

STAFFORD COUNTY PLANNING COMMISSION MINUTES
July 13, 2016

The meeting of the Stafford County Planning Commission of Wednesday, July 13, 2016, was called to order at 6:30 p.m. by Chairman Steven Apicella in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

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

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Are there any declarations of disqualification on any agenda item? Seeing none, moving forward; are there any changes to the agenda? Okay, seeing none, it's now the public presentations portion of tonight's meeting. This is an opportunity for the public to speak on any matter except tonight's scheduled public hearing items. There will be a separate opportunity to comment on each one of those as they come up. If you do decide to come forward, please state your name and address before you start your comments and address the Commission as a whole. You have 3 minutes to speak when the green light comes on. The yellow light indicates you have 1 minute left, and when the red light comes on, I would ask you please wrap up your comments. So, if there's anyone who would like to come forward, please do so now. No one? Okay, I'm going to close the public presentations portion of the meeting. Mr. Harvey?

PUBLIC PRESENTATIONS

PUBLIC HEARINGS

1. RC16151104; Reclassification – 1348 Courthouse Retail - A proposed reclassification from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, to allow a 9,100 square foot commercial retail building on Tax Map Parcel No. 30-70. The property consists of 1.24 acres, located on the south side of Courthouse Road and east side of Stafford Avenue, within the Aquia Election District. **(Time Limit: October 21, 2016)**

Mr. Harvey: Thank you Mr. Chairman. For the first public hearing, recognize Kathy Baker for the presentation.

Ms. Baker: Good evening. May I have the computer please? Mr. Chairman, members of the Commission, Kathy Baker with the Planning Department. This item number 1 is a rezoning reclassification at 1348 Courthouse Road. The request is to rezone 1.24 acres from R-1, Suburban Residential to B-2, Urban Commercial, to allow for retail use. It's located on Tax Map Parcel 30-70 and the applicant is Rich Smith of Par 3 Development Group, LLC. This is an aerial view of the property that you see highlighted in red. You see on the property exists a single-family dwelling which was constructed early 1900s. There's an additional detached garage located behind the dwelling. It has been vacant for some time. The property fronts on Courthouse Road, and if you look just to the... this corner is the intersection with Stafford Avenue. The entrance that you see on this side is a private access drive; it's on property owned by the County and it serves a Fire and Rescue Training Facility in this location. And then these two buildings are open buildings that are used for storage of school buses and other County vehicles. You'll see across to the north is Stafford Elementary School and then to the immediate

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east of the property is another vacant single-family dwelling. This is a street view of the property looking basically from the entrance of Stafford Elementary School. And you'll see the existing dwelling that sits. The property does rise about 20 feet into the middle of the site and to the rear of the property where the house is located. And you'll see there is existing sidewalk across the frontage of the property which would be retained and repaired as necessary. The proposal is for a 9,100 square foot retail store which is proposed as a Dollar General. It's proposed as 1 story with a maximum height of 20 feet. The staff report indicated 30 feet and, concurring with the applicant, it is a 20-foot maximum height. That change will need to be made on the Generalized Development Plan because it does indicate 30 feet on the plan. There's the single access off of Courthouse Road, and the existing residential structure would be demolished. This is a view of the Generalized Development Plan with your access off of Courthouse Road in this vicinity. It will be a full access in and there will be inter-parcel access to the property to the east. The building itself will be located in the southwest corner. The front of the building is the short side which is facing Courthouse Road, and that's where your primary access would be. And then you'll have parking along the side as well as the front. And your loading areas would be located back in the lower right-hand corner. You would have a potential for a retaining wall along the eastern property line. That could possibly go away if, for any reason, this property developed at the same time as the adjacent property and grading could be done simultaneously. But most likely a retaining wall would be needed. There would also be a privacy fence along the retaining wall or at the top of the retaining wall, and along the rear property line with that buffer area. One follow-up conversation we've had with the applicant is providing additional buffering in this area and in this area primarily to buffer some of the training activities that go on in the Fire Training site. Sometimes those activities do occur outside in that yard which is a fenced area out along Courthouse Road. These are the proposed building elevations. As you see, the one to the top left that has the Dollar General sign is your front entrance, which would be visible from Courthouse Road and facing Courthouse Road; and then the rear elevation to the top right. And you'll see both side elevations; the one facing the parking lot is the one located at the bottom. You'll see they have put fake... faux windows that would just be bricked along both facades to break up the blank façade of the building. There would be awnings located over the windows on the front of the property. There was no Transportation Impact Analysis required with this application. As you see, the 525 vehicles per day, with 46 vehicles per hour at the peak hour, is what was submitted with the TIA determination form. As I stated, the entrance will be aligned with Stafford Elementary School. The entrance location does not meet the minimum spacing requirements. The applicant did request a waiver of this from VDOT and we actually just received the approval letter of that waiver this evening. So, the spacing would come from the other entrances located to the west of the property, and that's where they don't meet the minimum spacing requirements due to the small amount of road frontage on the property. I just wanted to note future intersection improvements at Route 1 and Courthouse Road. This is not going to be located within the subject property area but just wanted to let you all know for your information that this is an improvement that will be going on to improve turn lanes; it will add turn lanes on north and southbound Route 1 at that intersection. So, there will be construction going on beginning I believe in 2018. This just shows the actual improvements. This is Jeff Davis Highway, Route 1 actually; not oriented north/south. Here's Courthouse Road going towards the property. So you see the right turn lanes and then left turn lane from Courthouse. So that will improve the intersection, and then the signalization would be timed accordingly once those improvements are complete. The applicant is submitting several proffers, starting with limiting trash collection from 6 a.m. to 9 p.m.; the provision for the 6-foot board on board fence along both the eastern and the southern property lines. They've also said they would allow the Historical Commission access to document the existing structures. While there's no real historic significance to the buildings themselves, the Historical Commission does still like to document anything with drawings and measurements and photos for structures that are older than 50 years. They would require the property to be developed in substantial conformance with the GDP, as well as the architectural renderings, and also requiring the inter-parcel access to the property to the east. And the land use designation is Urban Development Area, also within the Courthouse Redevelopment

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Area. I'll note that under the draft Comprehensive Plan, this area is proposed as a Targeted Growth Area which is equivalent to more or less the Urban Development Area with the style and the type of development to occur. This development is generally in conformance with the Comprehensive Plan, as well as the Redevelopment Plan. And staff is recommending approval based on those factors. And I'll be happy to answer any questions.

Mr. Apicella: Questions for staff? Mrs. Bailey?

Mrs. Bailey: Yes, Mr. Apicella. Ms. Baker, the property is within the Courthouse Redevelopment Area?

Ms. Baker: Yes.

Mrs. Bailey: And are there any criteria specifically towards signage, and in particular, if you have a retail store? Sometimes retail stores often put displays out on their sidewalk, such as propane gas tanks to be refilled, ice boxes, and sometimes there's just display for whatever is on sale that week.

Ms. Baker: And I'm drawing a blank as to what those requirements... Mr. Harvey, do you recall what, in the Courthouse Area, what the sign regulations are?

Mr. Harvey: Mrs. Bailey and Ms. Baker, the Redevelopment Area Plan has some overall guidelines with regard to architectural design, but it doesn't get to the level of signage. The Comprehensive Plan element for Neighborhood Design Standards which applies throughout the County when we consider rezonings does have some more guidance with regard to signage. It does not recommend any temporary signage; however, it does recommend permanent signage. If you had freestanding signs, they would be designed to be compatible with the wall signs.

Mrs. Bailey: Okay. Because I do have a concern, whether it be the Dollar General Store or any other type of property; it could be a CVS or, you know, anything like that, having the displays like that on the outside or the exterior of the property. The other question that I have, on the GDP it shows the sidewalk, and the sidewalk is to be maintained. Who would be maintaining the sidewalk? Would that be the owner or the County?

Ms. Baker: Typically the owner is going to be responsible for maintenance of sidewalk on their property.

Mrs. Bailey: Okay, I think that's all that I have right now.

Mr. Apicella: Thanks Mrs. Bailey. Mr. English?

Mr. English: Do you know what the hours of operation will be and do you know if it's a 7 day a week operation? Or do you know? Or should be for the applicant?

Ms. Baker: I don't recall; the applicant will address that.

Mr. English: And I have a VDOT question... also I guess the VDOT question I give it to the applicant.

Ms. Baker: The applicant's engineer is here as well, if you have specific questions related to that.

Mr. English: I do.

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Mr. Apicella: Mr. Coen, did you have a question?

Mr. Coen: Yes. Ms. Baker, if you could pull up just the site map, sort of the birds-eye view map. I just have a couple quick questions on that. One question is, in the language from VDOT it was about viable access to the adjacent parcel to the east. So, and if I remember where you made the blue mark before, that's very close to the entrance and exit, is it not? Way up at the top of the...?

Ms. Baker: In this general vicinity.

Mr. Coen: Okay. So, is there any concern about that being so close to where actually people turn in and out? I mean, do I understand that correctly that that would be the access for people to access into that parcel to the east?

Ms. Baker: That's correct.

Mr. Coen: So, at the same time people would be turning, if they're going east on Courthouse Road, they'd turn in and try to cut across people who are trying to leave this property to go to the parcel to the east -- immediately. I mean it's not like...

Ms. Baker: I understand. I'm going to have to double-check on what the... VDOT has specific throat length requirements for properties that as you enter in, they have to be set back a certain distance as far as where that access is going to be and where the easement would be recorded, as well as the location. So, I'll have to, if you would like to know that, I'll have to look it up and get back with you.

Mr. Coen: That would be something to take into consideration, whether or not they consider that viable or they would want it farther back.

Ms. Baker: And VDOT would have to review this during the site plan stage to be sure that it does meet all of those standards.

Mr. Coen: Right. And then I'm going to assume that the answer is yes, but is the distance between the back of the building or the side of the building, in theory, to the property line to the west far enough away from the property line? It looks fairly close but we can go on the premise that that will be the X number of feet that's required?

Ms. Baker: On B-2, you can actually go up to the property line with the setback from your side.

Mr. Coen: Okay. So is this building going to go to the property line?

Ms. Baker: They're showing I believe a 5-foot setback.

Mr. Coen: Five foot? Okay. And then, while we're still on the map, does staff have... and I asked this already but I'll do it more openly. Two things about the entrance -- there is no turn lane on Courthouse Road if you're going west to go in there, so the people would be going up on the basically the faster left-hand lane as they come up Courthouse Road and then stopping to try to turn in to cut across traffic. Is that the flow that's in front of us?

Ms. Baker: I'm sorry, if you're talking going eastbound?

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Mr. Coen: If you're going westbound. I'm coming from say Brooke Point High School or the middle school, I'm going to come up, and then the elementary school is on my right-hand side, I'm in the left lane which is the "faster" lane, and then I would come to a complete stop so I could turn into this entity because there's no turn lane.

Ms. Baker: That's correct, there's no turn lane.

Mr. Coen: And then if we're here, and I'll draft Mrs. Bailey into this, if Mrs. Bailey is leaving the store and going to go west to come to our meeting, and sitting there, and I want to go right because I'm going to swing down to Brooke Point before I come here, I'll have to sit... the spacing is really pretty tight that I can't go up and around her to make an easy access out. So, is it possible that people would have to wait for Mrs. Bailey to get across two lanes of traffic and get into the fast lane of traffic on the other side of the road before they could even get out to go right?

Ms. Baker: So, you're talking a dedicated left and right turn lane out of the site onto Courthouse?

Mr. Coen: Right. I mean, as it is right now, there's just one lane.

Ms. Baker: That's how it is shown currently, yes.

Mr. Coen: Thank you ma'am. Just one last thing is the trash. I noticed in one of our other items tonight that the trash pickup is at 7. Is this merely the applicant's desire or what they can negotiate, whether it's at 6 or 7?

Ms. Baker: That's what they have submitted as their recommendation.

Mr. Coen: I just noticed that there were two plans and two different times, and I didn't know if there was a rationale. Thank you.

Mr. Apicella: Any other questions? Okay, I have some questions. What governs what actually is going to happen on this site? Okay, so we have an application that says they want to do a retail center, 9,100 square feet. We've got a GDP that essentially says the same thing, but the proffer statement really doesn't say a whole lot. So, since it's not in the proffer statement, would the GDP by itself limit this to one retail building, 9,100 square feet, no more than one story?

Ms. Baker: As far as the... basically, yes. The general size of the building, the general location, that's what is governing it is the conformance with the Generalized Development Plan.

Mr. Apicella: And to what extent could they deviate from that since, again, it's not in the proffer statement?

Ms. Baker: They could put in a different store other than Dollar General.

Mr. Apicella: CVS, a restaurant.

Ms. Baker: CVS. A restaurant, potentially a sit-down restaurant that would be the same size as long as they met parking requirements because with your other uses, you're going to have different parking based on your intensity of the use if it's a higher intensity.

Mr. Apicella: So, what's the highest intensity use that could happen here?

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Ms. Baker: A drive-through restaurant.

Mr. Apicella: But that would require a CUP, right?

Ms. Baker: It's not in the Highway Corridor, so no CUP.

Mr. Harvey: Correct, not at this location Mr. Chairman.

Mr. Apicella: Okay, so what would the... again, my concern kind of goes back Mr. Coen's point. Right now they've estimated 500, less than 600 traffic vehicle visits per day. Okay, that's for Dollar General. With all the best of intentions, that may happen, that may not happen; something else might happen here. So I look to the proffer statement to kind of understand what bounds, what might happen here. Dollar General might have less than 600 but a drive-through restaurant I would suspect has significantly more. And what would that be?

Ms. Baker: I mean, you're definitely going to have I believe for... well, your medium intensity commercial is four spaces per thousand. You're fast food restaurants, convenience stores, 15. So, it's definitely going to increase and, again, you're going to have to have the infrastructure, the amount of parking, your drive aisle widths and everything else to support that. It's a likelihood of a much higher density unless they go with a smaller building size or higher intensity on this size parcel is going to be a little difficult. But if you all are looking for some additional, you know, assurances as to what's going to be on there, then your recommendations would need to (inaudible).

Mr. Apicella: That would certainly be a concern of mine, again, since it's not further elaborated in the proffer statement. Typically, that's what we do see, some boundary on what might happen on a particular site. Did we reach out to the... again, since this is across the street from a school, did we reach out to the school system and get any comments?

Ms. Baker: No, I did not. They were given the rezoning application when it first came in but I did not receive any comments and I did not reach out to them specifically.

Mr. Apicella: And, it probably isn't important but, again, I'm looking at the 6 a.m. timeframe for trash collection. I don't know when buses start arriving but that may be an issue.

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

Ms. Baker: Are you talking high school or elementary school traffic?

Mr. Apicella: Well, you still have people going down that road, so I'm thinking of all the bus traffic that's going to be... and also commuter traffic. You've got a lot of people commuting. I used to live in that area. I would be leaving around that time to get to Brooke Station. So there's a lot of traffic that goes down that road around 6 o'clock a.m. And quite frankly, between 6 and probably 8:30 there's a lot of traffic.

Ms. Baker: You're concerned just about the trash collection on site or the operation of the hours?

Mr. Apicella: Probably both, now that we're kind of chatting about it. So, again, I'm a little concerned about some of the uncertainty here. So, anyhow, that's it for me. Anybody else? Okay; applicant?

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Mr. Smith: Mr. Chairman, members of the Board, my name is Rich Smith. I'm with Par 3 Development. Thank you for hearing us this evening. This is our first time in your municipality and we've had a good experience with staff. As you just saw, Kathy's very good at this and we appreciate the input. I was jotting down some of the notes as you were talking. The hours of operation, we are not Dollar General; we're the preferred developer for Dollar General. And we could certainly lobby for a later start. Their standard hours of operation nationwide are 6 a.m. to 10 p.m. Now, they do vary from that and I would be happy to champion that cause, but I can't dictate to them when they would or wouldn't. But it wouldn't be any other hours other than those. We could and gladly put the trash collection... move that up to 7 a.m. from the 6 a.m. We would be happy to do that. I guess there is a private collection in this town so we would certainly make that part of the contract and part of our agreement with you folks that it would be 7 o'clock instead of 6 o'clock. I think the inter-connection for the site is not starting at this... if it stays residential, the driveways that are on that residential site next to it stays as is. I think the inter-connection would only happen if that person was going to come in to do a land plan or something like that; is that correct? Okay. So, right off the bat there's no inter-connection with the residential property next door, and maybe you already knew that. But we're here to answer any questions. Lance Koth with our engineering firm is here and could possibly talk to some of your turn lane questions. I could answer any questions you may have of us as far as the construction goes. The signage... I heard there were some signage questions. Dollar General typically likes a sign out by the road in its approved location and one on the building, so that's usually what we're asking for. I'm not sure that they sell propane, but they do have an ice machine usually on the front like a lot of, you know, convenience stores and kind of things have. But, you know, as far as any displays go or anything like that, I mean, if you would like us to lobby that as well between now and the Board of Supervisors, we could certainly consider that. I mean, like I said, we can't dictate their company policy to them but we can certainly pass along the concerns of the town that we're working with and we'd be happy to do that.

Mr. Apicella: Questions for the applicant? Mrs. Bailey?

Mrs. Bailey: Does Dollar General... that's a franchise?

Mr. Smith: Yes ma'am. Well, no, they're owned.

Mrs. Bailey: Are they independent or some of them independent of the...?

Mr. Smith: No, they're totally company owned.

Mrs. Bailey: Okay, totally company owned.

Mr. Smith: Totally company owned. They are run by them. They don't own the property or the building. They are a lease and they are a triple net lease; they do all the maintenance and all the, you know, in charge of making sure the lights and sidewalks and maintenance on the entrance, any of those issues are under their control.

Mrs. Bailey: Okay. Well, should this move forward, I definitely would want you to lobby with them to make some changes in regards to items that they would place outside on the sidewalk.

Mr. Smith: Sidewalk displays.

Mrs. Bailey: And I did go by the Dollar General, the one that's down in... it's a freestanding... down by Leeland, off of Deacon Road, and they do have return propane tanks there.

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Mr. Smith: Oh, do they?

Mrs. Bailey: As well as the ice chest, as well as items out on the sidewalk.

Mr. Smith: Items meaning like racks of something?

Mrs. Bailey: Oh, it could be chairs, it could be racks of whatever's on sale that week, you know, just a lot of merchandise.

Mr. Smith: So, merchandise, other than... because I guess ice machines and maybe a propane display is pretty common.

Mrs. Bailey: Well, it's a small building, it's a small site...

Mr. Smith: Right.

Mrs. Bailey: ... and it is the Courthouse Area and so to alleviate as much stuff as possible would be preferred.

Mr. Smith: Clutter. Alright.

Mr. Apicella: Mr. Coen?

Mr. Coen: Yes, just sort of for clarity sake, and it sort of tags what Mr. English was saying. The buses would technically tend to go towards the high school around 7 a.m. They usually arrive at the school between 6:50 and about 7:30. So I'm not sure if we say 7 is going to be better than 6 or not, and that's one of the things that sort of occurred to me. In the early morning you have the VRE traffic and then 6 or 7 you have school buses. So, I didn't want you to lock into that. It may be something that you'll want to talk to various staff and see which is the best. And then, quite honestly, if their contract is they wouldn't come until 8 or 9 or whatever in the morning, it may be a moot point. And then I still have concerns, but now that I know it's open at 6 and I'm driving to Colonial Forge in the morning and I forgot that I'm supposed to bring something for our faculty breakfast, I'm probably going to want to swing in there, which means I will be stopping in the middle of the speed lane of all the people that are rushing to get onto 95 around 7 in the morning. So I am really leery of no turn lane. And I know that's a VDOT decision, but that really concerns me that in that area, which is problematic because in the morning you have... and I thought you opened later... so if you open at 6, you have people rushing to get on 95, you have people rushing to go to teach at various schools, you have people rushing the other way, and you have buses coming out of your neighbor. And so, at around 7 in the morning or 10 of to 7 in the morning, it's problematic in that intersection as it is. So, I'm just leery of that. So I don't know necessarily if you can solve it but that's something that... and I'm a little leery of leaving it to VDOT and its wisdom to sort of say well, this too shall pass.

Mr. Apicella: Tom, how can you say that?

Mr. Smith: I'd like to introduce you to Lance Koth.

Mr. Koth: I'm the engineer that's been working with Par 3, Par 5, and the entrance that you're talking about has been, as much as we've done with Kathy, has kind of been the focus of all of this. It's been a concern. We sat down with Kathy, and VDOT representatives and I sat down at the table and looked at the different alternatives for this. That spot actually has the best site distance. Actually, if we go any

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further east, we don't meet their criteria. So, there was some reasoning behind that and we got a little bit lucky on it on that our property line is far enough over that it actually lines up with the exit lane from the school which was something that VDOT had said that's much more desirable because if you have, like you're talking about, if you have people that are turning into one and turning into the other, if they align, it's less conflict. So the location was selected pretty carefully to line up with that. As far as the turn lane and the chicken lane or whatever you want to call that center lane, VDOT has thresholds for turn lane criteria and we're way below what would require a turn lane. The numbers -- and I'm going a little bit from memory here -- but you saw the overall 527 vehicles per day was the number and those you derive... there's directional formulas and that kind of thing. But in essence, our peak for this type of use hits in the afternoon and the peak turns... and I don't remember the directional number but it's a fairly even split. The peak turns are... you do it based on trips, and a trip is in or out. So, in and out is two trips, so it's 46 trips in the peak hour. So it's 23 turns in and it was a fairly even split so we were talking about about 11 turns, 11 or 12 left turns coming in, in the peak afternoon hour. So, the other hours are less than that. And I don't... and I certainly don't mean to belittle that that left turn is a left turn out of a left-hand lane; it is a small number and I realize that's not a quantitative analysis but it's a way to qualitatively feel a little better about it. And actually the fact that there's two lanes there helps because you can go around and people aren't stacking up behind. So, it's not a perfect situation but it was developed with quite a bit of thought with VDOT. And I guess the other piece of it that I heard back here was when we were talking about the having to wait to turn out to go right, there's a balance there. VDOT, like Kathy was saying, has criteria for if you have two lanes going out, how far back into the site that goes. And we've held it to one lane going out because we could meet that if it goes to that second lane that actually pushes that entrance most of the way into the site; at least halfway into the site and that then grade-wise we can't give access to that site next door. So, it was a little bit of a balance. We'd love to have two lanes coming out but it pushes that access next door back beyond where we could work with it. So this, we felt like and worked with VDOT that this was probably the best that we could do with all of our constraints out here. But we have... you know, I kind of look forward to working with VDOT on the site plan because we've done so much work with them up front that I think they'll be pretty happy with the way it all works out. So, I realize I'm a little bit long-winded but if you give me a microphone and let me talk I'll keep going.

Mr. Apicella: Mr. English, did you have a question?

Mr. English: I've got a lot of concern with that area. I don't know if you live around here or you know what's going on around here, especially when school's in. Stafford Avenue is just stacks up no matter what, especially when school's going on. And then you're going to a business down there; it's going to cause another problem. You've got the funeral home right there that causes another issue. And then you've got the training ground and then you've got the elementary school. Why aren't they recommending a signal and why... have you talked to the County about going in where the Fire and Rescue is because it intersects right there with Stafford Avenue and try to work a light in, and maybe work with the funeral home and try to get something worked that way. Because right now, this is going to be crazy.

Mr. Koth: Well, we did look at that entrance there; that was one thing we had looked at. At that entrance looking left, your site distance doesn't meet their warrants. So it's actually fairly dangerous to try and turn left out of there. And that was kind of... we went through a lot of iterations back and forth, but when we looked at sitting at that looking left kind of across the funeral parlor site, there's a small...

Mr. English: Easement... I mean a little hill, little grade.

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Mr. Koth: ... there's a little hill there and it draws it quite a bit below what the required site distance is there. So, when we talked with VDOT about it, that was one of the reasons they were -- I'm not going to use the word enthusiastic but I would like to -- but they were very onboard with the idea of putting our entrance out here because it met their site distance, which is frankly a bigger safety issue than aligning with that road over there.

Mr. English: So, it's nothing that you could work with with the County as far as the Fire Training area and try to maybe have those entrances and all that kind of combined down to one to try to take some pressure off of that? Because I'm telling you, right there at Stafford Avenue, I see it's going to be a nightmare there without a light.

Mr. Koth: Well, and the hard thing is...

Mr. English: I know what you're saying about the grade.

Mr. Koth: No, where I was going with this is the hard thing about an intersection like that is VDOT has very specific warrants for a signal. And if you put a signal in somewhere that doesn't meet those warrants, they have a lot of data that shows that it makes accidents worse. And everybody thinks a signal is the right solution, but if you're not meeting those specific I believe it's 6 warrants for a signal, which right now it does not, it will make the situation worse. I mean, and the warrants are very specific as far as things like traffic counts on the road, traffic counts on the side roads. One of them is if you have a death at the intersection... so, you know, the speeds are slow here, I don't foresee things like that happening and frankly the traffic counts I don't believe would ever get to the point where a signal would be warranted there. And I think the problem would be if you have a signal there, as close as it is to the one on Jeff Davis, and I don't know the exact distance, I'm speculating here that VDOT won't want those signals that close together.

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

Mr. Koth: Well, yeah... it doesn't make it right. And I'm not saying they wouldn't do it, but I think congestion and if they time it right, they could make it work. But I'm not sure it would make that situation better. And I know what you're saying because it does get congested around here and I've seen the overall plan that VDOT has for the grand scheme of this whole area. And I think to follow it around, it functions well; but I think even when that whole thing gets implemented in the distance future, I think there's going to be a long transitional time before people really get used to it and it functions well. But it's a step in the right direction.

Mr. Apicella: Anybody else? Mrs. Vanuch?

Mrs. Vanuch: I just wanted to have one of you guys address Steven Apicella's question about the proffer statement and maybe putting in a different building if this were to be rezoned.

Mr. Koth: I would be... yeah, I heard that discussion and I've never heard that question before. Typically, when we put together one of those Generalized Development Plans, if we wanted to change the use at all, and especially for a restaurant drive-through or something like that, the layout would have to change fairly significantly to make that work. And it's a little bit of a subjective call when they have to go back and come back before Planning Commission and Board of Supervisors, but I would venture to say that I don't see how that would even happen without being a big enough change to do that. One of the things in there, I guess we've got the signage in there -- so, I mean there's enough references to Dollar General that I really hadn't even thought about that.

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Mr. Apicella: I'm just going to respond to that. So we have a long laundry list of allowable B-2 uses, okay. And I'll use a drug store as an example. Now I understand a 9,100 square foot building may be a limiting factor, as well as parking might be a limiting factor, but in the absence of... the proffer statement sets boundaries from my vantage point. And so, in the absence of setting boundaries, we have no assurance that it's going to be a Dollar General. And it might be a Dollar General tomorrow; 5 or 10 years from now it might be a Chik-Fil-A, and they have completely different, you know, throughput. So, and even though you might have a specific layout that works for you now, it might be more profitable, especially as this thing moves to a TGA and that area gets built out in a completely different version of the world then we see today, the world changes and something else might be more economically viable for you all. So that doesn't give us any assurance when it's not in the proffer statement that things might not change dramatically. And I guess it's not so much a question as a comment. I would ask you... again, I'm not sure if it's going to proceed forward tonight or not, but if it doesn't to work with staff and maybe they can give you some examples of proffer statement. And, you know, my concern, as with any rezoning to a business use, is bringing some clarity to what can and cannot happen on a particular site. I mean, I don't know what your experience has been elsewhere, but that funeral home was not intended to be there, I can tell you that.

Mr. Koth: Okay. No, I just hadn't heard that question before. I understand what you're saying, I just, I mean, from...

Mr. Apicella: Or let me say it different -- we didn't know that funeral home was going to end up there, but it did because, again, it wasn't carved out as an exclusion. So those are the kind of concerns that we have. In the absence of clarity, we might not get exactly what we thought we would get.

Mr. Koth: Well, you know, maybe Rich has done more rezonings than I have and maybe there's something we can add to the wording there that makes you feel better about what we're doing here, but that's not really an engineering issue.

Mr. Smith: I guess, of course, you know, we don't own the property at this point. We normally, as Kathy said earlier, this is a very low impact use even for a resale store. Fast food stores and especially like Walgreens or some bigger footprint, I mean, I don't think they would even physically be able to design it and fit it on the site and meet the criteria of your ordinance. That doesn't mean it's not allowed to be there and I totally understand what you're referencing. It's our full intention to do this, and the world is littered with good intentions, I know that. But, you know, we are very happy to be here. We look forward to doing a very nice job, building a very nice building, and we have a closing date set and we have a lease in place. We are way down the road to be even able to back out unless you totally tell us we can't do something there.

Mr. Apicella: Again, I don't want you to think I'm resistant to having a Dollar General. What my concern is, is what might happen 5 or 10 years from now. You don't and I don't know what's going to happen in that timeframe, so that's why I asked about what governs what might happen on this property. And the rezoning is on the property; it's not the project, it's the property. So you get a generalized B-2 authority on that property which gives whoever owns that property the ability to do a lot of things.

Mr. Smith: Right.

Mr. Apicella: So that's, again, that's my concern. Again, not so much a question as a comment.

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Mr. Coen: And just to sort of piggyback, I mean, their next door neighbor started as a business and now the County has it as a Fire Training Station, you know, within years of when it got open. And so I think that's where Mr. Apicella's coming from.

Mr. Smith: Sure.

Mr. Coen: It's not just a theoretical what could happen so much as right in that community something has happened.

Mr. Apicella: Any other questions? Okay. Thank you sir.

Mr. Smith: Well we thank you very much for your consideration.

Mr. Apicella: I'll now open the public hearing on this matter. This is an opportunity for the public to comment on this item. Pretty much the same ground rules as I laid out earlier, but please direct your comments to the Planning Commission as a whole, not to any specific member. You have 3 minutes to speak. Please state your name and address when the green light comes on. The yellow light indicates you have 1 minute left. And the red light means you need to wrap up your comments. So, if anyone is interested, please feel free to come forward.

Ms. Knight: Good evening, my name is Jo Knight. I have the property next door for sale and the gentleman who... they intend to have that sold for use that would probably be a similar type commercial use or I guess multi-family, because townhomes can go in R-1 in this area. I think one of the questions and maybe I need to look a little harder and perhaps it's underground. But stormwater management was a question. Is it going to... we were wondering where the stormwater would go. Maybe that's underground; we need to read this information a little better. And I do think you have included the inter-parcel access which was a concern. They... I think that was the main question, was about the stormwater management. And I do think that it would certainly be better if they developed the two together because of the topo. There's going to be a lot more having to shore up the boundary there on the side, a lot more work and money than if the two were together. The two sites complement each other for development. Thanks very much.

Mr. Apicella: Thank you. Would anyone else like to come forward and speak? Okay, seeing no one I'm going to close the public hearing and bring it back to the Commission. Mrs. Bailey, this is in your district.

Mrs. Bailey: Yes, Mr. Chairman, I would like to make a motion to approve RC16151104, with proffers, and would ask the applicant to, before going before the Board of Supervisors to address possibly some restrictive language in the proffers for use.

Mr. Rhodes: Second.

Mr. Apicella: Okay, there's a motion to approve that's been seconded. Any further comments Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: No sir.

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Mr. Apicella: Anyone else? Okay, I'm not going to support the motion. I think it's important that we get some boundaries on this project. As I indicated, again, the amount of traffic could be quite significant. I think some other folks have raised some issues about turning and that could be a problem as well. So, I think we need to do our part before we send it forward to the Board for action. All those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Boswell: Aye.

Mr. Apicella: All opposed? Nay. I might have to poll here. Mr. Rhodes?

Mr. Rhodes: Aye.

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: Aye.

Mr. Apicella: Mr. Coen?

Mr. Coen: Nay.

Mr. Apicella: Mrs. Vanuch?

Mrs. Vanuch: Nay.

Mr. Apicella: Mr. Boswell?

Mr. Boswell: Aye.

Mr. Apicella: Mr. English?

Mr. English: No.

Mr. Apicella: The Chair votes nay. Okay, is there another motion?

Mr. Coen: Yeah, I'd like to make a motion to defer this for... till our first meeting in September so that we can get some more clarity as to the different issues.

Mr. English: I second that.

Mr. Apicella: Okay, there's a motion to defer by Mr. Coen, seconded by Mr. English. Any further comments Mr. Coen?

Mr. Coen: No sir.

Mr. Apicella: Mr. English?

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Mr. English: No, I think just some stuff needs to be straightened out before we can move on. I'm for businesses, but I just... there's some issues that I had I'd like to clear up.

Mr. Apicella: Okay. Anyone else?

Mr. Rhodes: Do we think possibly we could recap what those issues are that they're coming back on? Just so that we can make sure we're productive on this?

Mr. Apicella: Well, I mentioned one, which is proffers. And I mentioned the second one which is transportation.

Mr. Rhodes: I know there were a couple people who did, I just thought it would be good to recap them for them.

Mr. Apicella: Mr. Coen, do you have anything you want to add?

Mr. Coen: I think you articulated them; we have the traffic, we have the proffers, and those are the two largest areas. Traffic has several subsections of it which I think the applicant knows and staff knows. So, I think it's pretty well been articulated.

Mr. Apicella: Anyone else have anything to add?

Mr. English: Mine also is the traffic and what about the schools being... you said they had not been notified about this at all, Kathy, and then the surrounding businesses, have they been notified at all or do they have to be?

Ms. Baker: All the adjacent properties would have received notification. The schools are on our distribution list when we send out the applications when they initially come in. We did not receive anything back, but I did not specifically reach out to them and ask them other than sending out a last call for comments (inaudible).

Mr. English: That's fine. Yeah, but my concern is... traffic was my concern.

Mr. Apicella: Yeah, I think it would be helpful to reach to the school system.

Mrs. Vanuch: And the hours of operation, right, and the trash pickup time.

Mr. Apicella: Right.

Mr. Boswell: While we're getting these answered, we might as well get the stormwater management.

Mrs. Vanuch: I was going to say stormwater management.

Mr. Apicella: (Inaudible) question as well.

Ms. Karnes: Mr. Chairman, I know I'm wildly out of order.

Mr. Apicella: Yes you are out of order, I'm sorry Ms. Karnes.

Ms. Karnes: Could I speak? I do represent the applicant.

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Mr. Apicella: Yeah, we have a motion and I honestly don't think it's appropriate. Okay, all those in favor of the motion to defer signify by saying aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed?

Mr. Rhodes: Nay.

Mrs. Bailey: Nay.

Mr. Apicella: Okay, the motion carries. Mr. Boswell, I'm not quite sure where you were on that.

Mr. Boswell: I voted for the deferral.

Mr. Apicella: Okay, so the motion carries 5-2. Thank you very much. Okay, Mr. Harvey, item number 2?

2. RC16151205; Reclassification – 1703 Warrenton Road - A proposed reclassification from the A-1, Agricultural Zoning District to the B-2, Urban Commercial Zoning District, to allow for continued commercial use on a portion of Tax Map Parcel No. 35-68B, which is no longer vested for commercial use. The property consists of 2.39 acres, located on the south side of Warrenton Road and east side of Cedar Grove Road, within the Hartwood Election District. **(Time Limit: October 21, 2016)**

Mr. Harvey: Thank you Mr. Chairman. Again, Ms. Baker will be making the presentation for item number 2.

Ms. Baker: Okay, may I have the computer please? Item number 2 is a reclassification request for 1703 Warrenton Road. And this request is to rezone 2.39 acres from A-1, Agricultural to B-2, Urban Commercial, to allow a restaurant or a low intensity commercial use. The owner is represented by the applicant, Mr. James Wickens, and the Tax Map Parcel is 35-68B. This is an aerial view of the property. On the left is just showing a little bit farther out view to show you that there's not a lot in the general area, but the property's located on the south side of Warrenton Road just east of Cedar Grove Road. This is in the general vicinity of the future Westlake development, just to give you a little context. Looking at a closer view of the site, you see Warrenton Road is divided, 4-lane divided in this vicinity. You have existing buildings on the property that have been there since 1959 and 1961. To the left is the restaurant building and that has been vacant for over two years. The applicant did try to have a tenant come in to establish a new restaurant. There were issues I know with the tenant and by the time that two-year timeframe lapsed, they were no longer grandfathered or vested to have the restaurant use there so they came back in to request the rezoning specifically to allow that use to continue there. The middle building is a tire/auto service shop that's also been in existence since the early 60's. And then to the far right side of the property is an existing residential use. The applicant is proposing for the residential and the tire use to continue. The residence has its own access out to Warrenton Road, and it

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also has connection to the commercial portion of the property. There are three existing entrances on Warrenton Road and another access off of the Cedar Grove Road. You see the property to the immediate east does contain another residential unit off of the property. And this is the street view showing you the three buildings on the site and what it looks like looking south from Warrenton Road. So, for this proposal there are no actual changes proposed to the site or to the buildings. They just want to continue using them as is. The tire and auto service and the residential uses would continue as legal non-conforming uses. They propose to re-establish as a restaurant use but, if there are other uses that would meet a lower intensity commercial use, they would also like that to be considered so they aren't locked into just a restaurant if they aren't able to re-establish. But again, they would use the same amenities onsite; they would not be able to increase the parking so whatever would go in that building as a lower intensity commercial use would be restricted. And this is just the survey which served as the Generalized Development Plan for the property. With regard to transportation, again no change is proposed in the current traffic volume. There's not a traffic impact analysis required; the traffic volume, based on the transportation manual, shows that there could be as high as 344 vehicles per day and 50 vehicles per hour. And that's incorporating all three of the uses onsite. The applicant is proffering to limit the use to restaurant low intensity commercial and the existing non-conforming uses, the residence and the tire service. The tire service would actually be allowed under a Conditional Use Permit under today's standards in the B-2 zone. The proffers would also prohibit the expansion and size of the three existing buildings. It would permit ancillary buildings to be constructed to support the other buildings, but no new buildings would be permitted to be constructed. This would require the site to be brought up to current standards if there are any improvements that would require a site plan submission. So, as long as they're applying for their occupancy permits and zoning permits, meeting all the site restrictions that are already there, they would not be required to do things such as landscaping, buffering, and that type of thing. The Fire Marshal has asked that we require any combustible storage items, such as the tires, to be secured in a locked area; a fence or some type of a storage facility. And then, finally, this would require connection to public water and sewer when available to the site. Currently there is no water and sewer available. However, when the Westlake development does finally come through, there would be water and sewer extended out to this area. The Comprehensive Plan designation in this area is Commercial Node within the Suburban Area, so the zoning would be compatible with that. Staff is recommending approval. It is consistent with the Comprehensive Plan. There is sparse development but it is consistent with the development patterns in the area, and it is existing; the uses are not changing. It does bring the restaurant use into conformity with the B-2 zoning. I'll be happy to answer any questions.

Mr. Apicella: Questions for staff? Just one quick question -- was the restaurant ever operational?

Ms. Baker: Yeah, it's been operational really since the 60's. It's had some lapses, different restaurants over the years.

Mr. Apicella: Okay. So, we understand the amount of traffic that might happen on that particular site. Okay, no other questions for staff? Applicant?

Mr. Wickens: Mr. Chairman and members of the Board, I obviously don't have any idea what I'm doing here really. But Mr. Kim is my brother-in-law for 42 years and I'm just trying to help guide him through. I'm Jim Wickens; I'm the one that helped with the paperwork on all this.

Mr. Apicella: Can you state your address as well, or where your locality is?

Mr. Wickens: I live in Spotsylvania County, and my brother-in-law and I have a small business in Prince William County.

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Mr. Apicella: So, anything you want to say in support of the project?

Mr. Wickens: No, we're just kind of between a rock and hard spot and make it all right, that's all. And thank you so much for your time and a real big thank you to Kathy here who's been so helpful to us in all this. Thank you so much.

Mr. Apicella: Okay. Just hold on for a second just in case anybody has any questions. Questions? Okay, seeing none. Thank you.

Mr. Wickens: Thank you sir. Thank you ma'am.

Mr. Apicella: Alright, I'm going to open up the public hearing on this item. Again, an opportunity to speak on it if you would like to. Same ground rules as before. Anyone interested? Okay, seeing no one, I'm going to bring it back to the Commission. Mr. English, it's in your district.

Mr. English: Yes sir. I'd like to make a motion to approve RC16151205 for reclassification.

Mr. Boswell: Second.

Mr. Apicella: Okay, there's a motion to approve the reclassification; it's been seconded by Mr. Boswell. Anything else Mr. English?

Mr. English: No.

Mr. Apicella: Mr. Boswell? Anyone else? Okay, all those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed. The motion carries 7-0. Congratulations and thank you. Mr. Harvey, number 3?

3. RC16151288; Reclassification – The Garrison at Stafford Proffer Amendment (formerly Stafford Village Center) - A proposal to amend proffered conditions on Tax Map Parcel No. 20-130, zoned P-TND, Planned – Traditional Neighborhood Development Zoning District, to provide alternative building and parking layouts. The property consists of 45.04 acres and is located on the south side of Garrisonville Road, at the intersection with Travis Lane, within the Garrisonville Election District. **(Time Limit: October 21, 2016)**

Mr. Harvey: Mr. Chairman, please recognize Mike Zuraf for this presentation.

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Mr. Zuraf: If I could have the computer please? Good evening Mr. Chairman, members of the Planning Commission. This item is a request to amend proffered conditions on The Garrison at Stafford site. This is the site formerly known as Stafford Village Center on Assessor's Parcel 20-130. The site covers 45.04 acres. It's zoned P-TND which is Planned-Traditional Neighborhood Development. The applicant is Route 606 Reston, LLC with Leming and Healy as the agent. The site is the gray shaded parcel located on the south side of Garrisonville Road at the intersection with Travis Lane. Regarding the zoning history on the site, on October 12th of last year the property was rezoned from R-1, Suburban Residential to the P-TND district with proffers. The original development scheme and associated proffers were reflective of a mixed use development with up to 500,000 square feet of commercial uses and 453 multi-family residential units. Since zoning approval, frontage improvements have begun along Garrisonville Road in concert with the widening of that road, and no other development internal to the site has occurred to date. These are the existing conditions on the site, the aerial view. The site primarily consists of forested landcover, with a smaller proportion of open fields. The forested areas, on the southern half of the site and along the two streams, consist of mature deciduous hardwood trees. The open field areas are located generally in the northern portion of the site along Garrisonville Road and between the two streams. The proposal is to amend the proffered conditions on the subject property to provide an alternative building and parking layout, in addition to the originally approved layout that you've received that was approved as part of the approval last year. Also, amendments would modify the way building heights are measured on the site. The original Generalized Development Plan shown here identified one primary access road into the site -- I'll highlight some of this -- primary access road into the site. Uses were located within multiple buildings that surrounded a centralized parking lot. So here are the location of the buildings that surrounded the centralized parking lot in this location. And then there are other uses on the eastern and southeastern side of the property mixed in with smaller parking areas. And staff notes, and had noted back then last year, that the site design is reflective of a more conventional suburban shopping center with that layout. So, the applicant is proposing this what's known as Option 1 General Development Plan, which illustrates a site layout that's reflective of a more traditional design and more closely aligns with the intent of the P-TND zoning district. Buildings are proposed to front on a principal street that bisects the property in approximately a similar location. Again, you have your principal street through the site and the buildings are located in this location lining the street. The bulk of the... also, along that primary street, the property will include parallel or angled parking along that principal street. And the bulk of the parking though is proposed to be located to the rear of the buildings in surface parking lots and three parking garages. So you have your parking lots in this location behind the building. The three parking garages include this location, this location, and here as shown on this plan. At the terminus of the principal street is a mixed use building that may be utilized as a movie theater, and that is this building in this location here.

Mr. Apicella: Is that 20 screens Mike?

Mr. Zuraf: Yeah. Now that I've messed that up... also, we do have the concurrent request following this item to amend the County Code that would allow flexibility in the type of on-street parking to also include the angled parking which (inaudible).

Mr. English: Mike, I have a question for you.

Mr. Zuraf: Yes?

Mr. English: The building you have, the white block that's not marked or anything, what's that going to be? Just a white block right there? Do you see it? Next to building 4.

Mr. Zuraf: In this location here?

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Mr. English: Yeah. What... is that going to be anything? Or what is that?

Mr. Zuraf: That has not been specifically identified. I'd defer to the applicant. It may be all part of building 4 with the parking garage and maybe combined somehow, but I would ask the applicant (inaudible).

Mr. Apicella: I think Mr. English brings up a pretty good point. I wish there was a side-by-side. The one thing that has changed, aside from the layout, is in the earlier version (inaudible) and the buildings are named, retail, multi-family, office. In this situation, there's no labels and I don't know whether it's important or not but it just is... I'm not quite sure why the labels went off. You may not know; maybe the applicant can speak to it.

Mr. Zuraf: I do know as part of, not shown on this image, there's a table to the side that identifies the uses in each building. Most of the uses are identified as mixed use, and then there's a table that identifies the amount of commercial and residential development that may occur in those buildings. And it's tied to the specific building numbers.

Mr. Apicella: Where is that table in our...?

Mr. Zuraf: It's to the right of this image on the plan.

Mr. Apicella: Okay, thank you.

Mr. Zuraf: Okay, and I will also note that the buildings and parking located on the eastern end of the site in this approximate location, the buildings and parking are pretty much in the same location as the original General Development Plan.

Mr. Apicella: So, the bottom line is, the majority of the buildings are mixed use except for the one building 13 that's residential. Is that...?

Mr. Zuraf: Correct, yes.

Mr. Apicella: Thank you. Mr. Coen?

Mr. Coen: But then back to that green square, that doesn't have a number.

Mr. Zuraf: Yeah, I would have to ask the applicant to help confirm or deny whether that's all part of building 4. It does appear to be separate.

Mr. Coen: Thank you sir.

Mr. Zuraf: Okay, so as part of this new plan, the applicant's proposing to amend proffer 1.a. which would add reference to the new General Development Plan which would serve as Option 1 GDP with the new development layout which would permit flexibility in the building area locations. And also, as all part of this, the original General Development Plan would remain as an option. And then also, in addition to all this, proffer 3 is proposed to be modified. They would modify building height language to require buildings be measured at the mid-point of the northern most side of a building, rather than from the first floor in the closest proximity to the abutting ground level parking area and/or roadway. So, just to evaluate, looking at a little bit closer at these requests, the Option 1 General Development Plan site layout more closely resembles a traditional neighborhood that I mentioned already, and meets

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the intent of the P-TND zoning district. It does provide flexibility in the ultimate design, which this is in conflict with the current Zoning Ordinance which does have a provision that the General Development Plan would be approved as part of a rezoning to the P-TND zoning district.

Mr. Apicella: But, just to be fair, there's really... it's not unlimited. There's basically two versions, door number 1 or door number 2.

Mr. Zuraf: Right. It's two options, right. And there are slight adjustments to that but, you know, it is different than what the Ordinance calls for but not by much.

Mr. Apicella: Okay, thank you.

Mr. Zuraf: Also, staff would prefer the Option 1 GDP option that's been submitted, but any modification of the original GDP to more closely resemble that Option 1 would be viewed favorably. And then also, then the site layout is not changing along the eastern property line where the greatest potential impact was identified in the first go round last year. This is adjacent to the single-family residential uses in the southeast corner of the site. Regarding the building height changes, as mentioned, the applicant's proposing that all buildings be measured from the mid-point of the northern most side of each building. The applicant is proposing this because the site generally slopes from the north to the south across the site, and there are several buildings that extend longer distances from north to south, such as buildings 4 and 5 on the plan. On the second point, for buildings located where the ground slopes down from north to south, the southernmost point of the building may be taller than 60 feet. But in no circumstance may the buildings exceed 5 stories, which was one of the proffer requirements. And the last point, the amendment is contrary to the recently amendment to the building height measurement definition which requires the measurement from the mid-point of the front of each building. Not all the buildings' frontage is on the north side of the property. Should the proffer amendment, this proposed method of building measurement would be unique to this site, as opposed to the specific definition in the Zoning Ordinance.

Mr. Apicella: But as a planner, given the fact that things are specific to a given site, I mean, is there some legitimate point to be made here that narrowly implementing the specific provision doesn't take into account the variability of a particular site?

Mr. Zuraf: Right, yeah.

Mr. Apicella: Is that something we might want to take a look at down the road as well?

Mr. Zuraf: Yeah. You're saying that the single definition that we have now, where it really could be applied and have bigger effects on different sites based on what the conditions are?

Mr. Apicella: Right.

Mr. Zuraf: Yeah, that can be looked at that way.

Mr. Apicella: Thank you.

Mr. Zuraf: So, in reviewing this, staff does find that there are several positive facts. It allows a potential for a Traditional Neighborhood Development pattern and meets the intent of the P-TND zoning district. And although it may allow greater than 60 feet heights on portions of the building, the 5-story limit should minimize overall height. It does maintain the proffered amount of development, so that's not

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being changed. And maintains consistency with adjacent properties since the development pattern is not changing in the southeast corner. There are some negative points -- the flexible General Development Plan is not consistent with the current Zoning Ordinance provision, and building measurement criteria is inconsistent with the recently adopted building height definition standards. And you did receive today a modified version of the proffers with some slight adjustments to how the two options would be applied. Originally, the version that was advertised, there was much more flexibility as to how the site could be utilize different aspects of each option, and now it's much more specific that, you know, the site would either develop under one plan or the other with very limited options that could be utilized as far as modification. So, with that, staff believes the positive aspects outweigh the negatives and supports the amendment. And I'll take any questions.

Mr. Apicella: Thank you Mr. Zuraf. Any questions for staff? Okay, thank you. Applicant?

Mr. Leming: Good evening Mr. Chairman, members of the Commission, I'm Clark Leming here on behalf of the applicant. This is a minor proffer amendment under the County's own Ordinance. We seek to adjust two proffers. What drives this is the need to accommodate Regal Theater, which has indicated that it intends to come to this location. The layout is to accommodate Regal Theater. The timing of that is such that they would like to open in the fall of 2017. In order to accomplish that and be able to take advantage of that window before winter settles in, we need to break ground momentarily. So, that's why the fast track here. Of the substantively, with regard to what's being requested here, one thing I'd point out is that normally, in most of my experience notwithstanding your first application this evening, when a shopping center comes in generally there is a great deal of flexibility to the developer of a shopping center in a B-2 district. Stafford Marketplace was built out without any controlling GDP. Now, while I understand the genesis of the current ordinance that wants to see a GDP committed to, the fact is it's not a very realistic approach to most commercial development. Of course, this is mixed use but a large portion of it is commercial. There needs to be give and take in the ability to go this way or that way depending on what tenants are lined up. And that happened in this particular case within just a few months after the original zoning was obtained. Now, why don't we just go with Option 1 and forget about the original GDP? Because we don't have a crystal ball; we don't know if we're absolutely certain this is all going to come to fruition; and since that GDP has already been reviewed and approved by the County, recommended by this body and approved by the Board of Supervisors, we thought it prudent to preserve the option to go back to that should something not go as we anticipate at this point. Now, what we've done with the GDP is simply to permit Option A, already approved the original GDP, or Option 1, which is the new GDP that you've seen before you. There is a... there was a broader version of that that was originally drafted. I think we have pulled back on that considerably within the last 24 hours such that now what we've tried to do is to carve out the particular exceptions that are most likely to occur. And they all happen out along 610, because we don't know exactly what will happen with those pad sites at this point. So, we do retain some ability to make adjustment out there as the proffer specifically references. With regard to the height, one thing I'd point out is that we're below grade, we're below Garrisonville Road by about 6 to 8 feet anyway at this location. We were seeking to come up with a measurement that helped us to accommodate for underground garages and still attaining the height so that we could get 5 floors. So that's where the... that was the basis for the measurement that we came up with. Little did we know, until we had filed the application and made this proffer that you all, the Board, were changing the way we measure height. It was pointed out to us after the application had been filed. At this point, all I would say about that is that I think it's a non-issue. What we have committed to, what we have proffered to is really a standard within a standard. Even if you use the County standard, we would still comply with the Ordinance. Remember, the height limitation here is 75 feet. So, all we've done is to come up with a way to measure that that varies somewhat from the Ordinance. We did some calculations with a difference of about 3 or 4 feet perhaps, so there may be a variation because of the two different measurement styles of about 3 or 4 feet, but that would be it. So,

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we need to move ahead. We've got the Pences here tonight happy to give you more detail if that's helpful to your consideration here. We also have the traffic engineer here, so we're at your disposal.

Mr. Apicella: Thank you Mr. Leming. Any questions for the applicant? Okay, Mr. Coen?

Mr. Coen: I had raised this and part of it is being at the decrepit age I am, I used to be a manager at a movie theater, a multiplex. So I sort of looked at this from the operational standpoints. And I just raise, and not necessarily you have to give any answer to it, but just a concern about a couple things. The drop-off because it comes down to a T and normally people drop off people to go in and get tickets, so that would cause a bit of a traffic snarl. And then you have primarily just two exits for all of the parking for the theater, which might be problematic given the nature of theater business and multiplexes and multiple shows. So I'm just... that's just something to think about as you move forward. And likewise, with the principal street coming in with multiple lanes and leaving with multiple lanes, the on-street parking will also cause, you know, when it's getting close to show time or leaving, there may be a problem if people start to try to go out that one road or come in that one road. So that's just those things to consider. I do want to thank you because I remember when it first came up we made loads of mentioning to the idea that people would be looking out of their houses. And Option A, the first thing was they'd be looking at this humongous parking lot and many of us said, you know, could we put trees in the tree line drive and such and such. So I think you. This is more in line with what many people on the Commission and the Supervisors had brought up. So I just wanted to give a shout out on that thing.

Mr. Leming: Well, thank you Mr. Coen. We will take your comments into consideration as the design progresses. One reason, you know, we're doing the diagonal parking is to help assist with the movement in and out along the main street there. And, of course, there will be other points of access elsewhere on the property. Thank you.

Mr. Apicella: Any other questions?

Mr. English: Mr. Leming, the white box that's not...?

Mr. Leming: The green box or the white box?

Mr. English: The green box.

Mr. Leming: The green box, okay.

Mr. English: The green box; what is that?

Mr. Leming: I thought I was going to have to talk about another box. The green box is part of building 4.

Mr. English: Okay. What is it going to be, a shed?

Mr. Leming: It could be office; most likely office at that location.

Mr. Apicella: Mr. Leming's new office right there. Any other questions? Okay, seeing none, thank you sir.

Mr. Leming: Thank you very much.

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Mr. Apicella: Okay, I'll now open the public hearing on this matter. Again, as before, this is an opportunity for the public to comment on this item. Please direct your comments to the Planning Commission as a whole. You have up to 3 minutes to speak. If anyone's interested, please come forward now. Okay, seeing no one, I'll close the public hearing and bring it back to the Commission. Mr. Rhodes, it's in your district.

Mr. Rhodes: Thank you Mr. Chairman. I'd like to make a motion to recommend approval of the reclassification for RC16151288.

Mrs. Bailey: Second.

Mr. Apicella: Okay, there's a motion to approve the reclassification with updated proffers.

Ms. McClendon: Mr. Chairman, I will remind the Commission that to accept the proffers as provided tonight we need to vote on those first.

Mr. Apicella: Okay.

Mr. Rhodes: Yes, Mr. Chairman, I make a motion to recommend that we accept the new proffers that were presented tonight in order to act on them.

Mr. Apicella: And Mrs. Bailey?

Mrs. Bailey: Second.

Mr. Apicella: Yep, I knew you were going to second that. Okay, any further comment Mr. Rhodes?

Mr. Rhodes: Not on that motion.

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Apicella: Anyone else? Okay, all those in favor of the motion to adopt the proffers provided to us tonight please signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries 7-0. Mr. Rhodes.

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Mr. Rhodes: And just to clarify, the original motion to recommend approval of the reclassification RC16151288 was with the assumption of the modified proffers we received today.

Mr. Apicella: Thank you Mr. Rhodes. Mrs. Bailey, you seconded that one, right?

Mrs. Bailey: Yes.

Mr. Apicella: Okay, any further comment Mr. Rhodes?

Mr. Rhodes: Yes sir, thank you very much. I just wanted to thank fellow Commissioners for some very thoughtful clear comments to try and get to a good outcome here, and the applicant for the consideration of those. My position in support of this is on several points. As you look at the Option 1 GDP, first and foremost, the modified proffers with those thoughtful comments that came through in the last 24 hours allows for a good bit of predictability. It leaves a little flexibility right along 610 where things might modify up on those small pads, but particularly on the eastern most property... the eastern most area, the buildings that are closest to the residences allows the definitive predictability and consistency there with the original plan so there's really no change when you overlay the two. It gives us a good degree of predictability and closer to what staff is much more comfortable with and we all were commenting on, as Mr. Coen mentioned, for the core buildings in the heart of the structure. So, with that strength and with that predictability, I'm very comfortable with moving this forward with this recommendation. Thank you Mr. Chairman.

Mr. Apicella: Thank you Mr. Rhodes. Mrs. Bailey?

Mrs. Bailey: Just a brief comment. I do like the changes to the new GDP. I think it makes a lot more sense and especially with the opportunity to have the movie theater there. It's not all that indifferent from the Aquia Town Center when it was first developed. And we had quite a lot of activity over there and traffic seemed to move well. So, I don't have any problems with that.

Mr. Apicella: Thank you Mrs. Bailey. Anyone else? Mr. Coen?

Mr. Coen: Just real quickly. Again, thank you to the various members of the Commission for their ideas and thoughts going into this. Thank you to Mr. Leming for going back and forth, I mean, between the time I left my class at VCU and when I got home there were six emails on this, which I did not read on the road. And again, I remember Mr. Pence when he first came up he reckoned this to be something along like Reston or Shirlington or that environment. And that's why I think many of us envision the tree line, the center road, and all that. So, it sort of goes more in line with what Mr. Pence said when he first was bringing forth the whole concept. And so I appreciate that aspect as well.

Mr. Apicella: Thank you Mr. Coen. Anyone else? Okay, I just want to echo the comments of my colleagues and want to again thank Mr. Leming and Mr. Pence and the crew for working with us on the last minute changes. I think it's very helpful and the dialogue was good and we were able to accomplish I think what we all wanted here. So, with that in mind, all those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

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Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries 7-0. Thank you so much; it's a very exciting project. Mr. Harvey, item number 4?

4. Amendment to the Zoning Ordinance - Proposed Ordinance O16-25 would amend the Zoning Ordinance, Stafford County Code Sec. 28-39, "Special regulations" and Sec. 28-66, "P-TND, Planned-Traditional Neighborhood Development," to modify development and performance standards for the P-TND, Planned-Traditional Neighborhood Development Zoning District. The proposed Ordinance would increase flexibility in the type of on-street parking by allowing angled parking along the principal street; delete the reference to the Traditional Neighborhood Development (now referred to as the Neighborhood Design Standards) element of the Comprehensive Plan regarding the classification of streets in a P-TND Zoning District; and delete the standard that travel aisles with on-street parallel parking meet Virginia Department of Transportation or County street requirements. **(Time Limit: September 29, 2016)**

Mr. Harvey: Mr. Chairman, Mike Zuraf will also make this presentation.

Mr. Zuraf: Okay, good evening again. Item 4 is for a proposed amendment to County Code Section 28-39, Special regulations, and Section 28-66, the P-TND, Planned-Traditional Neighborhood Development section, to modify development and performance standards in the P-TND zoning district. If I could go to the PowerPoint please? This request is associated with the preceding Garrison at Stafford project. If that proffer amendment is approved, the new layout would relocate the buildings to front on a principal street in the middle of the project with on-street parallel parking located along the principal street as the Zoning Ordinance permits. So, we have some proposed changes to the Zoning Ordinance, as you see on the screen. First, looking at Section (6) d. at the bottom, the applicant's requesting that the County Code section regarding parking in Transect zones be amended to allow flexibility in the type of on-street parking to also include angled parking along the principal street. Staff notes that the P-TND zoning districts were developed based on the Smart Code which establishes a framework for traditional neighborhood design. In the Smart Code, street design standards support angled parking along principal streets. I don't know why it was not included when it was originally approved, but that's the version that we ended up with. And so staff believes the amendments to expand the type of on-street parking will not compromise the mixed use character of the P-TND zoning district. Now, looking at (2) b., Section (2) b. at the top, the applicant's proposing to delete the reference to the traditional neighborhood development element of the Comprehensive Plan that's now referred to and within the Neighborhood Design Standards Plan... element of the Comp Plan. This is regarding classification of streets in a P-TND zoning district. Staff notes the Neighborhood Design Standards Plan recommends a hierarchy of streets in a traditional neighborhood development recommends projects incorporate specific guidelines that are included in that element of the Comp Plan. Guidelines are not mandatory leaving flexibility for the developer while allowing staff to provide advisory comments during site plan review. Staff notes that the standards in the Comp Plan for a principal street recommend only parallel parking. Staff would not support deleting the reference to all the street standards for this one single issue. And rather than completely deleting references to the NDS Plan, a minor amendment to the NDS Plan might be more appropriate at some future date. Furthermore, angled parking would be permitted if this provision remained in the code. So then, the next change proposed, the applicant's proposing to delete standards that require travel aisles with on-street parallel parking meet certain VDOT or County street

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requirements, pursuant to the County Code section provided. The applicant had stated that it's unclear why the requirement of a travel aisle is being applied to parallel or angled parking since it appears that such restrictions should apply only to off-street parking. Staff notes that the Zoning Ordinance does include standards for travel lane widths in all areas of the County. And also, off-street parking includes travel aisle width standards and the section of the Code includes travelway requirements for private vehicular travel lanes. The specific provision in question provides flexibility in the design of streets and travelways, specifically in the P-TND District. Staff notes that travel aisle widths are designed for a reason, primarily to accommodate the movement of vehicles in a manner that reduces the risk for accidents and allows access for emergency vehicles, providing for a safe environment. For these reasons, staff would not support the portion of the request to remove standards for aisle width adjacent to parallel parking as proposed. Staff has proposed some alternate language to the proposed Ordinance amendment which you can see on the screen here. And so we do recommend retaining the County Code section regarding reference to the TND Plan, as I previously mentioned. And then also recommend some modified language to the final sentence in Section 28-66(e). As we stated, one of the stated intents of the TND project is to utilize the narrowest width of streets permitted. Staff recommends the language be modified to require travel aisle widths to conform to street standards in the Smart Code subject to applicable VDOT and County approvals. The Smart Code also includes a comprehensive series of standards depending on the specific Transect Zones and intensity of development. Where the Smart Code standards would not be applicable, travel aisles would be in accordance with... or required to be in accordance with VDOT and County standards. Staff does believe the proposed amendments, with the modifications, would meet the intent of TND development and also provide appropriate flexibility for the concurrent development project that's being proposed. And if the Commission's inclined to support the project... I mean proposed Ordinance, staff would recommend the revised language that we provided (inaudible).

Mr. Apicella: So, just to be clear, on our desks is a version called Staff Alternate...

Mr. Zuraf: Yes.

Mr. Apicella: ... Proposed Ordinance O16-25 that incorporates just the changes that the staff would recommend in this case.

Mr. Zuraf: Correct.

Mr. Apicella: Any questions for staff? Okay, seeing none, applicant?

Mr. Leming: I'm not sure I'm the applicant here but I would like to speak. Three parts to this -- with regard to the angled parking, if you don't approve that part of it then... or if the Board doesn't approve that part, then we're going to have to come back and redo our GDP. With regard to the rest of it, we're fine on staff's recommendation on the Comp Plan. We were trying to be thorough because it does create some sort of inconsistency. But the Comp Plan of course is just a guide. And we're fine with the staff recommendation on part 3 of this, with regard to the travel aisles. So, I think we're pretty much in accord with what's been presented to you.

Mr. Apicella: Thank you Mr. Leming. Any questions? Okay, seeing none I'll open the public hearing on this item. Same as before; anyone interested in coming forward you have up to 3 minutes to speak. Any takers? Surely someone wants to come and talk about this. Okay, seeing no one, I'm going to close the public hearing and bring it back to the Commission.

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Mr. Rhodes: Yes Mr. Chairman, I'd like to make a motion that we recommend approval of the proposed Ordinance O16-25 including the language as appropriate that's in the staff alternate.

Mrs. Bailey: Second.

Mr. Apicella: Mr. Rhodes, would you... I'm not quite sure how to do this. I'm going to hand the gavel over to my colleague here. Would you just accept a friendly amendment that we adopt the staff alternate version of Ordinance O16-25.

Mr. Rhodes: Yeah, that was the motion.

Mr. Apicella: I didn't hear it that way, but.

Mr. Rhodes: Yeah, adopting where it was different the language that's in the staff alternate version.

Mr. Coen: I think Mr. Rhodes is saying I guess when you said the original and I think that's what threw somebody off. But O16-25, that we received at our desk is the staff alternate which is (inaudible).

Mr. Rhodes: Yes.

Mr. Apicella: It's a consolidated...

Mr. Coen: Consolidated version.

Mr. Rhodes: Yeah.

Mr. Coen: And so the motion is the staff one.

Mr. Rhodes: Ordinance O16-25, yes.

Mr. Coen: Alright, and I hand it back. Thank you sir -- and sir.

Mr. Apicella: Okay, there's a motion to approve the staff alternate version of O16-25 made by Mr. Rhodes, seconded by Mrs. Bailey. Any further comments Mr. Rhodes:

Mr. Rhodes: No sir.

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Apicella: Anyone else? All those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

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Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. The motion carries 7-0. Thank you. Mr. Harvey, next item.

5. Index of Official Road Names - Proposed Ordinance O16-22 to amend the Stafford County Addressing Ordinance by amending the Index of Official Road Names to rename or name roads for the Exit 140 reconstruction. **(Time Limit: August 25, 2016)**

Mr. Harvey: Mr. Chairman, Andrea Hornung will be making the presentation on this next item, which is item number 5 on the agenda.

Mrs. Hornung: Thank you Mr. Chairman, members of the Commission. This one is amending the Index of Official Road Names, Ordinance 16-22. The purpose for this is because the original layout of the Exit 140/Route 630 Interchange had a four cloverleaf. And because of the cost and redesign, it's now going to be a modified diamond shape. May I have the computer please? The graphic that you have shows the existing layout of the area with to the left is the interchange, and Courthouse Road with Wyche Road. Oh, I'm sorry... I forget to do that. Oh, there we go. There's the current interchange, then we have Courthouse Road in this direction, and then you have Wyche, the existing Wyche Road, McDonald's is right here, and then you have the Fire Station, Jason Mooney, and Red Oak. The other thing is this area is already been dedicated for a future road, but it will probably be revised in the future. Here is, to the bottom right, is the existing Hospital Center Boulevard which will be extended. I will show you the graphic that we have from VDOT, but it's pretty much the Hospital Center Boulevard will be extended kind of in that direction. This shows you the aerial of the same graphic. This was the original layout, and you see all the different segments by the different colors, from the Courthouse west of the interchange going east with the number of segments that the roads had to be renamed. And the Ordinance 13-22 was the one that had changed some of the road names back in 2013... I'm sorry, 13-40. And this Ordinance that you have actually replaces or amends that Ordinance to rename some of the segments that will be named with the new interchange design. This is the new interchange design. As you see, here is the modified diamond shape. What will happen is Courthouse Road will now move in this direction and it will meet up with the relocated Wyche Road, which is here. And then Courthouse Road will continue north and then meet up with the existing Courthouse Road, the segments H to I. So, Courthouse will be A-B, D to H to I. What will happen is the segment H-G, this is the existing Courthouse Road that will be cul-de-saced and we'll need to rename that, so the recommended name will be Old Courthouse Road so that it minimizes the change of address for those existing businesses. We have the car wash, the building that currently has Anita's Florist with Tuxedo Rental and Napa, and then there is another brown building which appears that this road will terminate right in front of that. So they've also been notified just in case when the final design is of the road, they may be on the Old Courthouse Road side. Currently that building is vacant. I visited it today; nobody's there but we have sent the affected property owner letters to all the people that could have an address change in the future. In the lower area of the graphic you'll see where Hospital Center Boulevard will be extended actually across Route 1 and go from J now further to D. There will be no name change for that necessarily because that will be a brand new road across vacant property. So, what we're proposing in the Ordinance is for the County to adopt amending the Index of Official Road Names so that the segment E to F will become Wyche Court; and there's only one affected property currently that has a business there. The Courthouse Road will be extended from D to H. What will happen is the concrete place, who is currently having an address off of Florida Rock Lane, they'll have their address off of Courthouse Road. So there's about 5 or 6 addresses that will be changed in the future for this design. And the Planning Commission, your job is to either approve or deny this Ordinance.

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Mr. English: H to I, is that Courthouse too? H to I?

Mrs. Hornung: Yes, that's the original Courthouse Road. And at the bottom it has the segments listed as well so that it's easier to match up when you're looking at it. But currently VDOT would like the County to name those roads by the end of August so that when they're doing their design for the road, they'll be able to have the road names in their design plans. They're expecting... they're still looking forward to 2020 to have this completed at this time.

Mr. Coen: And just real quickly, are there any technically brand new roads or are these just... for example, the extension of the Hospital is just an extension thereof. But I mean, there's no real brand new road.

Mrs. Hornung: Correct. At this point there are no brand new roads; they're just the relocation of Wyche Road that will connect to Courthouse and Hospital Center Parkway... or Hospital Center Boulevard, and then the Old Courthouse Road. So the new names will be Old Courthouse Road and Wyche Court, but they are on existing roads.

Mr. Coen: Right.

Mrs. Hornung: So the only new road segments that will be constructed are the realigned Courthouse Road, Wyche Road, and the extension of the Hospital Boulevard.

Mr. Coen: And just so that anybody who's spending a July hot summer night watching us...

Mr. Apicella: Millions and millions of people.

Mr. Coen: Yes. There are certain requirements for naming roads, you know, in general in the County. I mean, not that we want to get into any type of argument about naming anything after famous people, but...

Mr. Apicella: Like Coen Way.

Mr. Coen: ... yeah, or you know, Rysheda Drive... but I mean basically the individual, if anybody had theoretically said well gee, wouldn't it be nice to name this after Sheriff Jett, basically the person has to be deceased before we actually name a road after them, I think if memory serves me. We're not wanting that.

Mrs. Hornung: Well, the Ordinance doesn't exactly speak to naming a road after someone who's deceased. There are regulations in the addressing ordinance to name roads and they can be surnames, and it doesn't necessarily have to be someone who's deceased, because we do have names of roads for different people. But... which I failed to mention that the original design did have three road names that were for law enforcement I believe... I think they were all law enforcement... and Fire and Rescue who have been deceased. But those road segments will not be needed at this design, so they are not used. That's why the Ordinance is amended by only striking out certain road names and then renaming the existing roads and giving the location of those... giving the location information of the revised road.

Mr. Coen: Thank you.

Mr. Apicella: Thank you. Any other questions for staff? Okay, seeing none, thank you. I'll open up the public hearing on this matter. Would anyone like to come forward and speak? Okay, seeing no one

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I'll close the public hearing and bring it back to the Commission. Any motions? I think you said this but it would be very helpful if we made a decision on this tonight, right?

Mrs. Hornung: Yes sir, since the time limit is the end of August and the Board meets before your August meeting. So it would be ideal for the...

Mr. Apicella: Their meeting's on the 16th?

Mrs. Hornung: Right, correct.

Mr. Apicella: And ours is on the 24th.

Mr. English: I'll make a motion to approve.

Mrs. Vanuch: I'll second.

Mr. Apicella: Okay, there's a motion to approve, seconded. The motion is to amend the Index of Official Names for the Courthouse Road Interchange, Exit 140 Redesign, proposed Ordinance O16-22; any further comments Mr. English?

Mr. English: No sir.

Mr. Apicella: Mrs. Vanuch? Anyone else? All those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. The motion carries 7-0. Can we just pause for 1 minute; I have to confer with my colleague. Mr. Coen?

Mr. Coen: Yes, Mr. Chairman, I would like to make a motion... earlier this evening we made a motion about the earlier item, item 1 I believe -- yes, item 1, and just to give the applicant time I said to September. But if it may be well suited that they could come back in August, so I'd like to sort of amend that or change that so to have them come back at our August meeting.

Mr. Apicella: So, the motion is to reconsider the deferral date from the September meeting... the first meeting in September to our one and only meeting in August, which is August 24th. Okay, is there a second?

Mrs. Bailey: Second.

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Ms. McClendon: Mr. Chairman, I just need to clarify. First the motion to reconsider is on the floor, and then once that motion passes, then it would be the motion to defer it to a new date.

Mr. Apicella: Okay. Mr. Coen, you said it was a motion to reconsider right?

Mr. Coen: My motion is to reconsider.

Mr. Apicella: Okay, and it was seconded by Mrs. Bailey. Any comments Mr. Coen?

Mr. Coen: No sir.

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: No comment.

Mr. Apicella: All those in favor of the motion to reconsider signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. Okay, the motion carries... I think Mr. English is walking right in and gave a thumbs up as he was coming by. The motion carries 7-0. Is there another motion Mr. Coen?

Mr. Coen: I'll make a motion that we defer item number 1 on 1348 Courthouse Road to our August 28th ... 24th meeting.

Mrs. Bailey: Second.

Mr. Apicella: Okay, is there a second? Okay, there's a motion to defer from our September meeting to our August meeting made by Mr. Coen, seconded by Mrs. Bailey. Any further comment Mr. Coen?

Mr. Coen: No, I think that this would give the applicant more time of what they need to as well as to address the issues.

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Apicella: Anyone else? All those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

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Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. Opposed? The motion carries 7-0. Thank you Mr. Coen. Okay, Mr. Harvey, next item?

6. Amendment to the Zoning Ordinance - Proposed Ordinance O16-31 would amend the Zoning Ordinance, Stafford County Code Sec. 28-123, "Types permitted in A-1 districts;" Sec. 28-124, "Types permitted in A-2 districts;" Sec. 28-124.1, "Types permitted in R-1 districts;" Sec. 28-125, "Types permitted in R-2, R-3, and R-4 districts;" Sec. 28-126, "Types permitted in B-1, B-2, M-1 and M-2 districts;" Sec. 28-127, "Types permitted in RC, SC, B-3 and LC districts;" Sec. 28-129, "Types permitted in PD-2 districts;" and Sec. 28-138, "Types permitted in the RBC district," to modify the square footage of signage permitted on the rear exterior wall of a building. The proposed ordinance would remove the restriction prohibiting no more than ten square feet of signage on the rear exterior wall of a building, which would allow the total aggregate area of signage permitted for a building to be placed on any exterior wall. **(Time Limit: September 29, 2016)**

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

Mrs. Blackburn: Good evening Mr. Chairman, Planning Commissioners, this evening you are to consider proposed amendments to the County Code, proposed Ordinance O16-31, which would amend County Code Section 28-123, Types permitted in A-1; Section 28-124, Types permitted in A-2 districts; Section 28-124.1, Types permitted in R-1 districts; Section 28-125, Types permitted in R-2, R-3, and R-4 districts; Section 28-126, Types permitted in B-1, B-2, M-1, and M-2 districts; Section 28-127, Types permitted in RC, SC, B-3, and LC districts; Section 28-129, Types permitted in PD-2 districts; and Section 28-138, Types permitted in the RBC district. And this is regarding the amount of signage allowed on exterior walls of buildings. Staff has received complaints concerning these regulations for signs on the rears of commercial buildings. The County Zoning Ordinance regulates the location and size of signs. The total square footage allowed for wall signs is calculated by a comparison ratio against the linear feet of building frontage. For example, if a tenant or building space is 50 feet wide, our code, in a B-2 district, allows for 2 square feet for each foot of frontage. And then you would be allowed to have 100 square feet. In a shopping center, an office park, or an industrial park, you would be allowed to actually place signage on all the walls of your space or building, but only 10 feet of signage on the rear of your building. If you were a freestanding building, you would not be allowed to put any signage on the rear of your building, only the signs on the front and the sides. Within the County, there are several businesses, not very many, that do not face the public road. And these businesses feel that they are at a disadvantage because their frontage, the opening of their building, does not face the public street and they feel that they are at an advertising disadvantage and therefore may not be getting the business that they believe they should be getting. And if I can have the computer please? This is... one our properties in the County is Aquia Park and those buildings, the frontages of the buildings face the interior parking lot. And they do have signs on the backside of their buildings. And as far as I could research today, because we do not keep permits for great lengths of time and a lot of these were done several years ago, that those signages on the backs of those buildings are approximately 10 square feet.

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Mr. Harvey: Mrs. Blackburn, is this the image you wanted to show?

Mrs. Blackburn: Yes, that's fine, yes, thank you. And here we have another building in that complex that does have square footage on the backside of the buildings. And there's one more picture I think. This is off Garrisonville Road and this is another one that we do have some signage on the backs of buildings. And I looked through many... I looked all over the photos today trying to find buildings that we actually have this kind of situation. So it is very few. So, if you decide that this amendment should be granted, we would not be changing the square footage allotment of any of the districts, we would only be allowing them to place signage on all sides of their building. And the total... like I said, the total square footage would not change at all. And staff has looked at the surrounding counties which were Spotsylvania, Prince William, Caroline, and Fairfax, and we could not find any reference to restrictions for signage on the rear of buildings. And this issue was discussed at the Board's Community and Economic Development Committee on June 7th, and after discussion they voted to forward it... the proposed text amendment to the Board for referral to the Planning Commission. And at the... then they voted on the June 21st meeting and, at the last Planning Commission meeting, this was part of the Planning Director's Report. And the Commission voted to have the public hearing this evening. And do we have any questions?

Mr. Apicella: Any questions for Mrs. Blackburn? Mr. Coen?

Mr. Coen: Just really one quick question. You mentioned that staff had had complaints from people about signage on back of buildings, but was it a complaint of too many or businesses saying (inaudible)? I mean, it was just like, we've had complaints but it wasn't really clear what the complaints were.

Mrs. Blackburn: I'm sorry. They wanted signage on the back of their building and they wanted more than 10 square feet. I'm sorry.

Mr. Coen: That's okay.

Mr. Apicella: And presumably the reason for that is so there'd be better, I'll call it transparency for someone driving by a building at 40 miles an hour and looking at a 10-foot sign and not being able to tell what it is.

Mrs. Blackburn: Yes. The business owners felt that they needed more signage for advertising to, of course, draw attention to their business.

Mr. Apicella: Okay. Any other questions? Okay, seeing none, thank you Mrs. Blackburn. I'll open the public hearing on this item; would anyone like to come forward and speak? I'm shocked that no one wants to come and talk about this. Oh, okay, I stand corrected... or I sit corrected.

Ms. Knight: Jo Knight. And I want you to know this is a major concern. And businesses in our area need everything they can positive going for them. And this is definitely something needed. Thank you.

Mr. Apicella: Thank you Ms. Knight. Anyone else? Okay, seeing no one else, I'll close the public hearing and bring it back to the Commission. Is there a motion to recommend approval of proposed Ordinance O16-31?

Mr. English: So moved.

Mr. Coen: Second.

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Mr. Apicella: Okay, motion to approve by Mr. English, seconded by Mr. Coen. Any further comments Mr. English? Mr. Coen? Anyone else? Okay, seeing none, all those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries 7-0. Thank you. That concludes our public hearings. Mr. Harvey, item number 7?

UNFINISHED BUSINESS

7. RC15151046; Reclassification – Patriots Crossing Proffer Amendment (formerly known as Stafford Sports Center) - A proposal to amend proffered conditions on Tax Map Parcel No. 20-12, zoned B-2, Urban Commercial Zoning District, to replace a planned recreational facility with other uses and modify transportation and other site development requirements. The site consists of 23.79 acres and is located on the south side of Garrisonville Road, approximately 220 feet west of Parkway Boulevard, within the Garrisonville Election District. **(Time Limit: September 16, 2016) (History: Deferred on June 8, 2016 to June 22, 2016) (Deferred on June 22, 2016 to July 13, 2016)**

Mr. Harvey: Thank you Mr. Chairman. Mike Zuraf will lead the staff summary of the application case to this date.

Mr. Zuraf: Okay, Mr. Chairman, members of the Planning Commission, this item is a continuation of a zoning reclassification, specifically a proffer amendment for Patriots Crossing. This is the former Stafford Sports Center site, and this is a request to amend proffered conditions to replace a planned recreational facility with other uses and modify transportation and other site development requirements on the property. If I could have the computer please? The public hearing... in this image is highlighting the location of the site along Garrisonville Road. The public hearing was conducted on June 8th and the Planning Commission deferred the case to June 22nd and, upon the applicant's request, the case was deferred to the July 13th meeting to allow additional time to fully address public concerns. The applicant has submitted since that time a revised proffer statement, both a marked up version showing the latest changes and then a clean version which shows all the latest proposed changes that are made at this point. And then also a revised General Development Plan consistent with the new proffer statement. So, I want to go through and summarize some of the issues that were raised at the previous meetings and where we are with each issue. Regarding transportation, the applicant is in the process of completing materials that are needed by VDOT to be able to completely review the revised traffic impact assessment. That's still a work in progress so no comments are available at this time on the traffic impact assessment from VDOT. Also, a request was made to consider phasing of the project and limitation of development on the site based on vehicle trips per day that were estimated in the traffic

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study. The applicant and the proffers do not address that request. Regarding public safety, the issue of secondary emergency access was discussed at length. There's a request to provide a connection... secondary connection to Wolverine Way rather than through the residential sections of Park Ridge. Proffer 2.b., subsection 2, establishes new criteria for the potential connection to Wolverine Way which would be a full... the potential for a full inter-parcel connection where the public could travel through. But if not approved by the School Board in that means, there'd at a minimum be a connection provided via emergency access, a gated emergency access. And that location is highlighted on the image within the red circle where that connection would be proposed from the site. And just for reference as well, the area where the Kimberly Drive potential connection through Park Ridge, that's identified with the blue circle where that would go. Fire and Rescue staff has expressed preference that a secondary emergency access still be provided in the vicinity of Kimberly Way due to the depth of the parcel and to provide better access to the back of this site. Proffer 2.b.1. provides that the applicant would design a site to allow for the potential connection, but that would be subject to approval by the Park Ridge residents since that's private property. Also, we did request input from the School Division on this inter-parcel connection to Wolverine Way. They did note that the emergency access option could be considered if desired. And also, the applicant was working to get more input on the request to retain the standpipe system for fire protection purposes. Proffer 8.a. remains limited to standpipe systems to only recreational enterprise uses, and staff has forwarded the latest proffers to Fire and Rescue for their review and haven't received any revised comments to date. On the issue of adjacent property impacts, there were several different issues raised. A lot of discussion circled around the proposed proffers for a berm, which would be located in this strip... 50-foot strip between the project and Park Ridge. And so the request at the time at the previous meeting was to modify the proffered berm language to add objective criteria, with the emphasis on how to decide whether a berm was needed rather than who decides. The applicant did modify proffer 3 to list all the potential screening methods that may occur in that 50-foot buffer. The method of screening would be determined though at the final construction plan and determined following consultation with the Gates of Park Ridge and the Greens of Park Ridge homeowners. This language is similar to that approved as part of the Stafford Village Center development proffers that were approved last October. So this would give those residents of Park Ridge a say in what method is decided when the site development plan is developed. Also, there was a concern about the car wash use and its location in relation to the associated residential uses and associated noise impacts. There was also a request to consider limiting the hours of that use. So, on the General Development Plan, the car wash use has been relocated and it's now proposed in this location. Previously it was proposed right here, so they moved it to that spot. With this new location, staff has noticed some and we identified this included in the application, but we noticed some issues with this potential location for the car wash; specifically, stacking and how that may impact the inter-parcel access road. You have the proposed inter-parcel access road to Wolverine Way. The car wash itself is in this location. Stacking areas are here, and then cars going into the car wash would circle around and we see this as a possible concern with stacking through the inter-parcel access as cars are waiting to enter the car wash. So, that's a detail that would need to get worked out and this plan would likely need to be modified. The applicant would I believe need to get a Conditional Use Permit for that car wash use; I would have to check that though. But this issue should be considered in the plan.

Mr. English: Mike?

Mr. Zuraf: Yes.

Mr. English: Question. Building 10 that you have on there, it says outdoor seating. Is that like a patio? Is that what they're referring to? I don't understand; what's the definition of outdoor seating? It's not like stadium seating or anything?

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Mr. Zuraf: No, likely it would be outdoor seating associated with a restaurant type of use.

Mr. English: Okay.

Mr. Coen: To tag onto what Mr. English just said, so, what they did is they moved the car wash and replaced it with a restaurant that will have people sitting outside.

Mr. Zuraf: The use previously, over here, is now replaced with a... it looks like a drive-through restaurant.

Mr. Coen: Restaurant. Okay.

Mr. Zuraf: Not necessarily have outdoor seating, but it could.

Mr. Coen: (Inaudible) still has the outdoor seating, and so they changed the car wash with a drive-through restaurant.

Mr. Zuraf: Yes.

Mr. Coen: Okay.

Mr. Apicella: And does staff have concerns about that?

Mr. Zuraf: Well, that will require a Conditional Use Permit so we'll have a chance to look at that as well. There could be some concerns depending on where on the hours of the drive-through restaurant those sometimes can run later into the night, but a Conditional Use Permit can address the hours. Also, the drive-through operation with the loud speakers could be a concern adjacent to the residential as well. So, there could be a need for some of those issues to be addressed. And that could be handled also where the location of those loud speakers are located, if the building can buffer them.

Mr. Apicella: Mrs. Vanuch, did you have a question? No? Okay.

Mr. Zuraf: So then one of the other issues was a concern with building heights. There was a preference that the buildings adjacent to the Park Ridge residential areas not exceed two stories in height. The applicant has modified proffer 6. This image tries to help illustrate how the new proffer is structured. The area surrounded in red, within that area any buildings located in that red area would be limited to only one story in height. Then, any building located in the orange area would be required to have a 75-foot setback from the Park Ridge property, but there would be no additional height restriction. So, the standard Zoning Ordinance requirement of 65 feet would apply with that extra setback. And then, in all other areas outside of those highlighted locations would have just the standard Zoning Ordinance height restriction of 65 feet applied to them. Some of the other issues to point out, the applicant amended proffer 4.a. to modify the list of prohibited uses and correct some of the prohibited use inconsistencies that were identified within the proffers.

Mr. Apicella: Can you clarify what was added or what was deleted? At least under A.2.?

Mr. Zuraf: Under A.2., the car wash use was deleted as a prohibited use. And then the applicant... the first section is within 200 feet of Garrisonville Road, they added restrictions to not permit auto service/auto repair or boat sales.

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Mr. Apicella: Can you pull up the GDP? And maybe just kind of draw a circle about 200 feet would be from Garrisonville Road?

Mr. Zuraf: Roughly estimating, it's probably going to be the frontage uses right here.

Mr. Apicella: So, anything beyond that red line, any one of these could occur beyond that red line essentially.

Mr. Zuraf: Correct, unless it's prohibited in the other section. Then the next section prohibits uses across the entire site and, for example, auto body repair shop is one of the restricted uses. Auto repair really cannot be... is not permitted anywhere on the site.

Mr. Apicella: Why would you have it in both then? Why wouldn't you just either allow it or disallow it?

Mr. Zuraf: It probably is not necessary in that first section.

Mr. Apicella: But just to reiterate, something like a funeral home could occur beyond that red line?

Mr. Zuraf: Correct, it's not restricted. Yes.

Mr. Apicella: Okay.

Mr. Zuraf: And then the next section there is they basically rewrote the list. I've not gone through and checked each, you know, and done a specific comparison. I probably need to sit down and look through it to just double check that I'm correctly identifying what uses changed.

Mr. Apicella: I appreciate that, thank you.

Mr. Zuraf: So then, also there were concerns about the hours of operation and limitation of uses on the site. So the hours of operation were specifically limited in proffer 12.b. to car wash use only. The car wash use would be limited to 7 a.m. to 9 p.m.; no other uses would have a hours of operation limit, other than refuse collection and delivery. Then there were comments provided from the school. The school is requesting pedestrian access to the school site; from the school site to this site. They requested a lighted pedestrian access either along Garrisonville Road or just past the tennis courts to the new development. Proffer 10.a. would provide a sidewalk or trail at the location of the proposed inter-parcel connection to the school site, and that is in this location.

Mr. Apicella: And is it lighted Mike?

Mr. Zuraf: They would...

Mr. Apicella: I think b. says yes, the sidewalk trail shall be lighted.

Mr. Zuraf: Okay. Yes, it shall be lighted. Then there was also a request to retain the proffered pedestrian trail between the high school and elementary school site. The applicant noted that the office use is less of a... lessens the need for the trail connection to their site from these schools, and they also did cite safety and liability concerns for removing that proffer requirement. And the schools also requested a buffer between the high school site and the (inaudible).

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Mr. Apicella: Do we know where the offices are? I mean, are we sure they're going to be offices? Or could they be something else?

Mr. Zuraf: Yes, they could be some other use, too.

Mr. Apicella: Where kids might be interested in going there.

Mr. Zuraf: I guess it's a potential.

Mr. Apicella: Okay.

Mr. Zuraf: And then there was a request for a buffer between the high school and this site, and the applicant has added to proffer 3.b. a requirement that a 35-foot buffer be provided along the perimeter of the site as a transitional buffer.

Mr. Rhodes: Mr. Chairman?

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: On the one point of the path, I do recall when we did the first application it was going to be the sports and pool complex, we knew it would be an attraction point so it served dual purpose. One, we knew it would be an attraction point for the kids and others from the community, so it made perfect sense to have that in there and they were very amenable to it. In addition, it provided a great access way from the community to the school, a very safe one not having to go out to 610 or otherwise so it was very beneficial. Certainly, that latter... if this is more office, if this is not something that's going to draw and there's less of a reason to have drawn to the site, but certainly the latter point would be beneficial, the problem becomes when you are a sports complex or something else you are expecting to bring that in so you're willing to take the liability of anything that would happen to somebody on your property, now the complication I know as we're working with the applicant is who takes the liability if you're drawing them in. How do you do the CPTED on the path between there, from the Park Ridge portion over, from the school portion over; it just was a different dynamic when it wasn't a destination location if you will because we were talking through that but they were having trouble dealing with the liability issue since it's not necessarily a location you're trying to draw them to necessarily. Thank you.

Mr. Apicella: Thank you Mr. Rhodes.

Mr. Zuraf: That pretty much summarized the issues at this point. Staff would recommend deferral of the application until the VDOT comments are submitted. Those comments may affect the... or have comments regarding the configuration of access to the property and request that we hold off till that's been received.

Mr. Apicella: Thank you Mr. Zuraf. Any questions for staff? Mr. Coen?

Mr. Coen: Yes, Mr. Zuraf, just real quickly. With the 35-foot buffer they've agreed to put in between themselves and North Stafford, do we know whether that's evergreens, a fence, pine trees, you know, Leeland Cypress, or is it just there's going to be a buffer?

Mr. Zuraf: Just a buffer and the flexibility will just apply... there'd be flexibility as to how the developer puts that in. It could be a mix. It doesn't specify the type of materials within that buffer.

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Mr. Apicella: Anyone else? Mr. Zuraf, and I'll obviously ask this question of the applicant, do we know why they would not commit to a maximum daily traffic count?

Mr. Zuraf: I am not certain why that is.

Mr. Apicella: And do we know what the alternative potential impact is in terms of the greatest number of vehicles that could occur in the absence of knowing what's going to be on this site?

Mr. Zuraf: We'd have to go and crunch some numbers to see if there's a potential for a higher amount of (inaudible).

Mr. Apicella: I would certainly ask for that, especially since -- correct me if I'm wrong -- under the current version there's two points of ingress/egress. And now, under the proposal, there's only one point of ingress and egress, right?

Mr. Zuraf: Right, with a potential for a second one.

Mr. Apicella: Potential, but it's not guaranteed and they're not willing to pave it, right?

Mr. Zuraf: Pave for any widening, correct.

Mr. Apicella: Okay. Alright, thank you. Applicant?

Mr. Patrick: Thank you Mr. Chairman and members of the Commission. Obviously I'm more familiar with the case than staff, and I feel like there are a few things that we're going to have to correct that were misstatements. For example, there's a 40% commitment to evergreens in the buffers. There is a commitment to pave that connection over to Wolverine Way as well. So, those are two items that are in the proffered conditions. What I've done this evening is similar to what Mr. Zuraf has done, but I feel like I have a little bit different perspective on all of this. I came this evening to tell you a story of success, because I believe that we have addressed almost every issue that was raised or topic that was discussed at your last meeting. The... I always mess up your slide -- computer please... I can see it in front of me but it's different than what's on the screen.

Mr. Apicella: There's going to be some remedial training at the next meeting.

Mr. Patrick: You know, I need to come down here one day and get Jeff and Mike to show me how to use this thing, but they're busy. What I have on this first slide is the list in the entirety of the topics that were discussed at the last public hearing. I've organized them slightly differently than they came out at the public hearing because some of them overlapped and some of them duplicated one another, the goals of those particular things that were raised, issues that were talked about. And some of them were in direct conflict with one another. And so I'll run through this list real quickly and explain why I've organized them the way that I have and then I will address each issue in more detail as we go through this. And answer any questions that you all have. With respect to the traffic analysis, we prepared a traffic impact analysis at considerable expense with 13 different... 13 different situations analyzed. Three of them are existing conditions that show that they're a Level of Service F along Garrisonville Road and Park Ridge and Wolverine, with or without the development of this site. The remainder are different variations on the proposal. We proposed a slotted left-turn lane with a single right-of-way entrance on Garrisonville Road, and I can assure you that that scenario performs better than the other scenarios when you get into the out years. And in the beginning even, it performs better. What... and I'll be more specific about where the failures are in the traffic impact analyses that include connections

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to Parkway Boulevard and to Wolverine Way. So, with respect to the traffic impact analysis, we've done a lot of work on that. I'll have to explain about the phasing of the traffic impact and how that it causes serious economic problems, potentially for the County and its economic development goals, as well as for the client and his development goals for the property. But what I'd like to remind you of first is, this is 195,000 square feet of building area. That's smaller than your average neighborhood shopping center; 195,000 square feet. That's not really very big on 17 acres. The floor area ratio is 0.2. Normally with 1-story development you have 0.25 just in a shopping center. You'll normally have way above that if you have 2-story construction. And what we have also in this General Development Plan is over 40% open space. So, only 195,000 square feet, which is less than what was previously approved on the site -- this property is already zoned B-2. FAR .2; obviously if the GFA is lower, the gross floor area is lower than the FAR is lower than what was there previously, and we have 40% open space. So those are important to remember. Also, in a way, the earlier zoning case is a failed zoning. It was over-proffered and it's a lesson, a case study, in how not to develop a property or how not to commit a property because it cannot be developed at this point in time. It has too many financial constraints against it and those are not in the interest of even the public because of the extensive impacts on the right-of-way. So, going down the list, we've gotten through transportation more or less. We took the fire code and building code items and we're addressing those together. One of the public comments, or the comments that we heard from the neighbors, and those are the people that we've been most concerned with -- we've spent a lot of time with them -- were about the views from Park Ridge. So, when we talk about buffer and landscaping and tree preservation and solid board fences and berms, and the heights of buildings, you're talking about the view from Park Ridge or from some adjoining property. So we've grouped all of those together because it seemed to make the most sense to address them in that way. We also had some comments about the views from Garrisonville Road and we have addressed that through restrictions on uses that have outdoor activities associated with them. And, particularly, we were told that auto-related uses were something that people did not want to see along Garrisonville Road, and so we had that setback requirement that auto-related uses can't be within 200 feet. And that might involve a quick service food store that has motor vehicle fuel with it. But, we're not allowing motor vehicle repair anywhere on the site. So, that's the distinction. The distinction also is the car wash. We consider those to be auto-related uses. There were potential sound impacts that were mentioned by the neighbors and that went specifically to the location of the car wash. The concern about the noise from the car wash was addressed through the movement of the car wash to another part of the property. It was also addressed through the hours of operation, and the restrictions on deliveries and on trash pick-up on the property. There were some comments about pedestrian access; those were addressed. And the buffer that's adjacent to the high school and the fence adjacent to the high school... the buffering's been addressed. Now, I'm going to skip over transportation for a minute because I suspect that's going to be where we spend most of our time. So, going right to Fire and Rescue, there was a proffer in the earlier case that said the recreational enterprise building, which was over 60 feet in height, would have a standpipe. And the standpipe was necessary because in the Fire Protection Code it says that if you have automatic fire suppression system you have to have a standpipe, which is just a vertical pipe that is connected to your sprinkler system. And in the event that there's a fire, the fire department can connect into that standpipe and pump water to the top elevations of the building. That's not required above 40 feet in height. We had taken it out because we weren't planning to do any buildings of that height and we said we'd comply only with NFPA-13, which is what we're required to do anyway. But there was concern about that. So we put NFPA-14 back in and it's back in as it was before, for recreational enterprise and specifically for buildings that would have the height requirement or some kind of use requirement. But these are really minimum building code requirements. Those are going to be enforced by the building official as they review the plans and they're going to be enforced by the Fire Marshal. So, we're not really sure how much we should be getting involved in that in a land use case. If we proffer something and then it creates a problem in the building code side of things as we start to construct buildings or there are modifications to the building code, we've told you that this site

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will build out over a number of years, then we've done ourselves a disservice. So we really trust the building official and the Fire Marshal to enforce their regulations and to make sure that the buildings are safe and secure. There was a request for an access to Kimberly Drive, and this is an item that was in conflict with what the neighbors wanted. The neighbors stood up and specifically requested that there not be an emergency access connection to Kimberly Drive. They did not want that because they wanted a uniform and consistent buffer entirely between this development and their neighborhood, and I understand that. We had to make a choice. We decided that the risk could be addressed through something that was suggested by one of the Planning Commissioners, you know, a connection to Wolverine Way. And so that gap, or window, that was created by the Kimberly Drive opening for emergency access is now closed and will be thoroughly buffered so that neighbor, who said that he'd be looking right at building number 9 because there was a gap in the buffer, will now have a screen to avoid that issue. The community was also concerned about a parking problem that they're having on Kimberly Drive, and I'm not sure the scope of that. I think they felt that our emergency connection was going to exacerbate that in some way and so we've solved that problem by not including it in the submission. We have provided the emergency connection to Wolverine Way and that's proffered. And I'll go into this more in the transportation side when we get to that slide, but we've also proffered a connection to Wolverine Way if the School Board is willing to allow it. At this point in time they've said no. But we proffered that we'll do it and that is not very different from the existing proffer. There's no proffer that anyone can put on someone else's property and enforce it without their permission. So the prior applicant, having proffered this, does not mean that they had an agreement, and it doesn't appear that they had a solid agreement, at least not one that the School Board is continuing to be interested in, in forwarding with us now because as was noted a few minutes ago, this is a very different type of use than what was previously proposed on the property. Previous on the property you had a use that was targeted at school students. It was a recreation center; they wanted you to bring your elementary school kids there, they wanted their high school kids there, and they were... the doors were wide open. They didn't provide any buffer on the back of the property. They had a pedestrian trail on the back of their property and so there was clear views from the elementary school all the way to the recreation center. We don't have that situation any more. Okay, with respect to the views from Park Ridge, to give you a little more specificity, we've increased the buffer to 50 feet in width; the landscaping proffers provide that they will be 40% evergreens in that area where landscaping is being provided; one neighbor said that he wanted tree preservation and in some places that is the best solution and the best screening, and we've allowed for that; another neighbor had earlier told us they wanted a solid board fence. We had already proffered that but we left it in there in case somebody still preferred the solid board fence because of the unique topography around their property. And someone else had said that they wanted a berm. The difficulty with a berm is you don't preserve trees when you build a berm. The building of the berm necessitates knocking down the trees. So there's going to have to be some value decisions made, and we've allowed that... we'll talk with the community and make those decisions as the property develops. And we want to do it in that way because we don't know what the final grades are going to be on that property yet. The property has varied topography and so we need to, after we've done the engineering, we know the final grades, and we can do site lines across the property line to our neighbors, then we can decide whether it's best to have an 8-foot solid fence, a berm, or existing vegetation or replant it with 40% evergreens. But I think the consultation with the residents is a very significant and real concession to the community to try to address their concerns and be a good neighbor. There's also a commitment that two buildings that were previously were going to be 2 stories in height are now going to be 4 stories in height; those are buildings 4 and 6. That is giving up leasable building area. That is money that'll never be made from the property. So that is a significant concession. And then any building that's taller than those two will be setback 75 feet. The views from Garrisonville Road I already touched on a little bit. There's an HCOD buffer that's required and provided on the GDP; it's 25 feet in width. It'll be 40% evergreen landscaping in that HCOD buffer. We've put the use restrictions that I already went into a little bit and the explanation of why auto-related

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uses are required to be setback 200 feet, and then auto repair uses are prohibited throughout the site. There are also prohibitions on outside storage and businesses like flea markets and antique stores and salvage operations where people tend to bring in a lot of things and then display them in the front yard or in the parking lot or on the sidewalks. Those prohibitions are all about the views of the property from Garrisonville Road. With respect to the potential sound impacts, we moved the car wash, we limited the hours of operation, we heard that there's some concern this evening about the fast food restaurant. It has to have a conditional use permit and so that conditional use permit can address all of those concerns, whatever they might be. I'm sure it's not going to be a large problem. But there's going to be a very significant buffer between this property and the adjoining properties. The buffer is 50 feet and the building that we're talking about, the restaurant, is probably another 50 feet away from there. So we're talking about a very good separation away from the neighborhood. And then, that's only part of our neighbor. When you get to that part of the property... and I don't have... maybe I can do it on this GDP... if you look at building number 3, the red 3, you see the buffer and the parking lot and building location, the property to the front of that is already a commercial office use. Okay, traffic impact analysis review. I mentioned that we modeled 13 different scenarios; I don't know how many more we can do. I can tell you that the first scenario that we proposed, the slotted left-turn lane with a single right-of-way entrance into the property, has the fewest or has the least impact on Garrisonville Road. And the thing that solves any issues on, or that best addresses the issues on Garrisonville Road is the 6-laning of Garrisonville Road, and we have that scenario done too. And the issues that we have with some of these connections that were previously proffered is that they have physical constraints associated with them and expenses, and they have their own problems already is what I'm trying to say. So, with respect to the traffic impact analysis, the difficulty that we always face is that the... all of the assumptions that go into the model. The model is a computerized model, it's very sophisticated, but human beings are putting assumptions into it. They assume which way traffic is going to go when people come out. They assume which way... when people are going to arrive at work and when they're going to depart. They assume how many people are going to consolidate their trips; how many people are going to drive down, you know, how many people are going to come to that as a destination versus how many people are already driving by and they're going to stop into the site on their way, because we do have some commercial retail.

Mr. Rhodes: Do you have a slide associated with traffic impact?

Mr. Patrick: Yes, I'm sorry; thank you. So, there are a lot of things that go into these traffic impact models that you need to understand. Another one that is fairly significant is they always assume the same design speed on the road. We know that when roads become congested everyone slows down. But we're still held to the same site distances and separations and turn lane links as if the road is still operating at its design speed when, in fact, things have slowed down and, in fact, things are a little bit safer because they have slowed down. Now it's not an ideal situation but the truth is Garrisonville Road just carries a tremendous amount of volume. We're not creating that volume and that volume's going to be there even if our little site doesn't develop. So, what we do is we try to design the sites so that our clients and customers can get in and out of the property reasonably and we can have a successful business or two on the property. And that's our goal. The Wolverine Way connection has some problems with it. One is, it's a driveway to a high school. And the connection that was... that has been urged by VDOT to us and was an earlier zoning case, and we proffered to again, is behind the security fence for the high school. Again, it's a driveway; it doesn't meet width requirements; it doesn't have curb and gutter on it. In addition to that, that road does not align properly with Joyce Street. That road is not a public right-of-way; Joyce Street is a public right-of-way. And... I don't have the GDP to show you right now, but Joyce Street and Wolverine Way don't align, and what that means is if you do improvements to Wolverine Way, you have to fix that alignment and you have to move the traffic signals and you have to start from scratch and rebuild the whole thing. And this is part of the concern

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and what I said has caused a failed rezoning in this case. And a case study and bad development commitments is that a project can only support so much capital costs. And in this instance, the Joyce/Wolverine/Garrisonville Road have to be rebuilt to such an extent in order for it to meet minimum VDOT requirements that it's a trap for us to be asked to proffer to connect to that road, because we're going to be asked, if we connect to it, we're going to be asked to fix all the problems that already exist and it's just not affordable. And it's just not practical. We didn't cause those problems and we can't afford to fix them. The development that's being proposed here just won't bear it. Similarly, the connection to Parkway Boulevard does not meet VDOT standards. If we were to connect to the parking lot for the real estate office that's next door to us, we believe that we will be asked to make improvements to Parkway Boulevard. The two entrances to that real estate office do not meet access management separation requirements from Garrisonville Road. The first entrance is simply too close, but for a small site it works okay. But if you put a lot of traffic on it, it starts to fail. The second entrance is further away but there's no turn lane; it's in the transitional area of the lanes and so it doesn't meet any sort of turn lane requirement. And it's at transition to the turn lane that's at the intersection with Garrisonville Road. So that doesn't work. And then the design that the previous applicant had proffered is a kind of a bypass that went further away and moved the intersection further from Garrisonville Road, but yet it still didn't have a turn lane and so there'd be major reconstruction necessary to Parkway in order to make that work. Now, what my client has proffered to do is he'll make all of those connections so long as he's not being asked to fix the road improvements that are already there that are already broken. And as long as there are commitments from those adjoining property owners to let him do that. On the case of Wolverine Way, it says very clearly that we'll build the road all the way up to the property line and, if the School Board will give the authority to do it for the easements, we'll build all the way out to Wolverine Way and make that connection. And on the Parkway side, we say that we'll design the site and be prepared to make the connection to the real estate office property, but we've already talked to him. He's already said he doesn't want it. So, the way that we proffered is we'll design it so that we can make the connection but we don't see any reason why we should build a road to nowhere. And so, what we've said is, if he will grant easements, if the County can persuade him to do it, if he will grant the easements and commit to do the construction to connect to our property line, then we will build up to the property line. So, I don't know what more we can do. We've said we'll do the inter-parcel connections that VDOT and transportation has said that they want. We prepared a TIA that shows that those connections probably cause failures at Wolverine Way and Garrisonville, and they probably cause failures at Parkway. And that the proposal that we have on the table that we prefer is the slotted left-turn lane and the single... or the single entrance which is a right-in/right-out on Garrisonville Road. But we proffered it. And the final issue is the phasing for traffic volumes. And this is a little more complicated because you're right, a variety of uses can go on B-2 zoned property. The B-2 property, or the B-2 development that we envision is one that will have retail along the frontage where it's visible from Garrisonville Road. We think those sites are attractive to retail uses. We think that the back part of the property is going to be office. We think that's a good destination for office development; it makes sense to us. The difficulty that we have is that we don't know that someone won't want to have some retail on the ground floor of some of these office buildings what we think are office buildings. The other difficulty is, is that we were asked to move the car wash from what we thought was the retail area and where you would expect this retail area service. We've moved it back into the office area. So, we have a problem defining... knowing... we don't have a very good crystal ball. We don't know who's going to go on those lots. We think we have a pretty good indication. We think common sense tells us that we're not going to have very much retail in the back. We know that we've proffered out automobile repair, so we think that we're pretty much going to have an office park back there. But there may be someone who has a storefront that's associated with their office. Or there might be... I know the Board of Realtors has a retail area in the ground floor of their facility; most of it's office, most of it's conference room, but they have a reception area and they have an area where you can buy signs and buy, you know, different realtor kinds of things that you might

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need in the practice of your business. So, we don't want to put ourselves in a position where we're foreclosing the ability to capture those types of businesses. We also have the concern... and this is kind of an interesting concern... we have a concern that some defense contractor might come in tomorrow and say that they want to put offices on the property. We think that would be good economic development for Stafford County. We think it'd be good news for the people in Stafford who would like to work here instead of getting on 95 everyday, but we don't want to be in a position that if they come to us and say, okay, we're looking for a site, you're close to the back gate and this is where we want to be, and we have to say to them, oh, sorry, can't do it, we've got to take 6 to 9 months out and do a proffer amendment before we can let you lease this space. So, that's our difficulty with phasing of the traffic volumes. I know it seems like a simple thing but, when you're in business and you're trying to make sure that you have a profitable and successful development, you have to be weary of making too many commitments because you can put yourself right out of business. With respect to...

Mr. Apicella: I just want to ask you something on that, because it's not just about phasing, it's about the overall limitation, which again, there's two separate pieces here. I don't see anything... I haven't seen you address the issue of overall limitation of the maximum daily traffic count. And not knowing what's going to go on this site, if all of the 10 buildings... if all of them reach their... if all of them... ultimately, you could have the best laid plans, just like with item number 1, but at the end of the day if they all maxed out to what could be there, you'd have a lot of traffic volume going in and out of that parcel. And you've already mentioned that Garrisonville Road, for better or worse, is at a failing grade already. So, we're trying to find a way to, as Mr. Rhodes indicated, come up with some predictability and I don't see that here. So, I understand that you need some flexibility; I'm not resistant to flexibility, but I'm also concerned about predictability.

Mr. Patrick: I do see your point. I just want to say one thing. Garrisonville Road is not failing today, it just has a tremendous amount of volume on it.

Mr. Apicella: Well, you ask a lot of people who drive on Garrisonville Road; they'll tell you it's failing.

Mr. Patrick: Well, yes. I mean, we had different expectations, but using the grading system that VDOT uses, it's not failing... every movement isn't failing right now. But that's a small point. I understand what you're saying, and that's helpful to get you to clarify what it is you would like us or need us to do. And if there's just more specificity that you have with respect to that, if you... you understand the fact now that we have to make sure that we don't shoot ourselves in the foot and prevent being able to achieve development opportunity of the site. At the same time, I think that there is a site plan process and an entrance permit process that would probably regulate what you're talking about. But I'm not 100% on that. I think that we should possibly talk about that some more.

Mr. Apicella: Okay.

Mr. Patrick: If you have any... oh, I was about to mention the trail between the high school and the elementary school. Mr. Rhodes answered what we had explained to him. That seems like a tremendously bad idea. That is wooded back there. We don't know when we're going to have an office building back there. We would be sending kids on a trail back through the woods between the elementary school and the high school, and that's a liability that we're not going to accept. The school does have... the elementary property does touch on the high school property and perhaps they could do that, but even then I think it's not the greatest idea. I know my kids wouldn't be allowed to walk on it. So, if you have any questions, I'd be happy to try to answer them.

Mr. Apicella: Questions? Mr. Rhodes?

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Mr. Rhodes: And I could have asked of staff, I just forgot earlier. I think there's still some information being provided to VDOT, or has it all gone to them and we're just waiting for their analysis? I'm not sure where that one stands.

Mr. Patrick: It has all gone to VDOT. We're waiting for them to review it. We had a miscommunication and a misunderstanding with VDOT. We were asked very early on to provide some traffic analysis. And we provided traffic analysis with our application; with the first submittal we were asked to provide additional traffic analysis and we thought that we did that and we gave that to them. It was comparing the existing B-2 zoning to the present B-2 zoning primarily, and then we (inaudible) and they said oh no, start from the very beginning. We don't care about the existing B-2 zoning, we want you to start from the very beginning as if the property has never been rezoned. By the way, we liked those inter-parcel connections. So, we went back, we prepared the whole report, we submitted it, they said oh no, you need this form in order to submit it. We filled out the form, sent it back, they said no, you need to give us that form and you need to give us a check for a thousand dollars. So, unfortunately, that's the back and forth that we had with VDOT. And we have that information to them now. We understand they have 30 to 45 days to review it. Part of the miscommunication is probably our fault but, frankly, we did not expect this sort of scrutiny where the property is already zoned B-2, had more square footage on it before than what we're proposing, and the transportation impacts are very similar. So, that's the transportation...

Mr. Rhodes: Have they given you or Mr. Zuraf, have they given you any indication as to when they think they'll be complete or when does 30 days or so come up?

Mr. Zuraf: I believe that they might actually be pretty close to getting us (inaudible) from some discussions I've had with other staff, but I have to check with them to confirm that.

Mr. Rhodes: Okay, thank you. Thank you Mr. Chairman.

Mr. Apicella: Thank you Mr. Rhodes. Any other questions? Mr. Coen?

Mr. Coen: Yes, and I apologize, I was out of the state when this first came; just a couple questions and/or concerns that I have as we wait for more information. I know... I gathered from your slides that there was a great deal of communication by the neighbors in Park Ridge about it. Has there been any outreach to them with the idea of putting the drive-through up there and moving the car wash?

Mr. Patrick: There's been a great deal of communication with them. We met with them twice before we ever filed the application, and we've talked with them since. They came to the meeting last time. They only had a few comments. I really left the meeting thinking, wow, we pretty much nailed it with the Homeowner's Association. We just need to address... we need to tweak a couple of things, like that Kimberly Drive opening.

Mr. Coen: But I mean, have you gone back with the change? That's what I'm sort of asking is now that you've switched it...

Mr. Patrick: I kind of thought that was going to happen here. I was surprised that they weren't here this evening. I think it probably says something about their level of concern that they aren't here.

Mrs. Vanuch: We think because it's not a public hearing; they didn't get notified.

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Mr. Coen: Yeah, and it's July. But you might want to check with them just to find out... I'm sure staff can let you know the names and the addresses.

Mr. Patrick: I think they have a lot less concern with this case than staff does.

Mr. Coen: Secondly, and with the car wash -- which I'm putting the 'r' in the wrong word --

Mr. Rhodes: It's a warsh, car warsh.

Mr. Coen: ... I mean, I'm sort of... question, there's two standalone entities of that and two that are tied with gas stations in that area. So I'm just curious the need for a third. And since I'm harping on transportation tonight, in the winter when everybody's car is dirty, the stacking up is likely to be on your one road coming in, of people backing up to do it. So I'm just leery of that aspect. And I'm not... as again, this is just things that popped into me, so I'm not expecting you to like come up with a brilliant answer on the cuff.

Mr. Patrick: I do have a comment.

Mr. Coen: Sure. But then lastly, would you be willing to stick into the prohibited juices for generally microbreweries, because I'm a little leery of putting a microbrewery next to a high school.

Mrs. Vanuch: Do you think they'll be there during the (inaudible)?

Mr. Coen: Yeah, I mean, I got it that in theory if you put a nice really fancy restaurant up on...

Mr. Rhodes: Don't you ever limit a microbrewery... oh, I'm sorry.

Mrs. Vanuch: This is close to my house now.

Mr. Coen: Right, and to me it's a world of difference between the purpose of a restaurant and the purpose of a microbrewery, and I just think being that close to a high school I'm a little leery of it. So those are... I think those are the only things. Oh, I just want to make sure I understand correctly. There's the one road in and out and the likelihood of a stub going to the property line to Wolverine Drive should the School Board acquiesce and allow you -- if not, it's just sort of a stub -- and the possibility of a stub over to the real estate office if they let you, but they've already indicated they don't want it. So it's really just the one main in and out. Thank you.

Mr. Rhodes: But...

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: ... I would just... I'm trying to remember from the earlier discussion, the one current interest you already have was the car wash, that's why you were really designing around that I think?

Mr. Patrick: That's correct.

Mr. Rhodes: Okay.

Mr. Apicella: Any other questions? Mrs. Vanuch?

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Mrs. Vanuch: I have a couple questions. I know I sent Jeff an inquiry earlier this week about comparable proffers for a development like this. Were we able to compile anything?

Mr. Zuraf: I started looking. I looked at the North Stafford Office Complex up at Furnace Road as one similar project where they have retail in the front and then all the office buildings in the back, and they did not have any specific proffered kind of requirements. I guess they basically... I think they knew all along that they were going to have to building their spine road to the intersection with Furnace Road so they did a lot of improvements to that Furnace Road intersection without it necessarily being proffered.

Mrs. Vanuch: Okay.

Mr. Zuraf: That was the one I identified and I've not gone into exploring other sites yet, but can continue looking.

Mrs. Vanuch: Okay, great. And then, I think it would just be helpful for me to understand, what was the cost that you guys were associating with the rec center? If you were to have built that out, you were saying it was just going to be a heavy economic burden for the development. So, if you were to have built that out, what's the cost you're associating with that versus what you're offering to proffer with the changes you brought to us?

Mr. Patrick: The... let me be clear, this applicant is not the applicant that proposed the recreation center. The recreation center was proposed several years ago and prior to the County building a recreation facility. The competition between the County recreation facility and this facility was such that there wasn't sufficient market to sustain that rec center. And so, that developer, that applicant has sold the property.

Mrs. Vanuch: So, but, if you're saying that there isn't economic benefit to the current approved development plan, what were you associating with the cost of the rec facility to say that it wasn't economically sustainable?

Mr. Patrick: The fact that they left, they left the site. I am not privy to their market analysis. I cannot imagine any recreation center that was able to make sufficient funds to make the improvements to Parkway Boulevard that would be necessary to make that bypass connection work. I don't think they understood what they were getting into with respect to connecting to Wolverine Way and the discrepancy between the alignment of Joyce Street... Joyce Avenue and Wolverine Way. I don't think they crunched their numbers. I think they proffered a lot of things, then they got to the end of the game and they looked at the numbers and abandoned the project.

Mrs. Vanuch: Okay. And I think... I have an underlying concern of just these... a lot of office buildings. I know, I think it was Steven or Darrell mentioned in the last meeting that down by Furnace Road, where the new Sheetz is, all these office buildings are empty. There are several other locations that are empty. And in the Comprehensive Plan we are targeting, you know, a Central Stafford Business Center. We have the Quantico Corporate Center where we're trying to target contractors, like you mentioned before, like the DOD coming in and occupying business centers. I just have an overarching concern with building even more that they're just going to remain empty, and I understand that you're saying they can be phased, but I don't know that that is the best use for the land in my opinion.

Mr. Patrick: Mr. Chairman, may I respond to a couple of things?

Mr. Apicella: Sure.

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Mr. Patrick: With respect to Mr. Coen's comment about the car wash, the car wash is over 600 feet from Garrisonville Road. So we feel like if there's a traffic backup there, we're going to have to deal with it, we're going to have to figure it out. It is not going to affect the public right-of-way; it's going to be an onsite issue. And the final design of this car wash might not be as we put it here, because we're in a preliminary stage and we just wanted to show that we had a spot that was well removed and would put it in a spot that was well removed from the neighborhood so that we could provide that assurance to them. I'm sorry, I've forgotten your other comment. With respect to the offices... excuse me?

Mr. Coen: Microbrewery.

Mr. Patrick: Oh, microbrewery. That was suggested to us and two weeks ago I called up Mr. Hart and I said, we really should put microbrewery in there; everyone seems to be excited about it. So, you know, I was at a economic...

Mr. Apicella: And how old were they?

(Laughter)

Mrs. Vanuch: Yeah, they were seniors.

Mr. Patrick: I was at the County's ribbon cutting for the recreation center over at Embrey Mill and they were all my age, who were talking about microbreweries. It just seems to be the up and coming thing, but I understand what you're saying about proximity to the high school. And we'll look at that. Then, with respect to office and office demand, the County's goal of creating I think you're talking about the star facility over toward Quantico Center... is that what you meant when you said the County is trying to focus office?

Mrs. Vanuch: Well, no, there's the Quantico Corporate Center and then there is the Comprehensive Plan where we're trying to create an area in Central Stafford to drive businesses close to the airport.

Mr. Patrick: Hmm, okay. Well, we think that there is room in the market for a lot of good ideas on where businesses and offices can locate. It is a problematic situation when the County wants to create incentives to go to a certain area and, at the same time, they have to be careful not to create disincentives to go elsewhere because, in a free market, you can't do that. But there are all kinds of offices. These are smaller offices we think that are going to be located out in this area; they're closer to residential. If you go to the Council of Government meetings up in Washington, D.C., they talk about concentrating everything around Dulles Airport, around the south side of Dulles Airport. Well, where does that leave the other counties if you're anointing Loudoun County and pushing all the businesses toward Dulles Airport, then you know what does that do to Stafford and Prince William? That means they're not employment areas and that means that their residents have to commute to that destination. So, this is kind of the same thing, but only in a microcosm. This is, you know, if we put all of our offices in the center of Stafford County, then they're going to have to drive to that destination instead of being able to drive to locations that may be a shorter commute for them and may reduce traffic.

Mr. Rhodes: Mr. Chairman?

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: Yes, I just wanted to... I don't know that we addressed it last time... is the business concept or business plan or model that you're following one that's going to build the office space and

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then look for tenants? Or are you going to only build it as you have tenants? Or what are you looking at with these?

Mr. Patrick: It will be as close to having the tenant as possible. The adage in the real estate business is, is that offices don't want to lease until they see the paint drying on the wall. So you have to build them... in order to market them, you often have to build them first to get them to come in, because usually when someone's looking for an office, they need it next month or need it in 3 months. They don't need it in the two years that it takes you to build it. So that's the uncomfortable gap for the builder. Of course, he would love to have sold the units the way you sometimes can sell houses before you ever start digging the footings; they would love to do that but it rarely works that way.

Mr. Rhodes: Okay, thank you.

Mr. Apicella: Any other questions? Okay, thank you Mr. Patrick.

Mr. Patrick: Thank you.

Mr. Apicella: I'll bring it back. Mr. Rhodes, it's in your district.

Mr. Rhodes: Yes, Mr. Chairman, given the feedback from Mr. Zuraf that he thinks they're getting closer, I didn't know how far out, but if we could defer this to the session in August which is about 5 or 5 ½ weeks away... about 5 weeks away I think it is. I think... well, that would be my motion, to defer it to the session in August.

Mr. Apicella: Okay, there's a motion to defer this item to the August 24 meeting; is there a second?

Mrs. Bailey: Second.

Mr. Apicella: Okay. Anything else Mr. Rhodes?

Mr. Rhodes: Yes, Mr. Chairman, I would like to thank the applicant. I do think that they did go reasonably through the items there. What I did hear this evening was the comment on microbrewery and consideration of it as being excluded -- though I hate that idea -- but no, I understand the logic behind there. The comment on looking at what do we think the maximum vehicle count's going to be on this site so we have a sense of that, based on the concept that they've got going there. And I think they've got a better understanding of that idea in the process. And I know Mr. Coen mentioned possibly taking advantage of this intervening time to ensure to reach out maybe to the... I know they've reached out several times to the neighbors, but reach out one more time to just make sure there's no hanging chads if you will on the items there. But I'm appreciative of the efforts to go through... deliberately through the list that we had from the last time, so I would like to thank them for that. Thank you Mr. Chairman.

Mr. Apicella: Thank you Mr. Rhodes. Mrs. Bailey? Anyone else? Okay, all those in favor of the motion to defer to the August meeting signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

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Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries 7-0. Next item Mr. Harvey.

8. COM14150427; Comprehensive Plan Text Amendment – Old Dominion Village - A proposal to amend Chapter 3, “The Land Use Plan,” of the Comprehensive Plan 2010-2030 document, dated December 14, 2010, and last amended on September 15, 2015. The proposed amendments would add a new set of criteria to the Special Conditions for Townhomes and Multi-family Units in the Suburban Area land use designation. **(Time Limit: August 17, 2016) (History: Deferred on June 8, 2016 to June 22, 2016) (Deferred on June 22, 2016 to July 13, 2016)**
9. RC14150428; Reclassification – Old Dominion Village - A request for a reclassification from the A-1, Agricultural and M-1, Light Industrial Zoning Districts, to the P-TND, Planned-Traditional Neighborhood Development Zoning District, to allow for a development consisting of varying types of residential units and commercial uses, on Tax Map Parcel Nos. 38-101, 38-102, 38-102A, 38-103A, 38-103B, and 38-103C. The property consists of 40.273 acres, located on the east side of Jefferson Davis Highway, approximately 1,000 feet north of the intersection of Jefferson Davis Highway and Eskimo Hill Road, within the Aquia Election District. **(Time Limit: September 16, 2016) (History: Deferred on June 8, 2016 to June 22, 2016) (Deferred on June 22, 2016 to July 13, 2016)**

Mr. Harvey: Mr. Chairman, Mike Zuraf will also lead the discussion on this item.

Mr. Apicella: Now, is he getting paid by each item he deals with tonight?

Mr. Coen: By the word.

Mr. Zuraf: That’s a great idea.

Mr. Rhodes: Mr. Chairman, he usually has about 63 hours a week on Comp Plan work. Now that the Comp Plan is out of his hands, he’s got to have something else to do. That’s the issue.

Mr. Zuraf: Yeah. Okay, if I could have the computer please? Okay, this item also was a deferral. It’s two items involved in this that I’d like to go over at the same time. It’s the Old Dominion Village; it includes a Comp Plan amendment request and reclassification. The latest public hearing was conducted on June 8th, deferred to June 22nd, and again also subject to a request from the applicant, deferred to July 13th to address some of the Commission’s concerns. As part of your package, you received the draft Comp Plan text. We had gone over that at the last meeting. We also provided a Comp Plan analysis map which you also received at the last meeting. New information you received includes a revised proffer statement, both revisions highlighted and a clean version, and then a revised Neighborhood Design Standards, and a new fiscal impact study, and the proposed Ordinance and Resolution. The revised proffer statement is modified to address several of the previously noted concerns. Just to kind of quickly go through, I guess just starting at the Comp Plan, we included the revised version of the proposed Comp Plan Amendment, the text with the latest changes. This was discussed at a previous meeting and I believe the applicant and everybody was good with that language; so we’re just providing it for your information. Also, previously the Commission requested to see kind of a map to see the

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extent of what properties might be subject to this Comp Plan language. And so we provided a series of maps that highlighted what properties would be along the primary commercial corridors within two miles and the properties you see highlighted are... any part of the parcel is within I believe 2 or 300 feet of the corridor highway. And also, there are no acreage limitations because those properties could be combined with others, like is being done in this case, to bring it up to a large enough size to become a TND project, for example, or a TND zone. And also, some of these properties may be undeveloped; they might have some older development on them that those that also these uses could be redeveloped potentially as well. But, some of them do reflect newer development and the likelihood of them redeveloping is many years away. So, it's just for your information as requested.

Mr. Apicella: Mr. Zuraf, for the properties that, by themselves without being co-mingled, that would reach the minimum size, how may do you think there would be?

Mr. Zuraf: I'd have to do an analysis.

Mr. Apicella: Ten? Twenty? Fifty?

Mr. Zuraf: I would guess probably in the range of 50, would be my guess.

Mr. Apicella: Five - zero.

Mr. Zuraf: But no more than that though.

Mr. Apicella: Okay. So that's potentially the floor. That's without co-mingling otherwise.

Mr. Zuraf: Yeah, yeah. Probably a little less than 50...

Mr. Apicella: So it could have broad application or impact.

Mr. Zuraf: Potentially.

Mr. Apicella: Okay, thanks.

Mr. Zuraf: Okay, so this slide highlights the issues that were addressed as part of the zoning reclassification. The applicant... we made comments about the Neighborhood Development Standards Plan and how some of the recommendations from that plan, some of the changes in this latest version of the proposal are more consistent with the Neighborhood Development Standards Plan recommendations for TND type of development. So that's been addressed. The applicant modified proffer 9 in the proffer statement to address a request from the Historical Commission to include some signage to identify the historic nature of the Spring House which is located on the site in the Resource Protection Area. And then the applicant met with staff and we worked through making adjustments to the Neighborhood Development Standards document that goes along with the project. And all the changes that staff requested were made by the applicant and we're happy with the product that is before you. Some of the other issues, just to point out, we've noted in our comments that, you know, right now currently the project doesn't conform with the land use recommendation, but we have this Comp Plan Amendment request so approval of the Comp Plan Amendment would bring the project in conformance with the Comp Plan. Or if the Board adopts the Comp Plan Amendments, the 2016 - 2036 Comp Plan Amendments, those amendments would also be supportive of this project. That's scheduled to go back to the Board of Supervisors at their August meeting.

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Mr. Apicella: And don't they have to make a decision at that meeting?

Mr. Zuraf: They do.

Mr. Apicella: Okay. And that's the 16th?

Mr. Zuraf: Yes. Unless they schedule a special meeting, but it would be need to be on the 16th.

Mr. Apicella: Alright, thank you.

Mr. Zuraf: Another issue, there were comments about the project not being consistent with the recommended proffer guidelines for residential development as it relates to offsetting capital impacts. And in response to that, the applicants propose to extinguish development rights from parcels in Crow's Nest. And also from that, the applicant included a new fiscal impact study to look at the impact of the revised plan and how the fiscal impact of this project applies. And staff looked it over; the study itself does find that and concludes that the residential units themselves would be a positive... have a positive fiscal impact on the County's resources. And then when you add in the commercial development then there's an even greater positive fiscal impact to the amount of \$250,000 per year. Staff does note that and believes the study itself doesn't get into the really fully evaluating the capital impact needs. It's more of an evaluation of the annual fiscal operating services that are generated and needed by this type of development. So, I think that may be a big issue of as to why that type of finding is a result of this study. Also, then, the other issue was the... on the issue of the extinguishment of development rights, we previously provided you an evaluation as to what estimate we came up with as to how many development rights might be achieved from the number of lots that are being offered up from Crow's Nest Harbour. We've estimated a range of 166 to 185 development rights would be the equivalent. This is kind of a rough calculation that we came up with. And also, we've noted previously that the County does have the TDR Program and TDR recommendations in the Comprehensive Plan. The lots in Crow's Nest Harbour are within an identified sending area, but this site is not identified as a receiving area for the Transfer of Development Rights. And this proposal would not be in conformance with the Comp Plan as it relates to that element. And that's a quick summary of where we are right now. And I'll turn it back to you for questions.

Mr. Apicella: Questions for staff? Okay, I apologize to my fellow Commissioners, but I feel like I've got to ask some questions about the fiscal analysis. It seems to me like we were at this just about a year ago this time, so I asked similar questions and what comes to mind is déjà vu. What specific assumptions were made in the fiscal analysis to reach its conclusions?

Mr. Zuraf: There were specific assumptions as to the number of lots as proposed in the plan, the specific mix of residential units as it relates to single-family, townhouse, and multi-family units as proffered. Also, the live-work units, and then the proposed proffered maximum amount of commercial development is assumed in the study as well. The study assumes specific values of residential units as build-out. And also, part of the evaluation looks at the population and then the number of school children that would be generated. The number of school children generated is utilizing a countywide estimate that we've typically used. Sometimes we've used newer development...

Mr. Apicella: Well, there's two ways, right; we've used the countywide average for by-right and we've used the new model for rezonings.

Mr. Zuraf: New development, yes. This uses the countywide average.

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Mr. Apicella: Okay.

Mr. Zuraf: And that's a quick summary of some of the assumptions.

Mr. Apicella: That was a good summary. And, again, as I've asked in the past, are these assumptions fixed or static, meaning that they don't change; for example, the home prices won't change or the tax rates won't change, or are they variable, meaning that they can change from year to year?

Mr. Zuraf: Well, in the study is assuming fixed, but in reality there could be a variation in what actually happens.

Mr. Apicella: And so, is it fair to say that no one party owns or controls all those assumptions? For example, only the developer or the builder who ultimately... usually a developer doesn't actually build the homes and can't necessarily guarantee the home prices, but at least it's somewhat within their control on that side of the ledger. Whereas, they can't control what's on the County side which is the assessments and tax rates on which actual revenues brought into the County are based.

Mr. Zuraf: True, that's correct.

Mr. Apicella: And no one controls or can know what the annual economic conditions can be, right?

Mr. Zuraf: Correct.

Mr. Apicella: So, can you kind of remind us what happened in 2008 and how that impacted County revenues?

Mr. Zuraf: The housing market went bust and the housing values dropped dramatically.

Mr. Apicella: And so, when some or all those assumptions don't materialize, either revenues don't come in as expected or costs increase, meaning the cost of actually building a school -- and we know, for example, with Anne E. Moncure that cost has escalated significantly from what was originally projected -- who has to make up the difference?

Mr. Zuraf: Usually the taxpayers do.

Mr. Apicella: The taxpayers. And, so you mentioned in reviewing the analysis that there was something missing or inaccurate, and I think you said it didn't fully account for the capital costs associated.

Mr. Zuraf: The capital needs of the units.

Mr. Apicella: And I think you also sort of emanated that there's some apples and oranges in the comparison. For example, it's using the countywide average for school population.

Mr. Zuraf: Right.

Mr. Apicella: Last question on this. Based on County experience, is there typically a net revenue gain or a net revenue cost resulting from new residential development?

Mr. Zuraf: Generally it's a net revenue of loss.

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Mr. Apicella: Right, so new construction costs us more than we get in revenues.

Mr. Zuraf: Typically, yes.

Mr. Apicella: Okay, thank you. Any other questions?

Mrs. Vanuch: I had a question on this particular report in regards to public safety. In this report, the determination was that public safety would decrease with higher density. So, for example, a condo would, you know, require less public safety requirements than a single-family dwelling. Is that something we see across the County as accurate?

Mr. Zuraf: I'd have to check on that, the accuracy of it.

Mrs. Vanuch: Can I ask Darrell the question? Because that was very striking to me and I just wasn't sure that that was true.

Mr. Zuraf: I don't have an answer for you on that.

Mrs. Vanuch: Okay.

Mr. Apicella: Alright, seeing no other questions, thank you Mr. Zuraf. Would the applicant come forward please?

Ms. Karnes: Good evening Mr. Chairman, Commissioners, and staff. My name is Debrarae Karnes and I'm an attorney and land use planner with Leming and Healy. And we've been here several times before. I am happy to believe that we have now submitted all items crucial for the Planning Commission's review. I'd like to thank staff and Commissioners for their consideration and patience through this. What I propose to do, Mr. Chairman, I'll give a very brief introduction, I think bring Dr. Bellas up to describe his study, and then ask for your patience as I do a very macro summary. You have now received a General Development Plan that is proffered, unlike anything I think we've discussed tonight. And I'm going to submit to you that it is much better than the original plan and probably the best P-TND project proposed to date in the County. I've gotten one specific question on it, and that involves the amount of grading on the site. In fact, there will be some mass grading; but the mass grading will not require many retaining walls. The retaining walls that are anticipated will be on the eastern part of the site proximate to Route 1, for the primary purpose of protecting the significant environmental resources, the spring. So, they'll primarily be in the commercial area and perhaps near the condos. But you're not going to see retaining walls near the townhomes or the single-family detached units. And I believe it is going to be a walkable attractive community. I have Bruce Reese here, who is the engineer. I have Vern Torney here if you have transportation questions. And, of course, Dr. Bellas. But the questions I primarily heard tonight involve the fiscal analysis which, just for the record was submitted for a couple of reasons, including to show there is a fiscal balance at all phases of the development. And I'm going to ask Dr. Bellas to summarize succinctly his findings, discuss his assumptions, and specifically answer the questions concerning his inclusion of capital improvements. My understanding is that the capital improvements are included and also his conclusions on public safety. And then I'll be back for a wrap up. Dr. Bellas?

Dr. Bellas: Good evening Mr. Chairman, members of the Commission, Dean Bellas, Urban Analytics, Alexandria, Virginia. I've been in front of this Commission before. Everyone knows me; some of the new members don't know me, but as Debrarae mentioned, I'm here to answer any questions you have. I do have two slides if I may have the computer please. The first slide on the summary of the fiscal

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impact findings, we looked at each individual land use. On a standalone basis, each land use produces a net fiscal surplus to the County. My report has all the data and all the documentation in the appendix. I am happy to go through that at your leisure and answer any questions you have. The next slide please. Because these units are fiscally positive, there's no need to pay cash proffers. There's no economic justification to pay cash proffers. And, in addition, as Debrarae mentioned, the applicant is planning to extinguish all development rights and we've done a calculation here to show the net contribution, the value of these contributions to the County. So, that's the summary of the report I produced and I'm more than happy to answer any questions you have.

Mr. Apicella: Questions? Mr. Coen?

Mr. Coen: Well, I just wanted to make sure... I mean, we have heard quite often here, and we heard from Mr. Zuraf this evening that residential units cost more, yet your analysis says it brings in more. So, and then Mrs. Vanuch brought up, you know, I thought a very salient point that one of your premises is that more people in more units cost less money for public safety than single-family houses; which is sort of counter-intuitive to most individuals. So, I guess that seems to be the question. And one of the things that I always love is because, you know, you're very intelligent and you're very honest.

Dr. Bellas: Thank you sir.

Mr. Coen: So, every time you come before us we say, so, you know, has this changed, is this going to be definite for the future and you're an honest man and you say, no, it's a snapshot of today. And any of us who paid attention to news to know that the sales tax revenue for the Commonwealth of Virginia has not been what they anticipated, so we know within the last week that the economy will shift. That's just one thing that I think people would like to wrap their head around is that what you're saying is counter-intuitive to what we've heard from our training to real life.

Dr. Bellas: Thank you sir, thank you for that comment... that compliment; that's very nice of you. So, let me start with the second comment first regarding public safety. I think Mr. Mayausky may have read my report too quickly. Nowhere in the report does it say that public safety decreases for single-family homes... increases more for single-family homes and decreases for multi-family homes. Clearly in the report in with the Excel doc table documentation I clearly show density increases for the multi-family public safety costs go up. So, if you have the report in front of you, I can show you the exact pages. But I'm in agreement with everyone on this panel here. Nowhere in the report do I say public safety costs are higher for single-family homes. No, they increase as density increases. So I wanted to make sure we were clear on that. I think Mr. Mayausky may have read the report too quickly. Number two, I met with Mr. Mayausky a few years ago and I apologize, I don't know when, but I looked at the pictures on the wall here and when this woman was the Chairman a few years ago, that's when I met. So, I'm sorry, I apologize for... okay.

Mr. Coen: That is why the pictures are really helpful.

Dr. Bellas: There we go, okay. But Mr. Mayausky, I came to his office, I sat there for at least 2 or 3 hours, we went step through step through my report. He understands my methodology. He understands every single step. He has no disagreement with my methodology. In the past, I know Mr. Apicella I offered this to you, I offer to you again and to any of the members on the Commission, I'm happy to come to the offices and meet with everyone individually, go through step by step on the methodology. This is methodology that I developed during my doctoral dissertation; Stephen Fuller was my doctoral dissertation chair; Alice Ribling who was Vice-Chairman of the Federal Reserve under Alan Greenspan, she was a member of my doctoral committee. This model has been painstakingly evaluated through

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many, many counties and cities in Northern Virginia, as well as different states. The model is tailored to the finances, the local budget of Stafford County. If I take this model and I go to Fairfax County, the findings would change. If I went to Arlington County, if I went to any other county in the state, it would change. So we use County data. The student generation factors are data that the school department gives to me. We have the Comprehensive Plan. We have the proffer guidelines, which use these student generation factors. On one hand, you have proffer guidelines that say that based on these student generation factors, this is what the proffer should be for a single-family home, a townhome, a multi-family. I used the same exact student generation factors. If you want me to change them, I'll change them. But the data comes from the County; I don't make it up. And so I'm happy to go through another analysis and use different student generation factors; it's whatever data you give me. Regarding the discussion of the model really being dynamic, counties' finances change every year. And you made a very question... comment of what happened in 2008. We were in a national recession from 2007 to 2009. If we look at the long-term history of the economic growth of Stafford County, we've had good years, we've had bad years, in the long-term, not in this report but in previous reports that I've given in front of this Commission, I've shown an economic analysis going back to 2000 and going out to 2020. And clearly we see that the gross County product, which is the value of goods and services in the County, some years it goes up, some years it goes down. I think the way we should look at this report is, is separate ourselves from new development and talk about existing development. In the report what I write is if this project had been built in the latest fiscal year, in this case there's 2015, these are what the residents would have paid to the County versus what the County would provide in services. So, if we never built this project, and these 139 homes and this proposed project could be any 139 homes in the County. This is what County residents pay in different forms of tax revenue and what they demand services. Do residential housing not support itself? Clearly in my report I say the same thing that Mr. Zuraf says and Dr. Fuller. When we look countywide at residential throughout the entire County, residential produces 89 cents in revenues for every dollar in public services. That 11% differential means yes; residential across the board costs the County money. I've never stated otherwise and probably over the 10 years or so I've been here, I remember being here as early as 2006; I may have been here before then for other clients. What we're saying here is at some point, at some fiscal breakeven point, the value of housing is such that the revenues and the homeowners living in those units produce excess household income that they pump back into the economy. The easiest way to say this, /very easily say it, you could have a young household earning, you know, 30/40/50,000 dollars a year, living in a home with 2 or 3 children, or you could have a house... and the home is valued at \$200,000 or whatever that number is... then you could have a household where people don't have any children, household income is 100,000/150,000/200,000 a year, the home is valued at 6/7/800,000, you have a wide range of housing values in the County. So, at some fiscal breakeven point, housing that's priced at that point or higher brings in excess revenue. A home that is valued at \$800,000, to use a number, produces more tax revenue than a home that's valued at 150. So, all I say in the report is that if the price of new housing, or the price of existing housing, is greater than the fiscal breakeven point, it produces a revenue. I clearly say in the report that there's fluctuations from year to year, and we know that some years housing values go up, so years it goes down. I mean, that's life, okay. But, I'm saying as long as a new development, whether it's this development or any other development in the County that comes down the pike, if the housing is produced... is proposed to be built at the fiscal breakeven point or higher, it will generate revenue. So then you stop and say, well, okay, Dr. Bellas, why is it that all your reports show homes that are priced higher than the breakeven point? I don't set these prices; they come from the applicant. Mr. Mayausky as the Commissioner of Revenue compares those prices against his tax rolls to see does he have comparable houses in the County, in these neighborhoods, that support that. And Mr. Mayausky will call me up or send me an email and say, Dean, these numbers are out of whack. But we know that the cost of development today, the cost of land, the cost of... constructions costs don't really go up that much, they're pretty much stable all across the country; little slight variations from regions. But it's the cost of land that goes up. And as the cost of land goes up, right, the cost of housing

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that eventually has to be sold goes up. This is why housing today is just much, much more expensive than when you guys were buying housing, you know, whenever you bought housing years ago. So, I don't stand here and say to you that residential, in my report, is contrary to what the County... the staff says. I agree with you. Residential across the board produces a deficit. We're saying here, as long as it's valued at the breaking point or higher, then you have to have household income. If you're going to buy a home that's valued at, for example, single-family homes in this project I think are valued at \$400,000. Well you need to have a household income that can support that mortgage. And if you can support that mortgage, then you also have money to go spending in restaurants and Home Depot and wherever else you spend your money. That's all I'm saying. There is housing that's lower in value and lower household incomes; that's all I'm saying.

Mr. Apicella: I'll just... I'll just say what I've said very many times we've had this conversation. The amount... the sales price of these homes aren't being proffered, so at the end of the day we don't know what the actual prices will be. Even if they were guaranteed, we don't know what the tax rate is going to be. A new Board could come in and decide, you know what? We're going to cut the tax rate by 20 cents.

Dr. Bellas: That's right.

Mr. Apicella: Well, that would have a big impact.

Dr. Bellas: That's right.

Mr. Apicella: And the other thing is cost for infrastructure from what I'm seeing is going up, not down.

Dr. Bellas: Thank you.

Mr. Apicella: Again, and I'll use Ann E. Moncure as an example; a significant escalation in costs. So, my point is, your model -- and I'm an analyst by trade, I've been doing this for 30 years. I work in a CFO's office. I've worked for the White House, Office of Management and Budget, so I do know how to look at numbers. But I also know that numbers aren't fixed for the most part. They change. The conditions will change and you can't guarantee that those numbers will stay constant over a 20 year period.

Dr. Bellas: I haven't guaranteed that anywhere in the report.

Mr. Apicella: That's my point. So the risk is on... in my view, the risk is on the County.

Dr. Bellas: So, let's go back to my comment. Let's pretend, for a second here, that this project was not before you. What I wrote in this report is if this project had been built today and people are living there. This is (inaudible). Pick any 139 homes in the County. If they're priced at the fiscal breakeven point or higher, they produce excess revenue. So what this report is saying is, this is a snapshot in 2015 of market conditions in Stafford County. So, yes, your home in 2015, whatever it was valued at, it may be valued higher next year, your assessed value, or it may be lower. And you're right; every year the County Supervisors have to readjust the tax rate. If we look at the tax rate I've put in my analysis here, we see the tax rate in the County has been declining. Well, I have to stop, as someone who doesn't live here, as an economist say, well if the economy is so bad in Stafford County, why do the Board of County Supervisors continue to drop the tax rate? I don't know the answer to that.

Mr. Apicella: We have a fiscally conservative Board, thankfully so.

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Ms. McClendon: Excuse me Mr. Chairman. I'm sorry to interject but it's 10 p.m. and we need a motion to continue.

Mr. Apicella: Okay, is there a motion to continue? To continue past 10 o'clock, not to continue down this path.

Mr. Coen: I don't know that I want to make this. I make a motion that we continue after 10 o'clock.

Mrs. Bailey: I'll second the motion.

Mr. Apicella: Okay, there's a motion to go past the 10 o'clock hour; it's been seconded. All those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. Opposed? The ayes have it. We're just going to have to respectfully agree to disagree and move on. Any other questions?

Dr. Bellas: Thank you.

Mr. Apicella: Okay, seeing none, I'm going to bring both these items back. Oh, I'm sorry, you wanted to wrap up. I thought you had wrapped up; my fault.

Ms. Karnes: Mr. Chairman, I will be brief. When you are contemplating the potential impact of the Comprehensive Plan, you use the term broad impact. And we may agree. I'm going to suggest to you that this proposal, the Comp Plan and rezoning combined, will create a broad impact on the land use planning of Stafford County. Ever since I began following land use planning in Stafford County about the year 2000, the issue on the table was always how we encourage development to move outside of the rural area and into the urban area. For a lot of reasons it reduces costs of infrastructure. It also protects the rural nature of that area in the County. And another goal that was apparent as early as 2000 is the significant environmental resource that Crow's Nest Harbour is and continues to provide to Stafford County. And finally the questions were, how can we encourage the development community to voluntarily surrender their by-right developments and provide enhanced design at better, more strategic locations that will better provide for the needs of all of our residents? You know, opportunities to live and work in the same area; opportunities for different kinds of housing. I am going to suggest that this development provides an opportunity to accomplish this, and that's going to be the broad impact. Now, it also provides significant control to the Planning Commission and the Board of Supervisors because the Comprehensive Plan, while it might allow some additional density, still in all each and every proposal will have to go through the Planning Commission and the Board's review to determine appropriateness of development and whether infrastructure needs are met. This is the Planning

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Commission's opportunity to define growth. Now, the big outstanding issue, or maybe there's two. Is this development paying its fair share of impact? You know, as defined by the equivalent payment of cash proffers. And we're saying cash proffers are not owed for a number of reasons. Okay. First of all, the developer is proffering land at Crow's Nest, and when you combine that value with the value of the offset transportation improvements, it's substantially equivalent -- substantially, not... not exact, but substantially equivalent to the cash proffers they would pay under the County's cash proffers. Which, by the way, they're now not being suggested for new developments, or development applications filed after July 1st. But, be that as it may, Stafford County is getting significant value there and that's not even counting the undefinable value of getting additional land at Crow's Nest. Okay. We also do not believe that cash proffers are owed because cash proffers are intended to cover the additional infrastructure cost. Now, the applicant is retiring 117 units at Crow's Nest. There is little additional infrastructure cost. Those students that we want to compute and mitigate the impact, they could very likely in the near future be looking at living in by-right units. Finally, I respect Dr. Bellas and his work. From a national perspective, his findings are that if the units, the dwelling units in the commercial, are built at the prices estimated, there will be no impact. We can't predict the housing market, it's true. But we can use historical years to observe that although some markets go down and some go up, we have a healthy economic environment that will continue. And the final... the person who will bear the final risk of this is the developer who takes a chance and spends his money and builds the first units to see whether they will sell. And, by the way, even though Dr. Bellas' study shows that no phasing of commercial and residential is needed because this project carries its own weight, we still have that proffer. I submit to you that on balance this is an application that will move development from the rural to the urban area, that will provide a live, work, and play development in a central location for the County as the Comprehensive Plan envisions. And finally, will contribute substantially to the County's goal of preserving land at Crow's Nest. I'll be happy to answer any questions, but I thank you guys, as I said before, for your patience in helping us work toward getting you the best application to consider. I'll be happy to answer any other questions.

Mr. Apicella: Questions? I have a question on what is attachment 3, page 9 of 11, on the building height.

Ms. Karnes: Okay.

Mr. Apicella: It's been changed from 40 feet to 56 feet. Can you explain the purpose of the change or why it's necessary?

Ms. Karnes: You know, I think I'm going to let the engineer do it.

Mr. Apicella: Okay.

Ms. Karnes: I'm still at the macro level here. He's perfect for it. If you're here.

Mr. Reese: Good evening Mr. Chairman, members of the Commission, my name is Bruce Reese. I'm with Legacy Engineering. Three stories on the live-work plus peaked roof took us to a point where we didn't think the 40 feet would be able to accommodate it. When we originally started this, it was before the change to the height definition had been made. So, originally we had to go to the top of the roof. Now we go to the mid-point of the peak. But, at the time, we thought we needed to have that extra height in order to accommodate a peaked roof on a 3-story building.

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Mr. Apicella: So, my question is as much for you, Debrarae, as it is for staff. Where it says 3 stories or 56 feet in height, does that mean the lower of the two or the higher or the two? And what would 56 be if it... could it be more than 3 stories?

Ms. Karnes: Well, we intend it to be either or, but I'll defer to Mike. What do you think?

Mr. Zuraf: If it's a flat roof it could be more than 3 stories, I would think, but I'm not an engineer. I think, yeah, if the issue was the pitched roof and maybe Bruce can confirm that, but so maybe a solution might be the 3 stories and 56 feet just to say you still cannot go higher than 3 stories, regardless of what the height ends up being.

Mr. Apicella: Okay. Would that be a change that would be acceptable?

Ms. Karnes: That would be an acceptable change. Yes Mr. Coen?

Mr. Coen: While we're on that, could you just explain the live-work aspect of it? I'm not sure if this was covered on June 8th.

Ms. Karnes: Yeah, now, I'm going to attempt a stab. I'm not quite sure if you're looking for engineering details or concept.

Mr. Coen: Conceptual.

Ms. Karnes: Okay. The live-work units are apartments over top commercial. They... some localities require one unit -- you know, the commercial below and the apartment above to be owned by the same person who will both live and work there. That is not the proposal here. These will just be additional multi-family units above retail. One distinctive feature is they may be 2 stories; more of a townhouse-like design with one floor of retail and two floors of dwelling unit. The Zoning Ordinance in Stafford County would define that as a multi-family use, even though it's reminiscent of a townhouse. Bruce can answer any other technical engineering questions if you have them.

Mr. Apicella: Okay, my second question, and only other question, is about vii, part C, where the avigation easement is being removed. Can you tell me why that's the case?

Ms. Karnes: I think when we first started this, the developer thought the proffer was unnecessary. If this is an issue for the Planning Commission, we'd be willing to consider your suggestion to change it.

Mr. Apicella: So, you're willing to keep the avigation easement in, striking the strike-out I guess I'd say.

Ms. Karnes: What page are you on?

Mr. Apicella: It's page 10, top of page 10.

Ms. Karnes: Yes.

Mr. Apicella: Okay. Any other questions? Okay, I'll bring it back to the Commission for consideration. So we should start with item 8 first.

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Mrs. Bailey: Mr. Chairman, I would like to make a motion to decline the Text Amendment to the Comprehensive Plan, COM14150427.

Mr. Apicella: Okay, there's a motion to reject the Text Amendment; is there a second?

Mr. English: I second it.

Mr. Apicella: Okay, it's been seconded by Mr. English. Comments Mrs. Bailey?

Mrs. Bailey: Yes, Mr. Chairman, I think the majority of the concern that I have with the text plan amendment change is that it opens up a lot of potential development, and with the recent Comp Plan changes that are going to go before the Board of Supervisors, I'm not so sure that that will, you know, fall in line with the numbers that we're looking at for rooftops and for commercial. And to me it just seems to broaden that scope way too much. And for that reason, I will be declining that.

Mr. Apicella: Mr. English?

Mr. English: I concur with her, Mrs. Bailey.

Mr. Apicella: Anyone else? I'm going to just add to that; I don't... and I think I've been consistent, unfortunately for some of my colleagues... I don't support project specific policy changes that have broad implications. I think this one does. As Mike Zuraf indicate, there are at least 50 parcels in the County that could immediately potentially be covered under this and certainly more than that could comeingle parcels to make that number even higher. And just as important as Mrs. Bailey indicated, if the Board of Supervisors approves the PC recommended Comp Plan, most of what's being requested in the text amendment becomes moot or unnecessary. So, for those reasons, I agree to the... I'm going to support the motion to decline. Seeing no one else, all those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries 7-0. Mrs. Bailey, item 9, it's in your district?

Mrs. Bailey: In regards to the reclassification of Old Dominion Village, RC14150428, I'm going to recommend decline... or make a motion to decline, I'm sorry.

Mr. Apicella: Okay, there's a motion to recommend the decline of the reclassification request. Is there a second?

Mrs. Vanuch: I'll second.

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Mr. Apicella: Okay. Anything else Mrs. Bailey?

Mrs. Bailey: Yes, Mr. Chairman. I do want to take the opportunity... I do appreciate the time and expense that the applicant has put into the revisions to make this a better project. And when I take a look at when the project came before us last year, there were quite a number of issues at that particular time. And I do thank you for your willingness to work with the staff, appreciate the work that staff has done alongside of you, and I think that there has been a lot accomplished. To say the least, this property is a challenge to find the best suitable use given its location, the topography, and I don't envy the applicant. I do applaud the efforts that were made. I actually do think that the overall layout and the design of the P-TND project is much, much better. Unfortunately for me, it's the location of the project, and a lot of the factors have not been mitigated. I have concerns about the overall size of the project and the number of rooftops. We started off with 146 and we were now at 140, so I don't think that that was a significant change. And that was one of the concerns that I had last year when this came before us. I am not a developer or an engineer, but I do have concerns about the development of that particular site with the terrain and the topography and the use of retaining walls, and you know I do have to defer to the engineers on that but I've seen far too many developments that when you end up having to put the retaining walls in that it just really creates more of a mess than anything else. But most importantly, the project is not consistent with the Comp Plan and it does not meet the proffer guidelines. I appreciate Dr. Bellas and his information. I mean, the report that you do is very thorough to some extent, it's very easy to read, it's very easy to comprehend. But I do want to listen to what staff has to say when we're implementing the potential cost for future capital improvements programs and where that is not really thoroughly taken a look at or considered in that analysis so that it would give me a better idea. Maybe there's a way in the future to better take a look at that. I also was very hopeful because there is the potential for the transfer of density units from Crow's Nest Harbour to this particular area. Maybe if it had been a different project, a different site, that could have been a good consideration. But with the project just breaking even and then having to rely on some of the, well, in large part, the commercial aspect of the project, I'm not so sure where that would overcome any amount of increase towards capital improvement programs in the future. So, for those reasons, unfortunately I would have to decline this.

Mr. Apicella: Thank you Mrs. Bailey. Mr. English? Oh, I'm sorry, Mrs. Vanuch.

Mrs. Vanuch: It's okay; it's after 10 o'clock. I think Commissioner Bailey did a great job of kind of summarizing even my thoughts. I just wanted to, number one, commend the applicant. I think you guys tried to, you know, work to the best of the ability and do share the condolences I guess on the issues of the topography of the property and in finding the right use for that specific area. I do think I share my fellow Commissioners' concerns on the analysis that new homes pay for the full cost of the annual debt and operating costs throughout the County. I think we brought up many points and we can agree to disagree but I do share those thoughts as well. And I have, which we didn't really talk about tonight but we did mention at the last meeting when this was brought before us was the situation to this land to the Airport Overlay and flight pattern with the draft Comprehensive Plan and, for me, that was a major basis on declining the application. That's all.

Mr. Apicella: Thank you Mrs. Vanuch. Anyone else? Mr. Coen?

Mr. Coen: And when this came before us last time, it was a difficult decision because I'm a very strong believer in TDRs and I think the articles that the Free Lance-Star has been doing a series about farmland, particularly in Stafford, is rather telling in the need to try to preserve farmland and rural land and the Crow's Nest Harbour. So, I really, like Mrs. Bailey, I want there to be a successful TDR and I want there to be this. But in all the time that I've been dealing with TDRs and I served on the subcommittee of the first... when we first did the Comp Plan to deal with TDRs, I don't remember it

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ever being articulated that the retiring of those development rights would be equal to whatever proffers for the cost of the new homes. And so that's just a new concept that I don't remember hearing then, at any training, or anything, and that's troubling because it's sort of counterintuitive. I mean, there is the cost to the County of these additional individuals and so that's troubling. I respect the Doctor but I just wonder about the underestimations of the costs, you know, and we keep going to Moncure but what's in the news is in the news. The cost to the County is going to be way higher than I think is being figured into this. And so I just... I'm concerned about that. I think what Mrs. Bailey has laid out about the amount of commercial in this area, the topography, etcetera, etcetera, are all reasons to be unfortunately against this. And then it just was interesting to see that the multi-family went from 0 to 66 so quickly. And so the mix changed and it was a rather weird mix. So, as much as I want a TDR and I want to do several parts of this, it just... this is not the right instrument to do it.

Mr. Apicella: Anyone else? Okay, seeing no one else, there's a motion to recommend denial of reclassification RC14150428, Reclassification of Old Dominion Village. All those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries 7-0.

Ms. Karnes: Thank you for your consideration.

NEW BUSINESS

NONE

Mr. Apicella: Next item on the agenda is New Business; nothing is identified on the agenda but, Mr. Harvey, I would just ask you because there was an item recently in the paper. Do you know anything about or can we do some research on the Richmond to Washington High Speed Rail Initiative?

Mr. Harvey: Yes, Mr. Chairman. Recently there was a public meeting held to discuss that issue. The Department of Rail and Public Transit is looking at a third rail to serve for high speed rail transport between North Carolina and Washington, D.C. One alternative that's currently being discussed and a number of residents within the County received notice is for a by-pass of Fredericksburg which would cross the river into parts of the George Washington District and be off the current alignment. So that is a concern to a number of the citizens in the County. In speaking to the Public Works Department, they've posted a link on their web page today that directs people to that specific study. And staff can be prepared to give you a little bit more information and a briefing at the next meeting.

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Mr. Apicella: How about if we do it at the September meeting, just because I think we're getting a stacked deck on the 24th.

Mr. Harvey: Mr. Chairman, would you like to roll that into an overall transportation update?

Mr. Apicella: That sounds good. Mr. Coen, it's in your district, or potentially could affect your district. Do you have anything to add?

Mr. Coen: Yes, I did go to the meeting and actually rather timely a little while ago... well, maybe an hour ago... the gentleman in charge of the whole project for the Virginia Department of Rail and Public Transportation emailed me with the links for the maps. So I forwarded to all the members of the Commission, as well as Mr. Harvey and I think Mr. Zuraf got it and Mrs. Stinnette received it as well, so that you could see it. One large element of it; the parcel or the idea of the bypass that would go through the George Washington District and would tie into the existing rail line that's already down there, what I asked and they were very clear that it is not VRE trains that would be doing that. The ones that would travel across the Rappahannock and go through this part of the County would be cargo -- such as trash trains -- and Amtrak trains. So, it's not as though, and it's sort of they even articulated a little bit that this was going to ease and make things easier for commuters going up to D.C. not unless you're taking the Amtrak train. So there are no additional train stops or anything in our end of the County that would promote economic development or anything of that nature, which was sort of interesting. And then if you know that area, what that would mean is more trains going across Ferry Road, which causes a bottleneck down there. So, I asked Mr. Harvey and he talked to them about putting the link so that people could make comments. And I just hope people will let... make the Commonwealth aware of this and maybe let their elected leaders know about this during the public comment time.

Mr. Apicella: Thank you Mr. Coen. Mr. Harvey, Planning Director's Report.

PLANNING DIRECTOR'S REPORT

- ☆ Right-of-Way Dedication for Non-Residential Properties
- ☆ Non-Conforming Structures

Mr. Harvey: Thank you Mr. Chairman. At the last Board of Supervisors meeting, the Board referred two proposed amendments to the Planning Commission; both of them are zoning text amendments. The first one deals with right-of-way dedications for non-residential properties. We've observed over time that as the County continues to grow, our roads widen. As development occurs on properties within the County, they're required, as part of the Zoning Ordinance, to dedicate right-of-way for the future widening of the road in accordance with our Comprehensive Plan. In a number of cases we've had existing buildings on the site and they meet the current setbacks, but if they were to dedicate right-of-way, they could not meet the current... they could not meet the setback; therefore, they were barred from doing any additional site plan work or enhancement of their building as far as building additions. In some cases, it may even affect new construction if the parcel is very small. So this proposed amendment would stipulate that developers would dedicate as much right-of-way as they possibly could. So, in the case of a building being a little bit too close, they may dedicate what they can in front of the building, but then the full width elsewhere on their property. The second amendment deals with non-conforming structures. It's a very similar type of issue. Currently, our zoning code allows for expansion of single-family detached homes if you had a setback violation, as long as the expansion area was not further exacerbating the violation. But that does not extend to other types of buildings in the County, and we've seen a number of cases where commercial buildings... the business is successful,

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they'd like to expand, but again they're barred from expanding their business because of our regulation and their building does not comply with some of the zoning code requirements. So, this would allow them to have the same opportunity as we see for single-family detached homes. They could potentially expand the structure as long as it's not exacerbating a non-conformity. And staff would ask the Commission your indulgence to allow us to schedule a public hearing.

Mr. Apicella: So, if we were to authorize it tonight, when do you think that would be?

Mr. Harvey: We would like to see if we could work it into the schedule for August; if not, maybe the first meeting in September.

Mr. Apicella: Do you have a sense of what's on the schedule for August?

Mr. Harvey: There's a number of items potentially in the queue. We still haven't worked it out yet. I think we're looking at 3 or 4 public hearings right now, not counting these.

Mr. Apicella: So, would you have significant reservations if we pushed it off to the September meeting? Could we still meet the deadlines?

Mr. Harvey: We could still meet the deadlines in the Board's referral. It's a 2 week difference between your last meeting in August and your first meeting in September.

Mr. Apicella: Okay, what's the will of the Commission? Okay, so is there a motion to... do we have to do it separately or can we do them both together, motions to put them both to public hearing?

Ms. McClendon: It doesn't matter.

Mr. Apicella: Okay. Motion? Somebody?

Mr. English: Motion.

Mr. Apicella: Motion from Mr. English; seconded by Mr. Coen to put these two to public hearing for the first meeting in September. Any further comments Mr. English? Mr. Coen?

Mr. Coen: No sir.

Mr. Apicella: All those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

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Mr. Apicella: Aye. The motion carries 7-0. County Attorney's Report. You have a lengthy report, right Miss Rysheda?

COUNTY ATTORNEY'S REPORT

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

COMMITTEE REPORTS

Mr. Apicella: Committee Reports. We have no committees. I have no report. Other Business -- TRC meeting cancelled. No minutes to approve. No further items on the agenda. Meeting adjourned.

CHAIRMAN'S REPORT

OTHER BUSINESS

10. TRC Information - July 27, 2016 - Cancelled

APPROVAL OF MINUTES

NONE

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 10:30 p.m.