STAFFORD COUNTY PLANNING COMMISSION MINUTES
September 9, 2015

The meeting of the Stafford County Planning Commission of Wednesday, September 9, 2015, was called to order at 6:30 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Stinnette, Zuraf, and Hornung

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Are there any Declarations of Disqualification for any item on the agenda this evening?

Mr. Gibbons: Mr. Chairman?

Mr. Rhodes: Yes Mr. Gibbons.

Mr. Gibbons: I discussed items on number 1, number 2, number 3, number 4, and number 5. And there were meetings and questions about the application.

Mr. Rhodes: Okay, thank you very much. And just to clarify, that's not necessarily a declaration of disqualification, but for a full transparency, just wanted to clarify that you had some discussions with individuals who are involved with those. Okay, very good.

Mrs. Bailey: Mr. Chairman, I also had a conversation in regards to item number 1 on the agenda with the agent.

Mr. Rhodes: Very good. Again, just for full transparency, thank you very much. With that, we're going to move onto the Public Presentations. If there's any member of the public that would like to speak on any item that is not scheduled for public hearing, so any item except for 1 through 4 -- so except for the Colonial Forge Proffer Amendment or except for the Celebrate Virginia series of items on 2 through 4 -- you may come forward and do so at this time. When you do, I'd ask that you state your name and your full address. A green light will come on indicating 3 minutes available. A yellow light will come on when there is 1 minute remaining. And then a red light will come on and we would ask that you work to conclude your comments. So anyone who would like to speak on any other item, please come forward at this time. You sure? Okay, seeing no one race forward, we will move on from the Public Presentations to the Public Hearing items. With that we will move onto item number 1, RC1300296, the Reclassification for Colonial Forge Proffer Amendment. Mr. Harvey.

PUBLIC PRESENTATIONS

PUBLIC HEARINGS

1. RC1300296; Reclassification - Colonial Forge Proffer Amendment - A proposed amendment to proffered conditions on Assessor's Parcels 29J-4-310, 29J-4-311, 29J-4-312, 29J-4-313, 29J-4-314, 29J-4-315, 29J-4-316, 29J-4-317, 29J-4-318, 29J-4-319, 29J-4-320, 29J-4-321, 29J-4-322,

29J-4-323, 29J-4-324, 29J-4-325, 29J-4-326, 29J-4-327, and 29J-4-A and portions of Assessor's Parcel 28-100, a portion of the original development known as Augustine, consisting of 41.72 acres, zoned R-3, Urban Residential – High Density Zoning District, to remove phasing requirements for the commercial development. The property is located on the south side of the intersection of Courthouse Road and Woodcutters Road, within the Hartwood Election District. **(Time Limit: September 23, 2015)**

Mr. Harvey: Thank you Mr. Chairman. Please recognize Mike Zuraf for the presentation.

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission. This item is for a project known as Colonial Forge; it's a proffer amendment. The specific request is to amend proffered conditions to remove phasing requirements for commercial development in a part that's required. The site's zoned R-3, Urban Residential. The portion of the project that's being rezoned is 41.72 acres. The agent is Charlie Payne. The applicant is Stafford Associates Limited Partnership. The location of the development, Colonial Forge, bisects a new road that's being developed known as Woodcutters Road. That's located to the south… on the south side of Courthouse Road and north side of Kellogg Mill Road. Eventually, Woodcutters Road will completely connect through; right now the southern and northern portions are built and the middle portion over Accokeek Creek is yet to be constructed. The orange shading designates the R-3 zoning. Surrounding this R-3 zoning on many sides is A-1, Agricultural zoned property where you have large lot residential uses and undeveloped land. The highlighted blue portions on the map reflect the portion of the site that's requesting the proffer amendment. The other portions of Colonial Forge are already developed or developing portions that are owned by other individuals. So, you know, we can't include those portions in the proffer amendment because you need to sign off on all those other individual property owners. For some history on Colonial Forge, in the 1990's the property was originally known as Augustine, reclassified from A-1 and A-2 zoning to residential, commercial, and industrial zoning. There were two subsequent proffer amendments that occurred, most recently in 2004. The subject property, Colonial Forge, is highlighted in green in the middle of the image. It's one part of the larger project that was originally known as Augustine. Augustine North in red is all single-family detached residential uses. Augustine Central, zoned R-3, includes a mix of residential uses. And the blue-shaded area, Augustine South is zoned for commercial and industrial uses. Augustine North is built out. Colonial Forge is under development. And Augustine South is undeveloped and has since been sold off to different owners. Overall, in all of Augustine, the proffers don't allow more than 927 dwelling units which would cover Augustine North and Augustine Central. And I'll provide a breakout as we move along. Looking at the aerial view, Colonial Forge, it's a residential development roughly on 210 acres. There's a maximum of 575 dwelling units within this area that is permitted. There is also… the uses include a variety of single-family detached units, village units, multi-family townhouse units, and community amenities including a clubhouse and swimming pool. And Colonial Forge High School is part of the original Augustine Central area as well. Construction has progressed from the north to the south and is currently ongoing. It's on both sides but a lot of the newer development is occurring on the south side of Accokeek Creek and where Woodcutters Road will eventually connect to the north. A lot of this site has been graded, infrastructure is installed, and lots platted for much of the remaining development area in Colonial Forge. Here's a breakdown of the units in all of Augustine. Currently, Augustine North was approved for 352… actually 351 units have been built. For Colonial Forge, Augustine Central, 575 units were approved although on the construction plans, only 538 are approved to actually be built across the site. And currently, at this point, 331 residential units have been completed and are occupied. So, for a total across Augustine, you have the max 927 units as approved. Planned for Colonial Forge and built in Augustine, that would include up to 890. And what's been built so far is 683 units. So, looking at the specific amendments, the applicant is looking to reduce the maximum number of dwelling units from 927 to 915. This more closely reflects what ultimately might be built on the site. Also, they are looking

to delete several requirements, which include the reservation or sale of development for a 3-acre site for a daycare center, grading and temporarily seeding a 4-ballfield site… amenity on 12 acres before the 800th residential unit, also submitting a site plan for 50,000 square feet of non-residential building area prior to the 801st residential unit, and completing 50,000 square feet of the non-residential building prior to allowing additional 100 residential occupancy permits. And then also completing an additional 100,000 square feet of building area prior to allowing an additional 991 residential occupancy permits. Also, then the applicant is…

Mr. Gibbons: You did say 91, not 900.

Mr. Zuraf: Ninety-one, yes, yes. Sorry. And then also the proffers include a new proffer adding a statement obligating the applicant to construct and backfill a retaining wall in Embrey Mill Park as part of that ongoing development project, which includes then, as part of the backfilling and construction of the retaining wall, that includes also E&S and stormwater management work that's involved compacting the fill and basically grading out a… rough grading out the field area that would be above that retaining wall. So, the estimated cost of that work and materials would be $974,000 approximately. Evaluating these proposed amendments, the dwelling unit reduction is more consistent, as mentioned, with the actual lot yield. It would permit slightly more units than are currently shown on the construction plans. And so this would leave the applicant some ability to, if they choose to on any of the undeveloped portions, they could potentially modify the plan to try to achieve that ultimate lot yield that was approved. Also, within the commercial phasing, as I noted, that is a commercial that's within Augustine South. That now is under separate ownership. The area itself is undeveloped. Right now it's the area that is to the north side of Ramoth Church Road and west of Interstate 95. It's right now kind of an isolated area for commercial and industrial development as it stands. And also, this is an area where the separate rezoning of George Washington Village is being considered. So that could affect what ultimately happens on that property depending on the action that occurs there. With the proffer for the park site, the change would increase potentially the deficit of recreational fields available to the County in the near term as it would delay the ultimate construction of proffered recreation fields. It doesn't take away the requirement for that field to be built but it does remove the Colonial Forge developer from being obligated to build that field.

Mr. Rhodes: Mike, on several of the proposed proffer amendment changes, it took off ties to a number of occupancy permits. But other than removing the timing piece of it, does it preclude the obligation to fulfill those requirements?

Mr. Zuraf: No.

Mr. Rhodes: Okay.

Mr. Zuraf: Well, for the developer of Colonial Forge, yes.

Mr. Rhodes: Okay. But for the ultimate…

Mr. Zuraf: Build-out of Augustine South, it would still…

Mr. Rhodes: Require those items to be done, just not at the timing of occupancy permits.

Mr. Apicella: I'm not following.

Mr. Rhodes: I'm just trying to confirm because I knew for sure it was on the ball fields. There's still an obligation on the ball fields, correct?

Mr. Zuraf: Yes.

Mr. Rhodes: What about the other couple (inaudible)?

Mr. Zuraf: Well, for the commercial development it would mean that's really tied to the residential development, so once the residential development is done, then it's not…

Mr. Rhodes: Then that's gone. But the ball fields still remain as a requirement?

Mr. Zuraf: Yes.

Mr. Rhodes: Okay.

Mr. Boswell: But you use the word indefinitely… indefinitely delayed. So is it ever going to get built?

Mr. Zuraf: Well, it would happen whenever that area is built, which is not… there are no site plans in or construction plans for that area to be developed.

Mr. Harvey: Mr. Chairman, just to clarify for the Commission. The Augustine South project has it own set of proffers but are very similar to these. And, as Mr. Zuraf pointed out, they stipulate construction of the 12-acre park and show a location on the GDP. They also have general commercial and industrial zoned property which could be subject to those same terms that are referenced here. So, that being said, the George Washington Village case is getting ready to come to the Board in October; that proposal is to wipe out all those proffers from Augustine South and substitute them for other proffers. So it could be in a few weeks that all this issue about Augustine South is no longer valid.

Mr. Apicella: On the contrary, it's true that it's still valid, right, if that doesn't get approved.

Mr. Zuraf: Right.

Mr. Apicella: So I just want to be clear that the commercial development associated or triggered by the residential, there are milestones. And if you go over the 800, you have to build 50,000 square feet. And if you want to go over that amount, you've got to build a total of 150,000 square feet.

Mr. Zuraf: It's actually… first, to go over 800 units, they would have to submit a site plan for 50,000 square feet. So just submitting the plan for that development; completing the 50,000 square feet prior to allowing an additional 100 units.

Mr. Apicella: Right. To go from 800 to 900, you need to put in 50,000… you need to build 50,000 square feet of commercial. Or if you want to go over and above that amount, then you need to build another 100,000.

Mr. Zuraf: Right. To go over 900 units, yes, correct.

Mr. Apicella: I just wanted to clarify, thank you.

Mr. Gibbons: I thought you had to have the plan… it had to be filed as a plan, not complete? When go to 800, you have to submit a plan for 50,000 square feet, right? A plan. It doesn't mean the completion of it.

Mr. Apicella: May I read what it says? Prior to the issuance of the 801st residential occupancy permit, the applicant shall submit a site plan for the construction of a minimum of 50,000 square feet of non-residential building area. Completion of said 50,000 square feet of non-residential building area shall entitle the applicant to an additional 100 residential occupancy permits. I read that to my plan language meaning if you want to go… if you want to build… if you build… you cannot build another unit after the 801st until you start to build the commercial associated.

Mr. Zuraf: Correct. Until you complete that 50,000 square feet.

Mr. Apicella: Right.

Mr. Rhodes: Okay. Please.

Mr. Boswell: Under your proffer evaluation, it says that you (inaudible - microphone not on) that it's going to exacerbate the need for fields (inaudible - microphone not on). But in your opinion, if we delete that proffer (inaudible - microphone not on)?

Mr. Zuraf: It would happen whenever the commercial development proceeds. That's when, and… right, because it's all dependent on whenever that… if the… so if the George Washington Village rezoning doesn't happen and it's still, you know, commercial and industrial zoned land, whenever that commercial and industrial development occurs, that's when the ball fields would come along. And we don't know when that would happen.

Mr. English: So it's all kind of hinging on George Washington really. Is that what it's hinging on?

Mr. Zuraf: Partly, but then also on whenever the commercial area develops, if it proceeds in that manner.

Mr. Boswell: So, if this proffer stays as it is, Stafford County is going to get four ball fields (inaudible).

Mr. Zuraf: You could get the ball fields… if it stands as it is, the options would, for the Colonial Forge developer is they build no more than 800 units and they stop there. Or they go in and build the fields and can proceed to build out the rest of Colonial Forge.

Mr. Apicella: Mr. Chairman? Along a similar vein, how many units are at Embrey Mill? Approved?

Mr. Zuraf: Approximately 2,000.

Mr. Apicella: Two thousand. So, the Embrey Mill Park is primarily associated with the… the driver for that park is associated with the units at Embrey Mill. Is that sort of right?

Mr. Zuraf: Correct.

Mr. Apicella: And the park proffers associated with Augustine are associated with the number of units at Augustine, around 800, if we accept the notion of what was proposed and approved as part of this package.

Mr. Zuraf: Correct.

Mr. Apicella: So they're not necessarily tied together.

Mr. Zuraf: Right.

Mr. Apicella: The total infrastructure for parks are separate. They got a park for Embrey Mill and ball fields for Augustine, is that…?

Mr. Zuraf: Right.

Mr. Apicella: Okay, thank you.

Mr. Zuraf: So, continuing with the evaluation, in considering the issue of mitigating of this change to do away with the requirement to build the park, the applicant is proposing to assist with the Embrey Mill park which would be, as I mentioned, where they would go in and provide fill, build the retaining wall, all the site work that's needed to make, you know, so they don't just come and drop the fill, they're going to put the retaining wall in, do all the proper compaction and grading and stormwater management to make it suitable, and assist in that effort. It does…

Mr. Coen: Mr. Chairman?

Mr. Rhodes: Yes, please Mr. Coen.

Mr. Coen: And the estimate for doing said retaining wall work, is that an estimate developed by the County or is that an estimate developed by the applicant?

Mr. Zuraf: That was prepared by the applicant. It was reviewed by County staff. And it was determined to be a valid estimate.

Mr. Coen: Okay. So, is it a chunk of money ergo or is it they're going to build it and if it only takes a half a million to do it then it only costs a half a million and the County is out the four hundred and I think it was seventy-four? So, it's whatever they can do it for is what they're going to do it for.

Mr. Zuraf: Correct. And staff had reviewed this and also looked at estimates that were already prepared by our own engineers for the park. And it closely aligned with the estimates for if we had gone in to do the work as the County. The retaining wall and fill and everything, yes.

Mrs. Bailey: Mr. Chairman?

Mr. Rhodes: Mrs. Bailey.

Mrs. Bailey: Just a couple questions, Mr. Zuraf. Embrey Mill park, is that open to the public?

Mr. Zuraf: Yes it is.

Mrs. Bailey: Is that just specifically for the residents of Embrey Mill?

Mr. Zuraf: No, it's open to the public.

Mrs. Bailey: Okay. How large is this particular park in Embrey Mill? Any idea?

Mr. Zuraf: It's pretty large. It's considered more of a regional park, really to serve ultimately a larger population (inaudible).

Mr. Gibbons: I think the building's 76,000 under roof.

Mrs. Bailey: Okay. But throughout Embrey Mill, there are quite a number of different parks, throughout the development?

Mr. Zuraf: There are other parks within that neighborhood, yes.

Mrs. Bailey: Which also are they open to the public as well? Or just to the residents of Embrey Mill?

Mr. Zuraf: They are… well, I believe they are generally private. They are right kind of integrated into and along the streets, so you might get some public use out of them. But I think the intent is that they'd be maintained by the HOA.

Mrs. Bailey: So the residents do have parks, additional, throughout the subdivision?

Mr. Zuraf: Yes.

Mrs. Bailey: Okay, thank you.

Mr. English: This… Mike, this fill, the wall and stuff, that's right nearby the pool, is that what you're saying? In that area, correct? Where they're building a pool in that area?

Mr. Zuraf: In Colonial Forge?

Mr. English: No, in Embrey Mill.

Mr. Rhodes: Embrey Mill. Where the retaining wall…

Mr. Zuraf: I'm not certain the exact spot where that fill's going to be placed.

Mr. English: Does the applicant know do you think or I can ask them?

Mr. Zuraf: They may.

Mr. English: Okay, I'll wait.

Mr. Harvey: Mr. English and Mr. Chairman, to answer the general question, associated with that complex where the aquatic center is going is a multi-field complex. And this will be serving two of the fields within the multi-field complex.

Mr. Rhodes: Thank you.

Mr. Zuraf: And to kind of complete staff's presentation, staff is supportive of this proffer amendment and does recommend approval pursuant to the ordinance… you did receive new ordinances. We had

some numbering problem so it's Ordinance O15-36. Staff believes this would appropriately mitigate park impacts. Although it does remove commercial phasing, the isolated location of the commercial area would limit the ultimate ability for the site to develop in the near term. And staff does also have concerns with if this proffer was to remain, you would have undeveloped portions of the site where the site's been graded, infrastructure, streets, and utilities have been put in, and they would be kind of left vacant until some point the conditions change for the proffer the park was built. So staff would turn it back to the Commission at this time for any questions.

Mr. Rhodes: Questions for staff before we have the applicant come forward?

Mr. Coen: Yes sir.

Mr. Rhodes: Yes, please Mr. Coen.

Mr. Coen: Mike, did I remember correctly from your staff briefing that you emailed us that the primary access point for all of Colonial Forge and this commercial area would be off of Courthouse Road?

Mr. Zuraf: Yes.

Mr. Coen: And from its initial initiated thought process it was that there would be all these homes and then that this bottom part would be commercial.

Mr. Zuraf: Right.

Mr. Coen: So, the area that they're deciding is isolated. From the very beginning of this whole process, it was always down there and always where it was, so it's not as though it's isolated because something miraculously happened in the last five years.

Mr. Zuraf: Right, it's always been sited there.

Mr. Coen: And I tried to get this beforehand, but when… I know when we have projects come to us nowadays we hear how much of a benefit the commercial is going to be to our tax base and etcetera. When this initially being advocated, was that one of the selling points was that the commercial would offset the impact of said residential?

Mr. Zuraf: I'm not certain. I'd have to go back and research the original (inaudible).

Mr. Rhodes: Mike was 12 then.

Mr. Harvey: Mr. Coen and Mr. Chairman, some of us are more long in the tooth and were here during that timeframe. My recollection was that was one of the selling points where this was going to be an integrated community that could have a commercial component, large luxury homes around a golf course, and also a variety of other types of homes for just general folks within the County. One of the things that was considered back in the day and would have made the southern part less isolated was in the late 80s/early 90s, the Commonwealth of Virginia was looking at building another beltway around Washington. And that beltway was supposed to end in Stafford County at I-95 and Ramoth Church Road. And the developer reserved right-of-way through the southern portion of the project for that beltway and the interchange; therefore, that would have been a prime location for commercial as well as distribution type activities. But also, the concept was to align Stafford Regional Airport with Dulles Airport. You'd have a direct road connection between both of them. So that was a big factor, the

change that had an influence on the viability of that southern portion of the property for commercial and industrial development.

Mr. Coen: Thank you. But again, the primary road of access was off of Courthouse. And do I remember correctly that the 29th of this month, VDOT is going to give a presentation on what they are doing on Courthouse Road and the divergent diamond interchange that's being mentioned for the interchange of 630?

Mr. Zuraf: There will be an upcoming public meeting. I'm not positive what the exact date of that is.

Mr. Harvey: Mr. Chairman, Mr. Coen, their public meeting is going to be the 29th and also, jumping ahead to the Planning Director's Report, I've asked the engineer to come to the Planning Commission to give that presentation on that project as part of the quarterly transportation update. So Michelle Shropshire will be here on the 23rd to give an update to the Commission on the diverging diamond interchange.

Mr. Coen: Thank you very much.

Mr. Rhodes: Thank you. Mr. Apicella?

Mr. Apicella: Mr. Chairman, if I could just follow on Mr. Coen's question. I'm looking at attachment 4, page 16 and 17, of the proffers, F.2.(d), it says the phasing of residential occupancy permits is further… and Bob… Mr. Gibbons can speak to this because his name is on the proffer statement… the phasing of residential occupancy permits further conditioned by the development of non-residential portions of Augustine, herein defined to include but not necessarily be limited to, commercial uses, light industrial uses, office uses, and recreational enterprises, but only to the extent described in this proffer F.2.(d). Notwithstanding any of the provisions of this proffer, the applicant shall not be precluded from construction of any portion of the non-residential development at any time. So, any time up to the thresholds they could have produced the 50 or 150,000 square feet of commercial. And this is what I think is important. It is understood that it is a policy of Stafford County to promote and encourage commercial and industrial growth within the corridor. The applicant will assist and participate in the implementation of that policy. So, by my reading, and it's not really for me to answer your question but it certainly seems to me that commercial was tied specifically to the thresholds proposed by the applicant. So, what we have, I think, Mr. Zuraf is 682 units out of the 927 that have already been built -- that's about 75%, right?

Mr. Zuraf: Correct.

Mr. Apicella: And some are under construction. So that 682 doesn't include those that are under construction.

Mr. Zuraf: Right, there are some, yeah.

Mr. Apicella: Okay. And, I'm sorry Mr. Chairman, I did ask some questions via email. I'm going to try to go through some but not all of those. I think we've got a sense that there's 2,000 plus units at Embrey Mill, 927 within the Augustine development, and by my count several hundred if not several thousand other units that are already in place or approved along the Courthouse Road corridor, right?

Mr. Zuraf: Correct.

Mr. Apicella: I'm just trying to go to a parks capacity because it seems to me that we have a sufficient needs for parks already now and will need that much more going forward when all of these units are developed, built along the Courthouse Road corridor. Going back to the ownership issue, so, at the time this project was first conceived back in 19… the early 1990s, there was a partnership or one owner who owned all three of the parcels?

Mr. Zuraf: Right. Yes, and I'm not certain who that was.

Mr. Apicella: Okay. At some point thereafter, Augustine South was sold off to somebody else?

Mr. Zuraf: Correct.

Mr. Apicella: And what happens with the proffer commitments when a portion of a project is sold off?

Mr. Zuraf: Those proffer requirements still carry with the land regardless of the ownership.

Mr. Apicella: So, for all of the proffers including the ballfields and the commercial, those are still live and still required to meet the… to go over the 800 if that's what the applicant would normally want to do unless the County chooses to provide some relief here.

Mr. Zuraf: Right.

Mr. Apicella: In terms of the Embrey Mill Park, how is that being paid for? What sources of funds are being used to bring that to fruition?

Mr. Zuraf: There are multiple sources. There's some proffer money within the Embrey Mill development that's going towards it. General obligation park bonds funds, and then some cash capital as well.

Mr. Apicella: Okay, so there are several pots of money that are being utilized to pay for the park.

Mr. Zuraf: Right.

Mr. Apicella: In terms of the… I saw that a significant portion of the cost of the retaining wall that's associated with the fill dirt, and the applicant's agent provided a summary of the costs. For 24,000 cubic yards of fill dirt, that amounted to $432,000. Is that correct?

Mr. Zuraf: Correct, yes.

Mr. Apicella: So almost half of the… not half, but 40%, 45% is associated with the fill dirt. Has the County explored any other options for obtaining the fill dirt? Either other County properties, at Embrey Mill proper or the EDA property?

Mr. Zuraf: Not that I am aware of. I think that would probably be a desired… you'd probably need to do some testing of the soil to make sure you're getting proper soil that would be suitable. My understanding is that this soil has been tested and is determined to be suitable.

Mr. Harvey: Mr. Chairman, Mr. Apicella?

Mr. Rhodes: Please, Mr. Harvey.

Mr. Harvey: I have had some discussions in the past with the Capital Facilities Manager who is working on this project. And they've looked at other options for soil. However, one of the issues ran into was the cost. So, we've had other opportunities to potentially get additional soil to be put in there, but the bib cost drivers are excavating it from the donor site, transporting it, depositing on property and grading it, which are appropriate requirements plus the other things that Mr. Zuraf mentioned. So that's what's been keeping us from proceeding so far at this point was some of the cost drivers there.

Mr. Apicella: I appreciate that comment Mr. Harvey, but I guess my point here is there may be other options. At a minimum, I would think the developer for Embrey Mill, who in my mind got a pretty good deal there, has a vested interest in this park coming to fruition with its 2,000 plus homes, right? There's got to be a lot of fill dirt in close proximity to the park already.

Mr. Zuraf: Right.

Mr. Apicella: Right? And again, I've seen them moving dirt for at least a year plus, right? So, to me there seems to be at least some options to defray the costs if we wanted to at least explore some other avenues outside of using this potential trade-off. Going back to the reduction of number of units, the 927 to the 915, there's no correlation between what we choose to do here today in terms of the ballfields and/or the commercial and the reduction from 927 to 915?

Mr. Zuraf: That more so just reflects what the ultimate build-out and what the site will yield.

Mr. Apicella: Okay, my last question at the moment is when is the Board going to make its decision or when is the deadline for the Board making its decision on the George Washington Village proposal?

Mr. Zuraf: There's a set deadline of November 17th of 2015, but the Board may actually… you know, their by-laws prohibit them from making any actions in November and December during election years. So they probably would have to make a decision in October unless the applicant grants an extension.

Mr. Apicella: And our deadline for this one is September 23rd? So we're seeing it for the first time and we have two weeks to make a decision on this one?

Mr. Zuraf: This one came in originally in 2013, went through public hearing, and was put on hold.

Mr. Apicella: For two years.

Mr. Zuraf: Yes.

Mr. Apicella: Right? So why do we just get two weeks? In my view, it's a different proposal because it's changed. So I'm going to go back to the question why do we only have two weeks to make a decision on this one?

Mr. Zuraf: There is a 90 day limit and I guess we would need to talk to the applicant about extending that further.

Mr. Apicella: A 90 day limit from… when did the clock start?

Mr. Zuraf: From the time when the application was complete and, well, for the first public hearing, and…

Mr. Apicella: So, did they grant us two years? I'm trying to understand the process here. When they decided to, I don't want to say withdraw, but forestall their application, was there some documentation that said well we're going to give you 12 months, we're going to give you another 12 months?

Mr. Zuraf: Just an indefinite deferral until they came back in.

Mr. Apicella: So why are we being held to two… I'm still trying to figure out why are we being held to two weeks at this point in time?

Mr. Harvey: Mr. Apicella, as Mr. Zuraf said, we'll have to talk to the applicant about what their willingness is to extend the time limit for consideration. In particular, as Mr. Zuraf said, our code requires that the Planning Commission act within 90 days of hearing a zoning case. Also, the state code requires that the Board act within a year of a zoning case being filed. Those time periods have gone past, so now we're essentially at the extension of the applicant and their desirability to add more time to the process.

Mr. Apicella: I guess I'm not following. I guess my concern here is one of the notions being put forward is that this may all become moot or resolved by the Board of Supervisors' decision on George Washington Village, which may come next week… I don't know if it's on the schedule for next week… or it may come in a couple of weeks. It seems to me that we… good prudent planning… in good prudent planning we'd want to know what the Board intends to do on that to see if it does become a moot issue. It may be resolved; it may be unresolved. I think we ought to know as a Planning Commission which way the Board is going to act on Augustine South. That's it Mr. Chairman.

Mr. Rhodes: Okay. Yes, Mr. Gibbons.

Mr. Gibbons: A follow-up on Steven's question, I think he's got a very good question. Why the two weeks? Nobody's brought up why. When it was… it was extended indefinitely, so what triggers the clock again?

Mr. Harvey: Mr. Gibbons, Mr. Chairman, the clock was triggered when staff discussed it with the applicant about rescheduling the public hearing.

Mr. Gibbons: So the clock started at that period?

Mr. Harvey: Yes, and then when (inaudible) good valid till they gave us a date, we worked the schedule to get a public hearing and here we are today.

Mr. Gibbons: I understand, but when did you sit down with them when the clock started? Was that two months ago? A month ago?

Mr. Harvey: I'd have to go back and check the records.

Mr. Gibbons: I mean, just roughly.

Mr. Harvey: I don't recall directly.

Mr. Rhodes: You had to have at least enough time to advertise for public hearing.

Mr. Harvey: Yes. So it's been at least three weeks prior to today.

Mr. Rhodes: Yeah, at least three weeks to do the public hearing.

(Inaudible).

Mr. Coen: Well, I guess one of the things that I'm sort of curious because when I got on the Board about two years ago, staff wonderfully gave me a list of things that were in the pipeline and this was on it. And I thought, oh, okay, this is interesting. And so I started looking at all the things that were on the pipeline and it just seems weird that this has been percolating for two years and, at the applicant's request, they can say we only get two weeks. That just seems odd.

Mr. Gibbons: No, no, they said the clock started…

Mr. Coen: Started then, but yeah…

Mr. Gibbons: … when they met.

Mr. Coen: … when they met with them, but either way, if even it was three weeks ago, that still only gives us two weeks to do our job. To go back to the parks issue, one of the things that was sort of raised was that the Embrey Mill facility was going to be a regional and people could come from hither and far. How about, a rough estimate, how far is it from the various homes if this gets to be all homes down in this section is it to Embrey Mill?

Mr. Zuraf: I'd have to… I don't have an answer for you right now.

Mr. Coen: Okay, but what I'm sort of trying to figure out is that you have, you know, the theory of neighborhood parks that people could walk to versus a park that they have to go up Courthouse Road which is going to be a 4-plus-lane road. Maybe if they're walking, go down to sidewalks, maybe cross over in front of the high school, walk down more sidewalks, to get to said parks. Unless we're going to… and this retaining wall is just a retaining wall; it's not like a climbing wall that kids could actually do something on?

Mr. Zuraf: This is a retaining wall.

Mr. Coen: Right, so that the young people in this neighborhood go from having something nearby to having nothing that's a good distance away. That's the basic gist.

Mr. Zuraf: I'd have to look and measure what the difference is between the current proposed park and the Embrey Mill.

Mr. Coen: I little bit far for moms to walk with baby carriages.

Mr. Zuraf: It is… even the current park is internal to Augustine South, so it's a little bit of a hike to that one too. But I'm guessing Embrey Mill Park is a little bit farther away.

Mr. English: You don't have a picture of that, do you Mike?

Mr. Zuraf: Of…?

Mr. English: Where that wall is or anything?

Mr. Zuraf: Not of the wall, no.

Mr. English: Okay.

Mr. Rhodes: Okay. Other questions for staff before we have the applicant come forward? Please Mr. Boswell.

Mr. Boswell: The test dirt, (inaudible), any idea where it's from?

Mr. Rhodes: Is your mic on?

Mr. Zuraf: It's from Colonial Forge development, is my understanding.

Mr. Boswell: Okay, so they've got some dirt over there they need to get rid of?

Mr. Zuraf: Yes.

Mr. Boswell: Got it.

Mr. Rhodes: Very good. Okay, thank you very much. Applicant please.

Mr. Payne: Mr. Chairman, other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and we appreciate your time this evening. Thank staff also for its presentation; I think they covered a lot of the bases and a lot of the questions other than Mr. Apicella had, and I apologize for not getting back to you earlier today. But I did get your questions. Obviously there's been a lot of questions from the Planning Commission members on this project. I think it first is important to note that it's not unusual to have an amendment, a proffer amendment, to a project that was rezoned in the early 90s. And obviously over time, you know, I know that developers and their counsel and other consultants who look at a project when it's initially moved forward, you have vision of what that project may build out to be. It doesn't always turn out that way. Obviously, market changes. We've talked a lot about why concentration of rooftops attract commercial development and why that's important. In this case, this is very much a suburban type of development; very typical along Route 630. So the commercial component of this has not been obviously marketable or attractive over time. And since that time I think obviously, given the number of units and the time period that has occurred since then, and that there's not commercial there tells a lot. In addition to that, the applicant has no control over the property owner at Augustine South, which is Augustine South Associates which would obviously be required to provide the fields and/ or the commercial component. Just because we are requesting this proffer amendment does not mean that the fields would not be provided at some point in the future. I think it's also important to note that Augustine and Colonial Forge, especially Augustine, has obviously provided significant proffers over time, including the Colonial Forge site, the high school site. It was graded, brought utilities to the site, it also has golf course on the site. So when we talk about recreational amenities and facilities, there's clubhouses and pools, etcetera, that are currently on the site. So, we shouldn't discount that as a fact. In fact, today many of the residents in that area utilize the ballfields at the high school. Also noted, I think very important, that Embrey Mill is a regional park. This is a unique opportunity to address the issues that the County is having in completing the fields, some of the fields at Embrey Mill. This is also an opportunity that we're… the applicant here is providing an additional million dollars and you still have the obligation of the park fields or the fields in Augustine South. So, to take the position in my opinion that we're losing something I just don't concur

with. I think you're actually getting something in addition, and you're getting the fields at Embrey Mill sooner rather than later because of the ability for us to jump in and assist at this time. There was a question in regards to the reduction in the camp. We were obviously going through this process and discussing this with the District Supervisor and others, you know, wanted us to get our arms around what that number should be or could be, and that's why we reduced that number from 927 to 915 as potential capacity. Um, in addition to that, timing is key; yes it is. I know there's a priority on part of the County to address this retaining wall issue as soon as we can. We're getting ready to go to the fall and the winter, so the timing on that is very important for us to move forward in that process. In regards to questions regarding whether or not George Washington Village, whether it's approved or not, of course this Planning Commission has reviewed that application. If it's approved or not, in my opinion, is not relevant to this proffer amendment and it wouldn't be moot one way or the other if it was turned down or accepted for the fact that the obligations remain with Augustine South in regards to providing the fields and obviously it's already zoned commercial and/or industrial, which means only those uses could be developed on the site if it's not approved and they decide to move forward in that route. Um, I want to make sure I got all of Mr. Apicella's questions. I believe they were answered, but Mr. Apicella, if I missed anything or you need any additional information, I'm happy to provide it, as well as I'm happy to provide any answers to any questions that any other Planning Commissioner may have. And I appreciate your time.

Mr. Rhodes: Thank you. Questions for the applicant? Mr. English.

Mr. English: Mr. Payne, what are… if the wall is, like Mr. Coen said, under budget and it comes to maybe $400,000 to build, the remaining monies, what are you going to do with that? Can that come back to the County or what?

Mr. Payne: Well, one of the reasons why it took awhile to get back… to get the process back on the calendar if you will, is because of the extensive review that we had, both from an engineering perspective on the County's side and on our side. So we're fairly confident that that number is where it is and is correct. It, you know, when we did our estimates, we obviously just couldn't simply do it in a vacuum; we had to have it certified by an engineer. The County obviously had to do its analysis to confirm that. So, we're fairly confident, especially given our close proximity; it's a fairly, as Mr. Harvey stated earlier, the fact the cost, one of the biggest cost issues is not only, one, finding the right top soils in this location, but also hauling to that location. Given the proximity to Colonial Forge, my bet is this is a heck of a cost savings.

Mr. English: What if you go over? Are you going to take up the cost if it goes over?

Mr. Payne: Yes. There's a provision for the overage. We… actually we've agreed to split that with the County, whatever the overage is.

Mr. Rhodes: Okay, questions for the applicant? Mr. Coen.

Mr. Coen: I just want to make sure I heard correctly. So, if it's under, we don't get anything. I mean, you're proffering a million dollars, but if it's under a million dollars, it's not going to be a million dollars. But if it's over a million dollars, say a million-twenty, the County kicks in ten and you kick in ten. Because you said you'd split the cost with us.

Mr. Payne: Correct.

Mr. Rhodes: Mr. Apicella?

Mr. Apicella: I'm just trying to follow some of the logic here, at least with respect to the commercial piece. You said that there's no demand for commercial because nothing's happened there. Well, as I tried to tease out of our staff, we've got probably 4,000 units along that corridor, maybe more, if you go further out. And so I'm trying to understand, since this was a package deal when it was sold to the County back in the 90s, and I realize things change, we're now at 75% build-out already, what incentive is there for the builder, or anybody in the future, to produce this commercial in the absence of linking an increase in density to this commercial phasing? Right now you want us to abandon that commercial phasing trigger.

Mr. Payne: Mm-hm.

Mr. Apicella: So, in the absence of that, how can we be assured that commercial will ever happen?

Mr. Payne: I'm not sure I understand your question. I'll try to answer it. One, obviously location of any commercial use is relevant, right. And this… the vision in 1999 versus where the vision is today is, you know, absolutely given the marketing conditions, is simply not what was envisioned. Honestly, commercial doesn't work in that part of the County. Maybe some industrial may, but commercial, retail, restaurants, etcetera, doesn't work. I think we've made this argument before; you've heard me a thousand times that George Washington Village commercial is more prevalent at major interchanges and near major road arteries. That's where you pick up traffic off I-95, traffic off Route 630; it's just not an attractive place to locate commercial. And if it was, it'd be there! And it's not there!

Mr. Apicella: Well, the way that I interpret that, Mr. Payne, is you're very skeptical about plans in the future when a builder tells you there's going to be a commercial in the place because things change or maybe it's not viable. So, at the end of the day, Stafford County and the residents of Stafford County are losing out on what was proposed as a commercial offset to 927 units that's got to be one of the top 10 residential developments in all of Stafford County.

Mr. Payne: All we can do on this end is do our best to try to attract our commercial user, our residential user, and investor to this County. That's all we can do. We hope that given the worker skill levels in this County and the average median income and, hopefully, the concentration of those rooftops, that will trigger greater commercial investment. That's just a fact. I don't know how else to change it. I can't imagine that there's a developer out there who's going to say no Walgreens… I'm sorry, no, uh, I'm trying to think of the grocery store chain… Harris Teeter or Wegman's or whatever, you can't come here because we don't want you here, you know, we don't have enough people in one location. I mean, no. If they're there and there's a market for it, the commercial developer is going to put them there and put the infrastructure in to make it work. It's just that's not the appropriate location for it to happen. And I think if you look, I think the County has done a very good job and you've done a very good job in re-evaluating your Comprehensive Plan for that purpose. I know that you have sent to the Board of Supervisors a revised plan to encourage more commercial north of Accokeek Creek and near the interchange. I think that's a smart plan. I think that's where it's much more viable.

Mr. Apicella: Mr. Payne, with all due respect, what I really see here, and perhaps it's my skeptical interpretation, is the owner of… the owners of what are now Colonial Forge and Augustine North decided at some point in time to device themselves of Augustine South and the absence of being able to control that, they can no longer live up to the promises that they made some 20-plus years ago. So it's not necessarily about well the commercial isn't viable there, it's that you don't… a conscious decision was made to no longer control the piece where the commercial would be located.

Mr. Payne: That's not accurate, and I'm not going to get in a debate about that. That's far from being accurate and that's just… I'm not even going to debate about that. I'm sorry, I have no disrespect for (inaudible).

Mr. Apicella: You can't have it both ways though. You can't say…

Mr. Payne: There's no…

Mr. Apicella: You can't say that well, I don't think commercial's going to happen over there but we don't control it.

Mr. Payne: To ignore financial swings and real estate market and cycles and suggest that somehow they divest themselves intentionally so they don't have to fill their obligation, and come back some 11 years later and ask for a proffer amendment is just (inaudible).

Mr. Apicella: So help me understand why we should allow you all to continue to build another 200 units in the absence of fulfilling the proffers that you guys made?

Mr. Payne: It's not 200 units, it's 96 units.

Mr. Apicella: It's not 96; it's whatever is over 800.

Mr. Payne: It's 96 units.

Mr. Apicella: Actually it's 127.

Mr. Payne: It allows us to move forward with 96 units.

Mr. Apicella: It's 127. My math is you have the ability to build 801… we talked about this earlier on… 801 you have to develop a site plan. Over 801 you have to build… build 50,000 square feet. To go over to the next increment, you have to build 150,000 square feet.

Mr. Payne: We have platted 793; we can finish… we have asked to move forward with 96 additional. That's what we vested in.

Mr. Apicella: Well, I'm going to ask staff to verify the numbers, because those numbers quite frankly don't make sense to me sir.

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

Mr. Gibbons: Charlie, I've been trying to follow this along. Why can't you amend your proffers to take care of the dam if it goes over? A good businessman knows how to make ends meet. And you know if you've got to move the land… if you're moving the fill off of Colonial, it's a value to you to be able to move it too. Because where are you going to put it if you didn't have the dam; you've got to put it somewhere.

Mr. Payne: We have places to put it I'm sure. In regards to…

Mr. Gibbons: So all I'm asking is to change the proffers so you build the (TAPE 55:00) dam regardless of cost. And the other thing is, I can't… for the sake of me, I can't see losing that park. I just… we need the ballfields, we need that, and I just can't…

Mr. Payne: Are we talking about Embrey Mill or are we talking about the ballfields?

Mr. Gibbons: The four ballfields.

Mr. Payne: They're not being lost, Mr. Gibbons…

Mr. Gibbons: What's that? I can't hear you.

Mr. Payne: They're not being lost, they will run with… the proffer requirement will still run with Augustine South.

Mr. Gibbons: Yeah, but I'd rather have you take care of it ahead of time. But you can't do that, right?

Mr. Payne: Well, we're adding an extra million dollars to (inaudible).

Mr. Gibbons: And my last request is why can't you extend this till the end of the month until the other zoning is… two weeks or two and a half weeks is not a big time limit, you know, this time of the year.

Mr. Payne: Well, again, in discussions with priorities and timeframes, we believe this is the appropriate path.

Mr. Rhodes: Okay.

Mr. Gibbons: So what did you say, a polite no?

Mr. Payne: Respectfully no, Mr. Gibbons.

Mr. Gibbons: Respectfully no, okay.

Mr. Rhodes: Okay; any other questions for the applicant? Okay, very good. Thank you very much sir.

Mr. Payne: Thank you Mr. Chairman.

Mr. Gibbons: I've got a legal question.

Mr. Rhodes: Yes, please Mr. Gibbons.

Mr. Gibbons: If we do nothing at all well then the activity passes to the Board in two weeks, is that correct?

Mr. Rhodes: If we don't act on it at our next session, either this time or at our next session, then what happens Ms. McClendon?

Ms. McClendon: Mr. Chairman, if the Planning Commission does not act within the time permitted by the code, the Planning Commission's recommendation will be deemed approval sent to the Board.

Mr. Rhodes: Okay. So, if we don't act on it tonight or on the 23rd, at our next session, then it would be deemed approval.

Mr. Gibbons: (Inaudible).

Mr. Rhodes: Deemed approved and sent to the Board.

Mr. Gibbons: I understand.

Mr. Rhodes: Yes sir. Thank you very much Ms. McClendon.

Mr. Gibbons: Can the action be no action? Just pass it onto the Board with no action? Could that be a motion?

Ms. McClendon: Generally the code calls for a recommendation, so it would really be an up or down vote. So no action would be deemed approval; however, staff may be able to note in their report to the Board that the Planning Commission took no action because there was concern with the time limits.

Mr. Gibbons: But that could be a recommendation, no action, right?

Mr. Rhodes: I think technically it goes forward as deemed approval but the staff can provide commentary to state that our intent was, if we pass that way, would be to take no action.

Ms. McClendon: That's correct.

Mr. Rhodes: Okay, very good. With that I'll open it to public comment. If there's any member of the public that would like to speak on this item, item number 1 on the agenda, the Reclassification, Colonial Forge Proffer Amendment, you may come forward and do so at this time. I ask you to state your name and your address. I'll give you 3 minutes then 1 minute then no minutes. Okay, I will close the public comment portion of the public hearing and bring it back into the Planning Commission. Are there further comments or further discussion? This is in the Hartwood District, yep.

Mr. Apicella: Can I just ask for a clarification on the numbers, again, with all due respect to Mr. Payne. What number are they able to build beyond 801 if the proffer doesn't change on the commercial? What would they be required to do to go over 801?

Mr. Zuraf: Yeah, the proposed cap would be 915, so that's 114 additional units over, up to the full cap. The 96 they were referencing was the, currently there's 793 platted units and they mentioned adding 96 more to go up to 889, but that's still not the ultimate. The ultimate cap is 915; that would be, you know, under their proposed change.

Mr. Rhodes: So they would plat 889 but they have the ability to go to 915.

Mr. Zuraf: The ability to go up to 914… 915.

Mr. Rhodes: Very good, okay.

Mr. Apicella: Thank you.

Mr. Coen: Mr. Chair? Mike, didn't you say at one point in answering questions or whatnot that if things went through a certain way, they would have that authority to go up higher than that number? To up to the greater number?

Mr. Zuraf: They could go up to the (inaudible).

Mr. Coen: Right. So, in theory, we're saying X but in theory they could go up to whatever was the decreed upon number way back when.

Mr. Zuraf: Well, no, not the way back when.

Mr. Coen: But it was pseudo when.

Mr. Zuraf: Whatever the new cap is, it's 915; they can go up to that. Right now, like they're saying, they've right now have it only planned and designed for a number that's slightly less. But if there's some undeveloped areas, they can modify the design and try to get up to that.

Mr. Coen: Thank you sir.

Mr. Apicella: And just to be clear, the ballfields, the trigger there is 801, right?

Mr. Zuraf: Right.

Mr. Apicella: So, they would need to do that at the point… they would need to provide some, at least equal contribution for the ballfields at 801 units. So that's one piece of the equation. I'm just trying to get to, if we're going to 801 to the next 114, that's sort of tied to the commercial piece.

Mr. Zuraf: Right.

Mr. Apicella: Is that… okay, thanks.

Mr. Rhodes: Okay, thank you very much. Mr. English.

Mr. English: In reference to the Reclassification, RC1300296, I ask for a deferral till September 23rd.

Mr. Gibbons: Second.

Mr. Rhodes: So, the motion, Mr. English, second by Mr. Gibbons, to defer this to the 23rd of September. Further discussion… further comment Mr. English?

Mr. English: No, I just probably would want to talk with Mr. Payne about it more, because of some of the issues that arose tonight maybe we could iron them out before the 23rd.

Mr. Rhodes: Okay, very good. Mr. Gibbons, any further comment? Anyone else?

Mr. Apicella: Mr. Chairman, I would ask staff to revisit the timeframe, whether September 23rd is really our final deadline because, again, it seems to me very, uh, restrictive since again we saw it for the first time, new, on Friday.

Mr. Rhodes: Okay. Mr. Coen?

Mr. Coen: And if staff could look at one of the things that is sort of an interesting dynamic in this, is there seems to be the saying that the ballfields shall happen, but then we hear that the applicant has no control over Augustine South so therefore they can't make the… guarantee that the ballfields will happen. So, that seems to be a disconnect and…

Mr. Rhodes: I think the key thing is that the proffer still exists.

Mr. Coen: Right, but I mean still, but again they're not here to actually say that. And so there's a lot of fuzziness on that. And then, again, if you get some distance between where these residences are going to be in Embrey Mill, I mean, it'll be nice that we get some information from VDOT that night so I thank Mr. Harvey for arranging that. And then it just seems interesting; if you could just provide for me how many rooftops there are at Embrey Mill, you know, existing and proposed. My mind is sort of going to the concept that if there's rooftops, there's commercial that if the entrance of this had been designed such in the first place, that they intended that to be the primary avenue to go to a commercial, then you would have had loads of people off of Courthouse Road able to access and you could have had commercial here. Or, you could have, in the beginning planned commercial closer to the major artery. You know, one of the things that the applicant's spokesperson said was you need major road arteries for retail. Well, on 610 there is. And so it just seems to be a disconnect between what really was planned and what's happening to make this isolated now. Thank you.

Mr. Rhodes: Okay, further comments? Okay, the motion is to defer this to September 23rd, get a little more information as was requested, and Mr. English can talk to the applicant's representative a bit. All those in favor of the motion to defer this to September 23rd signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; passes 7-0. We'll take this back up in two weeks. With that, we're going to move onto item number 2, the Reclassification, Celebrate Virginia North Multi-family Proffer Amendment. Mr. Harvey, are we going to do all three of these in one presentation?

2. <u>RC15150707; Reclassification - Celebrate Virginia North Multi-family Proffer Amendment</u> - A proposed amendment to proffered conditions on Assessor's Parcel 44W-2B, zoned RBC, Recreational Business Campus Zoning District, to modify the development conditions of a multi-family residential community. The property consists of 9.91 acres, located on the west side of Celebrate Virginia Parkway, approximately 3,000 feet south of Banks Ford Parkway, within the Hartwood Election District. **(Time Limit: December 8, 2015)**

3. <u>RC15150708; Reclassification - Celebrate Virginia North Multi-family Community</u> - A proposed reclassification from the M-2, Heavy Industrial Zoning District to the RBC, Recreational

Business Campus Zoning District, to allow a multi-family residential community on Assessor's Parcel 44W-2A. The property consists of 14.73 acres, located on the west side of Celebrate Virginia Parkway, approximately 3,000 feet south of Banks Ford Parkway, within the Hartwood Election District. **(Time Limit: December 8, 2015)**

4. CUP15150709; Conditional Use Permit - Celebrate Virginia North Multi-family Community - A request for a Conditional Use Permit (CUP) to allow multi-family dwellings in the RBC, Recreational Business Campus Zoning District. The site is on Assessor's Parcels 44W-2B, zoned RBC and which is the subject of a concurrent proffer amendment, and 44W-2A, which is the subject of a concurrent reclassification request from the M-2, Heavy Industrial Zoning District to the RBC Zoning District. The site consists of 24.63 acres, located on the west side of Celebrate Virginia Parkway, approximately 3,000 feet south of Banks Ford Parkway, within the Hartwood Election District. **(Time Limit: December 8, 2015)**

Mr. Harvey: Yes, Mr. Chairman.

Mr. Rhodes: Okay, so 2, 3, and 4 which all deal with Celebrate Virginia North in different elements of it. Very good.

Mr. Harvey: Again, please recognize Mike Zuraf for the presentation.

Mr. Rhodes: So recognized.

Mr. Zuraf: If I could have the computer please? Good evening again. These next three items are three separate applications tied to an application for Celebrate North apartments. The items are the proffer amendment, a rezoning, and conditional use permit. The individual requests, the first would be to amend proffered conditions on a 9.9-acre portion of… or a 9.9-acre parcel that's already zoned RBC, Recreational Business Campus, to modify the development conditions of a multi-family residential community that was previously approved; second, to reclassify another property, adjacent property, from M-2, Heavy Industrial, to RBC for the development of multi-family dwelling units; and a conditional use permit on the entire piece to allow multi-family dwelling units. The applicant is Chris Hornung with Silver Companies. Looking at the location of the site, the site's highlighted in red. It's on the west side of Celebrate Virginia Parkway approximately 3,000 feet south of Banks Ford Parkway. The highlighted area includes the entire piece. The proffer amendment area is the purple-shaded portion, that's the RBC zone, and the light blue… the blue-shaded area is the M-2 zoned property. You have surrounding it to the east and west some existing M-2 zoned property. Further to the west is A-1 and A-2, Agricultural and Rural zoned property. And additional RBC zoned land is located to the south along Celebrate Virginia Parkway. For history on the zoning of this site, in the early 2000s the land that's highlighted was incorporated into the Celebrate Virginia North project, and Celebrate Virginia Parkway was constructed through this area in October of 2013. A portion of the site, the purple portion of the site, was rezoned to RBC for initially phased short-term housing with 192 dwelling units for law enforcement trainees and a conditional use permit was obtained at that same time. Currently, the area is undeveloped on the property and around the site except for one property to the east, which is a flex office use. Looking at the aerial photograph, you can see the same area. The site is undeveloped. It consists of two development pad sites where locations of individual uses could locate. They were previously graded out and have an open meadow area with stormwater detention basins. Surrounding the site are generally forested areas with mix of deciduous and evergreen trees. The site itself is generally level. To the west is England Run, a tributary to the Rappahannock River. It runs along the southern and western portions of the site. It includes associated wetlands and Resource Protection Area. The portion that was already zoned is highlighted in pink. This reflects the original approval in 2013.

This consisted of the 192 multi-family dwelling units. Proffers restricted the use initially for law enforcement training housing, which would be required to be in effect for three years following occupancy of those units. And then several of the units themselves are in the orange shading, which include several garden-style apartment buildings surrounded by open space. It includes a community center and pool. Drive isles loop around the site, and there's a single access point out onto Celebrate Virginia Parkway. Under the new proposal, the site that we just looked at, that's highlighted in red. And this then would expand the multi-family use to the north along Celebrate Virginia Parkway, covers 24.63 acres, and includes 278 dwelling units in total. It would be comprised of several 3-story buildings that are interspersed with open space areas. Again, also the drive isles circle around the buildings to provide access. With this proposal, the building features garages internal to the buildings to serve a portion of the units. There are also surface and detached parking garages on the site. There are two access points shown on this proposal; the access point would be here and then here as well. Two access points in. Those two access points are at existing median breaks along Celebrate Virginia Parkway. Also, a clubhouse and swimming pool amenity is proposed in this location of the complex. And sidewalks provide access through the site. Also on Celebrate Virginia Parkway, the applicant is showing a future bus stop and then also crosswalks across Celebrate Virginia Parkway at each site entrance. So, the area of the proffer amendment shows the potential for 144 of the total 278 units. So on that individual site associated with the proffer amendment, there would be a reduction of 48 dwelling units from the original 192 units that were approved. Staff notes that this can be attributed to a few factors. First, there's additional open space shown around these buildings and around the center kind of community amenity clubhouse and pool area. Also, the buildings do appear to be a little bit more separated than they were in the original proposal. And also the fact that the new apartment buildings are designed to include garages internal to the buildings that take up some of the prior area that would have been taken up by units. And the portion of the rezoning that's not shaded in… that's not surrounded in red, that area includes 134 of the 278 units proposed. So, now talking more specifically to item 2, the Proffer Amendment, I'll go through each item now as we go along. With the Proffer Amendment, the applicant is proposing a few changes to what was originally proffered. Under proffer 1, they would delete the limitation that… proposing to delete the limitation that multi-family units would be built for and occupied by law enforcement trainees for a period of 3 years from the date of certificate of occupancy, so that whole requirement would go away. So that would open it up for market-rate apartments that could be occupied full term by permanent residents. Then the next portion of that proffer that would be changed would be replacing… they originally had a cash contribution of $7,500 per unit for all of the units. And that would have been paid prior to those units converting over to market-rate rental apartments. So, that would go away and they would replace that with specific cash contribution amounts that would be based on the number of bedrooms in each unit. And you see the amounts on the screen.

Mr. English: Mike, do you know how many 1-bedrooms, how many 2-bedrooms, 3-bedrooms there are going to be?

Mr. Zuraf: There is an estimate provided in the impact statement just for kind of evaluation purposes, but the applicant has not proffered specific numbers. So there's… well, when we get to the condition, there are some conditions that do restrict the ultimate number of 3-bedroom units. Let me find that. Yeah, the properties would contain no more than 10% of 3-bedroom units and no less than 40% of 1-befroom units. So under proffer 2, they also are proposing to delete the requirement that the Parkway be completed and accepted by VDOT. This proffer's been satisfied and is not necessary anymore. Now, looking at the evaluation of these changes with the law enforcement housing change, the demand for training facility housing has waned since the 2013 approval. That was according to the applicant. And currently, so the option that the applicant would have is to be able to move forward with this project would, if they don't have a user to come in and occupy the facility as training facility housing, they

could build the apartments and leave the apartments vacant for three years. And after point, go ahead and open the units up for market-rate permanent residents to move in. With the… also just to note that the training facility housing, during staff's evaluation, at the time of approval in 2013 was considered compatible with the Comp Plan at that time. The surrounding land use is Business and Industry, so that training facility housing use was considered to be a use that might fit in well with the adjacent training use that's in place. Also, at the time, the market-rate apartments were considered not consistent with the Comp Plan or surrounding zoning. Much of the surrounding zoning is M-2, Heavy Industrial and then RBC zoning with uses designated for office development. Also, staff notes there are increases in demand for public services. With conventional market-rate apartments, there'd likely be an increase in demand for schools, parks, libraries, and emergency services. Staff estimates that on this portion of the project, with the potential of 144 units, there could be up to 46 students based on countywide averages or 51 students if we use rates for newer developments. And staff does note that the applicant contends that the number of students may be lower than on other projects in the County as it's going to be designed for older residents with fewer children. Staff notes that this may be the case in the near term if this happens, but as the development ages, the development may change and become more affordable to younger families. With the amended cash contributions, the law enforcement housing was planned to be all 2-bedroom units, thus the reason for the flat $7,500 rate per unit. With the market-rate apartments, there's the variety in unit size that you're going to see with that type of a product. As noted, the applicant is not certain of the mix at this point. Under the option, a payment would be determined when the building permits are applied for and the units sizes are known at that time. Also then the cash contributions are less than the County proffer guidelines. The County monetary proffer guidelines recommend approximately $26,000 per unit to offset County capital facility needs. The applicant included a Fiscal Impact Analysis of their own that serves as a basis for the cash contributions that they've derived. Staff notes that the difference from the amounts determined in their fiscal analysis could be attributed to a few factors. The applicant assumed a lower student generation factor than what we do on a countywide basis, and also is applying debt service credits which we don't have in our current proffer guidelines. So, those could be two of the factors that come into play with the lower amounts.

Mr. Coen: Mr. Chairman?

Mr. Rhodes: Yes, please.

Mr. Coen: Since we're on that aspect, just out of curiosity, I mean, the $428 for one bedroom, that's about half of what we figure for a multi-family proffer to be just for the fire. And it's below the general government. So, I just find… and it's below libraries. I mean, even if you take out the school component because it's a 1-bedroom, and theoretically we could even eliminate the Parks and Rec possibly, just general government it doesn't even come up to. So, do you find this a little, you know, disconcerting that it's not just below but it's so significantly below?

Mr. Zuraf: A lot of it's attributed to applying the debt service credits which we don't have in our methodology.

Mr. Coen: Thank you.

Mr. Rhodes: Okay.

Mr. Zuraf: And on this item, staff does note there are some positives with the proposal. The residential use itself is currently permitted on the property. The amendments would decrease the amount of residential development specifically approved on the site from 192 down to 144. The monetary proffers

would partially offset impacts to public facilities. And the transportation network the site's located on is designed to accommodate the anticipated amount of traffic. There are negative aspects as well. The market-rate multi-family units are not consistent with the Business and Industry land use designation in place. The proposed form of housing is not also consistent with the current uses. And development trends in the area may change the trend of growth in the vicinity of the site from that envisioned in the Comp Plan. And the proposed cash proffer amounts are not consistent with the County proffer guidelines. Despite this, staff does support the request and recommends approval of the Proffer Amendment application that's in Ordinance O15-37. And we'll move along to the next item, the rezoning of Parcel 44W-2A. This would be rezoning this site from M-2 to RBC for the expansion of the multi-family project onto this site. With this, the applicant is proposing proffers that are consistent with those that are being requested on the adjacent proffer… under the adjacent proffer amendment so the proffers would be the same on both properties. With transportation impacts, a traffic impact assessment was conducted with the overall Celebrate Virginia North project and amended in 2003. The applicant included some evaluation that shows that the proposal, in adding 86 more units over the originally approved 192 units, is close in comparison to the 50,000 square foot office building that would potentially fit in this area. And so, in that you have a… when you compare the two, the residential use results in a slight decrease in peak hour trips during the weekday, Saturday you'd get more trips through this area, but there's in general a very slight increase and minimal change from what's already approved. With the fiscal impacts and proffers, the fiscal impacts and the study apply to regular County operations, not capital needs. The average values of existing housing stock are on a countywide basis. The annual fiscal impact for each multi-family unit is determined to be, from a County perspective, costs $483 per multi-family unit. Let's see, I mention the County monetary proffers are recommended by the County of approximately $26,000 per multi-family unit. Applying this amount to the proposed 134 multi-family units on this rezoning parcel would result in approximately $3.47 million. With the applicant, in their assumptions, they have assumed 54 1-bedroom units, 67 2-bedroom units, and 13 3-bedroom units. In applying that to their proposed cash proffers, that would result in $710,000. And with the Comp Plan issue, an additional point to make on this rezoning, the prior approval of the multi-family dwellings does make this residential use more consistent with the zoning pattern in this location, regardless of the Business and Industry land use designation that is in place. But staff does note that more intense industrial development that could happen on the existing M-2 zoned land could have negative visual noise and dust impacts on the residents of this community.

Mr. Apicella: Mike, just along that line, when I look at attachment 3, I see several M-1 and M-2 zoned parcels not immediately abutting Celebrate Virginia Parkway, but just one lot over. Is that correct? That are outside the control of the developer? Or owned by different entities?

Mr. Zuraf: Yes, that's true.

Mr. Apicella: So, no matter what happens here, there's still a possibility that there could be some again M-2, M-1 uses in close proximity to the Parkway.

Mr. Zuraf: That's true.

Mr. Apicella: Thanks.

Mr. Zuraf: Okay, now on the findings for the zoning reclassification, there are positive aspects with this request. The development is accommodated on the site while preserving the environmental resources, including Resource Protection Area and wetlands that are nearby. The impacts to the adjacent residential use would be less than that of an industrial use that would occur on this property… that could occur on this property under the current M-2 zoning. The monetary proffers would partially offset

impacts to the public facilities. And the transportation network is designed to accommodate the anticipated traffic on this site. There are negative aspects as well. With this zoning reclassification, multi-family residential use is not consistent with the Business and Industry land use designation. The proposed form of housing is not consistent with the existing uses and development trends and may change the trend of growth in the vicinity of the site from that envisioned in the Comp Plan. And the proposed cash proffers are not consistent with the adopted proffer guidelines policy. With the zoning reclassification, staff does support the request and recommends approval. Staff notes that the recommendation is contingent on approval of the separate Ordinance to amend the RBC zoning district standards. That is a separate item that will be coming to the Planning Commission at a later point. It's going to be mentioned in the Planning Director's Report, but this is a separate Ordinance amendment that will increase the area that will be designated for multi-family units within the RBC District. Currently, the Zoning Ordinance limits that to 1½% of the zoning district and they're requesting an increase to 2½%, and that would be needed for this zoning reclassification to occur. Alright, and the last item is the Conditional Use Permit. This is a Conditional Use Permit for the entire site for multi-family dwelling units in the RBC District. This would replace the original Conditional Use Permit that was approved in 2013. The conditions that are being proposed by staff include that the property would be developed in general conformance with the General Development Plan. The maximum number of multi-family units would not exceed 278. There would be no more than 10% of the units containing three bedrooms. And the applicant would be required to extend and connect power to the existing light poles adjacent to the site along Celebrate Virginia Parkway. There would be several exterior building material requirements. And there would be requirements for several recreation and community amenities for this development. Also, the conditions would establish screen standards for trash receptacles and other appurtenances on the site. They would be required to provide a bus transit stop pull-off and future station bench and shelter at the site along Celebrate Virginia Parkway. Also, the conditions establish signage and fencing standards, requirements to install bike racks for each building, provide storage lockers or closets for each unit that do not have attached garages, and including standards for handicap accessibility for the ground floor units, and constructing crosswalks at each entrance across Celebrate Virginia Parkway, because on the east side of the Parkway is where you have the asphalt hiking trail. The applicant and the conditions refer to the building following these general site and building designs. They're referenced in the conditions and staff notes that the design standards that are conditioned and these images are consistent with the Neighborhood Design Standards element of the Comp Plan. And looking at the evaluation of the Conditional Use Permit, there's again several positive and negative factors. The positive factors -- the proposal is consistent with the prior approved multi-family residential development. Development is accommodated on the site while preserving the environmental resources. Conditions would mitigate impacts to the surrounding properties. And the design standards ensure high quality development. With negatives, the multi-family dwelling uses as market-rate apartments may not meet all the standards of issuance for a Conditional Use Permit. Also, the multi-family residential use is not consistent with the Business and Industry Comp Plan land use designation, and the form of housing is not consistent with the existing uses and development trends and may change the trend of growth in the vicinity. Staff does recommend approval of this application as well, and also subject to the separate proffer amendment and zoning reclassification being approved and the County code amendment being approved as well. I'll take any questions.

Mr. Rhodes: Questions for staff before we have the applicant come forward? Yes, Mr. Coen.

Mr. Coen: Just a real quick one. You mentioned the hiking trail. Between this parcel and the retail along Celebrate Virginia, are there sidewalks at this point or is it… because a lot of that is undeveloped and I'm trying to remember from when this first came up and I drove down and visited the area.

Mr. Zuraf: I know it extends to the south. I'd have to defer to the applicant if it goes all the way up to the shopping.

Mr. Coen: Thank you.

Mr. Rhodes: Any questions? Mr. Apicella?

Mr. Apicella: Mr. Chairman… Mike, can you give us some more background on what is actually at the Celebrate Virginia North development currently?

Mr. Zuraf: Currently you have commercial areas that front… are generally closer to Route 17 where you have the Lowe's Home Improvement, Giant grocery store, other service commercial retail uses and restaurants…

Mr. Rhodes: Sonic.

Mr. Zuraf: And then you have… oh, Sonic, yes. And then you have some vacant areas, vacant parcels as you proceed to the south. And then, in the vicinity of this site…

Mr. Apicella: And some of those are not owned by the developer.

Mr. Zuraf: My understanding is yeah, some properties are owned separately by others.

Mr. Apicella: Okay.

Mr. Zuraf: And then you do have then in the vicinity of this site, the law enforcement training facility which was identified as the flex office use.

Mr. Apicella: That was under what, M-1 or M-2 at the time?

Mr. Zuraf: M-2. And it still is zoned M-2. And then to the south of that point the property is undeveloped until you get down to the crossing of Sanford Road, and then to the south of Sanford Road is the Falls Run age restricted retirement housing community.

Mr. Apicella: How many units are there?

Mr. Zuraf: Oh, I guess maybe 1,800 is a rough guess.

Mr. Apicella: So, it's built out or…?

Mr. Zuraf: It's under construction.

Mr. Apicella: Okay.

Mr. Zuraf: And then south of that then you have some the term estate single-family detached housing on 1-acre lots. And then…

Mr. Apicella: And roughly how many units?

Mr. Zuraf: About I think 52 is what I remember.

Mr. Apicella: Okay. Is there still more capacity to build?

Mr. Zuraf: No, that's built out.

Mr. Apicella: Okay.

Mr. Zuraf: And then to the south of that area you have… well, and in that area there's some other vacant pad sites and then below that is the Cannon Ridge Golf Course.

Mr. Apicella: And… and maybe this is a question for the applicant… short of the Cannon Ridge Golf site, the total amount of acres that are currently available for residential development. It doesn't have to be exact Mike; you can give me a wag.

Mr. Zuraf: Well, I know the retirement area, that's 340 acres. That's the majority, and then 24 acres of multi-family residential. Well, right now it's 9 acres of multi-family. So, you have 350 acres and that excludes the 52 1-acre lots. So you're probably looking at about 400 acres.

Mr. Apicella: And what is POD G, 530 acres?

Mr. Zuraf: That's the resort district and that area is planned for… in the GDP there's a listing of uses that are permitted. It's the, you know, area that permits the hotel, conference center, golf course, office uses. It does not allow residential. It does include the 1-acre executive style housing though within that.

Mr. Apicella: So, again, from a planner's perspective, the totality of the RBC District compared to this 14-acre lot potentially going to an M-1/M-2 use. Would somebody who's developing the entirety of this -- I don't know what to call it -- campus, would they have a vested interest in not putting something in that one site parcel that might jeopardize the entirety of the campus? Something that would otherwise be objectionable to people there currently and who might want to be there in the future?

Mr. Zuraf: If… well, I'm not certain I'm following your question.

Mr. Apicella: Okay. So one of the concerns I think has been potentially raised is in the absence of being… absence of approving this proposed change from M-2 to RBC, there might be an objectionable industrial use that goes into this 14-acre parcel. When I look at the totality of what's there and what could still be there, I have to wonder whether somebody would do something like that, put something that's not compatible with the entirety of the campus, when they own the entirety of the campus. I find it hard to believe that they would put in a manufacturing facility on that 14-acre parcel given all the other things that are there currently and that could be there in the future. That's just speculation. But I'm just wondering, from a planner's perspective, would a developer normally put something in that just doesn't fit?

Mr. Zuraf: Yeah, I think if, for the ultimate viability of the overall project, I think it would be desirable to have uses that are attractive, that might help promote development of the rest of the site.

Mr. Apicella: And within the M-1 and the M-2 zoning district, there are some uses that, by themselves, aren't necessarily objectionable; meaning they're not heavy industrial. What I see are flex office, general office, schools, low intensity commercial, medium intensity commercial, retail otherwise not listed, places of worship. So those might be lower intensity, somewhat less objectionable uses that could go onto that M-2 parcel if that were something the applicant wanted to proceed forward with.

Mr. Zuraf: Yes.

Mr. Apicella: Okay. This is a little bit like déjà vu because we had something like this in front of us two years ago, where a 480 unit apartment complex was proposed. Is that correct?

Mr. Zuraf: Correct.

Mr. Apicella: And was one of these two parcels in play tonight also part of that 480 unit complex?

Mr. Zuraf: My recollection is the 480 unit complex was at the south end, in the resort area near the golf course.

Mr. Apicella: So, what… there was some proposal related to…

Mr. Zuraf: Initially…

Mr. Rhodes: They both came forward together…

Mr. Zuraf: Yes.

Mr. Rhodes: …they were packaged together as two different segments but two different elements (inaudible).

Mr. Apicella: Right, but there were two apartment… of the 480, part of it was going to go onto one of these two parcels, I presume, but the RBC parcel as I recall the 9-acre, 10-acre parcel, is that right? I don't remember what number that was.

Mr. Zuraf: Right.

Mr. Apicella: So, we had a 480-unit apartment complex, two sections. What did the Planning Commission do initially with that 480-unit?

Mr. Zuraf: I don't recall if… I'd have to check to see if they recommended denial.

Mr. Apicella: I believe the Commission denied it. And I want to say that there was a great deal of interest by residents who lived in the retirement community, and the executive housing although that's a much smaller piece, to multi-family apartments within the Celebrate Virginia North campus. Is that correct (inaudible)?

Mr. Zuraf: I recall there being some concerns, yes.

Mr. Apicella: And so there was a lot of public concern about it, that the Planning Commission denied it, or recommended denial. What did the Board of Supervisors do with it?

Mr. Zuraf: I don't recall; I'd have to go back and check.

Mr. English: Denied it.

Mr. Apicella: I believe they denied it, right? And so a modified request came in, I think at somewhat of the urging of this Planning Commission, to reconsider the piece of the apartment complex closest to the training center to maybe put in a -- I'm trying to use the words transitional or… ugh, I can't remember what we called it. We actually came up with a name I think, to use that parcel as a way to do something (inaudible) beneficial with the security training center. Is that sort of what you recall at the time?

Mr. Zuraf: Yes.

Mr. Apicella: I'm trying to remember how we got to the 3-year period, do you recall, of making this one parcel at least contingent on 3 years first being this… gosh, I wish I could remember the word but… training center oriented housing, is that right? Do you remember how we got there?

Mr. Zuraf: I don't recall at which point that limitation got added in, if it was in the front or later towards the approval. I'd have to check on that.

Mr. Apicella: Okay. But there was, as I recall being a person who participated, that was the only way at least this Commission was willing to consider putting apartments on that one site. Is that what you recall?

Mr. Zuraf: I recall that, yeah.

Mr. Apicella: So now we're being asked to put 278 units, which is 60% of the 480, back on these now two sites. It doesn't include the older site, the one I guess further to the south or the west, whatever. So, a significant portion of the 480 that was denied is now back in front of us. Is that kind of where we are today?

Mr. Zuraf: Yeah… well, you mean you already have 192 approved so it's the…

Mr. Apicella: Is one of the options available to the developer to put in age-restricted housing by-right?

Mr. Zuraf: They could… they would possibly have to amend the land use plan, land use concept plan, which is unique to the RBC District depending on where they're looking.

Mr. Apicella: But that is possible?

Mr. Zuraf: Yes.

Mr. Apicella: And right now we're, even under the current set of circumstances there's a cap on the number of training center… in my view, training center related apartments that could occur on this… in the entire campus, right?

Mr. Zuraf: Right.

Mr. Apicella: And we don't know at this point in time whether the Board of Supervisors is willing to go beyond that cap because we don't have a… what is it, a Comp Plan Text Amendment or what is it that we still need to consider or they need to provide to us to say yea or nay whether they want to increase that number?

Mr. Zuraf: Oh, as far as a land use concept plan?

Mr. Apicella: No, no, no. Isn't there a piece that still has to go to the Board before we can…?

Mr. Zuraf: Oh, the Ordinance Amendment, yes.

Mr. Apicella: The Ordinance Amendment. So we don't know if they even want to go… the Board wants to go to this higher number at this point in time, going from 1.5 to 2.5?

Mr. Zuraf: Well, that would all be… that would be something the Board would have to decide on ultimately in advance of making a final decision.

Mr. Apicella: So, again, just to reiterate, at the time this was ultimately approved, after several modifications, not only did the Planning Commission only desire to have the training center related apartments, but the Board itself also, that was the condition or the kind of caveat they put on allowing apartments, any kind of apartments, to be sited in that specific area.

Mr. Zuraf: For a specific timeframe.

Mr. Apicella: Where's the nearest apartment complex to…?

Mr. English: England Run.

Mr. Zuraf: Is it… okay.

Mr. Apicella: Okay. And in terms of, because we had this same conversation last time, where these two parcels sit, how far is… how far are the two parcels from the age-restricted housing? A quarter of a mile? Half a mile?

Mr. Zuraf: I would say the proposed… from Falls Run?

Mr. Apicella: Yeah. Whatever it's called.

Mr. Zuraf: I mean, sorry, Celebrate.

Mr. English: Two miles.

Mr. Apicella: Freudian slip there?

Mr. Zuraf: Two miles?

Mr. English: About two miles.

Mr. Apicella: Two miles? No way.

Mr. Zuraf: Probably about a half a mile.

Mr. English: A half a mile?

Mrs. Bailey: It's not far.

Mr. Coen: Yeah, it's not that far at all.

Mr. English: I was thinking it was about two.

Mr. Zuraf: From this site to…

Mr. Apicella: Again, the predominance of what's currently at Celebrate Virginia North in terms of residential units is senior living housing, 800+ units, right?

Mr. Zuraf: Correct.

Mr. Apicella: I don't recall what's (inaudible). I mean, that's kind of a mixed… it was always planned as kind of a mixed, you know, age, different age groups. But this was not what was originally envisioned for this RBC campus, even as it was modified when it was modified. Right? It was predominantly, to the extent residential units were allowed, it was age restricted and executive housing.

Mr. Zuraf: Right, right.

Mr. Apicella: Okay, thank you.

Mr. Rhodes: Other… yes, Mr. Coen.

Mr. Coen: Sorry, just a couple quick questions. You mentioned that it's going from 192 down to 144. But if memory serves me, when we were talking about we ended up using the term dorms an awful lot, because that was one of the very first things I got to deal with when I got on this Board… and it was really enjoyable… was that these people would be driving, you know, these students at the school primarily would only be driving up to 17 area to eat at lunch and/or dinner and whatnot. So I'm a little confused when you said that you didn't envision that the traffic would be more increased because if you had a training facility, and they're only really… they're going to train and they might go up at lunch, and you put homes or apartments, then you're going to have people going off to work in the morning, you're going to have school buses, you're going to have people coming home. I would have thought that the traffic, if it's going to go to non-permanent residential to permanent, residential would have gone up. And then really you're going from… one of the things we really pressed was being a dorm type situation, the impact on our County would not be great because they're not permanent residents, that they'd come down, go to training, and then go back to where they are stationed with that agency. But, so we're really going from a zero impact, maybe a little bit of traffic to go to dinner and lunch, to 144 at probably three cars per household or two cars per household permanently impact. So it's really not a 192 down, it's really a zero up, isn't it? And the 3-year limit was sort of three years… basically the idea was they were going to be doing this academy for numerous years and it would be we said at least three years because we didn't want them to build it and then immediately go to apartments.

Mr. Zuraf: Right.

Mr. Coen: So, I mean, it's really going from zero up, isn't it?

Mr. Zuraf: In the near term, but then we did make the assumption that ultimately this could be market-rate apartments and so it's a wash in that. The right is there for those units to become market-rate apartments.

Mr. Coen: And then, and I harped on this and I got dirty looks from numerous people but I'll harp on it again, when we were talking about market-rate apartments, I was asking, you know, are we talking

marble countertops, top of the line amenities, washer and dryers inside the units rather than the other. And the answer I kept getting back was that these people aren't living here forever so it's going to be this sort of dorm concept, etcetera, and there really wasn't even, I mean, there'd be a refrigerator but wasn't a massive Frigidaire type thing. So I guess I'm going back again; we have no specificity as to when we say market-rate whether it's, you know, high income like the senior living that's down the road is versus moderate to whatever. I mean, it's vague. It's going to be "market-rate" and we don't know what the market rate is.

Mr. Zuraf: Well, we can say is that the conditions, we did include conditions which do include a lot more higher-end, kind of more durable finishes with stone and the… not just vinyl siding on the buildings. And the applicant did, they did include some proposed conditions that got into the details of things that would be offered inside the units, but we didn't include those in the conditions because that gets a little tough for us to try to enforce. So that's kind of beyond our, uh…

Mr. Coen: Purview.

Mr. Zuraf: Yes.

Mr. Coen: I got that. It just seems, and I said this two years ago, the people down the road would like to have some idea what they're getting. It's going to be right between them and the stores.

Mr. Zuraf: Right. And the applicant can maybe talk more…

Mr. Rhodes: Any other questions for staff before the applicant comes forward? Okay, thank you Mike. Applicant please.

Mr. Stuart: Mr. Chairman, good evening. Members of the Planning Commission, I'm Richard Stuart and I represent the applicant. I've got some visual aids which'll help with the quality of this. Is it okay if I put it here? Specifically, it goes to Mr. Coen's question. That project that you were talking about before was more of the dormitory atmosphere with folks who are being trained, and this is a completely different animal. This is a very high-end, resort style lifestyle. And it's targeted at empty-nesters and young professionals that frankly don't want to have a home and have to take care of it, like some of us have to do and cut grass and maintenance and things like that. And it has an area from dog parks to a resort-style pool, fitness center, sports bar, cyber café, it's even got a dog spa. It is what I call excessive in many respects. But it is targeted to a specific group of people who want that lifestyle. And they want to have a fun resort-like lifestyle and they don't wanna cut grass on the weekends. And we see that trend happening more and more, and quite frankly, I think it's a pretty smart way to go because I get tired of cutting grass and maintaining houses all the time. Where this comes from, we were here before. We got the approval for the training housing, the secure housing as both of you all have said, and we tried like the dickens to get that contract. And we couldn't. We lost that buyer. Their budget cuts, sequestration, all things that you all know about. You live in this area, you read the paper, and we couldn't do it. If we could have, we would have. They wanted to do that. They wanted to potentially build more commercial flex office space in there. They wanted to build office space on this property. They've been trying to develop this property since 2000, the 1990s, when they partnered with the County. This County and that Board of Supervisors to develop what they call Celebrate Virginia North. They have tried and tried and tried to develop this. The commercial up on 17 is struggling. There's some wonderful housing in the back, Del Webb, and they're great neighbors to this area. But in answer particularly to Mr. Apicella's question, the CDA assessment on this property, and the CDA is what built all this infrastructure. This is property that was intended to be developed a long, long time ago and it still hasn't. That CDA assessment is significant. And if something isn't done on this property, the

CDA… there can be difficulties with that, it can cause additional assessments on other properties, and so they want to try to find a viable project for this. This is a very viable project for this area. And the high-end product that really people want. They want to live in these type communities; there really isn't one in Stafford like it. This is even better than The Haven. At the end of the day, they didn't build the project for the training housing. And I think they told you at the time if they couldn't secure that contract, they wouldn't build that. And they didn't because they couldn't get it. So, they're back here with a project that they believe works that they can rent out which will bring a good tax base to the County and they can fill with people who want to live in there. They're not targeting folks with school-aged children. Certainly there will be some as a result, but it's not what this community is designed for. Mr. Zuraf did a great job at presenting significant details in this, so I'm not going to go through all of those because I think you've seen the significant extensive conditions on the exteriors, on the interiors that we've proffered, and these are good representations of all of the things that you all asked about; the stainless steel sinks, appliances, very high-end quartz granite countertops, things such as that. But I would love to answer any questions that you have. And if I can't then certainly Chris Hornung can.

Mr. Rhodes: Any questions for the applicant?

Mr. English: Mr. Stuart, in reference to the apartment complex, it's going to be rentals right? They're not buying them.

Mr. Stuart: Rentals.

Mr. English: Just rentals. And where is the closest facility like that in the area, that's like that now?

Mr. Stuart: There isn't one.

Mr. English: There is none.

Mr. Stuart: The only thing that's close is The Haven in Fredericksburg, and this will far exceed the quality of The Haven. There's another one like this down in North Carolina that this is like, but it still exceeds that.

Mr. English: And that one in North Carolina, is that senior, mainly senior in that area?

Mr. Stuart: It seems to be the empty-nesters and young professionals that come to it. You really don't want to raise children in these.

Mr. English: Correct.

Mr. Stuart: And the rents are high.

Mr. English: What are their rents, ballparks going to be in there?

Mr. Stuart: We're thinking 15 to 2.

(Inaudible from audience).

Mr. English: Excuse me?

From audience: $1,200 to $1,700.

Mr. English: And you're talking 144 units, correct?

Mr. Stuart: On one piece. One piece we're going back from 190 which was secure housing, but they were more bunched together. Putting 144 and spacing them out and putting garages under these buildings.

Mr. English: Right. That was another question, about the garages. I mean, I've never heard of apartments having garages with them. Wouldn't that be a…

Mr. Stuart: Mr. Chairman, with your permission, this is a great illustration.

Mr. English: That would concern me with the garages under there, it's a fire hazard.

Mr. Stuart: (Inaudible - not at microphone).

Mr. English: Yeah, I understand that, but what about underneath that you've got a garage and it catches on fire and a car is in there. I know you're not, but I'm just…

Mr. Stuart: (Inaudible - not at microphone), but I know they have fire rated sheet rock for that purpose.

Mr. English: So, they would have probably sprinkler systems in there.

Mr. Stuart: Probably, and you have to (inaudible).

Mr. English: I've never seen an apartment building with the… I know the ones behind us here have the garages, but they're detached.

Mr. Stuart: (Inaudible).

Mr. Coen: Mr. English?

Mr. English: Yes.

Mr. Coen: Basically, Shirlington has those. A lot of the up in Northern Virginia have that type of situation. We could have a field trip if you'd like.

(Laughter)

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

Mr. Apicella: Mr. Stuart, it looks like a great complex. I mean, I've seen The Haven in Fredericksburg. What I struggled with the last time this was in front of us, and I think the Board did as well, and struggle with now is compatibility with the surrounding community. This was sold to the people who are living there and it's not a small amount. What I think I heard was about 1,900 units, executive and retirement housing, that there probably would not be apartments and certainly market-rate apartments with families, regardless of how upscale they might be in the Celebrate Virginia North campus. And so this is a, in my view, a big deviation from what was sold to the County and what sold to the residents there. I don't doubt that it's again a great complex and probably well needed in Stafford County. It all boils down to whether in my view, is this the right location for it? On top of which, to Mr. Coen's point,

whether or not the proffers fully mitigate the potential impacts when you go from training center related housing to family housing and the impacts that that'll have on the community. So, to me, those are the two big issues I'm struggling with.

Mr. Stuart: Mr. Chairman, to the extent of the question, may I respond?

Mr. Rhodes: Please.

Mr. Stuart: And I understand that. You know, we look at a Comprehensive Plan and it sort of gives us a guide as to how you want land use to be developed in a county. And then you have what you can actually do with the land. What people who own it are willing to do; what counties will zone it to do; what you can actually sell there. Again, Mr. Apicella, they've been trying since the late 90s to develop this. And this was originally done as a partnership with the County. They have tried every way they can to attract business, office space in there. Now what you have is a large pod of M-2, Industrial. I take issue a little bit with what you said earlier about not putting something that's going to injure the rest of the area. I look at this as if you put this high-end complex in this little piece of M-2, it could stop all the rest of that M-2 from developing as industrial -- which I do think the neighbors would find offensive if they had industrial applications or things such as that up there. So I think this actually could provide a service to keep that from happening.

Mr. Rhodes: Okay, other questions? Mr. English.

Mr. English: Has the applicant met with Celebrate Virginia folks down there and run this by them?

Mr. Stuart: We have not yet… not on this particular one, no.

Mr. English: Right, because I know the last one that we… Mr. Apicella was talking about, there was a lot of resistance from Celebrate in reference to the one down there by the golf course.

Mr. Stuart: Del Webb or the other folks?

Mr. English: Del Webb, Celebrate, all that.

Mr. Stuart: We've not met with them but they are aware of it at this point, and we've been available to talk to them and answer questions as necessary. I'm not going to say that they support it; I'm not sure they're opposed to this.

Mr. English: Okay, thank you.

Mr. Stuart: But they are aware of it.

Mr. Rhodes: Mr. Coen.

Mr. Coen: And just… the proffer question again. I mean, again, and I understand the thought process. But surely you can understand that 400 and some odd, even for a 1-bedroom even in a luxury. So, after the public hearing and whatnot, I would hope that the applicant would revisit that aspect. I mean, as Mr. Zuraf was saying, you're using something in computation that normally isn't. Which is understandable and I appreciate the kindness and professionalism in it, but I just hope that you'll look at that. And I'm not quite sure, and I'm not in the business of construction or retail, but market-rate always just sounds different than luxury high-end. And we had this fight last time, I know. But, and maybe it's again

because I lived up in Arlington, but when you say market-rate, it sort of infers whatever the market can get as opposed to what you're demonstrating here, which is a totally different concept. So, just if you'll think about that aspect of it, it'd be appreciated.

Mr. Stuart: Yes sir.

Mr. Rhodes: Other questions? Yes, Mr. English.

Mr. English: One more. The Havens -- where is that located?

Mr. Stuart: Fredericksburg; across the river.

Mr. English: I understand, but where?

Mr. Stuart: That's in Celebrate Virginia South, yeah, back by Wegmans.

Mr. English: Okay.

Mr. Rhodes: Okay, any other questions for the applicant before we have public comment? Okay, thank you sir, thank you very much.

Mr. Stuart: Thank you Mr. Chairman, members of the Commission.

Mr. Rhodes: If there's any member of the public who'd like to speak on items 2, 3, and 4 you may come forward and do so at this time. Please! We'd just ask that you state your name and your address. And then a green will come on indicating 3 minutes, yellow light 1 minute, red light just if you could.

Ms. Sluger: My name is Kay Sluger and I do live in Celebrate Virginia. And I was opposed to the last apartment building; most of us were. If this has been talked to about anyone, we don't know anything about that. Now, there's just three of us here tonight representing us. My question is, the big question is, about the CDA and I've talked to Gary Snellings about this many times because he's my Supervisor. Do these people pay this? Do these builders pay this? I pay $10,000 to ride on this highway. What happens to that? Is that a question for the Board?

Mr. Rhodes: Actually, public comment is just an opportunity to express points, so we won't have a question and answer.

Ms. Sluger: I mean, I would love not to pay this $1,000, especially I pay a thousand dollars a year, 700 is interest. So you can only imagine how the rest of us feel who live in Celebrate Virginia that all these people are going to come in and pay nothing. And I agree, this is beautiful high-end; we don't even want high-end. We don't want the traffic. We don't want the bus stops. We don't want the school business. We're old. I'm 75. We're old. We want to be quiet. That's all I have to say.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to speak on items 2, 3, or 4? Okay, thank you very much. We'll move on and close the public comment. Response please from the applicant. And certainly if there's more from staff on CDA, that's always helpful if you could.

Mr. Stuart: Mr. Chairman, members of the Commission, the developer will pay the same pro rata share on that CDA. It will not affect that payment, although I think it tends to bring the overall management costs down. So there's some benefit there. But they will also pay the same pro rata share.

Mr. Rhodes: Okay. Is there any more to add, Mr. Harvey or Mr. Zuraf, on any other aspects of the CDA?

Mr. Harvey: Mr. Chairman, we'd have to look at all the specifics of the CDA. Just for the Commissions' knowledge, the County government doesn't have much of a role in the CDA other than appointing who is on the members of the Board for the CDA. The CDA is a privately operated entity.

Mr. Rhodes: Okay, thank you for that. Are there… I'll bring it back in. Are there further discussions, comments…?

Mr. Apicella: I'm curious based on the one public comment that we had, beyond the notice in the paper what kind of notice was… this is a partial reclassification… what kind of notice was provided to the community?

Mr. Harvey: Mr. Apicella, the notice that we provide to the community is specific advertisement in the Free Lance-Star which runs two consecutive weeks prior to the hearing dates. Also, we send out notices by either certified or first class mail to the adjacent property owners. And then also we post signs in front of the property along the road frontage.

Mr. Apicella: So, when you say adjacent, did that include the Del Webb community?

Mr. Harvey: Probably not, because that's not physically adjacent to this property. There's other intervening properties. Now, if there is some property that's part of a larger homeowner's association, that HOA would get notification; but I don't think that exists in this situation.

Mr. Apicella: Okay, thank you.

Mr. English: I might have missed your question. Were you asking if that CDA would go down if that is the case (inaudible)?

Mr. Apicella: No, I was asking what kind of notice was provided to the Del Webb community.

Mr. English: Oh, I'm sorry. Well, then I have a CDA question. If this apartment complex does come in… I don't know if you can answer this Jeff… will their CDA costs go down at all? Will that affect that at all? It's just going to stay the flat 10,000 or what it is?

Mr. Rhodes: They stay pro-rated (inaudible).

Mr. English: So even if that comes in it's not going to make a difference for them one way or the other. That's my question. Okay.

Mr. Rhodes: Okay. Yes, Mrs. Bailey.

Mrs. Bailey: I was just wondering if we would be able to get some information on The Haven in Spotsylvania so that we'd be able to see what the percentage of the older adults, per se… I'm one of those as well now… but I am familiar with The Haven and there are quite a number of young adults that live there, with children as well. So I would interested to see what that percentage is.

Mr. Rhodes: So, the question, having staff try and see if they can get some degree of the demographic breakdown.

Mrs. Bailey: Right.

Mr. Rhodes: Okay.

Mr. English: Also the one in North Carolina, too, that he was referring to. I would like some stats on that.

Mr. Rhodes: Okay.

Mrs. Bailey: And this is not for staff, but for the applicant. I would be curious as to the type of marketing that you do and the materials that you have for marketing. I would think that it would be difficult to guarantee that you would have a, you know, certain type of individual going into those apartments unless they were 55 or older. So, just curious about that.

Mr. Rhodes: Okay. Mr. Coen?

Mr. Coen: And if staff could look at the two complexes for the number of bedrooms as well, that'd be helpful.

Mr. Rhodes: Oh, the breakdown of the bedrooms at the complexes? Got you. Any other comments or questions? It does happen to be in… it's your night.

Mr. English: I'm the show guy tonight. I'm going to make a motion to defer at least…

Mr. Gibbons: Second.

Mr. Rhodes: To the 23rd?

Mr. English: … to the 23rd, yeah. That gives enough time to get (inaudible)?

Mr. Rhodes: We can do all these three together, right, for deferral? Yep, good, okay. So there's a motion by Mr. English, second by Mr. Gibbons, to defer items 2, 3, and 4 to the next session, the 23rd of September. Yes Mr. Apicella?

Mr. Apicella: I guess you already closed the public hearing.

Mr. Rhodes: Yes.

Mr. Apicella: It's alright; too late.

Mr. Rhodes: Oh, sorry. Ah, to move these to the 23rd. There's always public comment portion at the beginning of each session too. Is there further comment Mr. English? Mr. Gibbons? Any other member? There was the few asks but I know staff got those down and certainly there was one asked of the applicant possibly for next time. And so the motion is to bring this back up at our next session on the 23rd of September, all those in favor… Yes, please.

Mr. Gibbons: Mr. Chairman, if the one in Spotsylvania is called The Haven, maybe this will be Paradise.

(Laughter)

Mr. Rhodes: Heavens or Havens? Very good. All those in favor of the motion to defer to the 23rd of September signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? So, we will bring this back on the 23rd of September and talk about it then. So with that, we're going to move onto item number 5… yeah, item number 5, Unfinished Business, The Glens, Section 7.

UNFINISHED BUSINESS

5. WAI15150774; The Glens, Section 7 - A request for a waiver of the Subdivision Ordinance, Section 22-176(f), Private Access Easements (PAE), to allow a PAE in a major subdivision, on Assessor's Parcel 27-17, zoned A-1, Agricultural, located on the south side of Stefaniga Road, approximately 5,000 feet west of Mountain View Road adjacent to The Glens Section 6, within the Rock Hill Election District. **(History: Deferred on August 26, 2015 to September 9, 2015)**

Mr. Harvey: Thank you Mr. Chairman. Andrea Hornung will be leading the staff discussion of this item.

Mrs. Hornung: Good evening Mr. Chair, members of the Commission. This item, the request for a waiver of the Subdivision Ordinance, Section 22-176(f) for Private Access Easements, to allow a PAE in a major subdivision on Assessor's Parcel 27-17, and it's zoned A-1. And it's in a section adjacent to The Glens subdivision which is also noted at The Glens, Section 7. This item was… you heard this item at your last Planning Commission meeting and… on August 26, and action was deferred because there were a number of questions that were raised regarding impacts to wetlands with construction of the public street or a private access easement. The applicant had attempted to address these questions by providing two exhibits. And we have these exhibits on the computer please.

Mr. Rhodes: Computer please.

Mrs. Hornung: The first exhibit shows construction of a public street serving three lots, and identifies the potential grading and impact to wetlands. About 99 linear feet of the intermittent stream and associated wetlands… thank you… would be impacted. Grading would also occur near the location of drainfields for the proposed Lot 1, which is along Stefaniga Road. The second exhibit also shows

construction of the PAE serving three lots but no impact to the wetlands. And the use of this PAE would allow Lots 1 and 2 to be larger in size so there would be more flexibility with the location of road frontage. And the other thing is, a PAE is not required to meet the same construction geometry as a public road, because those are built to VDOT standards because VDOT maintains the public roads in the County. Now Section 22-241 of the Ordinance identifies two conditions to be met for the Planning Commission to grant such a waiver. The first condition would be that the minimum require…

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

Mr. Rhodes: Computer please.

Mrs. Hornung: Right. One actually shows the grading of the cul-de-sac, which would have been a public road, and the other one shows the Private Access Easement which is…

Mr. Harvey: This exhibit is the Private Access Easement exhibit.

Mrs. Hornung: Right.

Mr. Harvey: Actually, that's the same exhibit. Unfortunately I think I copied the wrong one.

Mrs. Hornung: It's in the staff report.

Mr. Harvey: Thank you.

Mr. Rhodes: Ah, you're going to make us work.

Mrs. Hornung: The first condition that is required would be that the minimum requirement, if applied to a proposed subdivision, would impose an unreasonable burden to the public… to the subdivider, excuse me. The second condition would be that the granting of such waiver will have no substantial adverse effect on future residents of the proposed subdivision or any property adjoining such subdivision. And the applicant feels that these conditions can be met because they only affect these three lots that are separate from The Glens subdivision as a whole. The HOA will not have any… there will not be an HOA for these three lots. And so while they'll still be named The Glens, Section 7, they will not be physically associated with The Glens as far as maintenance and ownership with the Homeowner's Association. The other thing is should the Planning Commission grant this waiver for the PAE, staff has some recommendations on the construction of the PAE. Now in the code, for lots that are greater than 5 acres, a PAE is required to be 50 feet in width. If it's less than 5 acres, it's required to be 20 feet in width. Because the one lot in the back is 16 acres, the PAE would be required to be 50 feet by code anyway -- as far as 50 feet in width, not length. Also, there were some questions that were asked of staff to complete prior to the meeting. And one of them was a chart comparing the VDOT road requirements for the development when it was approved and also road requirements for new subdivisions today and also requirements for a Private Access Easement. Computer please. The chart that you see lists the 1998 SSR, which is the State Secondary Road standards that were in place at that time when the preliminary was approved by VDOT for standards for roads. So the vehicles per day would be 30, minimum design 20 miles per hour, radius 120 feet, stopping distance for sight distance 125 feet, intersection sight distance 200 feet, and minimum pavement width of 18 feet. And then minimum right-of-way or easement width would have been 40 feet. In 2005, there were also some requirements for SSR which the only difference would be that the radius went down to 110 feet and the minimum right-of-way width went up to 50 feet. In 2011, the SSR were revised to SSAR and those design standards changed the design speed to 25 miles per hour, minimum radius would be 200 feet, stopping sight

distance 155, the intersection sight distance went up to 280 feet, the minimum pavement width increased to 24 feet, but the right-of-way width stays the same at 50 feet. Now, if it is a Private Access Easement or a shared driveway, there aren't any requirements other than the code that says it has to be 50 feet in width. Vehicles per day are the same, but there aren't any other design standards for the road other than the pavement width and right-of-way width per our code. Some other questions that were asked about was that if the cul-de-sac is a primary portion of the VDOT style road impacting a portion of the intermittent stream and wetlands, would there be any other construction approaches that could be undertaken to minimize and mitigate the impacts beyond a PAE. For example, the angle of a cul-de-sac being relocated or even the entire road segment being relocated. Some of those questions are a little bit more technical based on engineers' reporting and design investigation, but also the… if it's a PAE, you don't have to worry about the lot shape. So depending on topography, location of drainfields, and environmental concerns will depend on how that road can be designed in order to access those lots. The other thing… the other question was about Fire Department review and comment. They do not review a Private Access Easement unless it's part of a plan that is being reviewed by a number of staff agencies that might be a Technical Review Committee or is routed for review. In non-residential developments or even townhouse developments, the Fire Department will review the roads for access for emergency equipment, but not in a residential for a few lots as a Private Access Easement. And there is no distinguishing fact about whether a Private Access Easement is serving a lot that has water or not. The other question was, what would be the County's position if a developer could not build the original number of lots when the parcel has issues or limitations. Then the builder will develop accordingly. If they were approved for a number of lots but further investigation through drainfields or soils show that they cannot get that maximum number of lots, then they would build the minimum… or the maximum that they could get which sometimes is less than what's approved. We've seen frequently that developments have lost lots due to drainfield relocation because the technology is better than it was 20, 30 years ago. Or you can have alternative drainfield systems now. So, pretty much any lot can be developed because you have different types of technology that can be used for drainfields. The other options available to the applicant to develop some or all of the lots if the waiver is not approved, well they could build… construct a road for two lots, a Private Access Easement, which is allowed administratively, which would be a lot going through one lot to access another lot. One of the lots, or the parcel itself has frontage along Stefaniga. So there could be a driveway for the one lot and then one lot in the back which would be much larger, a Private Access Easement would go through one lot to access the rest. Or they would build a public road to serve three lots, or they have enough acreage they could get additional lots which I think there were about five lots approved on the preliminary for this area. But the drainfield constraint only allowed them to have three drainfields, three suitable drainfields. And I think I answered the majority of the questions. The engineer is here to answer any further questions if any of these questions that were asked from the Planning Commission that need further clarification technically. Mr. Bill Pyle from Bowman is here and if you have any questions.

Mr. Rhodes: Questions for staff before we have the applicant come forward? Mr. Gibbons?

Mr. Gibbons: No, I want the engineer.

Mr. Rhodes: Okay, very good. Anyone else? Mr. Coen?

Mr. Coen: Just real quickly; I just want to make sure I understand correctly that if this is rejected or denied, they can go ahead and build what's marked on here as Lot 1 because it's basically it's right on the major road. And they could do a PAE up to… for a second lot. So we'd be going from three down to two.

Mrs. Hornung: That is correct.

Mr. Coen: Okay, thank you.

Mr. Rhodes: Very good. Anyone else? Okay, thank you very much. Applicant please.

Mr. Gibbons: Mr. Chairman, I went out there and walked the lot. The house is on the way right beside Stefaniga Road so that doesn't seem to hold you back. The only one I can compare this to is Walnut Ridge that's in my district, and we did do two cul-de-sacs at the T so the Fire… brought out the Fire Department and they did that. So my concern is, maybe it's not required by code but we're required to provide safety for the people. So I would assume… I would like to have the Fire Marshal or somebody go out there and make sure that whatever you put in there can adequately take the apparatus and we can turn it around. That's my concern. And then the other thing that Mrs. Bailey brought up at the last meeting is maybe you can put a donation or something into the park to help some of the reconstruction of that road when it comes down, because somebody's going to have to maintain it. And that's an awful lot of pavement to take care of there.

Mr. Rhodes: Okay.

Mr. Pyle: Good evening members of the Planning Commission, Mr. Chairman, Mr. Gibbons. To address your concerns, as Mrs. Hornung mentioned, the Fire Marshal does not review PAE waivers or anything of that sort. But, when we do come in with a construction plan for the three lots, it will go to the Technical Review Committee and all the County planning staff including the Fire Marshal will get a chance to review it then.

Mr. Gibbons: I don't know… how do you ask? I want you to ensure that that has adequate radius to bring the equipment in. That's all I'm asking from the applicant. Am I allowed to do that?

Mr. Pyle: Well, if I may, there are other lots in similar subdivisions, including some of the other sections of The Glens, that have single-family driveways that are even longer than this driveway that'll be shared, the maintenance for which will be shared by these three homeowners. And those single homeowners are responsible for both the maintenance of those longer driveways and they're under no obligation to provide an emergency access… emergency vehicle turnaround either. I'm assuming that the emergency vehicles just have to either back down or turn around in the grass. Not to say that we won't, you know, investigate those possibilities, but I don't know that there's any specific requirement that forces that.

Mr. Gibbons: So, how wide is the road going to be now, if we grant this? Twenty-four feet?

Mr. Rhodes: Fifty feet.

Mr. Pyle: Well, the easement itself will be 50 feet.

Mr. Rhodes: Oh, easement, okay.

Mr. Pyle: The pavement is required to be 20 feet which is the same width as is required for a fire department access.

Mr. Rhodes: Ah, gotcha. You were worried about the turnaround.

Mr. Gibbons: I mean, all I'm concerned about is it's in my district. I've done it before and it's worked. And when you get out there in the middle of nowhere and you've got to take an apparatus down there, a ladder or something, you've got to be able to maneuver.

Mr. Rhodes: Can you do conditions of approval?

Mr. Harvey: Yes, Mr. Chairman.

Mr. Rhodes: One we're so inclined?

Mr. Harvey: As you recall in the staff report, we recommend conditions that there be a minimum pavement width and that the easement be paved rather than gravel.

Mr. Rhodes: Right. So the driveway would be paved with asphalt or concrete and the minimum… driveway shall be a minimum… yeah. Well, this actually had 18 feet wide.

Mr. English: I guess he wants a bigger turnaround for the cul-de-sac?

Mr. Gibbons: I need a small cul-de-sac down in (inaudible).

Mr. Pyle: Let me check with the owner.

Mr. Rhodes: Okay, thank you.

Mr. Pyle: Does anybody have anything else?

Mr. Apicella: I do, Mr. Chairman.

Mr. Rhodes: Yeah, Mr. Apicella, please.

Mr. Apicella: So again, I was asking about the (inaudible) possible here in terms of trying to stick within the parameters that are required rather than deviating from them in this major subdivision. I see what looks to me like the optimal alignment of a VDOT style road with a cul-de-sac. I'm not a builder, but it seems to me that that alignment could change to further mitigate or minimize the impact on the wetlands which, again, I don't know what these little squiggly lines mean, but the cul-de-sac still seems like it's a bit a ways from at least the intermittent stream. I live on a cul-de-sac. I have a very tiny portion of that cul-de-sac that goes into my driveway. I literally have 10 feet of access into my lot, so it seems to me that that angle could be moved. It may not be perfect where it's currently designated, or it could be moved entirely. So, help me understand why this is the only configuration that will work? I understand that the drainfield is largely driving this request, which causes me some concern, but again, I'm trying to figure out why this is the only way you can get a public road in.

Mr. Pyle: For the public street exhibit?

Mr. Rhodes: Yes.

Mr. Pyle: There are multiple components to the design; one, the radius of the cul-de-sac itself. You were saying on your lot you have maybe 10 feet of frontage. The current County requirements are that there be a minimum of 50 feet of frontage on a cul-de-sac bulb, as well as a minimum 200 feet width measured at the front building restriction line. So, you end up with some very strange looking lots if

you have a 50-foot arc segment right on the cul-de-sac. But then this is a… the front building restriction line in this zoning is 50 feet, so 50 feet further back. All of a sudden the lot has to be four times as wide. So that's why the lots are configured…

Mr. Harvey: Computer please.

Mr. Apicella: I'm not asking about the lots, I'm asking about the road.

Mr. Pyle: Well, the road needs to be of a certain length so that you get that minimum frontage and width on these lots. For example, lot 2, you have barely… you have just over the required minimum 200 feet width of lot at that front building restriction line. So I don't know if you're suggesting we shorten up the cul-de-sac.

Mr. Apicella: I'm saying you move the… it's hard for me to tell if it's northeast…

Mr. Pyle: There's a north arrow up in the corner.

Mr. Apicella: … you move the cul-de-sac up a little bit to a different angle so that you're minimizing the impact on the wetlands. Or you move the whole alignment. You move where you have the houses identified so that you can still put a road that goes basically in between the two lot lines.

Mr. Pyle: Well, going back to the original chart, there's a minimum radius and the two radii that you see on those curves are as tight as those can get. The road can't compress anymore. Those curves are as tight as they get, so they can't be… they can't be squeezed down any further.

Mr. Apicella: So what you're telling me is there's no other way to configure this road. This is it. This is the only way you can get a public road that hits all three lots.

Mr. Pyle: I'm sure there are ways, but they would involve… if we can bring the public street exhibit back up again… it was down under the V in Virginia.

Mr. Harvey: Thank you.

Mr. Pyle: The entrance has to be… let's start with the entrance at Stefaniga Road. The entrance has to be located where it is or further to the west. It can't slide any further to the east due to sight distance… So the entrance is right here. In order to maintain both vertical and horizontal sight distance, the entrance cannot be located any further in this direction. It has to be here or further to the west.

Mr. Apicella: Right.

Mr. Pyle: Which is basically at the top of the hill. As you start going down the hill, you lose your vertical sight distance back over here. So this is basically the only place to have the entrance to meet the public street standards per VDOT. Then, as you come into the subdivision, you're either going…

Mr. Apicella: So again, from the front… from one side of this lot all the way to the other side of that lot, that's the only place where you can make an entry point.

Mr. Pyle: Along Stefaniga, correct. That's the… along the public street frontage, that is pretty much the only place. It could maybe shift… it could probably shift somewhere in this range, but that's about the extent of it.

Mr. Apicella: Okay.

Mr. Pyle: As far as both vertical and horizontal sight distance. So then, the road is either going to come in and curve as it does this way or you can maybe go this way. The issue with going this way, you're tied on either side. You have the drainfield and the property line on one side, or you have the drainfield and the RPA on the other side. There's significant grade differential in both directions from the drainfield across here and from the drainfield across here. You could… basically you're not allowed to cut within 10 feet of a drainfield without compromising it. So the vertical alignment of this road has been set such that we're not… we're held to the vertical alignment that gets us to within grade in this area right here. So then, we come down at the maximum allowable slope that we can physically fit for the road geometry before we flatten it out to a 3% grade across the cul-de-sac, which is the maximum grade on a cul-de-sac, which pushes the grading out as you've seen here across this slope. As an alternative, the road could come through here but you're going to run into the same issue. You're going to have to be very close to on-grade along here, but the two differences are, here you have basically the flat side of the drainfield. So as the road comes through here, it has to be closer to this grade for a longer period than it does when you're over on this side of the drainfield, because that's kind of the short side of the drainfield versus the long side of the drainfield. Over here you have the additional impact of, if you're trying to cut a road in in between the side of the drainfield here and the RPA, you're going to end up with either fill in the RPA over here, which is, you know, another environmental impact that we're trying to avoid over here. So you're going to have either… you're going to end up either with fill in the RPA over on this side or fill in the wetlands over here. Then, as you're coming along here…

Mr. Apicella: Whatever you're writing, it's not showing up.

Mr. Harvey: Mr. Pyle, you can change colors if that helps for that purpose. Press… there's a series of buttons at the top; you can press any one of them to change the color to green, blue, or red. You can go back to your drawing now.

Mr. Pyle: Okay. So, as the road…

Mr. Harvey: You picked the highlighter rather than the pen, sorry.

Mr. Pyle: Which one is the pen? There we go. So, as your road is coming along here, you're either going to have to turn and go between this drainfield and the RPA, which is even tighter, or between these two drainfields. If you come between, you're going to have either environmental impact on the RPA or you're going to be… you're vertically constrained by the two drainfields here plus the same minimum radius that you have here, you have to apply to get between these two drainfields. Then you'd have to get back… you'd probably end up with the center of the cul-de-sac here instead of here, which is going to be even closer to the wetlands and create more of an impact there. In addition to probably compromising one of these two drainfields if you came this way, and the environmental impact that you're going to have skirting the RPA on that side.

Mr. Apicella: Okay, you still haven't answered my question about the cul-de-sac itself and where it sits within the two… between lot 2 and lot 3. Why can't that itself be moved slightly to a different angle so that it minimizes the impact on the stream and the wetlands?

Mr. Pyle: When you say to a different angle, do you mean like an offset cul-de-sac bulb or to shift the bulb itself?

Mr. Apicella: Yes, yes. Well both; one or the other.

Mr. Pyle: Well, if you start shifting the cul-de-sac bulb back this way…

Mr. Apicella: No, no, no, no… not that back way. Just move it up.

Mr. Pyle: There's a north arrow in the bottom right corner. If you want me to shift the… give me a cardinal direction, I can shift the cul-de-sac in your desired direction.

Mr. Apicella: Closer towards the drainfield on, or in the same direction as the drainfield on lot 2.

Mr. Rhodes: So up. Up on the picture.

Mr. Pyle: So west. So this way.

Mr. Rhodes: I do it Kentucky way. Up on the picture.

Mr. Apicella: There you go.

Mr. Pyle: We would… as the cul-de-sac starts shifting this way, if you shift it enough to get rid of this drainfield impact over here, the edge of this cul-de-sac is going to move from here roughly the same distance over and then you're going to be cutting under this drainfield and you're going to compromise the drainfield there. So you'd probably lose a lot.\

Mr. Apicella: It seems to me again that the impact on that wetland is so small that you should be able to move it the equivalent that it's not going to impact that wetland. I mean, it's hard to see without getting an actual visual of the wetlands. You're making it sound like you have to put the cul-de-sac right next to the drainfield and I'm not seeing that from this picture right here.

Mr. Rhodes: Can we erase it all? Oh, he's kind of knocking it out over here.

Mr. Pyle: The issue with shortening the cul-de-sac is right now you're at a minimum lot width on lot 2 and you can't really move the lot line between lot 1 and lot 2 without creating a non-conforming side lot line with bends in it. So this is approximately where this lot line has to stay and right here, this minimum width of 200 feet is going to be… that's what you're at right now. So if you were to start shortening this cul-de-sac, you would lose this minimum lot width through here. You'd be creating a non-conforming lot which Jeff won't let us do.

Mr. Harvey: Mr. Pyle, I believe that there is also a Health Department requirement that the property line be a minimum of 5 feet from the drainfield.

Mr. Pyle: Five feet from the drainfield or the right-of-way (inaudible).

Mr. Harvey: So that one lot line between lot 2 and lot 3 can shift a little bit maybe, but not much.

Mr. Pyle: Oh, in… saying this distance in here?

Mr. Harvey: Yes.

Mr. Pyle: There's… yeah, there's a little bit of room. In order to shift the cul-de-sac up enough to solve or to attempt to solve any of the problem, you know, the distance that you can save there is not going to be offset by the distance here. The other issue is, we're trying to get the cul-de-sac as low as possible because right now, like I said, the vertical design is being constrained by the need to not undercut this drainfield. As you shorten the road, without going into too much detail, the vertical geometry required by VDOT, you know, there's a minimum distance on the vertical curves to make your (inaudible) to make your sight distance work. As this cul-de-sac bulb moves along its alignment this way or in any direction closer to Stefaniga Road, the minimum elevation at which the cul-de-sac sits becomes higher. As the cul-de-sac becomes higher, this fill slope becomes… extends further and impacts more wetlands.

Mr. Apicella: Okay, at the risk of frustrating my colleagues, I'm going to ask one more potential way of getting this cul-de-sac in, and I tried to suggest it before. So you've got the two drainfields on lot 2 and lot 3. Again, why can't the road segment with the bulb of the cul-de-sac go further… go in between the two drainfields with the realignment of where the houses are?

Mr. Rhodes: So, up and a little over to the left on the orientation of this picture.

Mr. Pyle: So, relocating the bulb more this way…

Mr. Apicella: Oh, I'm not suggesting there. I'm not suggesting there.

Mr. Rhodes: Oh, that's what I thought.

Mr. Apicella: Further away from the drainfields…

Mr. Pyle: Further down into here?

Mr. Apicella: There you go. Well, it is what it is.

Mr. Pyle: We could take a further look at that. The issues that I see are that you'd have to be on grade again in both this location… you still have to be on grade right here or you're undercutting this drainfield. You have to be on grade here or you'll be undercutting this drainfield. You have to… it's probably a little hard to see right here, but let's just say from right around here, right around here, it looks like it's about 16 (inaudible), so you're losing 32 feet of elevation to get in between those two… to follow this alignment. So, my guess is, without running the profile, you're probably going to need at least as much fill as you have on this slope right now, if not more, so you'll be filling into the RPA along in here as well. It's… I haven't found a way to completely avoid all environmental impacts with a public street. With a PAE we manage to do that.

Mr. Apicella: Alright, thank you.

Mr. Rhodes: Those have been good questions Steven. I mean, that just helped me understand it a lot better. Okay, other questions for the applicant? Sorry, I got lost.

Mr. Gibbons: He was going to ask the owner.

Mr. Rhodes: Oh, okay.

Mr. Pyle: About the maintenance for the… oh no, for the turnaround?

Mr. Rhodes: Something a little wider in the turnaround. Actually, that helped me better understand. It's just complicated. It's just a complicated piece of property.

Mr. Pyle: The owner is willing to provide a, either a cul-de-sac or more likely a hammerhead type turnaround that's acceptable to the Fire Department.

Mr. Gibbons: Thank you. And then what about a contribution to the future road maintenance, we call it the Bailey Fund.

Mr. Pyle: Is there like an escrow type of setup… is there any mechanism in place in the County by which that can be accomplished?

Mr. Harvey: Mr. Chairman and Mr. Gibbons, the County normally does not get involved in maintaining private streets; we wouldn't be involved. That would be something that the developer would establish with the community. I guess that's more a question for the developer if they intend on having the reserve and then having HOA dues for the lots to pay for the maintenance.

Mr. Gibbons: But there's no HOA for the lots.

Mr. Harvey: Well, there'd have to be some sort of maintenance agreement with the Private Access Easement.

Mr. Gibbons: Okay.

Mr. Payne: Mr. Chairman, if I could take a stab at that real quick. Typically there would not be a… because this particular part of The Glens would not be in an HOA, but there would be running with the property a road maintenance covenant which would require the three property owners to share in the cost of the maintenance. So the developer will build the initial roadway, if you will, and then the three property owners, prior to their closing on the property, would be aware of the covenant that runs with the property that they would be obligated to pay what their pro rata share would be. And that could have a reserve as part of that process.

Mr. Gibbons: Okay, thank you.

Mr. Payne: Yes sir. So we can put that in the covenant.

Mr. Gibbons: Would you do that?

Mr. Payne: Sure, we could do that.

Mr. Gibbons: With that, Mr. Chairman, I'll move for approval.

Mr. Rhodes: Okay. If I could just clarify one thing Mr. Gibbons. So, I just would like to confirm -- we had talked about recommending approval with two recommended conditions previously is what we had said. And they were that the driveway shall be a minimum of 18 feet wide. But then I hear that is to be 20 feet wide?

Mr. Gibbons: Yes.

Mr. Rhodes: The staff report had said 18 feet wide. I just wanted to double check. Okay, so that the driveway shall be a minimum pavement of 20 feet wide?

Mrs. Hornung: Correct.

Mr. Rhodes: And minimum easement 50 feet, and that the driveway shall be paved or asphalt and concrete. And then I just heard an acceptance of a third recommended condition, which would be that they would develop a hammerhead turn or something of some sort that is acceptable to Fire/Rescue for the end of this Private Access Easement. So, it is with those three conditions, as stated…

Mr. Gibbons: And then the establishment…

Mr. Rhodes: … and the understanding that they are going to establish the covenant for the reserve.

Mr. Gibbons: Right.

Mr. Rhodes: And with those conditions is what you're recommending approval of the PAE given the unique terrain and the implications on the difficult ability to put in a public road.

Mr. Gibbons: Yes sir.

Mr. Rhodes: Okay. So there's a motion by Mr. Gibbons; is there a second?

Mrs. Bailey: Second.

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

Mr. Gibbons: No sir.

Mr. Rhodes: Further comment Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Rhodes: Any other member? Mr. Apicella?

Mr. Apicella: Mr. Chairman, I'm not going to support the motion. I believe there's good reasons why the County requires a VDOT standard road in major subdivisions. It seems more appropriate in this case when it serves as an entry and exit point directly off a windy and often used secondary road. I think the County code indicates there's got to be a compelling reason to deviate from the County's requirements, and those reasons, in my opinion, have not been met in this case. I'm sympathetic that the parcel is not perfect, that it has bad soils, and it may not have the optimal perk sites, but I don't find those conditions or the marginal cost difference of $17,000 for a PAE style road versus a VDOT style road to be an unreasonable hardship. And with regard to the wetlands, I see that they are somewhat in close proximity to the cul-de-sac, but it seems minimal. And I offset that, again, with my concern about, you know, the necessity of having a VDOT style road versus a PAE. The bottom line here is again, I don't think the criteria was met. I don't think it's our responsibility to solve perk problems on parcels and I think we would create a slippery slope if we try to solve this problem by allowing them to utilize the criteria that have not been met in this case to solve that problem.

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

Mr. Coen: Yes, I too cannot support it. There's several things about this, but it really seems as though we're debating whether or not to put one, you know, one additional lot on this parcel. Because they can do number one lot already, so it's just a question of whether we, you know, they get to put two and three or just two. As far as the mitigation on the wetlands, it seems as though one option, according to the applicant's people, the cul-de-sac will impact it. But logic would tell you that the homes, with their fertilizer and etcetera, are going to impact the wetlands as well. I mean, where they have the PAE, basic stuff off roads are going to gut into there anyways. So, either way, it's a wash and it's a bad wash. And the big problem with this is, you know, there are two criteria. And one criteria, legally, is the substantial adverse effect on future homeowners. We heard last meeting that technically the people in lot one don't necessarily have to kick into this. We hear tonight that they would. So, the homeowners in one, two, and three are now obligated to pay, and that's the words that we heard from the legal counsel, obligated to pay for plowing, maintenance, rebuilding, etcetera, of this road. And, you know, so therefore, using his own terminology, that would be an adverse effect and, if I were one of those homeowners, it would be a substantial adverse effect if I have to worry about paying for all this. And so it does not meet one of the two questions, therefore, I cannot support it because 50% is failing.

Mr. Rhodes: Any other comments? I would just share that actually coming into this I was opposed to the waiver for actually many of the reasons that Mr. Apicella stated. I just… I don't like setting a precedent. I like it to be a very rare circumstance when we do that. It wasn't meeting these conditions. I have been through the course of Mr. Apicella's questions and the coloring on the chart. I actually was swayed a little differently towards the affect that I'm actually taking the reverse of the second statement that was made in there, that the granting of such a waiver will have no substantial adverse effect on the future residents of the proposed subdivision. Not granting the waiver, I think, just because of the inability to really curve that road in there and meet all the conditions, does have a greater effect on the properties which indirectly has an effect on the residents. And so I think I take it almost turning around my… reversing the approach to that, and the fact that somebody who's buying there, knowing it's going to a private road, some people just like to be way back and they have a long driveway and they might do that. So, I'm actually… I got over the 51% hump now to where I'm on the other side. But I am very sensitive to and concerned about every time we grant a waiver that it should be very consistent and very deliberate. And this one's kind of one the edge of that, and that was my difficulty point. But I've actually got a little swayed tonight. With that, there is the vote for the motion that is out there which is granting the waiver of the subdivision ordinance for the Private Access Easement with conditions as were stated that the driveway should be a minimum of 20 feet wide paved and 50-foot easement. That driveway shall be paved with asphalt or concrete. That it shall be a turnaround of some sort, hammerhead or otherwise, that's acceptable to Fire and Rescue. And the establishment of the covenants and reserve as were discussed tonight. And with those conditions, all in favor of the motion to approve the waiver signify by saying aye.

Mrs. Bailey: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed?

Mr. Apicella: Nay.

Mr. Coen: Nay.

Mr. English: Nay.

Mr. Rhodes: So that was 4 to 3, right? One, two, three, four… okay, very good. With that, that passes 4 to 3 and thank you very much for your time. We will move onto 5 and 6… uh, 6 and 7 are deferred. No New Business, so we're onto Planning Director's Report; Mr. Harvey.

6. 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: November 18, 2015) (History: Deferred on June 10, 2015 to July 22, 2015) (Deferred on July 22, 2015 to August 26, 2015) (Deferred on August 26, 2015 to November 18, 2015)**

7. 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: November 18, 2015) (History: Deferred on June 10, 2015 to July 22, 2015) (Deferred on July 22, 2015 to August 26, 2015) (Deferred on August 26, 2015 to November 18, 2015)**

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

- RBC Zoning Text Amendment

Mr. Harvey: Thank you Mr. Chairman. As was eluded to in some of the public hearings during tonight's presentation regarding the Celebrate Virginia project, there is an ordinance amendment that is scheduled to go to the Board of Supervisors for its consideration next Tuesday, the 15th and staff has provided you with a preliminary reference to that ordinance. In particular, that amendment would change the standards in the RBC Zoning District with regard to the percentage of the district that's allocated for multi-family housing. Should that amendment come back to the Commission, it would come back to you on your meeting on the 23rd and that will be in my Planning Director's Report at that time. I will note, generally the reason why the ordinance amendment is out of sequence with the zoning cases is that as you recall the ordinance process has two additional steps; one, that it goes through a Board Committee for consideration, then two, it goes to the full Board for a referral to the Planning Commission. So at this point in time, the zoning case is slightly ahead of the zoning text amendment. Also, as mentioned earlier in previous discussion, on the 23rd we'll have Michelle Shropshire from VDOT here to give an update to the Planning Commission about the Courthouse Road interchange and the diverging diamond concept. And that concludes my report.

Mr. Rhodes: Thank you very much.

Mr. Gibbons: Sir, I have a question for the staff.

Mr. Rhodes: Please.

Mr. Gibbons: Last meeting we had that request about the postal…

Mr. English: Boxes.

Mr. Gibbons: … you know, putting in…

Mr. Rhodes: Oh yeah.

Mr. Gibbons: … and I thought somebody was going to take a look at it and see (inaudible).

Mr. Rhodes: This is the new requirement that all subdivisions would have to have just those little gang mailboxes up at some spot.

Mr. Harvey: Yes sir, Mr. Chairman and Mr. Gibbons. I do recall that and unfortunately I did not pursue that and I apologize. I will get additional information to you for your next meeting.

Mr. Rhodes: See if you can find out what the requirements are there. Thank you very much. And thank you for reminding us Mr. Gibbons. County Attorney's Report.

COUNTY ATTORNEY'S REPORT

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

COMMITTEE REPORTS

Mr. Rhodes: Committee Report of the 19th.

Mr. Coen: Yes sir. I've talked with staff and sent out a sort of a poll of who can come. We have a, I'm very happy to say, a super majority of people who can come. I'm going to get together with staff beginning of next week, middle of next week to work on the agenda, but primarily it would be an organizational meeting and try to determine the road ahead as far as working on revising the Comp Plan. And we're anticipating getting you some information. A lot of it is the stuff that Mr. Harvey was very good to get to us last meeting -- and Mr. Zuraf. And so we'll probably try to get to you the agenda and some information beforehand so you can ponder before Saturday.

Mr. Rhodes: And that'll be 9 o'clock on the 19th?

Mr. Coen: ABC room?

Mr. Rhodes: ABC? Or do we have a place yet? To be determined. Somewhere in this building.

Mr. Coen: So not ABC but TBA. And so…

Mr. Gibbons: And make sure we don't have day old donuts now.

Mr. Rhodes: Mr. Coen's going to bake.

Mr. Coen: Yeah. And I understand BJ's has a really good selection of donuts.

CHAIRMAN'S REPORT

- Staff Report Format

Mr. Rhodes: Thank you very much Mr. Coen. For Chairman's Report, the one thing Mr. Harvey was good to remind, we had talked a couple months ago. Mr. Apicella had raised the question, is there a better way to structure staff reports and would folks… any commentary that folks had. Staff took what input they got, or didn't, and they made some suggestions. And that's the larger legal page you have in front of you. And on the left side is the order that they do the staff packages for reclassification and for conditional use permit, and from the discussion and from staff's objective review of the way they're ordered, there are some suggestions on the right-hand side for reclassification and conditional use permit of what might be a more effective way to dig through the packets and put the fun stuff up front and put the, you know, longer drawn out stuff maybe in the back or trying to get those things that are more relevant to or might access most often, most quickly, towards the front of the packet. So, some thoughts for different reasons that they put their professional thought into it of how they might restructure the staff packet. So they share this with you for suggestions, see if it stimulates any further comment or if there's not further comment, I think they'd be happy to start structuring them this way. Other commentary Mr. Harvey?

Mr. Harvey: Mr. Chairman, one of our administrative staff had another idea that can't be reflected in this chart. That other idea was to include hyperlinks in the staff report to the attachments rather than necessarily re-ordering the sequence of the information. So, if someone wanted to get a quick reference to that information that's in one of the attachments, they would touch the hyperlink and it would automatically send them to that information as an alternative.

Mr. Rhodes: Instead of scrolling like mad?

Mr. Harvey: Yes sir.

Mr. Rhodes: Good. So other thoughts? Comments? Mr. Coen?

Mr. Coen: I sort of like the map being earlier because quite often as I'm reading I like to go back and forth and look at the visual, but that's just because I'm a visual learner. Is it possible to include hyperlinks on, I'm sort of guessing, say for example something comes back to us that we saw maybe two years ago, that we can go back and look and read those minutes or whatnot without having to sort of go to the County website and hunt that way? I don't know if that's possible or not, but on a couple of them that are sort of, I don't want to say retreads, but repeat offenders, it'd be nice to be able to go back and see. I know Mrs. Bailey said she went and watched… right? Yeah, she went back and watched our hearing. But that might just be something that staff could look at and see if that's possible.

Mr. Rhodes: I think you started doing some of those.

Mr. Harvey: Yes, Mr. Chairman, we do provide hyperlinks to previous staff reports on the same topic, if it's a continuation of that discussion. We haven't yet but we can provide hyperlinks to minutes if, for instance, it's something that came up several years ago and had been previously disposed of and now

they're doing an amendment to it, we can provide linkage back to those previous staff reports or minutes. We'll still have to work out the details on how to accomplish that.

Mr. Rhodes: Other thoughts? Mr. Apicella.

Mr. Apicella: I would just maybe recommend that staff send this to us in an email, maybe have a chance to digest it and see if we, you know, this works or might have a tweak here or there. I noticed, and maybe I'm missing it, the TIA was one of the things that I don't see here but is often a voluminous document. To me that should go at the back-end. So that might be one add or tweak that I would make. But, again, I'd just like to take a look at it and see, you know, what might work from my vantage point.

Mr. Rhodes: So, Mr. Harvey, if staff could send this out to us electronically and then we'll just take it up at the end of the full business next time.

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

Mr. Rhodes: Thank you. Okay, with that we are at the TRC. Everything's about Mr. English. You got it? You ready? You ready to rock and roll? Okay, I'd entertain a motion for approval of the July 22, 2015, minutes?

OTHER BUSINESS

8. TRC Information - September 23, 2015
   - Warrenton Road Grocery Store - Hartwood Election District

APPROVAL OF MINUTES

July 22, 2015

Mr. Gibbons: So moved.

Mr. Rhodes: Motion by Mr. Gibbons.

Mrs. Bailey: Second.

Mr. Rhodes: Second by Mrs. Bailey. Further comment Mr. Gibbons? Mrs. Bailey? Any other member? All those in favor of the motion to approve the July 22nd minutes signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; passes 7-0. Anything else we forgot folks? Cool! We're done!

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:29 p.m.