

STAFFORD COUNTY PLANNING COMMISSION MINUTES
November 18, 2015

The meeting of the Stafford County Planning Commission of Wednesday, November 18, 2015, was called to order at 6:30 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Stinnette, Baker, Zuraf, Ehly, and Doolittle

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Are there any declarations of disqualification? Very good. As we get ready to move onto Public Presentations, I do note that we received some new information concerning items 3 and 4 that are on the agenda this evening. And I know the applicant just received some new information as well and had requested time to be able to work on that. They've been trying to work on some modifications that they have made. So I would entertain a motion to remove those from the agenda for this evening? Mr. English?

Mr. English: Yes sir.

Mr. Gibbons: I'll second it.

Mr. Rhodes: Second, okay. So, a motion to modify the agenda to remove items 3 and 4 and they would come back up on January 13th; I think that's the first session Mr. Harvey?

Mr. Harvey: Yes Mr. Chairman, that's correct.

Mr. Rhodes: Very good. So, a motion to modify the agenda to remove those and they would come back up on the agenda on January 13th. All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? Very good. So, that being done, we will now move onto Public Presentations. This is an opportunity for any member of the public to speak on any item they would like to speak on other than item number 1. There will be a public comment opportunity for item number 1. But on any item they would like to address to the Planning Commission to share information or

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perspective. If you do so, you would come forward, state your name and your address. When you do so, a green light will come on indicating 3 minutes are available to you. A yellow light will come on when there's 1 minute remaining, and then a red light will start blinking and we would ask that you work to conclude your comments. So, if anyone would like to speak on any item except for item number 1, you may come forward and do so now.

PUBLIC PRESENTATIONS

Mrs. Carlone: Ruth Carlone. Just fairly briefly, I know we can't name names of anybody on the Planning Commission or Board of Supervisors, but I wanted to thank TC on the Planning Commission for the letter to the editor today. We've got to do something. Not we, you all, have got to do something to get some other way of getting the word out to the public. This is disgusting how few people show up. One of the things also is item number 7. This is... I'm talking about the items in Hartwood. Nobody, including me, know anything about these. We have another issue coming up are the cluster developments. We're on well and septic. We've had about 75 new homes since there was a groundwater study back in 2005 and we desperately need a groundwater study and someone to tell us what we're going to do when all these new houses come in on Mount Olive. And then there's also a proposal from Hour Homes. What are we going to do? The only thing we can do is have water hauled in. Our property will be worthless. And I'm not just doing it for me because the kids will have to worry about my property, but we've got to think about the people coming in and building around our neighborhood. And that's all on that subject. Okay, thank you.

Mr. Rhodes: Thank you very much. Is there anyone who would like to come forward and speak on any item except item number 1? Okay, with that I'll move past Public Presentations and onto the Public Hearing item. The first item... the item for Public Hearing tonight is RC15150923, the reclassification of Counting House. Mr. Harvey?

PUBLIC HEARINGS

1. RC15150923; Reclassification - Counting House - A proposed reclassification from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, to allow an office use on Tax Map Parcel No. 53D-1-36, owned by Stafford County. The property consists of 0.41 acre, located on the west side of Gordon Street, north of King Street, within the George Washington Election District. **(Time Limit: February 16, 2016)**

Mr. Harvey: Thank you Mr. Chairman. Kathy Baker will be making the presentation for staff.

Mrs. Baker: Good evening.

Mr. Rhodes: Good evening.

Mrs. Baker: Item number 1 is a rezoning reclassification for the Counting House property. This request is to rezone 0.41 acres from R-1, Suburban Residential to B-2, Urban Commercial to allow for an office use. This property is located at the intersection of Gordon Street and King Street. It is within the Falmouth Historic District. And Stafford County is the owner, as well as the applicant for this proposal. As you look on the aerial view of the property, you see it highlighted in red with King Street to the south. King Street does turn into River Road further to the east. Gordon Street is to the east of the property, or the right side. And you'll see the Falmouth Bridge which is to the west of the property. The bridge at this location does sit elevated above the property, so it does not have access. To the north and east of the site you do have residential uses. These are historic buildings within the Falmouth

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District. And to the west, on the other side of the Falmouth Bridge, you also have historic buildings. And these are primarily zoned B-2 or commercial. To the south of the site you have the Historic Port of Falmouth Park and you can see the Belmont-Ferry Farm Trail which runs south of the property. This is just a street view with King Street on the left of this view and Gordon Street running to the right. You can see the elevation of the Falmouth Bridge in the background. And this is a photo of the structure that's on the property. This is the Counting House which was constructed in about 1840. It's about 1200 square feet in size. It did have a couple of additions over the years in the early 1900's; the addition you see to the... on the left side of the structure, as well as the rear, in addition to the deck that's on the rear of the property. The structure was originally a warehouse or storage building in Falmouth back in the early days. It was converted to residential use in the mid-1850's and pretty much continued that residential use until late 1990's/early 2000's. And the property is currently vacant and, as you can see, needs a little bit of tender loving care. This is just another view of the south elevation as you're facing... looking from King Street. And the photo to the bottom right shows the side yard of the... adjacent to the building. This is an area that used to contain a driveway and parking area but has since had grass grow over it. The County purchased the property in 2006 and since then has been looking at efforts to stabilize and potentially rehabilitate the property, the structure itself. There was an architectural survey done by Dovetail Cultural Resources Group in 2006 and this was basically to do a documentation of the property, research on the property and the building, to see its significance in the Falmouth District. In addition to that, a building condition survey was completed in 2007 just to look at the potential for rehabilitation of the building. The exterior is in fairly good shape, but the interior was basically gutted back in, like I say, the late 1990's when they were looking to rehab the building. If you go in now, there's no floor. There are standing walls but it's not in very good condition on the inside. The Board, over the years, has been looking at, as well as staff has been looking at different options for reusing this building to assist with tourism and economic development efforts down in Falmouth. And after a few different attempts at trying to get someone interested in working on the property, in 2013 the Board's Community and Economic Development Committee determined the best option was to have the building rehabilitated by a private part. And in exchange, the ownership of the property and the building would then transfer. So, working through this process, the County has identified a potential owner and a use. The Board authorized a rezoning in September to accommodate an office use on the property. And staff is still working with this potential owner to draft a Memorandum of Understanding, which is going to include conditions for rehabilitation consistent with following the Secretary of Interior Standards for Rehabilitation. It will be overseen by Dovetail, the resource group who prepared that initial study, and the ARB will also oversee the efforts because it is within the Historic District which is subject to Architectural Review Board review for any exterior alterations. And these are just the conceptual elevations showing some general work that would need to be done on the exterior of the property. It's basically looking at repairing the roof, the siding, in some instances replacing the siding, and doing some repair on the foundation. In 2011, the County did prepare and have approved a proposed parking plan on the Counting House property, and this was to provide for public parking; in general, for Falmouth. Because funds have not been identified for the project, there's been no construction activity to date. The plan is still valid; we are going to be working with the potential owner to determine if this parking lot would be constructed or if it would be a smaller scale parking lot just to serve the office initially with the future potential for expansion. You notice the parking plan itself actually went under the Falmouth Bridge to connect the overflow parking that Amy's Café currently uses. Just to note that the building does not meet current front yard setback along Gordon Street for either the R-1 or the B-2 district. It only sits about 14 feet off of Gordon Street. But there aren't any proposed additions to the exterior that would increase that non-conformity. Also note that buffers would be required now to the adjacent R-1 property, so we would be reviewing that as this project would move forward. The Comprehensive Land Use designation is Suburban for this area, which does allow for residential use, as well as retail and business activities. The property is also within the Falmouth Redevelopment Area, which is a component of the Comprehensive Plan. And the Falmouth Plan promotes mixed uses, grid

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streets, and a pedestrian-friendly environment, as well as promoting heritage tourism with small scale development that would not impact the historic nature of the Falmouth District. Staff is recommending approval. It is consistent with the Comprehensive Plan, it's consistent with the development patterns in the area, and it would potentially enhance economic development and tourism through the rehabilitation of a currently vacant structure. I'll note that the ARB and the Historical Commission have been briefed several times actually on this project over the years. They will be involved with a detailed review prior to any construction activity. I also wanted to note, Brad Johnson with our Economic Development Department has been working with this project as well, and he is here this evening if there are any additional questions for him.

Mr. Rhodes: Very good, thank you. Are there questions for staff? Yes, please Mr. Coen.

Mr. Coen: Yes, Kathy, thank you. I just am curious on the parking. The initial information was that the parking would be along King Street, but those of us who travel King Street know it gets a little tight there. And then you were talking about possibly in the future it being onsite. I guess the question would be, which is it really going to be at the instigation of this? Because that area of King Street is a little, as you come around the turn, is a little difficult.

Mrs. Baker: Well, for this actual proposal, the... I guess I should preface with saying there was a parking plan on the south side of King Street that went along with this... the Counting House parking lot. It was actually approved, I believe, on the same plan. And they would both be for public purposes. It would be an extension basically of the parking that's down at the Historic Port of Falmouth Park. It would be additional parking to the west of that existing parking. As I said, neither one of those projects has moved forward yet. So, this parking that would be onsite primarily would enter from Gordon Street. There would be no access from King Street; it would enter from Gordon Street and that would be for either the initial small parking or the future public parking.

Mr. Coen: And then one question and then I'll wait till late on some of it. We always end up asking any applicant who comes in if you've talked to the neighbors. And since some of it is residential, have you talked to the neighbors?

Mrs. Baker: I'm going to ask Brad Johnson if he can comment on that. I know he has been working with some of the adjacent property owners and working in general with the owners in Falmouth.

Mr. Johnson: Good evening Mr. Chairman. Brad Johnson, Economic Development. Nice to be back. Specifically to answer your question, we have not specifically talked to the adjacent neighbors on this particular project. We have met with the neighbors three or four times during the redevelopment plan process and so there has been outreach. And there's been general discussion of this kind of activity in the area, but to specifically answer your question, no, we have not specifically talked to the neighbors about this specific application.

Mr. Coen: Thank you.

Mr. Johnson: Certainly.

Mr. Rhodes: Yes, Mr. Apicella.

Mr. Apicella: Mr. Chairman, I have a few questions. The parking lot; will it be pervious or impervious?

Mrs. Baker: It has been approved as an impervious gravel parking lot.

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Mr. Apicella: Great. So, the structure itself is 1200 square feet and it's on a .41 acre lot. Can any other B-2 uses also fit on that lot at the same time?

Mrs. Baker: There is the potential that other B-2 uses could go on the property.

Mr. Apicella: Will that be a concern?

Mrs. Baker: Well, that's one of the things that we might be looking at as we draft up this Memorandum of Understanding as to what, particularly the size of a structure, if there were ever to be an addition or something to the structure. So some of that is going to be, I guess, predicated by what we would allow size wise. If any project in Falmouth goes through the Architectural Review Board, one of their standards is looking at the size and the form and the scale of a proposal as it fits into the Historic District. So, there is going to be some limitation on the size of a property. So I think any B-2 or higher intensity commercial use will still have some restrictions. So I don't believe there's going to be a concern, because we're going to be looking at protecting the appearance of that structure.

Mr. Apicella: These questions might be redundant then based on what you just said, but I'll just go ahead and ask them anyhow. So, how can we be assured that the house won't be torn down or majorly altered by a future owner? Not the one you have the agreement with, but let's say 5 years from now that owner decides to sell it to somebody else. How would you force that restriction, those restrictions, on a to be determined future owner?

Mrs. Baker: We will be looking, as part of our Memorandum of Understanding, of either having a deed restriction or either a restricted easement that would be placed on the property. That's going to determine exactly... not exactly, but give some limitations on what could happen to the structure and the property in general in the future.

Mr. Apicella: Okay. And again, this is definitely redundant but I'm just going to ask it based on what you just said. So the ordinance itself appears to be a general rezoning from R-1 to B-2, no restrictions on the uses; there are 40-plus uses under the B-2 zoning category plus the ones that are under B-1. Again, how can we be assured that this won't turn into a convenience store? Should we consider perhaps restricting it to just office uses or taking out some potential uses now as part of this rezoning process to assure ourselves that something that is less desirable won't happen on this site or respect to this building?

Mrs. Baker: Well, that's certainly something that the Planning Commission and Board of Supervisors can entertain. Being that it is a Board of Supervisors initiated application, we don't typically have proffers on a rezoning like this. Again, I think that we're going to try and accommodate all those considerations into the Memorandum of Understanding and then any future deed restrictions.

Mr. Apicella: Thank you.

Mr. Rhodes: Yes, please Mr. Coen.

Mr. Coen: Just two quick questions. The timeline for the Memo of Understanding and then secondly, would it be more prudent to wait till that or do you see something being advantageous about doing it now rather than waiting?

Mrs. Baker: I would hope that we're going to have a draft at least for parties to review by the end of the year. Dovetail is actually assisting us with drafting this document so that they can include all of those

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historical cultural resource considerations that we don't quite have the expertise on. One of the reasons for getting the rezoning at this point is so that when we do have a final Memorandum of Understanding, the owner knows... potential owner knows what he's going to be able to do with the property, and I think knowing what the zoning on that is going to be is going to assist with that. This wouldn't go to the... even if you all took any action tonight, it wouldn't go to the Board until after the first of the year.

Mr. Rhodes: Okay, good; thank you very much. We'll open the public comment portion of the public hearing.

Mr. Coen: Mr. Chairman?

Mr. Rhodes: Yes please.

Mr. Coen: I'm not certain if there's anyone from the Historical Commission here that would like to speak on it since it sort of dovetails on that...

Mr. Rhodes: As an extension of the staff presentation?

Mr. Coen: Yes sir.

Mr. Rhodes: Okay.

Mr. Coen: Yeah, it dovetails into it.

Mrs. Baker: I don't think there's anybody here. We did reach out to them. Of course, Mrs. Bailey is your liaison to the Architectural Review Board and sits on the Architectural Review Board, but I don't think that any of our other representatives came this evening. They're more interested in working out the details after they get into the project construction portion of it.

Mr. Coen: Thank you Mrs. Baker.

Mr. Rhodes: Thank you. Okay, if there's any member of the public who would like to speak on this item, they may come forward and do so at this time. When you do, I would ask that you state your name and your address. Again, a green light would come on indicating 3 minutes are available. A yellow light will come when there's 1 minute remaining, and then a red light will start blinking and we would ask that you work to conclude your comments at that point. Thank you.

Ms. Clifton: Good evening Mr. Chairman and members of the Commission. My name is Irma Clifton and I live in beautiful downtown Falmouth. On October the 6th, I attended a meeting called by the Community and Economic Development Committee, and one of the items that was discussed on the agenda was the Falmouth Overlay District, now called the Falmouth Redevelopment Overlay District. And I understood that they would be doing some studies to do a commercial type overlay district for Falmouth. And so I was really surprised when three weeks later I see this sign there for a reclassification. And I thought, okay, what's going on here? Are they going to do this study or are they just going to ignore that and do I sort of thought it was like cherry picking sites within Falmouth that they wanted to reclassify. So I've also been following the Comprehensive Plan proposals, the new Comprehensive Plan proposals and I thought, well, it may come under that as well. And so I researched what would be allowed in B-2. And, I mean, there's just everything. It's just anything you want almost is allowed in B-2. And so I thought this might be a little bit premature. I think maybe we should see the big picture of what the plan for Falmouth is before we make these decisions on these little bits of

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Falmouth and before we sort of pacman it all up. So, I did... I got in touch with the Community and Economic Development office and they told me that they had a potential buyer. Well, that's great for potential buyer but we don't know who that is or what it is or, you know, there's been no traffic studies done down there; there's been no studies done. Gordon Street is terrible. I walk along it, you know, when I go down there so I'm just really concerned about what's going on down there and shouldn't we wait a little while? Because I know Supervisor Thomas in January has a town hall meeting scheduled where he'll be discussing things that will be going on in his district, especially the Falmouth District. So, I just think we're moving a little bit too fast on this. And it won't do us any harm to wait a couple of months. I mean, the County has owned this since 2006; what's another couple of months going to make? What difference? Thank you very much.

Mr. Rhodes: Thank you ma'am. Anyone else?

Mr. Waters: Paris Waters. And I would just like to echo the woman's comments that came up. It seems that the R-2 designation may be a little broad. And I know Mr. Apicella spoke to limiting that. That would be something... being right in the area, that would be great. It would be disappointing to have a convenience store open up in five or six years. I know the people that live right across the street, they have kids about our age and we have a little community there and it's excellent right now, even with the vacant house. If this was a nice office, great. If it's torn down and a Wawa or Little Cricket or something goes in there, it's really going to diminish the enjoyment of the neighborhood. So, that's really it.

Mr. Rhodes: Thank you very much sir. Run Ruth.

Mrs. Carlone: Okay, I agree with... Oh, Ruth Carlone. Okay, it is premature to do anything on this. There is a combination of the redevelopment area, the Historic Falmouth, and there's also the Comp Plan that's being worked on. This should not go further until you all, plus whoever is coming in there, to determine specifically what would be allowed in that little parcel. B-2 is high density commercial. If you put in a little gift shop, you know, that certainly is not obnoxious. I just... I really have a lot of reservations the way this has come up, that you don't have something firmer to present. Now, this should be deferred till you come up with some kind of agreement what would be allowed. But even then, it's still premature till both the plans are meshed together -- the development Historic District and the overall Comp Plan. Also, I got kind of a kick out of this; there was some statements... just what does slight decrease in County school system mean? The place is empty darn it all. Even if someone went in there, if they had two children then that would only be... if it was just private use would be two children. These are some hokey reasons here. Just what does slight decrease to the park system mean? You tell me. Also, there hasn't been a traffic study done since 2013. Now we've had a lot of changes; things are going on and you need to also take a look. The traffic count combined with the proposal for the Falmouth Historic District and the Comp Plan. I just... I don't know how this happened to come up without all these other things. Anyway, I've got some other questions... I mean, this is... I guess you could defer it or until you have some plans, something definitive for people to speak on or continue the public hearing, if that could be done -- I don't know. But this is not the time for this to go through. Alright, thank you. Oh -- plus, one of the other speakers had mentioned there's no conditions written in, there's nothing, nothing at all. You know, you look at Carter House; they got it for \$10,000. It's still incomplete in our Historic District. And that's a reminder to you all -- this is a Historic District guys! Okay, that's it.

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

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Mr. Coen: Mr. Chairman, I don't see anyone rising. Would it be possible to continue the public hearing should this be deferred?

Mr. Rhodes: Certainly; we don't have to close the public hearing as long as we advertise a date. Okay. It's back in with staff. Are there any further comments or any further questions of staff? Okay. So, where are we at? George Washington, yep.

Mr. Coen: Yes sir. I would like to move to defer until the January 13th meeting, while keeping the public hearing open.

Mr. Rhodes: Okay...

Mr. English: Second.

Mr. Rhodes: There's a motion; seconded. Further comment Mr. Coen?

Mr. Coen: Yes. In particular, I would like to... I think the comments raised by the public were very good. I think we need to explore the limitations. If I understood Mrs. Baker correctly, the MOU, the memo should be ready by the end of the year so that by the 13th we should have some information on that. I would be curious to get the information about this being tied to the study from Community and Economic Development standpoint of how this fits what they're talking about. And just as several people said, and I said earlier, I'm concerned about the lack of sidewalks down there if the theory is that people will walk to it, whatever it is. Even if it ends up being a gift shop and people go in and eat at Amy's, they have to walk. And without sidewalks that's a rather questionable area as people go down there through the summer know from people going down there to go swimming. So, I just think that a little bit more time would let us get some more information. I think that Mrs. Carlone and other who had other issues could send them in so that if there's things we need to look at as well would give us the time. The concept of trying to do something in this area I think is excellent. And many people said it's excellent, but they want some type of idea of what instead of a blank slate. So, that's why I think if we defer it till the beginning of January, we can get some more information and then go from there.

Mr. Rhodes: Okay, thank you. Further comment Mr. English?

Mr. English: The only thing, the MOU you think would be ready by the next public hearing... I mean by January, Kathy?

Mrs. Baker: We're going to have a draft ready but, I mean, I'm not sure when it's going to be finalized because there could still be some negotiation between parties. And the reason that we're not putting out the information yet is because it is still in negotiations and until we get to a point where the County is comfortable with releasing that information, as well as the potential owner, that's really why we're not getting down to the details and the nitty gritty of that Memorandum of Understanding. But we'll certainly take all the comments that we're hearing from the public and try and incorporate those into this agreement.

Mr. English: I understand, thank you.

Mr. Coen: Mr. Rhodes?

Mr. Rhodes: Yes, please.

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Mr. Coen: And if we could take a moment to talk to the immediate neighbors, that would be helpful as well, since you haven't had a chance to. Thank you.

Mr. Rhodes: Further comments anyone? I will just share that I understand the comments and I understand the concerns, and certainly we would go for more conditions and other things. But since this is the Board, the elected leaders of the County that are working this deal, that's why I was less concerned with some of those. That's up to them to make sure to do those right things. That's why everybody elected them. So, in this one instance, I was less concerned because we were giving them the flexibility to work this agreement anyways. But, with that, the motion is to defer this to and continue the public hearing open to the January 13th meeting. All those in favor signify by saying aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? Passes 6-0; very good. We're now... thank you all very much. We're now onto Unfinished Business, item number 2, RC1300296, Reclassification, Colonial Forge Proffer Amendment. Mr. Harvey?

UNFINISHED BUSINESS

2. RC1300296; Reclassification - Colonial Forge Proffer Amendment - A proposed amendment to proffered conditions on Tax Map Parcel Nos. 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 Tax Map Parcel No. 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) (History: Deferred on September 9, 2015 to September 23, 2015) (Deferred on September 23, 2015 to November 18, 2015)**

Mr. Harvey: Thank you Mr. Chairman. Mike Zuraf will be giving the presentation on this matter.

Mr. Rhodes: Thank you.

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission; Mike Zuraf with the Planning and Zoning Department. This is an amendment to proffers for the Colonial Forge development. The public hearing for this item was held on September 9th. It was deferred at that time to September 23rd. In advance of the September 23rd meeting, there were issues that were still being worked out with the applicant so the case was deferred to this meeting to continue those discussions. Prior to... well, since that initial public hearing, there were several issues raised and additional information provided. So I'd like to summarize the issues that have come up since that initial public hearing. There were questions about the distance from the Colonial Forge subdivision to the proposed

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Augustine Park and Embrey Mill Park. As you know, part of the proposal would be to indefinitely delay construction of the proffered Augustine Park site and divert resources to the currently developing Embrey Mill Park. And so, in this image that we've prepared, you can see distances; we've provided direct line distances from the general center point of Colonial Forge to the Augustine Park site and the Embrey Mill Park site. And then what that distance would be if you had to travel that by road. The purple line would be travelling to the Embrey Mill Park site via Courthouse Road; it's 2.22 miles. And then the blue line reflects travelling to the Augustine South Park site via Ramoth Church Road; that's 2.61 miles to get there. Some of the other issues were raised, questions about the existing and proposed dwelling units in the Embrey Mill subdivision. In the staff report, we provided this information. There are currently 153 dwelling units existing in Embrey Mill -- more developing as we speak also -- out of the proposed total dwelling units for Embrey Mill of 2,246. So, there's a lot more development to occur in Embrey Mill. Also, there were questions about the deadline for this case. This was a case that originated back in 2013; it was deferred indefinitely. When additional information came in earlier this year, we brought it back up and the deadline provided by the applicants to beyond 90 days was to the September 23rd meeting. And then there was concern about this deadline and that still would be a deadline that would apply. But when it was deferred beyond the September 23rd date, the applicant has since granted further extensions and they've done that to this meeting. And any future extension would need additional request of the applicant if so desired. There were also concerns with the proposed proffer I that dealt with the transfer of fill to the Embrey Mill Park and assistance with constructing a retaining wall. One of the provisions dealt with the County assisting in cost overruns. With the latest version of the proffers, that issue has been addressed and I'll get to that. Also, there were, in the staff report and memo, staff noted... provided a note regarding the current proffer for the park in Augustine South. We did note that the current proffers, it does provide for the construction of four ballfields but it is very limiting in what is offered with temporary seeding and not much more. And so staff notes that the current proffer, as it stands, leaves little certainty about what additional amenities might be provided. It's likely that the County would have to come in and expend additional funds to complete that park to bring it up to current standards and to the standards that we would want. So, that's just a note we wanted to add. And then there were additional background questions posed previously that we included in your package. I think today you also received some additional background questions and answers from staff on those issues and some new questions that have come up. And just to point out the biggest change in the latest version of proffers that you received had to do with adjustments to proffer I dealing with the transfer of fill to the Embrey Mill Park. And some of those changes added reference to specific retaining wall plans that have been approved; adds requirements for County approvals and bonding of work; it does push back the completion date as this likely would not go to the Board until January or February of next year; and then also does remove the cost overrun concerns and the application themselves would be responsible for any of those cost overruns. There were several concerns raised regarding the use of fill and a lot of the details of the Embrey Mill Park site and its development. And we do have here tonight Keith Dayton with County Administration and Jamie Porter of Parks and Rec who can assist us in answering some of those questions. And I'd like to defer the rest of my presentation to Keith Dayton.

Mr. Rhodes: Thanks Mike. Mr. Dayton.

Mr. Dayton: Mr. Chairman, members of the Commission, thank you for this opportunity. Mr. Zuraf had forwarded some questions that you had just recently with respect to the Colonial Forge Proffer Amendment. I wanted to start first by talking about what we're trying to accomplish here. I've seen the project characterized actually in the background report and elsewhere as a retaining wall project. It's actually more than that. The goal here, the attempt that we're trying to accomplish is actually to construct the base, the backbone for two additional full-size rectangular fields at Embrey Mill Park. We have six that have just now finished up. This would be two more, on our way to a total of 11 at that

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location. So, involved in this is a retaining wall, but that is sort of peripheral to the overall project which is to put in the storm drainage, bring in the fill, compact it in an engineered fashion, bring up a retaining wall concurrently with that, put us in a position where we can now move forward to finish off the field, either as a natural grass field or as an artificial turf field, construct the parking lot, and finish it up. So this is the first step in a bigger attempt to improve our recreational value there at Embrey Mill Park. With that, I'll go directly into the questions. This one from Commissioner Apicella: to what extent or not was the retaining wall and fill dirt scoped in the Embrey Mill Park rec center project? These two fields were included in the design that we had prepared by the Timmons Group. It was actually bid initially as an alternate. When the bids came in, we recognized that we didn't have funding to include those two. We restructured the bid, excluded them from the opportunity for anybody to bid on it and move forward with the six fields that I've just described that we've just now finished up. We just simply didn't have adequate funding. So, these were contemplated from the very beginning of our vision for Embrey Mill Park. Another question -- some of us have heard that the County found funding to pay for the wall; is that correct? What you may be referring to is that the County did just authorize and receive \$2.7 million in recreational bond funding. This was previously authorized in 2009. We haven't expended all of it; we haven't borrowed all of it. So we added to that and that was certainly intended to go towards this Embrey Mill recreational project. So, that could be applied in this manner; \$2.7 million will get us two more completely finished off fields. Our estimate is about \$2.3 million for that effort. On the other hand, we could take what's being proffered here, the value, apply it to the field construction, take that \$2.7 million, finish off the fields, and then complete the next three fields and be done with the park. So, we see a couple of options here but we prefer finishing Embrey Mill Park and not having to go back in there. Another question -- when did anyone know that there were not sufficient funds to pay for the wall and how did the applicant know, of all things needed, the wall was one? Again, this gets back to this being a wall project. It's far bigger than that. When we received bids in June 2014, that's when we realized that we didn't have sufficient funds to complete the last five fields, of which these two were included. So, a year and a half ago is roughly what we're talking about. That's when we knew. The applicant was... came to the County and to the Hartwood District Supervisor and was looking for a way to satisfy the proffer requirement, relieve themselves of some constraints at Colonial Forge quite frankly, and approached County staff and the Hartwood Supervisor about some options. And through this dialogue, I became engaged in this about a year ago, we started talking about what the County would need, where we could apply the value of that proffer in a manner that we felt would be most beneficial to the residents of the County. So, it was through this dialogue that we started to drill down towards applying that value, in terms of work completed, to Embrey Mill. So, that's how that whole process moved along. Another question -- when was the wall originally planned? Surely, an engineer or staff calculated the cost. If it was at the start of the project, it would be in the initial cost estimates. If this was a recent development, the builder would calculate it, so we should be able to see those estimates and compare them to the applicant's figures. Or going back, our estimate was completed prior to we received bids at the end of... or in June of 2014, so we had estimates at that time. We provided those estimates to the applicant so they would have an understanding of what the costs were that would be associated with this conversation that we were having. Initially it started out as you need dirt, let us take some dirt over and we'll pile it kind of where you want it. We said really that's of no value because then we have to move the dirt and then go back in and place it. It would be of real value if you moved dirt over of a proper engineered type and placed in a proper engineered manner, not just any dirt would work for what we were trying to do. So, if all of those pieces were in place, then we would move forward with something of real value. So, our numbers were \$18 per yard in place, transported and placed in a manner, in an engineered manner. That is the number that they used to develop their calculations. They also used our numbers for the cost of the retaining wall. Once they got into it a little further, they modified those very slightly but there's not a lot of differences. They've also included in the value of the proffer some other things like engineering inspection during construction. That wasn't in our estimate, but it was certainly in the overall project estimate. It would have been

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carried by the County outside of that. They've included it; I've looked at it. They're very reasonable for the scope that they have in there. So, I've kind of looked at the whole package. We... I think we're right at around \$900,000 value. We don't believe it's over-inflated. In fact, we think it's dead on. When we bid that contract initially, the contractors bid came in spot on to the engineer's estimate. Unfortunately we couldn't stretch our budget that far or we would have had this thing built along with the rest of the fields. So, those were all the questions I had. I hope I answered them to your satisfaction. I'm happy to expand on it still more, answer other questions that you may have.

Mr. Rhodes: Okay, great. Anyone?

Mr. Apicella: So, we've got this big development called Embrey Mill with 2,500 homes and this regional park in Embrey Mill, right? In my mind, the people who benefit the most from that park are obviously the residents who are going to be living there, but the developer would certainly seem to benefit from having that park developed on time, on budget, what have you. So, I guess I don't understand... there's no dirt at Embrey Mill that could be used as fill dirt for these fields?

Mr. Dayton: Well, sir, I believe the answer to that is yes, we don't have any available to us right now. I'm not aware of any stockpiles of surplus fill dirt.

Mr. Apicella: I'm not saying that. I'm just saying, I don't know how big Embrey Mill Park is; it's got to be pretty big to accommodate 2,500 homes. Have we reached out to the developer to see if they would provide some support for this, you know, unfunded or unbudgeted or not completely budgeted retaining wall and fields?

Mr. Dayton: Well, if I may, I would like to clear up a little bit of what I'm hearing. As part of a... they amended some proffers some time ago with the Embrey Mill development. And as part of that, they paid us several million dollars that we applied to Embrey Mill Park. So, quite frankly, the developer of Embrey Mill has contributed in a very large way to the development of that park and we applied that money to the park. So, they have definitely contributed and I mean, I'll agree with you; they see that as a tremendous asset but, quite honestly, the County sees it as a tremendous asset, to have that many high quality fields in the same location that we can program, that we can minimize staff requirements, maintenance requirements. It's an exciting prospect. So it's a County asset, not a development asset. They are... Embrey Mill is building some neighborhood parks in conjunction and as a requirement of their development. Those will be open certainly to the community, but they're also... there's no question that that community will use our general asset, recreational asset as well and we look forward to that.

Mr. Apicella: So, representing the County, the County is willing to trade potentially four ballfields associated with the Colonial Forge/Augustine North project for fields over at Embrey Mill?

Mr. Dayton: Well, this is the exciting part about it. We will be, and certainly in my opinion and I'll speak for the County as well, we're grabbing about \$900,000 in value and applying it to Embrey Mill which is where we're working right now, we're creating an asset right now. The beauty of this thing is that those four fields don't go away. There's still a proffer requirement with Augustine South, so as that project moves forward, the requirement for those fields comes back up again. And we would look to that to decide, based upon that development, if that's where we want a four field asset of unspecified quality -- let me emphasize that. But whether we want to go ahead and move forward there or whether we would once again enter into a negotiation and say well maybe there's a better place to apply that value. This is something that we're doing now with every rezoning action, particularly where the proffer requirements were developed back in the 90's and we have an opportunity to update them.

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Mr. Rhodes: Okay. Mr. Coen?

Mr. Coen: Did I understand you correctly that when it went out to be rebid, it went out without this... these fields because by then you had realized that it was not affordable. And so, I think your term was, it went forward with that in mind. I mean, I thought that's what you said.

Mr. Dayton: Mr. Coen, what we ended up doing is we decided to do a phased approach at Embrey Mill. We couldn't do all 11 fields with the budget that we had in hand at that time. We've never lost sight of the vision that that needs to be an 11-field complex. And that's where this \$2.7 million that we've taken on is to advance it another step further. The exciting part about this proposition is we're now in range where we think we can complete the entire package and be done with Embrey Mill Park and get out of there and it'll be a recreational asset going forward.

Mr. Coen: Right, but so when you said that you rebid it with the premise that you weren't going to have these right now because it was a phased process, and you went forward under that predicate, that was... that's correct, and that this would help you do what ultimately the County's going to do is come up with all of the fields to make it 11, just do it a little sooner. Yes?

Mr. Dayton: Yes sir.

Mr. Coen: But there will be still six fields that open when this opens?

Mr. Dayton: Yes.

Mr. Coen: It doesn't delay anything at all, it just whether or not we get the two extra fields immediately to-wit we go to build the other ones later on.

Mr. Dayton: That's a fair statement.

Mr. Coen: Okay.

Mr. Dayton: We're going to open up with six fields on St. Patrick's Day with a tournament. We're looking forward to that.

Mr. Coen: Cool. Thank you.

Mr. Rhodes: Okay, great. Other questions? Very good, thank you very much. Applicant please.

Mr. Apicella: Mr. Chairman, I thought we still had a staff report?

Mr. Rhodes: I thought he said that he would give the rest of it... did you have more? I'm sorry Mike. I thought you said that was going to be it.

Mr. Zuraf: That's the end and I'll just take questions.

Mr. Apicella: I know Mr. Coen has questions and I have questions.

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

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Mr. Coen: Okay. Thank you. I received these and I know we sent a lot to you all and I appreciate the great work that staff did. One of the things that Steven had asked, Mr. Apicella asked in one of his first emails was about all the number of development along Courthouse Road, and it didn't really seem to come back that way. So I asked a further question that asked what was the total number of units from Embrey Mill all the way down to the end of Courthouse to the various... including the Liberty Knolls all the way to the very Shelton Shops. And the response was within a 2-mile radius around this subdivision, the total numbers of existing was 3,103 and then the approved but unbuilt is 1,954. So it's roughly 5,000 units within just two miles. And if people were watching, you know, the map you showed about how far it was to get to places was over two miles. So, in reality, what we're talking about is the amount of residential along this swath of road is in excess of 5,000 homes.

Mr. Zuraf: Right.

Mr. Coen: Correct?

Mr. Zuraf: Correct.

Mr. Coen: Mrs. Bailey had a really good point in September when this first came to us about asking about what Embrey Mill had as far as other than this project, but what other amenities that were put in. And you were very nice to say that includes three recreational areas that includes soccer and multi-use fields and, you know, basketball courts and this and that and the other, but for the Colonial Forge subdivision it really was just these four fields.

Mr. Zuraf: Colonial Forge does have a recreational center and a pool complex.

Mr. Coen: And a pool complex, but as far as fields and what not.

Mr. Zuraf: Correct.

Mr. Coen: And correct me, I think you answered this really nicely by the way, that the initial proffer for Section 3 about the four fields was, I don't know if I'm reading it right, staff is pointing out that the proffer is currently vague and not ensuring playing fields would necessarily be required to meet some of the standards we have today. But if I read the proffer that's before us, the four fields gets specified to be... I mean, we go from vague for that Section 3 to specifically seeded. It just says seeded.

Mr. Zuraf: No, it...

Mr. Coen: I thought that's what I read in blue? I mean, it doesn't necessarily say... I mean, before it sort of infers ballfields but this sort of just says they're seeding fields. If I remember reading this about eight times...

Mr. Zuraf: Well, under this proposal, it would actually all be, as applies to Colonial Forge, it would be deleted. But as it remains in Augustine South it would... it doesn't change, the language doesn't change. The applicant agrees to grade or cause to be graded and temporarily seed or cause to be seeded up to four ballfields.

Mr. Coen: Okay. And just out of curiosity when the George Washington Village came before us and part of their... this last section was part of it, was there anything in regards to the fields in relations to that proffer? I remember them having loads of different fields and whatnot in their plan, but I don't remember it necessarily saying they were negating this.

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Mr. Zuraf: The George Washington Village project did encompass parts of Augustine South and so that proposal is a proposal to a new zoning district. So, these current proffers that apply now to Augustine South would go away and be replaced with what proffers apply to George Washington Village. That included a park complex with... and I have that written down here somewhere...

Mr. Rhodes: But is that relevant to this?

Mr. Coen: Well, but that's the question. I mean, is it sort of is this to a certain degree we're told that this language is vague. Initially it stays vague with this. Well, then next it's going to, you know, so there may not be something there. You don't have to get in particulars, Mr. Chairman, but I just want to get the timeframe sort of correctly. Basically this went forward in '91; '99 they sell this last section; about 2001-ish there's talk, basically the real talk of there being this grand outer connector; it sort of goes by the wayside; and then the first turning of soil for the Colonial Forge Subdivision was in 2008. So, you know, all of this... that's sort of the progression of the timeframe?

Mr. Zuraf: Yes.

Mr. Coen: Thank you sir.

Mr. Rhodes: Yes, Mr. Apicella?

Mr. Apicella: Mike, first of all let me say thank you. I appreciate your response to all my questions and I'm sorry for the barrage that I sent you just a couple days ago. As always, you're wonderful in responding back. Again, my questions are primarily for context for comparison purposes, and especially to kind of see how the current Augustine projects, Augustine North, Augustine Central, and to some extent Augustine South, also would have been married up against what was the George Washington Village proposal since it's been asserted that that proposal or some proposal dealing with Augustine South might accommodate those four ballfields and/or commercial that's currently in the proffer here for this subdivision. So, with that in mind, again, as a refresher, how many units have already been built and are under construction at Augustine North and Colonial Forge?

Mr. Zuraf: Augustine North is built out; they were approved for 352 but actually 351 were built. For Colonial Forge, they have approval for, well, under their proposal, it would be 563 with 538 planned under their construction plan and currently, based on information from September, 331 units built and 94 are under construction. So, a total under what's being proposed, there would be 915 total units with a total of 889 planned and, at this point, 682 built and including everything built and under construction you'd have 776 units.

Mr. Apicella: And that's about 85%. The 776 is 85% of the 915, right?

Mr. Zuraf: Right.

Mr. Apicella: And of the trigger point, which is 800/801 depending on whichever of the two proffers we're talking about, that's got to be, what, 95+%, right?

Mr. Zuraf: Right.

Mr. Apicella: Built or close to being built.

Mr. Zuraf: Correct.

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Mr. Apicella: What's the total value of proffers and per unit contribution amount?

Mr. Zuraf: Well, for... if you applied today's proffer guidelines for all the single-family... this is in -- I figured that up for the units within Colonial Forge only -- the 250 single-family units in Colonial Forge would have a total proffer value of \$11.9 million, with 180 townhomes value of \$7.3 million, for multi-family units, 144 multi-family units, the value of almost \$3.8 million.

Mr. Rhodes: \$23.1 million.

Mr. Zuraf: Yeah.

Mr. Apicella: Okay. And with regard to the annual revenues associated with the commercial aspect of the... of Augustine South that was associated with this project, where it was either 100,000 at one trigger point or 150,000 square feet of commercial, do we know what the financial or revenues associated with that would be for this particular project?

Mr. Zuraf: I'm not certain. I'd have to look into that.

Mr. Apicella: So, on the proffers, you're saying per unit the applicant provided \$47,630.

Mr. Zuraf: No. This is what the recommended... County recommended.

Mr. Apicella: Oh, well I guess we were off; maybe you didn't understand my question. I was trying to find out what, in value, of the proffers that they actually provided, what was the value of those proffers per unit?

Mr. Zuraf: I'd have to go back and look at the proffers. They weren't per unit proffers; there were land dedications, there were some one-time payments I think for some utility work. But they weren't per unit payments. (Inaudible).

Mr. Apicella: Understand, but just in terms of value, would you say it's close to the guidelines, about halfway to the guidelines, or just something you just couldn't say?

Mr. Zuraf: I couldn't say.

Mr. Apicella: Again, back to my question about the commercial piece. Do you have a sense of what that would have provided in annual revenues to the County at 150,000 square feet of commercial?

Mr. Zuraf: I couldn't say right now; I'd have to research that.

Mr. Apicella: If the requested proffer changes are approved, and in the absence of any development at Augustine South currently, what would be the trigger or forcing mechanism to require the additional ballfields to be constructed?

Mr. Zuraf: There wouldn't be... the proffer would still apply to Augustine South and there wouldn't necessarily be a trigger in place. Likely that would come along though as sites within that area developed adjacent to where the ballfields are proffered. But, other than specific triggers, that wouldn't be specified.

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Mr. Apicella: So again, we're at 776 units built, or under construction, of the 800 or 801 that would create this trigger for the parks and for the commercial, right?

Mr. Zuraf: Right.

Mr. Apicella: And we don't know when or if something's going to happen in Augustine South at this point in time. I know there's a proposal that was rejected; there may be another proposal. But nothing's happened since 1999 on that parcel, right?

Mr. Zuraf: Right.

Mr. Apicella: It could be 5 years, 10 years, 20 years for all we know. But what we do know is they're already close to the trigger point for those two proffers, right?

Mr. Zuraf: Correct.

Mr. Apicella: One of the points that was raised on this project is that when it was first planned, it was assumed that the outer connector would be built. When was it known that that wouldn't happen?

Mr. Zuraf: Well, I know that in 2001 there was a proffer amendment. And at that time language referring to that, it was actually the western bypass around Washington and that there was some language regarding that in the proffers. In 2001 that language was removed, because at that point the County was opposed to that western bypass coming through the County.

Mr. Apicella: And the Augustine parcel...

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

Mr. Rhodes: Please Mr. Gibbons.

Mr. Gibbons: (Inaudible) took the money out of the western bypass (inaudible - microphone not on).

Mr. Apicella: And the Augustine South parcel, that was sold in 1999, right?

Mr. Zuraf: Yes.

Mr. Apicella: So, two years after that parcel was sold, it was pretty clear that that outer connector wouldn't happen?

Mr. Zuraf: Right.

Mr. Apicella: And there was a proffer amendment back in 2004, right?

Mr. Zuraf: Correct.

Mr. Apicella: And at that point in time, the language in the parks proffers was actually tweaked. So, this developer, this applicant, didn't own Augustine South but the parks proffer in this related to Colonial Forge and Augustine North and Augustine South, that language was actually tweaked in 2004, right? I have it in front of me so...

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Mr. Zuraf: Okay, alright.

Mr. Apicella: So, the ownership issue, the economic viability issues, and the parks proffer and/or the commercial proffer and the associated triggers, that could have been addressed almost 11 years ago, right?

Mr. Zuraf: Correct.

Mr. Apicella: Potentially.

Mr. Zuraf: Potentially.

Mr. Apicella: But it wasn't. The George Washington Village proposal, that included about 3,000 residential units?

Mr. Zuraf: Yes, slightly less.

Mr. Apicella: And the commercial was up to 100... I'm sorry, 1.55 million square feet?

Mr. Zuraf: Correct.

Mr. Apicella: But only a portion of that was guaranteed, right? There were milestones in that. I think there were 250 or 500,000 square feet, depending on how you read the proffer statement; not quite sure which the maximum would have been or guaranteed associated with the residential development. Is that right?

Mr. Zuraf: There was phasing (inaudible) the commercial.

Mr. Apicella: And what was the parks proffer in that proposal?

Mr. Zuraf: I'd have to get the... I don't have the proffers.

Mr. Apicella: Okay, so it was... what I see in front of me is a 66-acre active park and a large portion of acreage associated with trails, but not active park related. Do you recall what the staff comments or concerns were about that park and its location?

Mr. Zuraf: I believe there were some concerns with the... no, I'd have to...

Mr. Apicella: As I recall in reading back over the package, it was cited over intermittent streams and wetlands. So, from the staff perspective, it wasn't in a viable place.

Mr. Zuraf: Right.

Mr. Apicella: And after trying to push the applicant, it didn't really change that much.

Mr. Zuraf: There were some adjustments to the park location in later iterations, but I'd have to check.

Mr. Rhodes: Is the George... I'm not finding the nexus of the George Washington...

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Mr. Apicella: There's an absolute nexus because George Washington Village is Augustine South, okay. And it's been asserted...

Mr. Rhodes: It was going to be the same...

Mr. Apicella: No, it is. It's half of George Washington...

Mr. Rhodes: But the George Washington Village is no longer viable for us.

Mr. Apicella: But it's important to know what that developer, who owns that parcel, had planned. Mr. Chairman, I have a right to ask my questions.

Mr. Rhodes: Absolutely! I was just trying to find the nexus. I apologize for interrupting you.

Mr. Apicella: Did that George Washington's parks proffer specifically mention and provide for the four ballfields associated with Augustine North and Augustine Central?

Mr. Zuraf: They didn't reference that, no.

Mr. Apicella: Again, to your point Mr. Chairman, did the George Washington Village proposal subsume the entirety of the Augustine South parcel?

Mr. Zuraf: Can you repeat that question?

Mr. Apicella: Did the George Washington Village proposal subsume the entirety of the Augustine South parcel?

Mr. Zuraf: Yes.

Mr. Apicella: Okay. And when I personally overlay the maps of the George Washington Village and Augustine South, it appears to be that Augustine South is slightly more than half of the acreage associated with George Washington Village.

Mr. Zuraf: I'd have to...

Mr. Apicella: So here's my point, Mr. Chairman. I asked this question during the George Washington Village proposal when it was in front of us. I said, what would happen with the Augustine South proffer conditions, including the four ballfields? And the response in the staff report was, those proffer requirements would go away. Do you recall? I mean, I think you were...

Mr. Zuraf: Right.

Mr. Apicella: So, in my mind there appears to be a disconnect. On the one hand we're told that potentially any development of Augustine South will accommodate the ballfields and/or the commercial required as part of Colonial Forge and Augustine North, yet when I look at the proposal that was in front of us, that developer didn't necessarily accommodate one or both of those two proffer requirements. You know, 66 acres of parkland for 4,000 units and over 12,000 people. That seems like there's a disconnect. To me that doesn't seem like a sufficient amount of parkland associated with 12,000 residents. I could be wrong, but that's what it looks like to me. That's it Mr. Chairman.

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

Mr. Gibbons: Mr. Chairman, I want to go back to the ballfields and proffer D.5. because I want to get in the specifics rather than just generics. If you've got four ballfields and the proffer says four ballfields and everybody knows that up in our area that we're short of ballfields, I want to get that proffer more down to reality than... it says the applicant agrees to grade or cause to be graded. What is a cause? I don't know. I mean, I know we march up and down Pennsylvania Avenue in Washington so we have a cause, but what does that mean when it comes to ballfields? So, my concern is I think the ballfields are still part of the requirement for this application and I don't want it just to go to seeding. But I want to get more specific; if it's a date or a number of units have to be modified to do it, but I'd rather have the ballfields laid down in concrete and specific language than just seeded piece of property. I don't know how to request that.

Mr. Zuraf: If I can, Mr. Chairman, Mr. Gibbons, the ballfield proffer, that would remain. That's going to be... the remainder of that is going to be on the Augustine South property which is under different ownership. So the applicants here can't change that language. That is going to apply to the Augustine South (inaudible).

Mr. Gibbons: So, the way the language is now is it's four ballfields must be constructed, true?

Mr. Zuraf: Correct, yeah.

Mr. Gibbons: And he can't change that.

Mr. Zuraf: Well, the proposal will delete it as it applies to Colonial Forge, but as it remains, it would remain and still apply to Augustine South. But that's under different ownership.

Mr. Gibbons: Yeah, but the trigger element comes off of the overall zoning for all three parcels.

Mr. Zuraf: Correct.

Mr. Gibbons: So you're changing the trigger. And I don't want to change the trigger. Thank you.

Mr. Rhodes: Okay. Other questions for staff? Okay, thank you sir. 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 represent the applicant. I want to thank you for your time this evening and Happy Thanksgiving. I won't see you next week. And Happy Holidays. I'm not sure what more I could add. I think Mr. Dayton clearly expressed what our intent here is tonight. I think staff has also answered the questions and issues that came up at our last public hearing. I think just to make this very clear, we are, in our opinion, adding value. We're not taking value away. We have no or little control over what Augustine South Associates does with their property in regards to a rezoning. It sounds like it's still kind of out there a little bit in some folks minds and what George Washington Village is going to do. But the bottom line is, that proffer runs with that property no matter what. And you have control of it. If they come in here and rezone the property and they want to put 60 acres of ballfields located wherever it is in the project, you control that given obviously the fact that they have an application before you on a rezoning and obviously given the fact that you know that there's ballfields dedication for on 12 acres to be graded and seeded, not constructed. I think it's important to understand I think that staff was trying to iterate tonight is those aren't finished fields. Those are just to be

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dedicated areas graded and seeded, not finished. So, you wouldn't have finished fields with the triggers that are there now. You've got a rezoning...

Mr. Gibbons: Mr. Chairman, can I ask a question? That's the point we're trying to get at Charlie. You've got a trigger point on the whole property and the trigger says that the four fields go in.

Mr. Payne: The trigger says, Mr. Gibbons, that they would be dedicated, 12 acres for four fields, only to be graded and seeded, not finished, not completed. You would just only get 12 acres of a graded site for four fields and seeded, that's it.

Mr. Gibbons: What does the proffer say in the Augustine South today? I hate to get into this, Mr. Chairman, but, you know, a proffer's a proffer. And a trigger is a trigger. And that's what I'm concerned about.

Mr. Zuraf: Yeah, the proffer says the applicant agrees to grade or cause to be graded and temporarily seed or cause to be seeded up to four ballfields on a 12-acre site located on Augustine South.

Mr. Gibbons: And that's Augustine South?

Mr. Zuraf: Yes.

Mr. Gibbons: That's the way the proffer reads today?

Mr. Zuraf: Yes.

Mr. Gibbons: Okay.

Mr. Coen: Mike, and the word is ballfields, correct?

Mr. Zuraf: Correct.

Mr. Coen: Okay.

Mr. Payne: It doesn't say what kind of ballfields. So, if someone is to come in with a rezoning project, you could help clarify that obviously if that was George Washington Village or some other project. Again, there is added value here; there isn't value being taken away. The applicant has provided and completed substantial amount of their proffers already in Colonial Forge, including dedication of the Colonial Forge High School site, the dedication of the foundry site, the historic foundry site through the George Washington Foundation. Of course they've got already athletic amenities on site, pools, clubhouses, golf course, tot lots, etcetera. And again, I think that what we're doing here is not taking away; I think we're adding to without losing that proffer with Augustine South. And I think it's also important to know my clients haven't controlled or owned this property since 1999, so they have no control, there is no premonition about getting out of these proffers in 1999 obviously. But again, what we see here is an opportunity to assist the County with what is a priority. Embrey Mill Park is a priority. And to get those ballfields, additional two ballfields online sooner rather than later, which will be a benefit to the entire community, not just to Colonial Forge. So, with that, I'm happy to answer any questions you may have.

Mr. Rhodes: Questions for the applicant please? Mr. Apicella?

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Mr. Apicella: Mr. Payne, again with all due respect, you're at 776 units built or close to being built, the trigger point is 800 or 801 for the parks or the commercial. So you're... I don't mean you, but the applicant is 24 units away from making that trigger point, right?

Mr. Payne: Well, not constructed. It was platted... constructed and platted, correct.

Mr. Apicella: Right? So again, 776 out of... we're not even talking about to get to 915; just to get to the 800, you're only 24 units away. And these proffers, as I understand it, have nothing to do with Augustine South in terms of the residential units. These proffers are to mitigate the impacts of the residential units associated with Augustine North and Augustine Central, and you're almost at that trigger point. Again, with all due respect, even though you don't own that parcel, you have decided to continue building and have built, you know, since 2001 or whenever, when we knew there wasn't going to be an outer connector and when there was a proffer amendment in 2004 and these issues weren't addressed. And I'm just trying to understand. I appreciate what you're trying to do and I appreciate the accommodation you're trying to make, at least with respect to the parks although I'm not necessarily convinced it's an even trade, especially since those four ballfields are supposed to mitigate the impacts and be online fairly soon. You know, my assumption is you could build 24 units fairly quickly. So, why again should the County provide some relief at the 800 unit mark? To go from 801 to 915 there's a commercial piece. There's revenues associated with that commercial piece. Those revenues are supposed to mitigate the impacts; that's what was presented I'm sure when the County and the applicant first discussed this back in the early '90s. So when you say we're not losing anything, at a minimum we're losing, if you assume it's a fair trade on the parks piece, we're definitely losing the commercial, right?

Mr. Payne: Well, I don't agree with you respectfully. One, a lot of changes in 15 years, certainly in any community. When the commercial was contemplated, there was an outer connector contemplated. So that was tied to it being feasible at that point in time. I think it... I think this Planning Commission would agree that commercial in that particular part of Augustine South is likely not viable. Most of that should be directed toward the interchange area. We don't control again that site. You've got a potential rezoning with George Washington Village whenever it comes back that does address those issues and offset what you say is impacts. I don't necessarily agree with that. I think what we're getting here just to kind of bring this all back to the forefront of what we're asking for and what you've heard from staff tonight is this is added value to address a priority at Embrey Mill Parks. That's what we're doing. The proffer remains with Augustine South Associates.

Mr. Apicella: So, I'm going to reiterate my point. In 2001 we knew there wasn't going to be an outer connector. So you're saying the economic viability of the commercial piece was associated with the outer connector. In 2001, everybody knew there wasn't going to be an outer connector. Three years later there was a proffer amendment. It did not address the commercial piece. There was an opportunity to change it at that point in time. So if we know that the outer connector was tied to the commercial piece, why wasn't it fixed at that point? Why wasn't there an adjustment to the number of units?

Mr. Payne: Well, I wasn't here in 2004 or 2001 and my client didn't control that property, so I don't know the answer to that.

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

Mr. Gibbons: I still want to go back. Charlie, I'm not in favor of taking that trigger away from those four ballfields. Mr. Chairman, I mean, a proffer is a proffer and a trigger is a trigger. Now, with the argument about the commercial, I don't think it's a fair swap because I don't know what tax value we

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get out of 150,000 square feet and the sales revenue because I've never had that proposed. But the ballfields, I know we need the ballfields. And the trigger, like Mr. Apicella said is a few homes away and I want those things to be ballfields. And whatever that proffer calls for, that's what I'm in favor of. Thank you.

Mr. Rhodes: Okay, thank you. Any other questions for the applicant at this point? Okay sir, thank you very much.

Mr. Payne: Just to Mr. Gibbons' point, I don't think we disagree. I think we're saying the same thing. The proffers don't go away. They're not finished ballfields. I think you need to understand with the triggers and I don't know...

Mr. Gibbons: No, no, no... I agree with what you said on that. I mean, I'm just saying that what's required by the proffer at the trigger should be put in. If it's grading, seeding, and it's got to have a standard for whatever a ballfield standard is; you can't grade just to, you know, put a lawn in.

Mr. Payne: Well, in all fairness, the proffers are fairly vague and I certainly don't want to argue. I have great respect for you. I'm not trying to disrespect. I'm just saying you're getting two ballfields versus no usable ballfields. I guess that's a better way to put it.

Mr. Gibbons: What are you saying, the land that you... the 12 acres is not usable?

Mr. Payne: They wouldn't be usable. They wouldn't be finished fields. They wouldn't be... unless the Park and Recreation Department is able to finish them and pay to finish them, but they would not be finished fields.

Mr. Rhodes: Graded and seeded.

Mr. Payne: Only graded and seeded and dedicated, correct.

Mr. English: Jamie's gone, isn't she? Ms. Porter, if that's the case, if they did have the four fields finished, do we have the money to... would we have the money to put into that or not? Probably not at this point?

Ms. Porter: First, good evening. Jamie Porter, your Director of Parks, Recreation and Community Facilities. No sir, we do not have the money today to be able to finish those ballfields. I would also add that in 2013, we started a series of parks utilization assessment. And what we found is though we are at a place that we have enough fields, we don't have the fields that people want to necessarily want to go to and can play on and can stay all day because we don't have the amenities associated with the fields. And so there is a distinct difference between a field that is playable and has restrooms and water and the family can come with a playground versus some of the fields that we have today, which counted out at about 105, that are grassy areas versus playable rectangle or diamond fields. So there's a distinct difference.

Mr. English: Thank you.

Ms. Porter: Yes sir.

Mr. Rhodes: Mr. Boswell.

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Mr. Boswell: Are you in favor of this trade at this time?

Ms. Porter: I believe that it's more beneficial for us to put in fields where we have the associated amenities, the restrooms, the concession building, the playgrounds, and it is easier and more cost effective for us to maintain parks that come together as a park with associated fields and amenities. So, it is more difficult for me to take the resources that we currently have and send them out to various areas to cut grass or to do the amendments and the seeding when I can have one location that will attract regional customers, regional tournaments, and more families so that they can enjoy the entirety of the park.

Mr. English: And more revenue for the County.

Ms. Porter: That is correct also.

Mr. Apicella: Isn't there a capacity issue though as well? So, over the long haul, we have 11 potential parks at Embrey Mill for a certain number of people who are in that area. So those parks were in theory scoped based on a certain population and a certain housing density, as well as the park site for the Colonial Forge and Augustine North site. So, in my view, over the long haul, money being put aside, it's a net loss. We're losing four ballfields. It would have been 15 ballfields, right, if both these projects came to fruition, again, money not being the issue because acreage is also important. They're not making more acreage in Stafford County. When it's gone, it's gone. So, as a capacity issue for the number of people that are going to be in that area, I'd ask you the same question. Putting money aside, is there going to be over the long haul an issue that we still don't have enough capacity for all the people that are going to be on the Courthouse Road corridor?

Ms. Porter: I would say no sir, because the issue is not necessarily the number of ballfields that we have. We have 105 ballfields before Embrey Mill. The issue is that people don't want to go to the ballfields that don't include water and playground and restrooms. And so I have fields today that have very low utilization numbers because people don't want to go if they don't want to have shade and the other amenities is what we found by going through several community sessions, by doing surveys, and by talking to the communities that we have around us. So, I have underutilized fields today for that reason that they are simply grassy fields.

Mr. Apicella: But that's in the context of what's a regional park. I live in a townhome development. I got to tell you, all the kids were playing on the field because there was nowhere else to go. And so there were no amenities; it was a field and people played soccer or baseball or whatever for 200 plus residents who live... 200 plus units at that townhome development. So, I appreciate what you're saying, in the context of regional park, and the Embrey Mill Park will certainly be that and it will certainly have, you know, top of the line amenities. But for the people who don't... who live at Augustine who don't have ballfields, who'll have to go to Embrey Mill and be in competition with all the other people there because, at some point in time, those parks will max out because of, again, the population that is already here and that will be here over the next 20 years. I still think there's a capacity issue with all due respect to what you're saying.

Mr. Coen: Mr. Chair?

Mr. Rhodes: Yes please.

Mr. Coen: Just for a bit of clarification, Mr. Dayton said we open up Embrey Mill on time with six fields. If this goes through, we can have two more fields. If this doesn't go through, there is money

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available to put in the two more fields. It's just whether you want to make that choice of doing this. And so it doesn't stymie this Embrey Mill complex opening on time. It doesn't decrease the number of fields that you went into when you rebid this project. And, quite honestly, you could get to what would happen with this with existing funds and/or next budget cycle or whatever could go... is going to have to go for those additional fields anyways. Correct?

Ms. Porter: Um, that is...

Mr. Coen: I mean, you have an option. You either take this or you take money from somewhere else that Mr. Dayton said you have to make these two fields. And then regardless, you still can't go up to the full 11 immediately. You're going to have to do an additional round of phasing anyways. So really, just (inaudible).

Mr. Rhodes: I thought I heard him say if you got this, he could get the two and then they could do the three as well.

Mr. Coen: Right. But they're still phasing. Yeah, right. So, we have the money to do these two, it's just when you phase in these additional ones immediately or farther along really.

Ms. Porter: There are other priorities, obviously, that are in place for a community of our size. And so Embrey Mill is the number one priority for the Parks and Recreation Commission, as well as the Stafford County Board of Supervisors. And so the funding that we receive and that we would allocate would go to Embrey Mill Park first. I believe that that answers at least part of your question. And I believe that Keith was saying that there would have been some money that could go towards finishing these two and then we could move onto the three.

Mr. Coen: Onto the other ones. And then, just out of curiosity, you mentioned Parks and Rec, when in 2014 it was obvious that there wasn't enough funding to do this and you had to rebid, was Parks and Rec informed of it at that time?

Ms. Porter: I do not recall that sir.

Mr. Coen: Okay.

Mr. Rhodes: Other questions for staff? Okay, thank you very much; appreciate it. Back to the Planning Commission. This one is Hartwood.

Mr. English: Yes it is. Mr. Chairman, I think with Mr. Dayton's information he gave tonight and with them continuing what they're doing with the wall, I make a motion to approve reclassification RC1300296.

Mr. Rhodes: Motion recommending approval; is there a second?

Mrs. Bailey: Second.

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

Mr. English: No sir.

Mr. Rhodes: Yes please.

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Mr. Apicella: I would have a substitute motion to deny the request.

Mr. Rhodes: Okay.

Mr. Coen: Second.

Mr. Rhodes: Substitute motion to deny the request and a second by Mr. Coen. Further comment Mr. Apicella?

Mr. Apicella: Mr. Chairman, I'm scratching my head wondering why the County should grant the applicant relief from the proffers that they committed to which, in my opinion, are aimed at mitigating the impacts of a 900+ unit development and at a point in time when the majority of the residential units have already been built. In my view, this project was and is one of the largest in the County -- almost a thousand units. It's a services and infrastructure demand driver, not just on our roads and our schools, but also on our parks system. We have a population of 140,000 residents and we're growing, and that includes thousands of children and our systems are already stretched. Even with the existing parks and new regional parks at Embrey Mill, with 2,500+ homes, we still, in my view, have more demand than capacity is Stafford, especially as it grows. I think, as we've learned anything in the past few decades, the phasing of residential units, the associated infrastructure requirements, and commercial revenue should be more closely aligned. In this case, the parks and the commercial come long after the need, on the back-end of this project. And I certainly understand and appreciate that things change on the developer's side. But I don't see how a change of circumstances for a developer should come at the expense of County residents and taxpayers. So, even with the parks proffer of 12 acres of ballfield with four ballfields and a guarantee of 150,000 square feet of commercial and associated revenues and jobs, I believe this developer got a pretty good deal here at Augustine, if I tallied up all the proffers that they provided compared to not just the County's current guidelines, but the ones that we came up with that are even smaller than the County's guidelines. So I think this would be an even sweeter deal by decoupling the parks and the commercial proffers, again which are aimed at mitigating the impact of this project. This request is coming after 776 units have already been built and that's 85% of the total. At any point in time they could have come forward and said, hey, we want to change things. We don't think it's viable to do the commercial or the parks. But they chose to do it on the back-end, not at the front-end, not in the middle, all the way at the end when most of the units have been built. So, they want to go over the 800 cap that triggers the parks and the commercial proffers that they previously agreed to. In my view, by eliminating one or both of these triggers in the proffers, and the fact that this applicant no longer owns the parcels on which the parks and the commercial land would be built, the County loses its assurance that those proffers will come to fruition and, at a minimum, in close relationship to the timing and number of units that have already been built. The Augustine South parcel has not been developed since the overall project was approved by the County, not since 1999 when it was sold to a different owner. So, again, over the last 16 years with almost 700, almost 800 units already built, we're told that things need to change. We were also told that commercial on the Augustine South parcel doesn't even make economic sense. And this despite the fact that the commercial was tied to the residential growth at Augustine, and even though several thousand units have already been developed, or under way, in close proximity to Augustine South. Now I'm going to give some more context here. We talk... I've heard that hey, the commercial piece doesn't matter. So we had a much smaller project, Oakenwold, with 650 units in front of us, about two-thirds the size of this project. It guaranteed at that point in time 100,000 square feet of commercial and asked for up to 250,000 square feet. In their impact statement they noted that for 100,000 square feet of commercial, they'd realize \$220,500 in annual revenues and the commercial would generate 278 jobs. So, if I use that same estimate, and I extrapolated to what was proposed here, for 150,000 square feet of commercial required to build over 800 units, that would generate \$330,000 and 400 jobs. That's a lot of money and that's a lot of jobs that

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goes away potentially by decoupling these triggers. It's been suggested that the Augustine South proffers and requirements would satisfy the existing parks and commercial requirements. Yet when that project was in front of us, we were told specifically, based on the question asked, that those requirements would go away. So, both can't be true. The George Washington Village project, in my view, is separate from Augustine North and the Augustine Central projects, only it provided 66 acres of active park, and it didn't provide specifically these four ballfields associated with this development. So, in my view, the owner of Augustine South basically indicated that they were not planning on accommodating the requirements associated with this development. Again, that's 66 acres for 4,000 homes and over 10,000 residents. By keeping the parks proffers and the commercial proffers in place, nothing precludes this applicant from building up to the current cap of 800 units. They can work with the existing owner of Augustine South to satisfy the parks and commercial proffers and build the additional units over the 800 cap on whatever schedule that they can mutually agree to. I am also concerned that by eliminating the important linkage that currently exists, the County gets no assurance that these proffers will actually come to fruition. Again, it could be 5 years, 10 years, 20 years; who knows when Augustine South will ultimately be developed. So, let's be clear, the change in ownership over the subject parcel is what created this situation. And the risk and the burdens shouldn't be shifted from the County because the applicant and the owner of Augustine South aren't the same entity. And I am also concerned that approval of this proffer sends a message to any other developer that they can sell away their responsibilities, or come in at the 11th hour and ask for a significant change in their proffer package without offering any reasonable alternatives to mitigate the requirements. So, it's not just again about the park space; it's also about the commercial piece. In my view, we shouldn't delink and eliminate the only legal leverage the County has and its citizens have that the four ballfields and the 100,000 to 150,000 square feet of commercial will be built. Not may be built, but will be built. So, without these triggers, again there's no assurance that these things will happen. So, in my humble opinion, Mr. Chairman, I think this is not a good deal for Stafford County. I think we should keep those proffers in place and I think this should not go forward.

Mr. Rhodes: Thank you. Mr. Coen?

Mr. Coen: Yes sir. In addition to supporting what Mr. Apicella said, there are many things that are just problematic with this. First, it's just the general premise that we have the applicant is parcel B but we're sort of giving for parcel A, but they don't really have any legal standing to force parcel B to do what they want to do and what they're supposed to do. So, it's really vague and it sets a bad precedent. On the parks, you know, we had it; it's gone back and forth. But the language is ballfields and, as the applicant's spokesman said, it could be any type of fields. But now it's clear that it's only going to be seeded and graded. The residents who bought into Colonial Forge subdivision, one of the selling points was there would be ballfields. Not just sort of something at some point. We saw the distance between basically the midpoint to the Embrey Mill Park which is really all they're going to have to do anything for this foreseeable future and it was over 2 miles, on a major road; which means these families do not have ready access to any type of amenity, whether it be a normal park or something with a restroom. Either way, they're left with nothing. Mrs. Bailey pointed out very well that Embrey Mill has these different amenities as part of their development. And granted they are bigger, but to the people in Colonial Forge subdivision, the mentality was we're getting something and now they're getting nothing. We heard something back in September that basically wasn't true. The spokesman said, in response to Mrs. Bailey, that if residents of Colonial Forge needed fields, they could use the fields at the high school. Well, we know from the administration at Colonial Forge High School that no they cannot. And that's pretty standard for all the high schools. They're allowed to use the tennis courts but not the fields. So these people are left with nothing, except for travelling 2+ miles to get to Embrey Mill. Mr. Gibbons wisely keeps pointing out about triggers and it's sort of this mentality and it reminds me of the character from Popeye that, in the paraphrase, they will gladly build us fields sometime tomorrow for

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homes they can build homes today. Well, Stafford really should not be wimpy. They promised a certain set of lines here; they should go forward with what they promised in the first place. One of the things that was said in September, which also is questionable, is that it is not going to cost the County anything. According to the staff, and I thank them for it, and I read it, the initial thing says it not necessarily be required to meet today's standards, which means that in the give and take in negotiation, it might be. But, as we go forward with this, it's pretty clear that it's not going to be fields, so anything definitively will be put on the County to build -- number one. Number two, the whole point... and we keep hearing this... over and over and over again is we are having this commercial element to offset the impact to the County of the homes. And that's supposed to be the thing that makes homes bearable is that we will get this money. And we're not getting any of it. So, therefore, the impact of the residential is costing this County money. That's just basic Aristotelian logic and for some reason it's sort of well, it's okay because "the commercial is not viable." But that's why I harped on the timeline. The initial timeline of this was in 1991, they were saying this was all based on the outer connector. As Mr. Zuraf accurately pointed out, there was a proffer in 2001 that basically says yeah, we know it's not happening. And if I read staff's notes correctly, there were little changes in 2004. So, logic would have said they could have, at some point, acknowledged that their initial plan in 1991 and then again when they sold in 1999, and then as they went through in 2001, and then in 2004, the initial concept of putting the retail in the back was not viable and yet so we could move the retail into the front where it would be close to Courthouse Road. But that was never done. You look at 2008 at the entrance that they built to the subdivision and it is clearly not intended to entertain any retail in the back. So, it just... it gives the impression that this was a fete accompli that this was never going to happen rather than accepting the reality on the ground that the retail was in the wrong spot. And the reason why I'm harping on this is quite honestly, from staff there are over 5,000 homes in a 2-mile radius. And yet supposedly if they had moved the commercial up to the front it could not sustain it. It really begs question. On the bigger than a wall issue, quite honestly I find it disconcerting that the applicant was able to see the initial cost of what the wall would be but, no matter how many times we asked, we could never see a side by side comparison. I'm not quite sure why it wasn't just hey, we'll give you the money, you know, and then you can do what you want on this wall as opposed to what we're going to build it. And I just really don't think that that's a good precedent. Again, we can go forward; we have six fields. Embrey Park will open on time. The pool complex will open on time. What we're debating is whether we do two fields with this chunk of money or we do two fields with another chunk of money, and then cobble money further on for the other three, as opposed to two with this and use other money to cobble together to build those three. And so then you have to make a value judgment. Is waiving the commercial, which was a proffer and a promise and revenue for this County, and allowing people to... allowing them to build more homes now, and the theory of getting fields at some point equal to just sitting there and saying well, okay, let's just grab a million dollars now for something. Lastly, the thing that really is disconcerting is this basic premise that we always hear, and hopefully it will stick in the ears. We are continually hearing that we need rooftops to sustain commercial. And yet there's 5,000 at least, and if you go further down to the Sheltons and you go down Winding Creek, there is way more than that rooftops there and yet there was no real serious attempt to put the commercial in here. And that is just very disconcerting. So the County loses out on the revenue, the County loses out on the fields because they'll get built sometime, but we never know when, and yet we're supposed to be happy because we get two fields earlier that we could have anyways earlier. Thank you.

Mr. Rhodes: Thank you very much. Other comments? Okay, all those in favor of the substitute motion which is to recommend denial of the reclassification, right?

Mr. Apicella: The proffer amendment.

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Mr. Rhodes: I'm sorry, of the proffer amendment. I forgot for a moment what it was, so I just wanted to make sure everybody... All those in favor of the substitute motion to recommend denial of the proffer amendment -- thank you very much -- signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mr. Rhodes: All those opposed say nay.

Mrs. Bailey: Nay.

Mr. English: Nay.

Mr. Boswell: Nay.

Mr. Rhodes: Nay. I think that's 4-3; were you yay or nay?

Mr. Gibbons: I abstain.

Mr. Rhodes: You abstain; okay, so it's 4-2. So the substitute motion does not pass. We're back to the original motion. The original motion was to recommend approval of the Colonial Forge Proffer Amendment. For the motioner, do you have further comment Mr. English?

Mr. English: My concern was if the ballfields were that concerned with the residents in Colonial Forge, why haven't we heard anything from the residents? That's all I have.

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

Mrs. Bailey: Yeah, Mr. Chairman, I really do appreciate all the comments from Mr. Apicella and Mr. Coen this evening. They're very eloquent in their thoughts and expressing their views. But I think at the end of the day, just to get to where we are with this, I really do think that unfortunately, when the proffers were written for Colonial Forge or Augustine South or George Washington Village or wherever they're at right now, they were very poorly written. And to me, I think that it would be much more of an advantage at this particular point in time, rather than to have 12 acres of land that's just sitting there that's seeded and graded, having the fields finished at Embrey Mill, the regional complex far outweighs the unfortunate consequence of not being able to have those four ballfields. As it was pointed out also, we have a lot of fields throughout Stafford County that are underutilized. And why are they underutilized? They're underutilized because people don't want to go to them, they're not adequately... the facilities really have nothing more than fields. And so, therefore, being able to have the regional fields at the Embrey Mill Complex, which will get a lot more use, and we certainly had the advantage from the developers to be able to finish that for the County, so that we can take some of the additional funds that we have and maybe we can bring some of the substandard fields that are not being used up to standard. And so therefore I'm in favor of this.

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

Mr. Apicella: Mr. Chairman, again, I think the parks issue is certainly important. I still think we're forgetting about the commercial piece. I don't know how many projects we've had in front of us over the last two years that have had a commercial component to it, and I think by allowing them to abandon

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their commercial proffer, we're sending a message to anybody else who comes forward 5, 10 years, 15 years from now, well, you know, it's no longer economically viable for me to do that. I built a thousand homes, but you know what? I can't do this. I can't do this commercial piece. Sorry. That's the message we're sending. I think it's the wrong message.

Mr. Rhodes: Mr. Coen?

Mr. Coen: And just to tag onto that is I just will draw the attention to the Commission, many of the last projects that have come to us with commercial have been decreasing, shrinking, diminishing the size of the commercial. So, we've gone from a certain size to a little size to a little size to now zero. As we move forward on our Comp Plan, we may actually want to look at the fact that putting in some type of mechanism that requires commercial is meaningless if it's not going to be done.

Mr. Rhodes: Okay, thank you very much. Anyone else? Okay, all those in favor of the motion, which is to recommend approval of the Colonial Forge Proffer Amendment, RC1300296, signify by saying aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Aye. Any opposed?

Mr. Apicella: Nay.

Mr. Coen: Nay.

Mr. Gibbons: Nay.

Mr. Rhodes: It passes 5-2. With that, thank you all very much for your...

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

Mr. Coen: No, he said no.

Mr. Rhodes: Again, I apologize; 4-3. I'm sorry, I missed it. I appreciate all the energy and effort and time of everyone involved; thank you very much. With that, we'll move onto New Business. Item number 5, PAE15150909, the Private Access Easement for Bells Run Townhomes Section 2B; Mr. Harvey?

3. 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 Tax Map Parcel No. 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, 2015 to November 18, 2015)**

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4. 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 Tax Map Parcel Nos. 39-12 and 39-14, which are zoned B-2, Urban Commercial, and Tax Map Parcel No. 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, 2015 to November 18, 2015)**

NEW BUSINESS

5. PAE15150909; Private Access Easement - Bells Run Townhomes Section 2B - A request to approve a Private Access Easement (PAE) for a final subdivision plat for 24 townhome units on Tax Map Parcel No. 30-13, zoned R-2, Urban Residential-Medium Density, consisting of 12.44 acres, located on the west side of Bells Hill Road just south of the intersection with Jefferson Davis Highway, within the Aquia Election District. **(Time Limit: January 17, 2016)**

Mr. Harvey: Thank you Mr. Chairman. Please recognize Natalie Doolittle for the presentation.

Mrs. Doolittle: Good evening Mr. Chairman and members of the Planning Commission. Item number 5 is a Private Access Easement request for Bells Run Townhomes Section 2B. The applicant and owner is Michael T. Hall of Bells Run Phase II, LLC, and the application was received September 29, 2015. The site is located on Assessor's Parcel number 30-13 on the west side of Bells Hill Road, just south of the intersection with Jefferson Davis Highway. The parcel is 12.45 acres, zoned R-2, Urban Residential Medium-Density, within the Aquia Election District. Here's an aerial view of the site. The major site plan for Bells Run Section 2B was approved May 7, 2007, and the plan was approved for 24 multi-family units utilizing public water and sewer. The condominium units and infrastructure have already been constructed, and the applicant would like to create lots rather than continue as condominium units. Since construction is already completed and the number of proposed lots is less than 51 lots, no further subdivision application is required, except for a subdivision final plat which is currently under review. The plat proposes 24 townhouse lots and a common open space area of approximately 11.26 acres. All onsite easements, including an ingress/egress easement for the streets, were previously recorded in September of 2009. Section 22-177 of the Subdivision Ordinance states lots within a townhouse subdivision may front on a PAE provided that the number of units served by the easement does not exceed 28; that provisions for the private maintenance of the PAE are set forth with the application, referenced on the final plat, and approved by the Planning Commission; that the Planning Commission, at its discretion, approves the easement; and that the design and construction standards for travelways and parking areas as set out in the Zoning Ordinance are followed. The number of lots proposed does not exceed 28. The final plat will contain a note stating that the existing ingress/egress easement will be maintained by the Bells Run Homeowner's Association. And the existing streets were designed and constructed in accordance with standards as set out in the Zoning Ordinance. Staff recommends approval of the request for a Private Access Easement to serve 24 townhouse lots pursuant to Section 22-177 of the Subdivision Ordinance. This approval will not affect the number of homes within the existing neighborhood, but it will allow a change in the style of ownership which is fee simple versus condominiums.

Mr. Rhodes: Very good. Questions for staff? Okay. Is there any more that anyone needs to add?

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Mr. Gibbons: I'll second Mrs. Bailey's motion.

Mr. Rhodes: With that, this one is in the Aquia Election... yeah, I just wanted to make sure.

Mrs. Bailey: Well, let's get on with it. Mr. Chairman, I recommend approval of 15150909, the Private Access Easement request.

Mr. Rhodes: Motion recommending approval, seconded by Mr. Gibbons. Further comment Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Rhodes: Mr. Gibbons? Any other member? All those in favor of the motion recommending approval of Private Access Easement, Bells Run Townhomes Section 2B, PAE15150909, signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? It passes 7-0; thank you all very much. With that, we'll move onto item number 6, Mr. Harvey, the Amendment to the Zoning Ordinance.

6. Amendment to the Zoning Ordinance - Proposed Ordinance O15-02 would amend the Zoning Ordinance, Stafford County Code Sec. 28-35, Table 3.1, "District uses and standards," and Sec. 28-39, "Special Regulations," to allow outdoor activities for uses listed in the M-1, Light Industrial Zoning District with approval of a Conditional Use Permit (CUP). It would also allow commercial kennels with outdoor runs and railroad sidings as a by-right use if the runs and railroad sidings are more than 500 feet from a residence. **(Time Limit: January 26, 2016)**
(Authorize for Public Hearing by: December 16, 2015)
(Potential Public Hearing Date: January 13, 2016)

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

Mr. Rhodes: Very good.

Mr. Gibbons: Is that because of the dog kennels?

Mr. Harvey: No sir, no sir. Hopefully I won't be in the dog house tonight. The item before you is...

Mr. Rhodes: Between that and Dovetail, good Lord. Okay.

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Mr. Harvey: ... is a request to consider authorizing a public hearing for proposed Ordinance O15-02. That would amend performance standards and the list of table of uses and standards for the M-1, Light Industrial Zoning District, particularly dealing with outdoor uses. Currently, the M-1 zone restricts the ability to have outdoor uses within the zoning code. In particular, all uses are supposed to be conducted within buildings, according to the code. However, Mr. Payne, who was here earlier tonight, raised the issue in 2014 and had suggested a proposed zoning text amendment. Staff has put together a text amendment based on some of the points that he raised in his initial request. The proposal for Ordinance O15-02 would clarify for commercial kennels and railroad sidings that they would be permitted by-right as they currently are. However, any outdoor runs for the kennels or outdoor activity for the railroad siding would only be permitted if it was located more than 500 feet from the zoning district that allowed a residential use. Commercial kennels and railroad sidings in other uses in the M-1 zoning, if they were to have outdoor activities that were less than 500 feet from a residential use, they would have to go through a Conditional Use Permit process. Also, there's performance standards that were being suggested, one of which there should be a modification to the draft ordinance. If you look at Section 2039(b)(1), the word buildings is stricken, but really should have just been the plural s stricken in that section. But specifically it would stipulate that the use shall be a minimum of 500 feet from a zoning district line with a residential use. That means, in other words, an outdoor activity. And then also clarifying that those outdoor activities should not generate noise levels that exceed the County code standards for noise. Also, in the performance standards, it would add the A-1, Agricultural, zoning classification to that space limitation because we know in a lot of our agricultural zoned areas we have residential subdivisions with homes associated with it. So the whole gist of that was to provide a distance for any outdoor activity away from a house. So this would apply to individual properties zoned industrial throughout the County. It would also affect properties differently, because some properties are immediately adjacent to a residential zoned property, some are not. But the distance would apply from the boundary of that residential zoned property. So, for instance, an industrial park, the interior properties may be able to have the outdoor activities by-right, but the ones closer to the neighborhood may require a Conditional Use Permit. The Board, when it referred this amendment to the Planning Commission, gave the Commission ability to make changes as you deem necessary so you may want to consider the change that I highlighted as well as anything else you may have of interest with regard to this amendment. We have had some additional correspondence from an attorney, Mr. Michael Coughlin, who's in the audience tonight, regarding his views on the proposed amendment and suggested changes that he is recommending. And I'll be happy to answer any questions that the Commission might have.

Mr. Rhodes: Okay, questions for staff?

Mr. Coen: Just a real quick one. Just for our millions of fans watching at home, basically anybody could come forward and ask for us to do this; it's not just particularly one attorney or anything of that nature.

Mr. Harvey: That's correct Mr. Coen. The state law allows property owners to petition to change are zoning codes. The way our local code is set up is that the Board of Supervisors, if they see fit, can refer amendments to the Planning Commission for public hearing. This is the third application or request this year that has come from a property owner with a specific issue. We previously looked at amendments to the P-TND zone, as well as the RBC zone earlier this year.

Mr. Coen: Thank you sir.

Mr. Rhodes: Okay, thank you. Other questions for Mr. Harvey? Mr. Apicella?

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Mr. Apicella: Do we have a sense of what the... a countywide sense of what the potential impacts might be? Do we know where or can we get an idea of where all the M-1 uses are in the County, especially as they are in close proximity to residential development?

Mr. Harvey: Mr. Apicella, we have looked at some GIS mapping and if the Commission wants, we can provide that to you which shows the M-1 zoned properties in relation to residential uses. And we ascribed a buffer which would show the area where the outdoor activities could occur. On some properties they may not be eligible for the outdoor activities because of the distance requirements. Others, it may be a portion of their property that might be eligible for the outdoor activities.

Mr. Rhodes: If nothing else, that would... even if we went forward, that would be good for part of the official presentation, even the public hearing if we did go forward. I think that'd be good.

Mr. Apicella: Yeah, just again, some context. I live a thousand feet away from my nearest neighbor and I can hear one barking dog. So, I'm just wondering whether we should consider kind of a multi-faceted approach where it's not kind of one size fits all, whether it's 500 feet or a thousand feet depending on the particular use. I don't know if that's allowable but it seems to me some uses might be compatible closer to a residential development and some might be made more compatible further away than 500 feet. So, I'm not quite sure that a specific number in all cases would make sense depending on the specific use.

Mr. English: It also says in here commercial kennels and stuff like that. What about any other farming animals or anything like that; shouldn't that be included in that also? Because... would that add to that other than kennels as far as livestock?

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

Mr. English: I know, but if you're letting kennels, who's to say you can't have a bunch of, you know, chickens or whatever making noise. I don't know. I'm just asking.

Mr. Harvey: Well, Mr. English, I think, as Mr. Gibbons is implying, that that would probably be beyond the scope of this amendment by including other zoning districts. Right now we're focused on the M-1 district.

Mr. English: Right.

Mr. Harvey: But if we were to look at noise issues in general, we could come out and look at specific uses throughout the County that may not be industrial uses but they may be other types of uses.

Mr. English: Yeah, okay.

Mr. Apicella: I'm not sure if I was clear what I was saying. I'm not ready to settle on any language at this moment. I think we need to kind of take a closer look and maybe have a varied approach, and then maybe consider some language and put it forward to a public hearing.

Mr. Rhodes: But we do have... so, if that does end up being the course we take, just to be cognizant, we'll have... we will need to authorize... we will need to modify language and authorize for public hearing based on our current timelines at our next session. And then that will just give us the public hearing time to act on it one way or another. So, if that is... if we do defer this, we just need to be very

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targeted in our efforts to work towards some suggested changes or other things for staff on how the language would go so that we can act on it in time.

Mr. Coen: And just again, I mean, by doing this, I mean the whole premise of this -- and let me know if I'm wrong Mr. Harvey -- is to allow certain things to be done by-right. So, it's the right of the landowner to do things; that's sort of what this is shifting towards, as opposed to the existing status.

Mr. Apicella: I thought we could consider it as a by-right or a CUP, right? I mean, those are two options. And again, it might be this multifaceted approach that, again, one size doesn't fit all.

Mr. Harvey: Mr. Chairman, Mr. Coen, Mr. Apicella, the draft ordinance tries to address it in both ways, by-right and conditional use permit. So, the commercial kennels and railroad sidings could be by-right, provided they meet the 500-foot or more distance. But other uses, or uses less than 500 feet, could require a conditional use permit. If the Commission wants, you could go with conditional use permit for all outdoor activities. Or you could take a look at some other measure, if you wanted to go with a smaller distance or cherry pick which ones are okay by-right versus ones that need a conditional use permit for specific uses.

Mr. Rhodes: If... because I always get this technicality wrong... if I could ask Ms. McClendon. So, I know if we make it less impactful on the public and restrictive, once we authorize something for public hearing and then if we want to make changes to it, as long as it... I think if it's... could you help me remember what we can make changes to? There's one less or more or something? So, if we went from... if it's 500 feet right now and we wanted to make it go to... say that we public it like this and we wanted to make it go to a thousand feet before it's by-right, is that a type of change we could make or is it the other direction?

Ms. McClendon: Mr. Chairman, that specific question I'd have to look into because it depends on which property (inaudible).

Mr. Rhodes: Oh, okay. Well, then if you could just give me the general rule I just want to make sure as we're thinking of how we might modify this. I just want to make sure I got that right in my head.

Ms. McClendon: But generally you can make it more restrictive, but not make it looser... more loose, excuse me. So, you can make it more restrictive. The issue we're having here is that it depends on which perspective you're looking at (inaudible).

Mr. Rhodes: Yeah, that's...

Ms. McClendon: So I need to look into it and get back with the Commission at the next meeting.

Mr. Rhodes: Okay. So whatever we authorize for public hearing, then at the night of public hearing we can make changes to it as long as it is more restrictive and not less restrictive. Okay, thank you. Other questions for staff or discussion?

Mr. English: So, any comments or something like that, who would we refer these comments if we wanted... to you Jeff, or who's working on this?

Mr. Harvey: Mrs. Blackburn, our Zoning Administrator would be...

Mr. English: Just get with her if we have a question or we just want to add...

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Mr. Harvey: Yes.

Mr. English: Okay.

Mr. Gibbons: Mr. Chairman, I'd like to caution the Commission, one of the most difficult issues that you'll ever have as a Planning Commission is a kennel.

Mr. Rhodes: This is so bad. Who's here that sent us the letter?

Mr. Harvey: Mr. Coughlin who's in the back of the audience.

Mr. Rhodes: Would you... we're at the end; what the heck. We don't really have public hearing public comment but we're at the end, what the heck. If you'd like to take a... just share a couple minutes perspective.

Mr. Coughlin: Sure. So, I represent Westlake Development, which is adjacent to the Crucible property. And Mr. Payne represents the owners of the Crucible property. And so I just want the Commission to keep this in perspective. This particular amendment is being initiated to solve an issue that that particular use has presently. Because right now, according to the Zoning Administrator, which this part of the Zoning Administrator's determination wasn't challenged, they cannot expand their use because it's an outdoor use. And presently the M-1 Ordinance does not allow outdoor uses period; they have to be within enclosed buildings. So, what I think would be helpful going forward is to think of the specific uses that now can be outdoors. And to some degree there might be some that have the same impact and so then a one-size-fits-all rule does apply. But I think in the case of the Crucible property, one-size-fits-all doesn't work. In my mind, that's one of *the* most intense uses in the County, because not only is it a firing range, but they're actually shooting weapons that are up to 50 calibers that can travel over a mile. And obviously it's very loud as well. And on the noise issue, the noise is different from a gun than it is from a dog, because it's an impulse. And so if you're going to consider having these uses permitted outdoors and essentially paving a path for the Crucible to expand its operation, you have to think of the implications and maybe you need to look at things like, well, do you have to go beyond the noise ordinance, do you have to have a specific noise study, do they have to meet different requirements. So, maybe one suggestion is, whether it's some sort of workshop, but some sort of collaborative effort where, you know, these type of issues can be hashed out. I'm sure my client would like me to be an active participant in that and so we just ask that the Commission be mindful of our concerns. Thank you.

Mr. Rhodes: Okay. Thanks. Remember those 50 cal's are the sound of freedom... no, I'm sorry. Wrong range.

Mr. Apicella: Mr. Chairman, the problem here that we have, again, this could have some big impact. This is a short fuse and... I did not mean that pun.

Mr. Rhodes: This is the bad pun night, I'm telling you.

Mr. Apicella: So, you know, on the one hand I think collaboration is great. On the other hand, I don't know that our timeframe allows us to collaborate. And, you know, I think, as with any change, it needs to be well-informed and fact-based. So, I appreciate the comments; I don't know how to accommodate them given the timeframe that we have.

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Mr. Rhodes: What I would ask, if the sense of the Commission is going to be to defer this to the next session, we really need to focus looking on this. If you've got some suggestions on how you think it might be more appropriate to go to a public hearing, I'd like to make sure you share some things with staff so they can be thinking it over, the second and third order effects. They always try to talk to us as informative as they can, but it'd be very helpful to get that in there for those pieces.

Mr. Coen: Mr. Chair?

Mr. Rhodes: Yes sir.

Mr. Coen: And Ms. McClendon was wonderful today because I was asking the process...

Mr. Rhodes: She's always wonderful.

Mr. Coen: She is. All staff is awesome. But, I mean, basically if we don't call for a public hearing, it goes back to the Board and we're not allowed to make any type of comment on it. If we have a public hearing, we're allowed to make some comment on it. And Mr. Apicella's point about the timing is great because the time limit is January 26, but our second meeting in January is the 27th.

Mr. Rhodes: Yeah, we would have to act on it on the 13th.

Mr. Coen: Right. And, I mean, I'm curious, Mr. Harvey, there's... I know for example in some of the other stuff that we had tonight it was sort of the applicant can change the date. Is there any way that the applicant can change the date to the 27th so that we're not feeling quite as pressed? Or is it just sort of we, you know, it is what it is, we call for the public hearing, and then we just sort of barge forward?

Mr. Harvey: Mr. Coen, this was referred to the Commission by resolution and the code stipulates that you have a maximum 90 days. So, you can ask the Board of Supervisors to adopt a new resolution saying a new 90 day timeframe.

Mr. Rhodes: We can do that but we still need to plod forward (inaudible).

Mr. Apicella: When is the Board meeting again?

Mr. Harvey: The Board meets on December 15th.

Mr. Rhodes: We have to plod forward on the 9th (inaudible).

Mr. Apicella: Oh, I don't doubt that. I'm just saying concurrently we could ask the Board for some more time.

Mr. Rhodes: Yep, we can always ask.

Mr. Apicella: I would request that we do that.

Mr. Harvey: I would also point out it probably would require the Board to suspend its By-laws if it was to act in December, because their By-laws prohibit them from taking up land use related matters.

Mr. Apicella: Again, they could choose not to take any action on it, but it's worth at least asking.

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Mr. Rhodes: Is that the consensus? You'd like to have staff just at least make the query? If we can get at least another day. We could have that second session. So we'll find out, but in lieu of that we just need to think through to see what we think would be the best wording so that we could act on that on the 9th because we won't necessarily know anything till then. Okay, is that the... so a motion to defer this to the next session?

Mr. English: I'll make the motion.

Mr. Rhodes: Motion by Mr. English. Second by?

Mrs. Bailey: Second.

Mr. Rhodes: She beat you... Mrs. Bailey. Further comment Mr. English?

Mr. English: No sir.

Mr. Rhodes: Mrs. Bailey?

Mrs. Bailey: No further comment.

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

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? Okay, and we're going to work some wording and thoughts trying to get those into Mr. Harvey in advance just so staff can think about the implications if there's a problem associated with and Ms. McClendon can see what screwy ideas we came up with in advance. Okay, great. So we're now at the Planning Director's Report.

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Mr. Chairman I have no report other than to wish everyone a Happy Thanksgiving.

Mr. Rhodes: Yes, yes, yes, here, here. Very good. County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. McClendon: I echo Mr. Harvey's sentiments and I have no report at this time.

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Mr. Rhodes: Very good, thank you Ms. McClendon. Committee Reports? Comp Plan?

COMMITTEE REPORTS

❖ Comprehensive Plan Update

Mr. Coen: Yes sir. First of all, thank you to staff for the excellent work for our first public session that was last week at Dixon-Smith. We had a nice turnout; we had a lot of good input. And people really praised the format that we had developed, so kudos to everybody and particularly Mike and staff for all the hard work on that. We made some suggestions and tweaks so that we encourage everybody to the public and Commission members who are able to, to attend tomorrow night at Rodney Thompson Middle School at 7 p.m. I will be teaching my class down south and so Mrs. Bailey is going to be taking care of the introductory portion of the evening. And so, but it is really very useful, it's very helpful, and I also thank the people who gave input and I thank the Free Lance-Star. Basically, we had our session Thursday; I thought Friday; I emailed them on Saturday and by Sunday morning they said yes, go ahead and write a letter. So I appreciate that. Any publication and any information we can get is good, and people should know that they can call or email the County to get information and ideas and thoughts to us about the Comp Plan as we move forward. The Board of Supervisors did not put on its agenda yesterday the information or the item that we asked them to give us some feedback on. Mike, I asked and he thinks it may be something that they will bring up at the retreat, and that was the percentage of growth that they want to put in the TGAs. So maybe something they do during their organizational meeting/retreat at the beginning of January. Or they could put it on their December agenda. But that stymies us a little bit in our work, but we're going forward I believe -- Mike, you can tell me if I'm wrong -- but staff is already going through the process of reaching out to stakeholders and developing a list and coming up with a timeframe and stuff with that. Not yet... so you're in the process of it which is you're in the thinking process.

Mr. Rhodes: But barring any other feedback though, are we just still defaulting to the last direction we got which was 50%? Is that kind of what we're shooting at? I mean, for lack of anything else, I would think that is the last formal guidance (inaudible).

Mr. Coen: Right. And we can see if the committee, either this whole body or the subcommittee or the super-subcommittee feels we should go forward with this. We were hoping, and we discussed this but I don't think... and Mr. Zuraf said he wanted something a little bit more official about this to say that we're going to have our next subcommittee meeting on 12/5 which is a Saturday morning, I think we said basically 9-11 is our normal modus operandi. Then we'll have both public input sessions and we'll have all the input from other entities, and then we can sort of decide whether we want to move forward with the 50% or, you know, wait until the January organizational one and get more definitive word. I mean, and so that might be something we want to wait on unless there's a feeling right now by the body they want to make a decision on that.

Mr. Rhodes: A reaction; just very reactive, not very thoughtful, is that if you target the 50% then you can always modulate from there versus waiting to start thinking it through. At least you've got something started and then you can, you know, throttle forward or back.

Mr. Coen: Mike, have you all been... I know basically with our last reiteration earlier this year we were sort of on the same wavelength. So isn't that sort of done already?

Mr. Zuraf: Yeah, we have numbers to base that on but, you know, we're really going to wait and see what input we got out of these public input sessions and go from there.

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Mr. Coen: Even if we go on the premise of using the 50%, to be quite honest one of the issues that I envisioned talking about on the 5th is the timeline of this the Supervisors gave us. In particular, if they don't give us feedback as to how much they want to put in there until January and they're expecting deliverable by the end of January, that's not even practical. So, that's one of the things that I think would be not just that we talk on the 5th about what we've received from the public, but also we sort of come up with a timeline for the road ahead. And that way we can decide on the 5th if we think we need to go to them and ask for them to do longer. Mr. Harvey, and I forget already, do we meet before they meet in December, or is it vice versa?

Mr. Rhodes: We meet.

Mr. Harvey: Correct Mr. Coen. The Commission meets on the 9th and the Board meets on the 15th.

Mr. Coen: Cool. So we could, on the 5th, decide that this is the timeframe we want then get it to them in a timely fashion by the 9th because, you know, it's not that much of an item.

Mr. Rhodes: By the 15th.

Mr. Coen: Or will that be... by the 15th, right. We can vote as a whole body on the 9th, on our 9th meeting and get it into the package for the 15th or would that really be stressing?

Mr. Harvey: I'd have to check with the Administrator because they tend to meet with the Board Chairman in advance of preparing staff reports, as far as what items are going to be on the agenda. I'll check into that.

Mr. Coen: Okay, thank you sir.

Mr. Rhodes: Okay, very good. Well thank you for the great leadership and all the efforts of all, particularly staff. The Chairman's Report, I don't have anything other than going on the theme of several comments and Mr. Harvey's and Ms. McClendon's particularly. We think back to the root of the... the bases of the holiday. It was people being thankful and remembering all the blessings and good graces that they had been able to benefit from. And I count among those the opportunity to work with you and the great folks in this staff, and I hope that as you come upon this holiday, not only do you have the fellowship and friendship and family around you that truly is the blessings of our lives, but you also get the opportunity to think of all those who are no longer with us, who are in other places as well, who have made a difference to us that we know and those who we don't know who have made such a difference for us. Many trials and tribulations in this world, so we do have many, many blessings being citizens of this nation and the privileges that we have and certainly every opportunity we can take to think of that I think is very important. So with that, everybody's got their TRC packets? We're doing the double-duty TRC, I think, right, two days?

CHAIRMAN'S REPORT

OTHER BUSINESS

7. TRC Information - December 9, 2015
 - ❖ Courthouse Manor - Aquia Election District
 - ❖ Embrey Mill Section 4 - Aquia Election District
 - ❖ Leeland Station Sections 6A & 6B - Falmouth Election District
 - ❖ Liberty Knolls West - Garrisonville Election District

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- ❖ The Glens, Section 7 - Hartwood Election District
- ❖ Poplar Manor Est - Hartwood Election District
- ❖ 95 Potomac Creek Storage - Hartwood Election District
- ❖ Reserve at Hartwood - Hartwood Election District

Mr. Harvey: Yes, Mr. Chairman. We've given the Commissioners at your desk a tentative schedule, so if anybody has concerns with how it's being scheduled, just let me or Andrea know and we can try to make some adjustments.

Mr. Rhodes: Okay, very good. No minutes to approve; is there anybody else? Folks, thank you all very much; we are adjourned.

APPROVAL OF MINUTES

None

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:52 p.m.