I would remind you that the volume of the housing and the location within roughly a mile from the airport does two things. One, it severely impacts the operations of the airport, but it also would adversely affect the quality of life for those people who own and live in those properties and so I think it's important that we remember the end result of that and that is a lot of unhappy Stafford residents in that area if these houses are to go forward. I would also just say that the plan that the members of the Planning Commission and the Airport Authority came up with, this particular piece of property in this development probably violates most of the principals that we outlined in that plan for compatible land use in and around that area and I would just ask that you consider that. Don't throw all that good work away. This is a long term effort and we really would appreciate the consideration for the potential residents that they be afforded the maximum benefit and enjoyment of their property.

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

Ms. Kirkman: Good evening members of the Planning Commission. My name is Cecelia Kirkman. I reside on the Crow's Nest peninsula and adjacent to some of the lots that have been proffered. I'm here to say, as a former member of the Planning Commission and the Board of Zoning Appeals, that what you have before you, in both the text amendment and the rezoning request itself, is nothing more than an attempt to circumvent but the long planning process that went into the Comprehensive Plan and the years long process that went into the TDR Ordinance. Nothing more, nothing less. As the proffers, proffer number 3, regarding the Crow's Nest Harbour lots is written, it's simply non-sensical. It sort of reads like a transfer of development rights, but the allowed residual uses are inconsistent with the TDR ordinance. The only place where extinguishment of development rights is referenced in the Zoning Ordinance is in the TDR, and it says, the process by which development rights from the sending property are severed and extinguished from a sending property and transferred to receiving property or transferee pursuant to the TDR program. So the TDR ordinance, it can only happen through recordation of the TDR certificate and the proffer is silent on that. And that's because it doesn't... many of the lots, as you have seen, don't meet the criteria, or may not meet the criteria under the TDR ordinance. Now, let's take a look at the lots proffered. The applicant, and I'm not sure what the discrepancy is, I took the applicant's list of lots that were stated in the proffer and matched them up to the Commissioner of Revenue records and came out with ten lots that were not proffered by the applicant, and I'll provide a copy to you all. All ten of those have frontage on Raven Road, which may speak to really what the true intent here is, which is something that we've always been concerned about with the TDR ordinance, that the applicant will somehow proffer or transfer so called development rights off of the undevelopable or undesirable lots and reserve the best slots for themselves, which would be the lots with the frontage on Raven Road. Again, I don't know what this discrepancy is, you might want to take a look at it. Finally I want to say about the issue around the school site, I think Mr. Harvey, and Williams was probably the Administrator when all of this was going on, back in the 70s, my understanding is, the way the process worked, there wasn't a formal process that exists in our code now for dedication of properties to the county for specific proffered purposes. It was through the recordation of the plat that that happened. So I think if you look at historically how that was handled, it was handled in the way that it was here, which it was dedicated on the plat as it is now. I think you guys need to reject this and deny it. Thank you.

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Mr. Rhodes: Thank you very much. Is there anyone else who would like to speak on this item? Very good. I'll close the public comment portion of the public hearing and I will, for rebut or further comment... applicant please.

Ms. Karnes: Mr. Chairman, I'll be very brief. First of all, the Airport concerns. I think the Board of Supervisors spoke very clearly at their previous meeting when they chose not to adopt airport compatibility standards and deemed it inappropriate to regulate the many, many, many residential areas pursuant to it. I will note that the proffers do provide airport protections, including notice to buyers and navigation easements and we feel that the plan provides adequate protection. Secondly, in terms of the applicant's offer to dedicate the 119 Crow's Nest lots to the County, as I said, this is not through the TDR Ordinance, which provides for residual uses. This offer is better. It dedicates all of the acres directly to the County. It will be the County or any successor owner that the County designates that will control every use. Questions came up about the school site. Let the record show, the applicant owns the school site. It was never dedicated to the schools. It was never accepted as a dedication to the schools. And the applicant for all these years has paid property taxes. I think, that said, I'll be happy to answer any other questions, but otherwise, thank you very much.

Mr. Rhodes: I did want to clarify one thing, so, just to make sure I understand right. The way I read the phasing in the proffers as they currently stand is that you could do no more than 60 townhomes until an occupancy permit for the 23,500 square foot, which is about 23% of the total commercial being developed, but after that, then you could build out all the rest of the townhomes after just 23,500 square feet of commercial is all that's required to be built, correct?

Ms. Karnes: Correct. Provided the transportation improvements are...

Mr. Rhodes: Yeah, there are other phasing... I saw that on there. Okay. That's what I thought, I wanted to make sure I got that right. Okay. Other questions for the applicant, or are we bringing it back to the Planning Commission, or for staff or anyone else? Okay. Thank you very much. I appreciate it.

Ms. Karnes: Thank you.

Mr. Rhodes: So with that, Mrs. Bailey.

Mrs. Bailey: Mr. Chairman, I just want to make sure that I have the protocol right. So the Comprehensive Plan Text Amendment would end tonight?

Mr. Rhodes: Actually, that can be extended as well because it was a submission by the applicant, so by virtue of their willingness to extend it would apply to both, item 2 and 3.

Mrs. Bailey: Okay.

Mr. Rhodes: As I understand. Right, Ms. McClendon? Okay. Thank you.

Mrs. Bailey: Okay. Well, having that clarification, I'm going to make a motion to deny both, the text amendment to the Comprehensive Plan, as well as the reclassification to Old Dominion Village.

Mr. Rhodes: Okay, so a motion to deny?

Mrs. Bailey: Both. Yes.

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Mr. Rhodes: Okay, so with that we should take a vote one at a time?

Ms. McClendon: Yes, Mr. Chairman.

Mr. Rhodes: If we could, if we could just clarify, if it's actually not to defer but to deny then we probably need to hit 2 and then 3. So, if it's okay to clarify that motion that would be a motion to deny approval of the Comp Plan Text Amendment, item number 2, COM14150427 was the motion?

Mrs. Bailey: Correct.

Mr. Rhodes: Okay. Is there a second?

Mr. Apicella: Second.

Mr. Rhodes: Second by Mr. Apicella. Further comment, Mrs. Bailey?

Mrs. Bailey: Yes sir, Mr. Chairman. This will be a little out of character for me, because I do appreciate development in Stafford County and I have for a number of years, especially when it's in the right place. And especially when there is an opportunity for the County and the applicant to work together to resolve issues. With this application though, I have to say I'm very disappointed. The application itself, the process of the application leaves me to question the applicant's sincerity and the ability to develop this project the way that it should be developed. If I understand staff correctly, this actually started last year in November. There have been numerous meetings. We've held this over for over 60 days. We've held the public hearing open, and quite frankly there just has not been a lot of progress made. There are too many issues that are insufficiently addressed or either incomplete or not addressed at all. I think that the applicant's representative made the statement tonight that they felt that the comp plan amendment in their mind, they're meeting all of the requirements. I think that she also stated, as far as the reclassification goes, that they felt like that there was no additional need to mitigate any impacts. And we're talking about impacts to environment, schools, park and rec, fire and rescue, and after 3 analysis, 3 meetings with VDOT we still are not at a consensus. I really was looking forward to and hoping that we might be able to utilize the TDR program with a project that would be suitable for the exchange. There's not anything that has been presented to me that I see that would inspire me to say that this is the project to utilize for the TDR. There seems to be some sort of a disconnect, I'm not sure where it is. I wish that it could have been found out before, but unfortunately, based on those facts, I make the motion.

Mr. Rhodes: Thank you very much. Is there further comment, Mr. Apicella?

Mr. Apicella: Mr. Chairman, with regard to the Comp Plan Text Amendment, I don't think that at this point in time, despite having a lot of time, we don't know the full impacts and ramification of the text amendment, nor do I believe the applicant has made a sufficient case for us to recommend approval at this time. I'm just commenting on the first item.

Mr. Rhodes: Okay. Thank you very much. Further comment by anyone else? I will just share... I don't think... I don't think it's there yet, on the Comp Plan Text Amendment. I'm not sure that I'm there yet and I apologize because I am speaking ahead a little bit. I'm not sure where I'm at on any of these. Personally I would be inclined to try and continue working it, if there's an opportunity to work it. We haven't made much progress, but maybe we could. So just from that perspective I will not be voting to support the motion. No strong offense to the motion but I would probably work it further. So, with that,

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if there's no further comment, all in favor of the motion which is to deny the Comp Plan Text Amendment COM14150427, signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Any opposed? No. So it passes, the motion to deny passes 5-1. Now with that we'll move on to item number 3 which is reclassification Old Dominion Village, RC14150428, Mrs. Bailey?

Mrs. Bailey: Yes, Mr. Chairman, I would like to make a motion to deny that as well.

Mr. Rhodes: Motion to recommend denial of the reclassification Old Dominion Village, RC14150428 by Mrs. Bailey. Is there a second?

Mr. Apicella: Second.

Mr. Rhodes: Second by Mr. Apicella. Further comment, Mrs. Bailey?

Mrs. Bailey: No further comments.

Mr. Rhodes: Very good. Mr. Apicella?

Mr. Apicella: I'll just echo the comments made by Mrs. Bailey which I think are applicable to the second item, or the item 3 on our agenda. I would just reiterate that despite having what I think is more than ample time and more than ample feedback from staff that there were so many unaddressed and unresolved issues that a lot of progress hasn't been made. I don't think this project is ripe at this time, given all the problems with it and ultimately I think it's the wrong project in the wrong place. I also don't agree with their methodology for transferring the number of units that they're suggesting.

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

Mr. Coen: Just one comment and that sort of addresses sort of the economic analysis that was done and just to be consistent, I had concerns in a previous proposal where a great amount of the analysis is based on brick and mortar retail, and I think, Mr. Gibbons isn't her to echo this, but the trends in this country are totally against brick and mortar for our retail. It's going online. And so it just seems to me problematic to base an analysis on basically a 20th century construct of brick and mortar retail when we're moving to a different way and if society is shifting, I think we need to be realistic in that. And so therefor is the premise or the predicate of this mathematical formula is faulty, that means the ultimate analysis would have to be faulty as well.

Mr. Rhodes: Okay. Very good. Anybody else? I'll just repeat my other comment. I'm just at a point, I do not believe we've made probably as much progress, but I still think there would be more opportunity,

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and only for that purpose will I vote against the motion. Therefor all those in favor of the motion on item number 3, RC14150428 to recommend denial of reclassification Old Dominion Village, signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Any opposed? Nay. So that makes it... the motion to recommend denial passes 5-1. So with that, based on the modification to the agenda we made earlier, we're actually going to move to the hopefully quick items number 9 and 10, New Business items, and then we will be going back to 4, 5, and 6. So, Mr. Harvey, item number 9, WAI15150725, Estates at Cranes Corner.

UNFINISHED BUSINESS

4. 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) (History: Deferred on June 10, 2015 to June 24, 2015)**
5. 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) (History: Deferred on June 10, 2015 to June 24, 2015)**
6. 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) (History: Deferred on June 10, 2015 to June 24, 2015)**

Items 4, 5, and 6 discussed after item 10.

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7. 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) (History: Deferred on June 10, 2015 to July 22, 2015)**

8. 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 south of Hospital Center Boulevard, within the Hartwood Election District. **(Time Limit: September 8, 2015) (History: Deferred on June 10, 2015 to July 22, 2015)**

NEW BUSINESS

9. WAI15150725; Estates at Cranes Corner - A request for a waiver of the Subdivision Ordinance, Section 22-176(e), Private Access Easements, to increase the number of lots allowed on a private access easement on Assessor's Parcels 46-70 and 46-70A, zoned A-1, Agricultural, located on the north side of Cranes Corner Road, east of Jefferson Davis Highway, within the Falmouth Election District.

Mr. Harvey: Thank you, Mr. Chairman. LeAnn Ennis will give the staff presentation.

Mr. Rhodes: Thank you very much.

Mrs. Ennis: Computer please.

Mr. Rhodes: Computer please.

Mrs. Ennis: Thank you. Mr. Chairman, members of the Commission, I do appreciate you moving me forward.

Mr. Rhodes: It was all for you.

Mrs. Ennis: Thank you very much. So item number 9 is a waiver request for the Estates at Cranes Corner. It's located on Assessor's Parcels 46-70 and 70A. It's on the north side of Cranes Corner Road, east of Route 1. It's approximately 114 acres and it's currently zoned A-1. There is a PAE that's located, that's serves Parcel 70A.

Mr. Apicella: Can you explain what a PAE is?

Mrs. Ennis: A private access easement. That is an easement when a property has no road frontage. So there's a current PAE. It's 50 feet in width and it's approximately 1,560 feet in length and it currently serves the one parcel. There is a parcel up front, I mean the parcel that surrounds it, and it has road

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frontage. This is the aerial view of the 114 acres off of Cranes Corner, and the unshaded area is parcel 70A. The applicant is requesting a waiver for the number of lots permitted on an easement. The request is to serve lots 1, 2, and 3. This is 70A right here. This is 2, and this is lot 1. They're doing a boundary line adjustment and a minor subdivision of one, creating one new lot. The existing easement was created in the 60s and currently serves parcel 70A, which has no state street road frontage. The easement was never approved as a PAE as it was created prior to our Subdivision Ordinance. The applicant is proposing, again, proposing a boundary line adjustment and a minor subdivision on a plat that we have currently under review. The easement was recently recorded. It was modified and improved from a 30-foot easement and the applicant upgraded it to a 50-foot easement, which is our current requirement. The Subdivision Ordinance, Section 22-176 states that a PAE may not be created in a major subdivision, nor serve more than two parcels, including the one that goes through. A new PAE could be created on the revised boundary line of parcel 70 to serve the lot in the rear, which is what I have highlighted in red. This is the current PAE here, and this, and they're proposing to extend it this way to serve the two lots in the back. If it was... a waiver would not be required if we put the easement here, which they're allowed to do, and it would only serve this lot back here, which is lot 2. This lot would have road frontage here and this easement would come up here and serve the modified parcel 70A. It was suggested we met with the applicant prior to his purchasing of the property and we discussed several scenarios of what we did. Staff suggested that he not put this easement in here because of all the steep slopes along this area. There is also sight distance issues because of this curve that goes around, and Cranes Corner, there is... it's higher up in here... I mean it's lower down in this area here, so you can't see up over the hill. If they didn't want to pursue... we asked them to pursue the waiver. If they did not want to pursue the waiver, this PAE could be built here and no waiver would be required. Staff recommends approval of this waiver request for the number of lots served on a PAE, but I am requesting that all the other requirements of the PAE have to be adhered to, all of Section 22-176 is for private access easement, which also includes construction maintenance of such easement. So the only waiver portion that I'm recommending is the number of lots to it. Any other questions?

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

Mr. Apicella: So again, just to reiterate, this approach was recommended by staff in lieu of the original approach that the applicant...

Mrs. Ennis: There were different scenarios that we talked about, because he also came in, because he owns this piece here. So he's doing...

Mr. Rhodes: Computer please.

Mrs. Ennis: Pardon? Computer please. I'm sorry. I thought it was still on. He owns this parcel here. So this is the boundary line adjustment that he's doing with these three parcels. So this was all 70A, and this is 70, and this is 70A down here. So he's doing a boundary line adjustment and a minor subdivision for these lots up here. He is proposing or has... I don't know if an application has been submitted, but we discussed at the same time, is a cluster subdivision to come through this area here for, I think, it's less than 50 lots. I can't remember how many lots. Twenty? Twenty-five lots? So the proposal showed several lots coming in this way off of a state road that comes in this way. So if he showed the easement for the PAE to serve this lot here, the easement would be on the back... it would encumber proposed lots. So it didn't seem feasible for us to let him create new lots and then encumber them with another easement for access, and that's in somebody's backyard. So it made more sense to staff to go ahead and ask him to get the waiver for this, that we saw the long range planning of it.

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Mr. Rhodes: But was that the primary concern or was it the sight line and the distance...?

Mrs. Ennis: Well, it was a bunch of things. He has steep slopes over back and through here and there is, because of this curve and the sloping area up here, you can't see up over the hill. So there is several different things. I mean, he could have, yes, that is an issue too.

Mr. Apicella: But in terms of a second PAE, you think that the approach that's being requested here as part of a waiver is the least impactful...

Mrs. Ennis: Yes sir.

Mr. Apicella: ... for environmental and sight distance.

Mrs. Ennis: Yes.

Mr. English: It would be the safest route too.

Mrs. Ennis: Yes sir.

Mr. Apicella: And from your professional experience and knowledge it meets the waiver of requirements in the code?

Mrs. Ennis: It meets all of it, except for the number of units.

Mr. Apicella: Okay. Thank you.

Mr. Rhodes: Other questions for staff before the applicant comes forward? Okay. Thank you very much. If the applicant has anything to add.

Ms. Karnes: Mr. Chairman, Commissioners, again, my name is Debrarae Karnes and I'm a lawyer and land use planner with Leming and Healy. As LeAnn Ennis indicated to you, this is a proposal for a three lot minor subdivision. Two of the lots are already served by a PAE access easement. This proposal only involves a request for a waiver to allow one additional lot. The purpose is twofold. First of all to minimize disturbance. By the way, the existing PAE runs along the path of an old logging road, secondly safety reasons. The sight distance, the sight opportunity to see on the road for Cranes Corner is very limited and I have a picture that illustrates this, if the computer...

Mr. Rhodes: Computer please.

Ms. Karnes: The topography is such that if you look closely at this picture, there is an arrow pointing toward a car on the road. You can barely see the top of the car. We believe that this request preserves additional land and meets the requirements of the code for a waiver, which, in short, the minimum requirement if applied to the proposed subdivision would impose an unreasonable burden on the subdivider and the granting of such waiver will have no substantially adverse effect on the future residents or any adjoining property. Bottom line, this waiver will improve this property, improve safety, sight distance, and conserve disturbance of land. I request approval. Thank you.

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Mr. Rhodes: Thank you. Any questions for the applicant? Mr. Harvey, just to confirm, waiver for the subdivision ordinance, this is where you would be recommending... making a recommendation to the Board, correct?

Mr. Harvey: No, Mr. Chairman...

Mr. Rhodes: This is one of the ones we can do?

Mr. Harvey: This is actually a decision made by the Planning Commission.

Mr. Rhodes: Well, I thought we only had two, so we got three. We've got a third one we've got power on. Very good. Okay. Good. I couldn't remember on this one. Three things we can do. So, very good, are there any other further questions for applicant or staff, or discussion? Mr. Coen, please.

Mr. Coen: Just a quick question for staff, because you raised it, thought you'd appreciate that. In looking at the map, you said the reason why this is safer, makes more sense, is because of the curve in Cranes Corner, right? But then when you're talking about future plans, you drew the line right at the curve.

Mrs. Ennis: Well, that was just me drawing.

Mr. Coen: Okay. So it may be to the left or to the right of the curve, but...

Mrs. Ennis: Yeah, I don't know what the...

Mr. Coen: No, no, that was just... and that's not part of this, but it just was a... it made a bell go off in this head. I was like whoa.

Mrs. Ennis: No, I think, from what I remember from the meeting, I think it was more on this side of the... it was over on this side of the road and came up this way. I just drew a line.

Mr. Coen: Okay. Thank you.

Mrs. Ennis: Thanks for pointing that out.

Mr. Rhodes: That was Falmouth District.

Mr. Apicella: Mr. Chairman, I would recommend approval of WAI15150725, Estates at Cranes Corner, Waiver of Subdivision Ordinance, Section 22-176(e), with the noted restrictions recommended by staff.

Mr. Rhodes: Very good. So motion to approve the waiver. Is there a second? Second by Mr. English. Further comment Mr. Apicella?

Mr. Apicella: Again, the questioning and the answers indicated this is the least impactful approach and it meets the waiver requirements, that's why I'm recommending approval.

Mr. Rhodes: Very good. Further comment, Mr. English? Any other member? All those in favor of the motion which is to approve WAI15150725 for the Estates of Cranes Corner for the waiver of the

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subdivision ordinance, section 22-176(e) to allow one more lot to be supported by the PAE signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; passes 6-0. Thank you very much. Item number 10, Mr. Harvey?

10. WAI15150703; The Glens - A request for a waiver of the Subdivision Ordinance, Section 22-214, Street Identification and Traffic Safety Signs, for the purpose of allowing a modified street sign pole. The property is located on the south side of Stefaniga Road, west of Mountain View Road, within the Rock Hill Election District.

Mr. Harvey: Again, please recognize Mrs. Ennis.

Mrs. Ennis: Mr. Chairman, members of the Planning Commission, I'm giving you item number 10 that you guys have the power for. It's a waiver request for the street signs that we have in our Subdivision and Zoning Ordinance. It's located on Assessor's Parcel, parent parcel 27-17. It is currently under construction and being developed as we... it's almost developed out, but they have several subdivisions and lots that have already been built upon. It's located on the south side of Stefaniga Road, west of Mountain View Road and east of Poplar Road. Its zoning is A-1 and they're currently approved for 173 lots according to the preliminary subdivision plan that was approved in 2003. This is the aerial view and this is Stefaniga Road and it kind of goes along this way of Stefaniga Road. It's approximately 600 acres subdivision. This is the location map that we have submitted with the package. The original preliminary plans were approved in 2003 for 173 single-family dwellings with a minimum lot size of 3 acres. In 2004, I found the minutes, Planning Commission denied a waiver from the applicant, Augustine Homes, request for the street signs because of the wooden post. They were requesting to allow wooden posts, is what I gathered from the minutes and the Planning Commission at that time denied it because of the wooden posts. The applicant wasn't here to talk about it and the wooden posts were not what Planning Commission wanted. The developer never sought a waiver for the black galvanized posts. This picture is not... oh it looks better on yours. There is a black galvanized post that they currently have on several sections out in the Glens and they have the brackets that encompass the street signs. The street signs themselves are what meets our standards with the intensity, the reflection, the lettering, the block lettering, and the size requirements. So those are under our standards now. What is different is the post and the cap up on top and the bracket that it self-holds, because we don't have the brackets.

Mr. Apicella: Do you have a picture for comparison between their version and the County's version?

Mrs. Ennis: No, I should have done that, but our version is just a galvanized that breaks away. They build... they do do it with the post inside. It's on our approved plans what their street standards are. So

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it's just a silver galvanized post. We don't have the pretty little cap on top and we don't have the bracket.

Mr. Apicella: So would you say it's at least equal to or better than what we would normally require from a visual perspective?

Mrs. Ennis: It's visually better and it does everything that ours does, except, theirs is black and they'll be maintaining them, versus the County maintaining it.

Mr. Rhodes: So they forgot to get the approval, now they're coming back, but they're going to be paying for the maintenance and replacement associated with this?

Mrs. Ennis: They have two homeowners associations within that subdivision. One is on maintained right currently still by Augustine Homes, they're the president of that HOA. There is a homeowners association out there who abuts the three sections where these signs are, and they wanted... they're the ones who contacted me and that's when we found out there was no waiver. They wanted to continue the street signs within their HOA development. There is a mixed signage out there now. There is the county requirements, which are on the approved plans, which is the galvanized post and the regular green, reflective signs that you see everywhere. And then there is these three sections. They want to continue the HOA for their streets, I think they have three streets, if I remember, and don't quote me on that, they have some streets that they have to maintain, that I made sure that Augustine Homes knows that the further, the future developments, the continued developments, this would be for the entire subdivision, just not certain streets. So they will be responsible for the brackets, the signs, and the post itself. And they have to replace them in a timely manner and that is where I asked for a performance agreement. We've only done a few subdivision signs. Stafford Lakes has one. Augustine has one with the little cardinal flower post and stuff, and I think Stafford Lakes has a pineapple or something.

Mr. Apicella: So we're not setting a precedent here?

Mrs. Ennis: No, we have some subdivisions, and it's just, Seven Lakes has it as well, they replace the... we supply the signs but they replace the post. So there's agreements with each one of these subdivisions that they've recorded. So our zoning office and 911 has something... a leg to stand on.

Mr. Rhodes: Okay.

Mrs. Bailey: Mr. Chairman?

Mr. Rhodes: Yes please.

Mrs. Bailey: So how do we enforce the sign replacement?

Mrs. Ennis: Currently, right now they... it's complaint driven or somebody notifies us and stuff. If we get notifications of that, they'll have... it'll be their responsibilities, but they should not be even contacting us about these... these home owners associations that's what, their HOA has to notify them that they need to contact them that the signs are down. If 911 happens to call us and tells us that the signs are not being replaced, then we'll replace it at our expense and put it up for 911 purposes, but then this whole thing can be revoked.

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Mr. Harvey: Mr. Chairman, just to clarify, if the county puts up a sign, it's the county standards not the at hand standards. And as Ms. Ennis says, if someone calls in our public works department to get a sign replaced, the public works department will refer them to their own HOA.

Mr. English: Do you have a timely manner that they have to get that replaced?

Mrs. Ennis: Yeah, we don't have a set precedence for that. Currently for ourselves and stuff, we try to get them up within, you know, a week, because we have to order the signs and get them made up and then we have the contractor to get them installed.

Mr. Rhodes: Okay, very good. And then staff recommends approval? Is the applicant here?

Mrs. Ennis: Yes sir.

Mr. Rhodes: Okay. Are there any more questions for staff? Okay. Thank you. Applicant please. Maybe not, okay, very good, got it. Mr. Gibbons was called away out of state for work requirement. I did talk to him today and he did indicate that he was supportive of this, since it would be the enhanced version, if there is any enhanced put up that that cost would go to the HOA. So he was supportive of the requirements. I would entertain a motion to approve the waiver.

Mr. English: I'll make the motion.

Mr. Rhodes: Motion by Mr. English. Seconded by Mr. Boswell. Any further comment, Mr. English? Mr. Boswell? Any other member? Okay very good. All those in favor of the motion to approve the waiver WAI15150703 for The Glenss, Subdivision Ordinance Section 22-214 as it's been stated and discussed tonight, signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; passes 6-0. Thank you very much. With that we're going to go back to the... starting the Unfinished Business agenda, and this item 4 for the Comprehensive Plan Text Amendment for Stafford Village Center. I assume we'll do 4, 5, and 6 together Mr. Harvey?

4. *COM15150540; Comprehensive Plan Text Amendment - Stafford Village Center*

5. *RC15150541; Reclassification - Stafford Village Center*

6. *CUP15150542; Conditional Use Permit - Stafford Village Center*

Mr. Harvey: Yes please Mr. Chairman.

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Mr. Rhodes: Wonderful.

Mr. Harvey: Mike Zuraf will lead staff discussion on these items.

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission. Mike Zuraf with the Planning and Zoning Department. This, if I could go ahead and present the three items together?

Mr. Rhodes: Please, yes please, please do.

Mr. Zuraf: So these three items are associated with the project known as Stafford Village Center. The three cases include Comprehensive Plan Amendment, Reclassification, and Conditional Use Permit. The Comprehensive Plan Amendment would expand the areas where townhouse and multi-family units are allowed in the suburban land use area. The Reclassification would reclassify Assessor's Parcel 20-130 from the R-1 zoning district to the P-TND, Planned-Traditional Neighborhood Development zoning district, and the Conditional Use Permit would allow for vehicle fuel sales within the HC, Highway Corridor Overlay zoning district. This is a highlighted area of that parcel. It's on the south side of Garrisonville Road, just to the west of Onville Road and across from the intersection of Travis Lane. The project itself would allow for mixed use development proposed to include up to 500,000 square feet of commercial floor area and 453 multi-family dwelling units. A public hearing was conducted on May 27th, it deferred to June 10th, and then again to this meeting. At the last meeting the Commission deferred the request to allow the applicant to revise the application in response to questions and requests. The next several slides provide a summary of the application modifications and outstanding issues. The first issue to kind of go over is regarding the Comprehensive Plan Amendment modification. You received in your attachment a modified version of the Comp Plan Amendment. This was mentioned at the last meeting. We didn't have the language at the time. We've worked through that with the applicant to incorporate what they had been proposing and staff wanted to put it in a format that may allow the amendments to better fit the context of the suburban land use designation text in the comp plan, and so this provides recommendations for supporting multi-family and townhouse units on infill properties and then includes standards that define infill properties. Now, since this went out to the Commission, staff received some comments from the Commission expressing some concern with the language as it was written and desired some additional language to clarify that this type of modification would be associated with mixed use infill development and so the yellow areas highlighted include the new language that I'm showing to you, some of you for the first time, so it would be ensuring that it would be where there's a mix of commercial and residential uses, and then additional standards to ensure that there is a sufficient amount of commercial development in comparison with the right amount of residential development in place. And so this is for your consideration. Staff did just send that, this additional information to the applicant this afternoon, so they've just seen it themselves and may be able to comment on these adjustments. Also, just to also mention, also, with this item, the evaluation of the build out impacts are also delayed for the same reasons as noted by staff in the Old Dominion Village case, the GIS evaluation was concurrent with these two projects and we've ran into some issues with getting the most accurate type of evaluation, and we don't have that yet. You did receive modified proffers in response to several requests and questions and so this is a summary of some of those changes. The applicant added proffer 12 regarding cash contributions. With this proffer they proffered a cash contribution of \$6,000 per multi-family unit. That was added in. Staff was asked about other similar projects and what they may be proffering. Staff would note that the Aquia Towne Center project that was rezoned with a cash contribution of \$6,000 as well per multi-family unit for that project. And then the most recent project that was approved, the Abberly multi-family development. That had a cash contribution amount of \$11,385 per multi-family unit. Also proffer 11 was modified regarding the Garrisonville Road Transportation Service District. The applicant removed any credits from the terms

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of participation in the Garrisonville Road Transportation Service District. Proffer 8, the applicant added in modified language to solicit advice from neighboring property owners as they're getting into the design of transitional buffers to determine what might be the wishes of those properties, whether they'd want a retention of existing trees, or a fence, or evergreen trees, and they can work through those issues with the neighbors.

Mr. Rhodes: And just for the other Planning Commissioners awareness, while the applicant, the developer had indicated that they did this extensive, to a good degree over in their other development at Stafford Marketplace, and that they would intend to here as I did talk with some of the residents neighboring the area after our last session and they were appreciative. They asked how will we make sure this happens and when I did raise that back to the applicant's representative, they were fully supportive of going ahead and codifying it into the proffers, so I appreciated that.

Mr. Zuraf: And then also, slight modification of proffer 1c to clarify the mix of units regarding the number of bedrooms in those units that more than half of those units would be one bedroom or studio units and there would be no more than three bedroom units in the project. Other issues staff was questioned about was the number of dwelling units within 5 miles of the property. There are 23,999 dwelling units within a 5 mile radius. The total number of units in the County is 49,650 dwelling units, so that would be, 48% of all the dwelling units in the County are within 5 miles of this site. There was also a question of some of the validity of the information on the economic and fiscal impact statement. Staff did send this, the fiscal impact study, to the Finance Department and received a few comments back from them. They did say overall the study was thorough and logical. They did point out a few things that some of the tax rates and evaluations were based on prior fiscal year rates that were before the re-assessment that more recently occurred, which may have been what the information was that they had at the time. So they say that currently there is a lower tax rate than what was used in the report. So that lower rate today may reduce the ultimate revenue that the report cites regarding the... for the residential component. So that could be potentially a \$45,000 reduction in revenue there. Still reduces the... it does reduce the net benefit for the County but does not negate what the positive overall results that are cited in the report. And then also they do comment on some of the specific questions about the school costs. They point out they were based on the countywide student generation. They do note that using the more newer new unit ratio of students with more students in the complex, that would have more of an impact and actually equate a per student impact of \$5,394 per student. Now staff would note that there are, with the new proffer change, there are a greater number of one bedroom and studio units, so the overall student ratio may actually be lower than the .32 given that change that happened since this study was done. There was a previous question that staff was asked to follow up on regarding the parking areas on the plan, specifically around some of the multi-family units that it appeared that there weren't enough parking spaces to serve the units, so the applicant did provide a quick analysis that you see on the screen and then we provided to you at your desk some additional background that they forwarded to us, that addresses the total number of parking spaces that would be required per the ordinance and what really would be needed in this case. And what's highlighted in purple are areas where there would need to be garage parking to fully provide the parking spaces that would be needed given the full build-out that's shown on this General Development Plan. The applicant may be able to expand on this some more. Some other, just to point out, we've also provided in your staff memo the consolidated summary of issues which we've adjusted based on the latest revisions that are provided by the applicant. Some of the highlights to hit from those issues that we've summarized include the fact that the transportation impacts in some locations around the site have not been fully addressed. Also the revised traffic impact assessment is still being evaluated by VDOT, so we don't have their comments on revisions. Also then, staff notes the proffered cash contributions are not consistent with the County guidelines. And there are some excessive impacts to the RPA streams and wetlands that are inconsistent

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with the goals of the comprehensive plan. Staff does note also there are other additional issues that are in the summary that might be classified more as wish list items and maybe best practice issues that staff will often recommend when reviewing these types of cases.

Mr. Rhodes: Mike, on the last item there with the RPA streams, and particularly where they're going to drain that through and let it in end but still build over a portion of it, that all has to be approved by DEQ anyways, correct?

Mr. Zuraf: The DEQ Corps and the County's Chesapeake Bay Appeals Board.

Mr. Rhodes: So how they address that would have to satisfy those for them to be able to proceed?

Mr. Zuraf: It would.

Mr. Rhodes: Okay. Thank you.

Mr. Coen: Since, Mr. Chairman, you brought it up, so what if one of if not all of those Boards say nay? What happens to it then? I mean if the Chesapeake Bay Review Board says no? Does that kill the whole enchilada or do we, you know, have taco?

Mr. Zuraf: The applicant would have to come back in for a proffer amendment to modify the plan to work within the buildable area that they have. And that's a quick summary and I'll answer any questions at this time.

Mr. Rhodes: Questions for staff? Please.

Mr. Coen: I watched from Utah which is really a wonder of modern technology...

Mr. Rhodes: You have to get a life.

Mr. Coen: Yeah, it was really nice. It was good to see you live. A couple of questions. Am I correct in that the \$6,000 proffer amount per unit, when it comes in, since it's not following our normal guidelines of how much goes to whatever, we don't know where it goes to?

Mr. Zuraf: It's unspecified.

Mr. Rhodes: So it's up to the Board.

Mr. Zuraf: It is kept within the County's pot of proffer money.

Mr. Coen: But it's not like theoretically x amount should go to fire and rescue what not. And I really appreciate the response and if Jeff, let the fire people know, their input was really nice. I read that in Utah. But I was curious, what did the fire department as a whole and perhaps any other departments say about proffers? Did they feel they desire the full proffers or is the \$6,000 sufficient?

Mr. Zuraf: Well, they didn't necessarily comment on the \$6,000. The comment all along had been that with fire and rescue, and schools, they requested the full recommended proffer guideline.

Mr. Coen: And what would that be?

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Mr. Zuraf: I believe the full amount is, don't quote me on it, maybe \$24,000 per unit?

Mr. Coen: Okay. And even if we went with the Abberly, that's \$11,385, so it's almost double.

Mr. Rhodes: They don't have commercial though.

Mr. Coen: And then, just... and you may not know, but a little while ago we had an application that wanted to change because they did a market analysis that said that one bedrooms weren't flying and they needed to go to multiple bedrooms. So, do we know if this applicant has done a similar study to-wit or were we looking at the possibility of the same with that other application where we went in with one bedrooms and then x months later said gee, our market analysis says we need two bedrooms, and so then we're at that. I mean, it seems odd that within 2-3 months we're getting two things that sort of are counter-intuitive. If half of these... more than half of these are one bedroom and then, was it a month ago we had one that said oh no, nay, one bedrooms are bad, I'm just curious if we're just setting ourselves up again.

Mr. Zuraf: Mr. Coen, I'd have to defer to the applicant if they've done a market study. Otherwise, if they do have different needs in the future, they would have to come also in for a proffer amendment.

Mr. Coen: Thank you.

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

Mr. Leming: Good evening Mr. Chairman, members of the Commission, I'm Clark Leming here on behalf of the applicant. We do have the owners and the... our engineers here tonight if you have questions that I can't handle.

Mr. Rhodes: If I could just share, both for you and your applicant, but also the Planning Commissioners. It was my late comments that kind of bothered Mike and made him try and work to tweak up some of those changes on the Comp Plan Text Amendment. The attempt there was since 2012 we've been saying that while this is not what was a UDA and now will be whatever it'll be, that as we were wrestling that we've always said while it's not, it's certainly an area with the commercial corridor will be prime for infill, primarily commercial infill. And now we're wrestling with how we might add commercial to help complement the commercial infill. And I just kept struggling with how does it best meet that intent we've had for a long time without opening up wildly doors. So I was just late getting some feedback back into Mike. And so, to everybody I got that in there late, so I apologize for that.

Mr. Leming: Thank you. And just for the Commission's information, we of course only saw these for the first time but actually these are closer to what we originally proposed anyway. So, we don't have any objection to the adjustments that have been made to the Comp Plan Amendment. We're fine with that and (inaudible). But the one thing I would like to point out about the Comprehensive Plan, there was a comparison, I don't remember by which one of you, perhaps with the previous application this evening, it had given me the contact of failure to get the GIS information that had been corrected... or requested. I think, I think even a cursory review of the two proffer amendments, and not to take anything away from the prior one that was before you, I think we can all agree that this one is considerably narrower in its scope, and that the likelihood that significant other properties would be affected would be significantly, significantly reduced because of the language that has been included here. And much of this was based on queues that we received from the Commission. Now, with regard to the proffers, the \$6,000, we specifically asked at the last meeting how the Commission would suggest

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that we'd erect that and the consensus was that that be left open to the Board of Supervisors, so that's why it's set up the way that it is. Our closest comparable here is, of course, Aquia Towne Center. I would note that I believe that when Abberly came through the first time it was lower. It may be that they're talking about a higher amount this time. But the most salient thing with regard to the Abberly is that there is no commercial in connection with that. With regard to the market analysis that Mr. Coen mentioned, yes. I mean obviously in proposing these things, we look at what we think the market would be. The main difference here is where these are located compared to the central part of the County. The 610 corridor, and it was an interesting statistic about how much of Stafford's development is centered in this part of the County, within a 5-mile radius... I don't recall the exact numbers... but essentially half of Stafford's residential development is right here. So this is the core residential section of the County. I believe there are other significant pockets, but a lot of this along the 610 corridor and to the west and to the south. I... with regard to the parking, I hope that the information was sufficient. And yes, we would do the underground parking -- we'd have to do that in order to meet the requirements, but that is exactly what is planned. I mentioned at the last meeting that with regard to the VDOT submission, we did have another meeting with VDOT even before the last time we met with you all. And what we have done is to go ahead and incorporate the specific improvements that the slight revisions I would characterize to the traffic analysis indicated would be warranted, one which is proffered at 610 and Eustace Road -- that's the right turn lane there. Ironically, there were actually some things that were eliminated through the enhanced analysis. We didn't change anything though, but that was something peculiar about that. So, we don't anticipate any significant additional improvements that would be warranted there and I'm sure staff will continue to monitor that. With regard to the RPA and the perennial streams on the property, we are working almost as regularly as we are with you all with our environmental consultant and the staff at DEQ. The application, as I think you know from the last meeting, for the DEQ permit has been filed. It is our understanding that there is no DEQ permit that has been denied that is comparable to this particular request. DEQ is looking at the matter closer; they will, as will the Corps. What would happen if they turned us down; we do not anticipate that because of the preplanning that has been done and because these things have been done somewhat in concert. And as we have perfected environmental plans, we've gone back to the GDP and made adjustments there. So we don't anticipate that. There may be revisions that need to be made or adjustments that we would have to make to the RPA, but we don't anticipate anything at this point that would require a change to the GDP. If it does, you have us because we've got to come back and adjust it. So you would have another chance to review at that point, but we do not anticipate that. I think that those were the main things that I wanted to address. I think that Mr. Zuraf has confirmed the basic validity of the economic analysis that was presented. And of course, the main things that are different about this application are the phasing proffer that you have before you. I think additional mitigation is accomplished through the bedroom proffer, we'll call it, which has been developed and perfected over the last couple of meetings also. I believe those are the issues that we believed we were asked to cover. We're happy to answer any questions that you may have. The whole team is here if something does occur to you, we're happy to...

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

Mr. English: Going back to Mr. Coen's question in reference to one bedroom, is that market? You're not going to come back and say, hey, we're going to need a two-bedroom like we had just happen to us?

Mr. Leming: Is that what happened with... was that the Abberly that came back?

Mr. Rhodes: Yes.

Mr. Leming: (Inaudible). Has that gone to the Board yet?

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Mr. Rhodes: No.

Mr. Leming: Okay, so it was in that context that the higher cash proffer came into the picture because they were asking for more bedrooms. Well, we certainly don't anticipate that. We wouldn't have proposed what we did as we did if somehow they're out in front of us and know the market better than we do. I think the main difference has to do with the location. And the type of development. I mean, this is a TND development because of the co-location with the commercial we think is going to attract a different kind of apartment dweller than you might see at a place like the Abberly. Also, this is a significantly larger development that has a lot of complementary parts to it; one part of the development complementing another part of the development that you don't have. This is something like Stafford has never seen before. You know, it's great that Aquia Towne Center is finally getting off the ground. But, you know, a few comparisons -- this is... the commercial offer here is, you know, two and a half times what is occurring there. The residential is greater also, but only about twice as... not even twice as great. So, this is something like has never been offered in Stafford County before, something that's unique. And, although not the pure TNG, I think my... TND, I think my colleague was referring to earlier, it's as close to it as we've seen here. So, with that.

Mr. Rhodes: Okay, other questions? Please Mr. Coen.

Mr. Coen: On the multi-family, number one, down on the bottom, and I appreciate all the information on the parking which I was glad that... it rang a bell in my head and I was glad there was some reason why (inaudible).

Mr. Rhodes: Are you referring to that parking map Mr. Coen?

Mr. Coen: Well, just in general, the general plat.

Mr. Rhodes: Oh, okay, I'm sorry, okay.

Mr. Coen: But there's really just one avenue for all those units, those people in the units to get up and out of the complex. And I'm sure the answer's going to be yes we've looked at it and we think it's fine. But, I'm just curious if there's a certain number of people living in that multi-family one and there's really just one stem road that goes up that passes the letter B. And so I'm just curious at rush hour and peak hours and school busses and whatnot about that. That's one concern that it's just... and I forget, forgive me if it's on one of the maps, how many units are in that multi-family?

Mr. Leming: Somebody know off the top of their head how many?

Mr. Rhodes: A couple hundred.

Mr. Coen: A couple hundred which would mean theoretically two cars, so that's 400 cars. About 200? So in theory, maybe, you know, 150 to 200 cars plus, and so I'm just concerned. That's one concern I have is just the one avenue for that many cars to go in and out at rush hour; particularly coming home if there's a lot of commercial. And then I guess, one of the things... I think the first time you came before us, there was some talk about Reston Towne Center-ish or Shirlington-ish. And I'm familiar with Shirlington more than Reston; I've been to Reston, but Shirlington has a good amount of greenery involved to it in the main walking areas. And while Stafford Marketplace really is impressive, when I look at the map there's an awful lot of parking. And so that's one of my concerns is that, and it's sort of

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the mentality if I was going to live in any of those multi-story ones that are in retail three, first floor multi-family or building C...

Mr. Rhodes: Computer please.

Mr. Coen: I didn't want to steal your thunder Mr. Chairman from getting to say computer please. But if you were in any of those that if people were looking at the picture on the far left-hand side, their view is... you know, if they're in the front, their view is going to be of a parking lot. And so that may be something that you may want to envision something that would be more auspicious to look at. With Shirlington...

Mr. Leming: We appreciate the comments.

Mr. Coen: ... you don't get that feel no matter where, which apartment complex you're looking at. You really don't look at too many parking lots. So, that's just sort of an observation that way. I do appreciate, when I raised the question two meetings ago I guess about the height of the building and the fire and rescue, I appreciate the building height being condensed and building it to code for the fire which was nice. So I just wanted to give a shout out because usually, since I wasn't here to shout, I thought I'd give a shout out.

Mr. Leming: Well, we appreciate the comments. One point I would like to make in response, it's a fundamentally different development than Stafford Marketplace.

Mr. Coen: Right.

Mr. Leming: Same developer, and incidentally a developer that has experience all over Northern Virginia with very nice looking developments including the Dulles Towne Center and other major shopping centers. But here we have a mixed use development and it's under your PND Ordinance, which has much more stringent landscaping requirements than you're going to find in your commercial Ordinance, plus the design guidelines require an awful lot and the buffer proffers. So, it's fundamentally different. And yes, you're right. That is the goal, to make this look as lush as it can possibly look given the nature of development... of the development and the things we're trying to accomplish here. But that certainly enhances the desirability, the willingness of people who want to come and live at a location like this, as does the ability to get in and out. So all of those things have been and will continue to be very carefully looked at.

Mr. Coen: Right. And again, I'm just sort of thinking, were I a resident, because at one point I was a resident up in Shirlington, and the idea of being able to walk down to your dentist or walk down to the hairdresser, those of us who have hair, you know, is a nice thing.

Mr. Rhodes: That was slam.

Mr. Leming: Was he talking to me?

Mr. Coen: I wasn't slamming you, I was slamming me!

Mr. Leming: Oh, okay.

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Mr. Coen: That's why I'm putting the map up every time I talk because I hate looking at the bald spot. I'm envisioning that there's not really a shopping plaza... I mean, a supermarket in here. Size-wise it's not really logistically logical.

Mr. Leming: Yes, there is a supermarket planned.

Mr. Coen: Okay. Because I was curious the distance between this and either Stafford Marketplace so that they would continue to use the applicant's or even Doc Stone so that the people don't actually get out on 610. But you're envisioning that there's going to be enough in here that the people don't have to get out on 610.

Mr. Leming: That's one of the points.

Mr. Coen: Okay.

Mr. Leming: And a supermarket would be an anchor.

Mr. Rhodes: Okay, other questions for the applicant? Mr. Apicella?

Mr. Apicella: I'm just kind of along the same lines as Mr. Coen. I'm just kind of curious; what kind of amenities will there be in the apartments and is there like a jogging trail or anything, a bike path?

Mr. Leming: Well, we're required to have a number of walking and pedestrian paths and trails. And if you look in the design guidelines, there is a display there that shows the various pedestrian ways through the development. That's one of the requirements of the TND submission. There will be recreational facilities at each of the residential locations. Certainly the independent freestanding building is sufficient to carry its own. Without making any commitments here, the likelihood that a major health club would end up here is significant too. So there are... we think there will be ample opportunities for pedestrian inner-connectivity walking and recreation. And of course, that's one of the points of the TND principle, that not only do you live somewhere, but you have the ability to recreate there, to shop there, and possibly to work there as there would be an office component to this as well.

Mr. Apicella: And can you remind me, is there like a civic gathering area, a stage or anything like that?

Mr. Leming: There is not a stage. I don't know whether -- do you know, Debrarae, whether a civic...? There is a vista point in all of those other TND type concepts, but I don't there's a stage that is specifically contemplated.

Mr. Apicella: I'm just thinking, as Mr. Coen was mentioning in terms of the layout, and obviously it's ultimately what you think is best and what the market will bear. But I remember going down to West Palm Beach... I can't remember the name of the similar TND type project, but it kind of goes along the same lines that Mr. Coen was suggesting, that visually it was very... the same kind of concept where you have retail on the bottom, stores, restaurants, and apartments on the top and the apartments are facing each other rather than being scattered across the whole project area. And it provided for a civic gathering area which I thought made it very attractive to people. You know, when you have 400-plus families in the same general vicinity, I think it just makes it that much more attractive to the people who would be living there.

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Mr. Leming: Yeah, I think, Mr. Apicella, particularly with regard to the larger multi-family building, that that kind of space would be very necessary in order just to have meetings that would involve the apartment users, the homeowners, civic meetings, that sort of thing. So I would fully anticipate, although it is not proffered that that kind of gathering place would be warranted and would be something that would go into the design of an apartment building like this.

Mr. Rhodes: Other questions for the applicant? Yes Mrs. Bailey.

Mrs. Bailey: Mr. Chairman, just a couple quick questions here. Was there an analysis done for the need or to justify the fuel station?

Mr. Leming: Well, I don't think there was a specific analysis done; however, I think the number that was given to you all was that there were five within a, was it a 2-mile perimeter Jeff? I don't remember exactly what the perimeter was. We have a... there's a new Sheetz...

Mr. Rhodes: Mike, do you recall?

Mr. Zuraf: I don't recall the distance, but it was from Mine Road to Eustace Road.

Mr. Rhodes: Okay. So probably about 2 miles.

Mr. Leming: Yeah, about 2 miles. We have a new Sheetz under construction now at Furnace Road. Whatever, there will be new residence associated with this too. We think that the draw for fuel sales is pretty self-evident, and we don't believe that any fuel sales are suffering right now along the 610 corridor. They all seem to be doing quite well. Wawa came in, took a significant part of the market at two locations, but the other stations have survived. The only one that I know of that closed was the Exxon and that's going again now. So, and you may recall that 7-Eleven has opened two facilities, one there at Onville Road and the other down at the intersection with Mine Road, you know, within the last 10 years I believe and they're doing fine. They've opened another one down at Shelton Shop. So, if there were a serious concern about the market, they wouldn't build it. So the only thing they seek at this point is the permission to do so, but they would not anticipate that there would be any lack of demand for fuel sales. And from my standpoint, as a resident along 610, I very closely watch the price of gasoline and the competition that goes on between the various gasoline vendors. Wawa usually leads with price reductions; the others follow suit fairly shortly, and it has made for a fairly healthy competition along the 610 corridor without much variation. So, I don't... I certainly wouldn't be willing to complain about additional competition.

Mrs. Bailey: Well, I just raise that issue because there are quite a number there already in that little radius. I frequent that area every day so I know that there's quite a number there. Also, the close proximity to the residential, I have questions about concerns for that.

Mr. Leming: You mean to the apartments?

Mrs. Bailey: The apartments...

Mr. Leming: You mean the fuel sales? Of course the fuel sales will be right up front close to 610.

Mrs. Bailey: Right, but they'll still be in close proximity, so I just question the actual need for that and would there be a better use. The other comment that I had, and maybe that could be addressed later, I

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don't know, in the Neighborhood Design Standards it calls for a limited amount of use for aluminum and vinyl siding. Is that different from what is actually in our Neighborhood Design Standards? Do our Neighborhood Design Standards allow the use of aluminum and vinyl in a P-TND?

Mr. Harvey: Mr. Chairman, Mrs. Bailey, our Comprehensive Plan, Neighborhood Design Standards discourages vinyl and aluminum for residential structures.

Mrs. Bailey: Does that include multi-family?

Mr. Harvey: Yes.

Mrs. Bailey: Okay. So I'm just curious because that is going to be somewhat of a centerpiece. If there was a way to make the buildings look a little bit more attractive, because I know over time vinyl siding and aluminum siding does not take wear and tear to well. So I just question that as well.

Mr. Leming: I'd be happy to ask Mr. Pence to comment on that. I don't believe that there is any intent to use aluminum or vinyl for the apartment buildings. I don't think that would be particularly attractive. I think the caveat is in the design guidelines because there may be some portions of some buildings where that makes sense. But the appearance of something like this is a key part of its success. So, I don't think, just like nothing was done like this at Stafford Marketplace, I don't think you're going to see this developer taking construction material shortcuts to the point of undermining the appearance of something that has to attract a lot of users.

Mrs. Bailey: Right. I understand what you're saying, but it does allow for it in a limited amount but it doesn't really specify how limited that will be. So, you know, if you needed it for a small section or a corner, that's one thing. But would a limited amount be the full side of a building? That's the question that I have.

Mr. Leming: I think ultimately staff would make that determination, you know, what... under these circumstances, what is limited? It strikes me as that that... if they try to do a whole side of a building that that would not be very limited.

Mrs. Bailey: Right.

Mr. English: Mr. Leming, does he have a building already built like what he's going to build in the north? Does he have an apartment building build already?

Mr. Leming: Well, I think if you look at the construction standards of Stafford Marketplace and the office building in back of Stafford Marketplace, you get some sort of indication of what the construction standards that this particular developer is going to utilize. If you go and look at the Dulles Towne Center... I mean, I don't mean the Towne Center, I mean the Expo Center, and various other shopping centers around Northern Virginia, I think you'll get a pretty good appreciation for the standards that this developer adheres to.

Mr. Rhodes: Mr. Harvey, do you... just curious; Mrs. Bailey raises a good point. Do you have any concerns with the ability to control in your mind what is in the neighborhood design guides that are proposed there with the limited use?

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Mr. Harvey: Mr. Chairman, the proffer language in this particular situation and also their design guidelines would govern as to how the property would be developed. If the staff had some concern, we'd have to talk about that with the applicant. I'm not sure, without it being very specific, whether the staff could put too much leverage on the applicant on what is limited.

Mr. Rhodes: Okay, thank you very much.

Mr. Leming: I would point out, there is a proffer that can be enforced. This is proffer number IV: In order to provide for a harmonious, compatible and appealing design of the overall development, the primary exterior material for all buildings, streetscapes, will be designed in accordance. So, I mean, there is the ability to take this, take those design standards and say are they consistent with this proffer. So, it is not, I think, as if there is no ability to review that sort of thing that is actually being proposed for construction when we get to that point.

Mr. Rhodes: Okay. Mr. Apicella.

Mr. Apicella: I guess what I'm hearing though, Mrs. Bailey, and I'm sorry to put words in your mouth, is it might help you if there was a proffer that explicitly excluded vinyl and aluminum siding from the residential units.

Mr. Leming: Is siding the issue? Let me ask Mr. Pence to give you a little better sense of where such materials might be appropriate.

Mrs. Bailey: Absolutely. So if you're limited, limited to what and to when and why?

Mr. Pence: Good evening, my name is Robert Pence and I'm the Pence Groupe, one of the applicants. The answer is, I don't know right now. The... a partial answer is, in answer to another question, I believe we surveyed every apartment complex in Stafford County, which is what I did when I got out of college and did studies like this and we do them all the time. Unless we missed one somewhere, we studied the mix of every other complex and the newer ones and the ones that had recently been sold very favorably although we don't plan on selling these. And I cannot... I could say no, we're not going to it. But I don't know what the market is going to command here, but I would suggest this to you. And when we brought this up and I asked my three boys, one of whom is here, about the building, the apartments, I worked for a developer who owns about 20,000 apartments for years when I was really young, and the most comparable thing I could say is when we bought a piece of property in McLean, Virginia, where the citizens wanted a hotel and where there was no architectural control -- and it's a Staybridge Suites in McLean which got by the McLean Citizens Association 16 to nothing, which was like five no-hitters in the big leagues in a row probably and we got to the point where there were continental on architecture and they wanted to tribe it and they wanted some of this and some of that and we said no. And they said well you can't build an intercontinental product which was Staybridge and I said fine, then I'll go to Marriott. And they said no, fine, you can do what you want to do. And we eliminated almost everything except the little strip of (inaudible) on the front. I will say this; I will assure you that limited in my lexicon means limited and limited will mean, in this case, I assure each and every one of you, will be if necessary. That's the best answer I can give.

Mrs. Bailey: Well, if necessary sounds a little bit better. And I think this is not anything that we need to, you know, really beleaguer over, but I have been able to look at several new apartment complexes in the Fredericksburg/Spotsylvania area. And the designs of those and the standards that they're utilizing seem to be a lot more upgraded and upscale and they're not using the vinyl siding and it looks a lot

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better. You know, when you talk about Garrisonville Road and Route 610 has been an eyesore for years until a lot of different projects have come on board such as your Stafford Marketplace. And so, you did do an excellent job there, and so I hope that that will continue and I'm sure that it will. But, as that being when you first come off of the Interstate, that's what you see. So it would be nice to see a continuation of that a little bit further down the road. And maybe we can try to encourage other individuals to bring those upgrades and standards up with some of those older shopping centers that are beginning to needing some rejuvenation and revitalization.

Mr. Pence: In my experience in the metropolitan area and North Carolina and California has been if you build a better product, they'll come. And you will force other people either to shape up or ship out. That's a trite way of saying it. I don't... I have clearly in my mind the kind of apartments and exterior décor I want to put here, and I'll have to say that provision was intended more for retail, because if we get a chain that comes in and says we want to do this and we have a small section, we have two or three restaurants under construction now. Is there a small sliver of one or two of them that have an element like this? Yes, but are they the dominant building type? No, and won't be. And I appreciate the quandary of an application that says you can do this or limited and you're dealing with an individual, and yet you're not dealing with an individual when it comes to the approval process. That's... you don't have to worry about me or my team.

Mr. Harvey: Mr. Chairman and Mrs. Bailey...

Mr. Rhodes: Yes please.

Mr. Harvey: ... Ms. McClendon brought some clarity to the issue. She pulled up the guidelines and I think there's some comfort in the language as written. It says, aluminum siding and vinyl siding shall be permitted on a limited scale as part of a decorative element of a building's overall design. So, in other words, the aluminum is not intended to be the primary feature for the wall; it's decorative rather than the overall main focus of the wall.

Mr. Rhodes: Okay, very good.

Mr. Leming: Thanks for reading the whole sentence.

Mr. Rhodes: Other questions for the applicant?

Mr. Pence: I know I should probably... I'm sorry.

Mr. Rhodes: Oh, no, please.

Mr. Pence: No, I'm going to be quiet. You're going ahead; I'm going to be quiet.

Mr. Coen: Well, I just have a question, because you mentioned, and Mr. Leming mentioned... yeah, either/or... talked about the neighbors and communicating with the neighbors and that whole conversation about getting their input as to the buffer, etcetera, etcetera, and I was just curious had we started that process. Or have you started the communication with them.

Mr. Pence: No, for one simple reason. We thought we had addressed the alternative choices. We included one that one of the owners and one in the earlier... one in the public session had mentioned a fence instead of a hedge or a berm or a whatnot. We are completely flexible and I would go back again

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to the Stafford Marketplace situation where we didn't have to do anything. And, in fact, the neighbors wanted to swap around a little piece of ground. We put up a fence, we landscaped on both sides; everybody was happy. And that's our MO and will continue to be our MO as long as I'm walking and talking.

Mr. Leming: And I would point out, Mr. Coen, that at the first hearing there were three neighbors. We did talk with some of them afterwards so we heard those comments which lead to changes in the proffers and the final refinement this last go around which was to continue to consult with them, now part of the proffer statement.

Mr. Coen: And I guess my concern is sort of not to harp on that poor little multi-family number one, but if that is five stories, and we're not certain if there's balconies, where there's balconies, where there's windows looking over at the neighbors, etcetera, and the purview. That's sort of why I was wondering if you had already started. After that first meeting, it just seemed as though that was your modus operandi was to communicate with the neighbors to sort of get their feel for that; if anything, just to allay their concern. So, I was just wondering if you had already been proactive. I think we, as a board, have sort of talked about trying to codify being proactive to talk to neighbors on big projects.

Mr. Leming: We've actually (inaudible) only the few neighbors from Patriot's Landing that came to the hearing. But we will continue to do that. Did you see the schematics from Utah that we had last time on the views that you would see... you know, the elevation. The difference in elevation addresses (inaudible).

Mr. Coen: Yeah, I was thinking... I was grading AP exams at that exact moment.

Mr. Leming: We did actually look at those elevations from different perspectives given the topography, the buffering that was being proposed, and the height of the building.

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

Mr. Leming: Alright... thank you all.

Mr. Rhodes: This one is in the Garrisonville Election District, so I'm going to hand over control to the Vice here. Mr. Apicella?

Mr. Apicella: Mr. Chairman, this is in your district. So what is your pleasure?

Mr. Rhodes: Thank you very much. Dealing with item number 4, I'd like to make a motion to recommend approval of the Comp Plan Text Amendment, COM15150540.

Mr. Apicella: Just for clarification, is that with the revised verbiage that Mr. Zuraf...?

Mr. Rhodes: As was presented tonight, yes, absolutely, yes sir. Thank you.

Mr. Apicella: Okay. There's a motion to approve the Comp Plan Text Amendment as revised. Is there a second?

Mr. English: I'll second it.

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Mr. Apicella: Okay, there's a second. Mr. Chairman, any comments?

Mr. Rhodes: Yes, I just would like to state that I really appreciate the receptivity of the applicant, but certainly the efforts of staff because I kept trying to ping on this, I know with the comments that at least I provided and I know others did as well, to make sure it met the intent of what we've been discussing for a long time. This is an area for infill, it's an area for commercial. So we wanted to make sure anytime you make a change or suggesting a change to the Comp Plan it has implications elsewhere. So you want to make sure it's targeted to meet the intent and the need and the purpose not only for the one location, but for the entirety of the County. And I think the way we have this structured it probably does this as closely as we can to get to the long term intent that we had had before. Thank you.

Mr. Apicella: Thank you. Mr. English?

Mr. English: No comment.

Mr. Apicella: Anyone else? I would just say that I would echo Mr. Rhodes' comments. I think the revised language strikes I think a better balance, especially since the area that we're trying to target here is commercial, and making sure that we have both residential and commercial all on those commercial corridors. So for those reasons and with I think much better language, I'm going to support the motion. Okay. That being said, all those in favor of the motion signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. Rhodes: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

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

Mr. Rhodes: Mr. Apicella, I'd like to make a motion on item number 5, RC15150541, the Reclassification, Stafford Village Center, to recommend approval.

Mr. Apicella: Okay, there's a motion to approve RC15150541, Reclassification; is there a second?

Mr. English: I'll second it.

Mr. Apicella: Okay, there's a motion and a second. Mr. Rhodes, any comments?

Mr. Rhodes: Yes, I would just share that what I find unique about this application compared to others is the heavy structure of the phasing, the commitment and the phasing to go such a significant degree of commercial before we even get to any of the residential. And while we did approach this a little certainly differently than what is structured in the proffer statement and the cash proffers associated, the... which hopefully will help with the capital, initial capital improvement and capital outlay that might be burdening the County... that heavy phasing of commercial that is structured in this is what has me very supportive of the application. So I appreciate the willingness of the applicant to work towards

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some of the concerns and issues that everyone faced and was very receptive of those, and the efforts of staff to get us to a good point. But I'm excited about the phasing element of this and the potential for, as Mrs. Bailey was eluding to, getting some strong, solid development and appearance a little further up 610 to help start pulling that further. So thank you.

Mr. Apicella: Thank you Mr. Rhodes. Mr. English?

Mr. English: Nothing.

Mr. Apicella: Anyone else?

Mr. Coen: Yes, Mr. Chairman. I'm sort of torn because I'm really... I'm being consistent about the amount of money for proffers and I'm concerned at it being so low, especially when we've heard from other departments saying that they desire full proffers. And this isn't close to full. If the full is roughly \$24,000, I think Mr. Zuraf said, and this is \$6,000, this is, you know, a ratio thereof. The thing that may mitigate that is the fact that there is this phasing so that if they do not get the brick and mortar retail, which I won't go on that again, but if that doesn't happen then they can't build these, so therefore there won't be the impact that all these individuals will make. So that mitigates it a little bit. But I just feel awkward. When we were doing the Comp Plan, we kept saying that there needs to be something to mitigate the impact of this development. And if we continually keep going and putting in lower proffers, then what we are told by staff is what is needed, that to me is problematic. And so, quite honestly, I'm torn. I almost would like to take Mr. Rhodes' quote from earlier this evening to say it's a... you know, we might need to work it further, but I mean, so I'm torn. I really think the \$6,000 is just really low and I really am dubious about brick and mortar going to be the salvation and get us the money that we deserve. So, until we actually vote, I'm going to be sitting here listening to the wisdom of others and see if they sway me.

Mr. Apicella: Anyone else?

Mr. English: I think with the anchor stores and what they're coming to bring in, Mr. Coen, I think that with the \$6,000 proffers, it is low but I do think, like you said, with the phasing it's going to regenerate. And I think it'll work itself out, so that's why I'm going to support this.

Mr. Apicella: Mr. Boswell? Mrs. Bailey? Any comments?

Mrs. Bailey: No further comment.

Mr. Apicella: I appreciate the applicant's willingness to consider the proffer issue. I think it does go a long way to mitigating the impacts. Although I also agree with Mr. Coen, I think it is still low and I hope that this moves forward and that the Board of Supervisors will work with you to address that issue a little bit further. I think it's a very good project. I think it's well thought out. I think it will certainly benefit both North Stafford and the entire Stafford community. I really like what I've been pushing for a long time which is the retail on the bottom and apartments on the top. I think it will be a model and hopefully it will foster and stimulate other similar kinds of projects throughout Stafford County. So I applaud you for coming forward with what I think, at the end of the day, will be a very great project for Stafford County. So, with that in mind, all those in favor of the motion signify by saying aye.

Mr. Coen: Aye.

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Mrs. Bailey: Aye.

Mr. Rhodes: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

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

Mr. Rhodes: Yes sir, and lastly, for item number 6, CUP15150542, Conditional Use Permit, I make a motion to recommend approval.

Mr. Apicella: Okay, there's a motion to recommend approval of CUP15150542, Conditional Use Permit, Stafford Village Center. Is there a second?

Mr. English: I guess I'll second that one too.

Mr. Apicella: Okay, appreciate the consistency. Mr. Rhodes?

Mr. Rhodes: Yes, Mr. Apicella. I would just... I recognize concerns about overbuilding of different capacity and capability and the fuel storage... excuse me, gas stations, fuel sales. That said, this is a standalone fuel sales so it's not another 7-Eleven. Another thing is a convenience store necessarily going with it; there is other retail there but it's not necessarily that structure. I'm sure that the applicant, if the market can find a better and higher use, is going to drive it. I mean, it's all up to the dollar. But I will also say that our population is going to continue to grow. We're going to continue to have more houses. We're going to continue to have more folks. So that's why I tend to be less concerned about stealing from other business in the neighboring area. When we continue to look at our growth and we continue to look at what has happened in the last 50 years, there's enough new people that the capacity tends to just continue to support, not necessarily take away, in my opinion. So, for that reason I'm supportive of this CUP.

Mr. Apicella: Thank you Mr. Rhodes. Mr. English?

Mr. English: Yeah, also, like he said, with the competitive, you almost work to stay out of it. They kept saying there's a gas station here and a gas station there, but like I said, there's enough people in here. I think you can support that and maybe we'll cause more price wars on 610 to get that gas down.

Mr. Apicella: Any other comments? This is probably the one area where I still have some pause. I agree that a gas station, in my view, given that there's five or six already in close proximity, is not necessarily the best use, that being said, I don't think it's necessarily incompatible and I hope again that the applicant will consider another alternative and hopefully the Board will further inform that. So, for those reasons, since it's not incompatible, I certainly won't vote against it and I will put the motion to a vote. All those in favor signify by saying aye.

Mr. Coen: Aye.

Mr. Rhodes: Aye.

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Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Apicella: Aye. All those opposed? Motion passes...

Mrs. Bailey: Nay.

Mr. Apicella: Okay. Delayed reaction there. The motion passes 5-1. I'm going to pass the baton back to you Mr. Chair.

Mr. Rhodes: Thank you very much. Okay, with that, good luck to the applicant. Thank you all very much. With that we're going to move on to the new item number 11, which we... wait, let me just see... 6, yes, 6 is deferred, I mean, excuse me, 7 is deferred, 8 is deferred, yes, so we're going to move on to the new item number 11 and I'll hand that one off to Mr. Harvey, which was number 1 that we cancelled and the new version of it, now that they got the corrections to it. So Mr. Harvey.

7. 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) (History: Deferred on June 10, 2015 to July 22, 2015)**
8. 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 south of Hospital Center Boulevard, within the Hartwood Election District. **(Time Limit: September 8, 2015) (History: Deferred on June 10, 2015 to July 22, 2015)**

NEW BUSINESS

9. WAI15150725; Estates at Cranes Corner - A request for a waiver of the Subdivision Ordinance, Section 22-176(e), Private Access Easements, to increase the number of lots allowed on a private access easement on Assessor's Parcels 46-70 and 46-70A, zoned A-1, Agricultural, located on the north side of Cranes Corner Road, east of Jefferson Davis Highway, within the Falmouth Election District.
10. WAI15150703; The Glens - A request for a waiver of the Subdivision Ordinance, Section 22-214, Street Identification and Traffic Safety Signs, for the purpose of allowing a modified street sign pole. The property is located on the south side of Stefaniga Road, west of Mountain View Road, within the Rock Hill Election District.
11. Amendment to the Zoning Ordinance - Proposed Ordinance O15-24 would amend the Zoning Ordinance, Stafford County Code Sections 28-25, "Definitions of specific terms;" 28-39,

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“Special regulations;” 28-56, “Application for planned developments;” and 28-137, “Types of signs permitted in P-TND districts,” to modify development and performance standards for the P-TND, Planned-Traditional Neighborhood Development Zoning District. The proposed Ordinance would define principal building, secondary building, and street screen, and remove the requirement to screen parking areas. Additionally, technical modifications to regulating plans and neighborhood design standards would be approvable by the Director of Planning and Zoning for redevelopment projects. Proposed Ordinance O15-24 would allow business signs in the P-TND Zoning District and establish standards for the signs. **(Time Limit: July 4, 2015)**

I. Amendment to the Zoning Ordinance

Mr. Harvey: Yes, thank you Mr. Chairman. As indicated in your staff memo, after we advertised this for public hearing, staff was made aware of some technical problems with the ordinance, and we attempted to address that. Additionally we’ve had some meetings with the proposed developer of Aquia Towne Center and they’ve identified some additional issues that they feel need to be squared away. Staff has handed out at your seat a copy of the draft, however I have added some coloration to it to help further, with the understanding items that are highlighted in yellow are items that were part of the first amendment that was proposed, however will be deleted in the second amendment. They’re the areas where we had a conflict with technical requirements. Area highlighted in blue is new language for tonight. I’ll go through the amendment and just give some... walk you through it and give you some general details. The amendment would define principal building and secondary building as well as street screen. Currently the Code doesn’t really define what a primary building is, or principal building. It has some references to primary building in relation to primary streets. So we decided to try to minimize the ambiguity. We defined what a principal building is as well as a secondary building. Secondary buildings don’t necessarily have to have frontage on the primary streets and don’t have to have as many standards associated with them. Street screen, it was important to define that, because in a number of cases in the ordinance dealing with the various transect zones it requires a street screen in addition to a building that’s fronting on a primary street. In other words, you’re building typically is only going to take up a certain percentage of the lot, so that leaves green space or open area beside the building along the street. Part of the concept was for the...the more dense urban development is that if you have extra areas like parking areas along the primary street that those are screened and not necessarily highly visible or in view. Under the current concept of what screening is, it means totally to where you can’t see it, and that could have a variety of affects. It could be a 8-foot tall wall, a board-on-board fence. So again, that was part of the concept about requiring a standard as to what that screening was meaning.

Mr. English: Would that go, like with CPTED too as far as the screening for...

Mr. Harvey: A 3-foot wall, tall wall or vegetation is much better for CPTED than a 6 or 8-foot tall wall.

Mr. English: Right.

Mr. Harvey: So it does add some visibility, but in CPTED they probably ask for some more breaks rather than a full screen, so it’s somewhat similar, but not quite the same.

Mr. English: Okay.

Mr. Harvey: As we go along into the regulations, you’ll see that the... on page 3 there’s a reference to striking out language regarding parking area should be screened from the principal street by building

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street screen or evergreen edge. That only applies to the SD-C zone which is the most intense zone within a TND overall project. That's sort of the downtown area. In some regards staff feels they should not be requiring a screen along the street because in the more downtown dense areas, that's where you're going to have more pedestrian action, and we rather have the pedestrians be able to move freely instead of being channelized in certain areas. We note that table 3.5 we've added a new notation there saying that that should not apply to redevelopment projects zoned P-TND prior to adoption of this ordinance. So therefore the limited effect to that provision would be only to apply to Aquia Town Centre since it's the only TND zoned project within the county today. As you may recall, they're proposing a development which comes closer to a more conventional type of development, but would allow a variety of uses such as office, retail, and residential in the same complex. Table 3.5(f) would modify the building height in a T-5 zone. Right now it stipulates that the buildings be 2 stories as a minimum height, but maximum of 6. The proposal would be to change is to 1 story similar to the T-6 and SD-C zone. There are a number of uses within the T-5 zoned that normally you would associate with single story buildings such as a bank or day care, a funeral home. It also allows in the T-5 zone other uses that are allowed by-right in the B-2 zoning category. So staff felt that it could be logical to have a single story building in a T-5 zone and still not be adverse to the TND concept of mixed uses. With regard to the standards for the building height to street ratio, again, we have the annotation there that that would not apply to redevelopments projects that were in effect before this ordinance comes into being. The street height to width ratio is basically encouraging multi story buildings. As we know with Aquia Towne Center, they're not necessarily pursuing that concept for the commercial aspect, so this would give them some relief from those standards. Again, to give you some more background. Aquia Towne Center has three transect zones, a T-5, a T-6, and a SD-C. The existing... or the residential that's under construction now is located in the T-6. Same with the, if I remember right, the office building and some of the area where we'll see the shopping center type of development would be in the T-5 and the SD-C. Also, there'll be a change to 28-56 dealing with application for planned developments. Last year the code was changed to basically say a P-TND zone has to follow its GDP. The current proposal for Aquia Towne Center doesn't follow the GDP that was made in 2007 when the property was rezoned. There's been number iterations of that project from the time of the initial zoning and site plan adjustments were made in 2008, 2009, 2010 which don't match the GDP anymore. So this current provision would make it impractical for the developers to pursue their current vision. So that's granting an exception for basically this project from that requirement. Staff notes in the parking and loading standards we identified as needing correction. The ordinance currently exempts P-TND projects from all the parking and loading standards established in the zoning code, however we realized that that would be contrary to the Americans with Disabilities Act because in effect they would not have to have handicapped parking spaces. Also they wouldn't have to meet standard aisle width requirements within parking lots and things of that nature. So we clarified that they have to comply with the article 7, however, the sections dealing with specific parking and loading requirements for the TND zone would still apply as well as shared parking uses would still apply.

Mr. Rhodes: Good catch.

Mr. Harvey: Further we had some clarifications dealing with signs. When we first drafted the amendment we thought we were trying to hit the mark with adding some more sign capability within the TND zone. But in talking with the proposed developers of Aquia Towne Center they suggested that they would prefer to have sign regulations that are consistent with other shopping centers in the county, specifically the B-2 type sign regulations. So this proposal would meet those requirements. And that, Mr. Chairman, highlights the proposed changes with the amendment.

Mr. Rhodes: What are the timelines associated with the referral?

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Mr. Harvey: The Board when it made its most recent reference, gave the Commission 60 days.

Mr. Rhodes: And when did they make that.

Mr. Harvey: At their last meeting. So that was June 16th.

Mr. Rhodes: So 60 days takes us to July.

Mr. Harvey: Do to the Commission's summer schedule you're pretty much locked in to...

Mr. Rhodes: July 22nd.

Mr. Harvey: Yes, Authorizing hearing tonight for these changes for July 22nd hearing, unless you want to schedule a special meeting.

Mr. Rhodes: Short of a special meeting, we have to authorize public hearing tonight and then we have to act on it at that public hearing on the 22nd?

Mr. Harvey: That's correct. And I will note that this resolution and referral is a little bit different than the previous and it gives the Commission latitude to make adjustments as you see necessary.

Mr. Rhodes: So upon the public hearing and upon comment and upon further thought in the interim time, we can make adjustments as long as it's not more outside the scope, or more expansive than what was advertised? Okay. Very good. So we do have some flexibility as we get to that next session if we see some, a couple of areas that we need to address as long as we're not making it more expansive. Okay. Further questions for staff? For Mr. Harvey? Motion to advertise the public hearing?

Mr. Coen: So moved.

Mr. Rhodes: Motion to advertise for public hearing by Mr. Coen. You seem to be the seconder tonight, so if you would like to second...

Mr. English: Second.

Mr. Rhodes: Okay, seconded by Mr. English. Further comment Mr. Coen?

Mr. Coen: No sir.

Mr. Rhodes: Mr. English?

Mr. English: No.

Mr. Rhodes: Any other member? All those in favor of the motion to advertise for public hearing signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

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Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Aye. Any opposed? Very good; okay. We're moving on to the Planning Director's Report. Mr. Harvey.

PLANNING DIRECTOR'S REPORT

❖ Planning Commission Budget Status Report

Mr. Harvey: Thank you Mr. Chairman. You noticed in your package we gave you a summary of the budget expenditures. The Commission stayed within budget for this fiscal year.

Mr. Rhodes: Yay!

Mr. English: What do we do with the extra money?

Mr. Rhodes: It's a bonus to Mr. Harvey.

Mr. Apicella: It's for that retreat, the offsite retreat.

Mr. Rhodes: Whoever's here at this point in time gets the...

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

Mr. Rhodes: Why not.

Mr. Harvey: Mr. Chairman, staff would like to let the Commission know that we have ordered and received new iPads to replace the current ones...

Mr. Rhodes: I can't use the one I got.

Mr. Harvey: ... which are in excess of 3 years of age. So we will be handing those out to you at your July meeting with the request that you consider converting all the data to the old iPad and return the old one by the August meeting if possible.

Mr. Rhodes: Are they coming with idiot-proof instructions?

Mrs. Bailey: Do they come with training?

Mr. Harvey: And Mrs. Stinnette will be providing instructions on how to deal with that, and technical advice if you need to call her.

Mr. Apicella: Is it the iPad Air or what version?

Mr. Harvey: iPad Air, yes sir. Mr. Chairman, that concludes my report.

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COUNTY ATTORNEY'S REPORT

Mr. Rhodes: Very good. County Attorney's Report.

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

COMMITTEE REPORTS

Mr. Rhodes: Thank you very much. Committee Reports? Oh, Mr. Harvey, so any further on the Airport Land Use Compatibility Plan?

Mr. Harvey: Oh, thank you Mr. Chairman. I failed to mention that in my staff report. That was under consideration by the Board at their last hearing. They made a motion and accepted a motion to not approve the Comp Plan Amendment.

Mr. Rhodes: Not deny, just not approve.

Mr. English: Okay, that's a nice way of saying it.

Mr. Apicella: I appreciate that clarification, Mr. Chairman.

Mr. Rhodes: Okay, thank you. But there was no other further direction on that from that...?

Mr. Harvey: No sir.

CHAIRMAN'S REPORT

Mr. Rhodes: Okay... not to be too snarky. Alright, very good. Chairman's Report. I really have nothing else. TRC information -- none. We've got no minutes to approve -- how could that be? And so, anything we've forgotten folks? So we do not meet again until the 22nd of July.

Mr. English: Happy 4th of July!

Mr. Rhodes: Wonderful. Thank everybody for all the great effort and the great work and great investment of time that you put into it, and thank the very good staff. We wish you the best on the 4th of July. This is our Nation's birthday coming up, so enjoy. Don't get too sunburned. Have a good time, but be safe. And we are adjourned.

OTHER BUSINESS

11. TRC Information - NONE

APPROVAL OF MINUTES

NONE

With no further business to discuss, the meeting was adjourned at 9:33 p.m.