

STAFFORD COUNTY PLANNING COMMISSION MINUTES
March 2, 2011

The meeting of the Stafford County Planning Commission of Wednesday, March 2, 2011, was called to order at 6:30 p.m. by Chairman Gordon Howard in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Howard, Rhodes, Fields, Hazard, Mitchell, Kirkman and Hirons

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, Smith, Stinnette, Zuraf, Doolittle, Hornung, Bullington and Hess

DECLARATIONS OF DISQUALIFICATION

Mr. Howard: Are there any declarations of disqualification for anything on our agenda this evening? Hearing none I will first announce that we have Mr. Pat Taves with us again this evening. And, as you recall, Mr. Taves has been with us through a fairly significant portion of the Comprehensive Plan and we're currently working through some of the UDA information and, as it was termed I think, the 4,000 Committee recommendations and where all that will take place within the Urban Development Areas in the Comp Plan. So, Mr. Taves is here again this evening with us on the dais. And we have a motion... or we have on the agenda also an Executive Session. And it's a Resolution to authorize a closed meeting. Whereas, the Commission desires to consult with legal counsel and discuss in Closed Meeting legal advice regarding the Patriot Ridge Preliminary Subdivision Plan, and whereas, pursuant to Virginia Code 2.2-3711(A)(7), such discussions may occur in Closed Meeting. Now, therefore, be it resolved that the Commission on this 2nd day of March, 2011, does hereby authorize discussions of the aforesaid matters in Closed Meeting. Is there a motion... would anyone make a motion for that Resolution?

EXECUTIVE SESSION

Mr. Mitchell: Mr. Chairman, I make a motion for the Resolution for Executive Session.

Mr. Howard: Is there a second?

Mrs. Hazard: Second.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes.

Ms. Kirkman: I'm going to oppose the motion to go into Executive Session on this matter. I think that what we have in front of us is a very important policy debate which is whether or not local government can be used to circumvent statutory state statutes, and I think that is a discussion that should occur in the public.

Mr. Howard: Okay, thank you. I'll call for the vote. All those in favor of the Executive Session signify by saying aye.

Mrs. Hazard: Aye.

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Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed?

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: Okay, the motion carried 4 to 2. So we will convene in closed Executive Session.

Executive Session: 6:34 p.m.

Reconvened: 6:55 p.m.

Mr. Howard: We're coming back from Executive Session and I'll read this Resolution to certify the actions of the Stafford County Planning Commission in a closed meeting on March 2, 2011. Whereas, the Commission has, on this 2nd day of March, 2011, adjourned into a closed meeting in accordance with a formal vote of the Commission and in accordance with the provisions of the Virginia Freedom of Information Act, and whereas, the Virginia Freedom of Information Act, Virginia Code 2.2-3700, provides for certification that such closed meeting was conducted in conformity with law. Now, therefore, be it resolved that the Stafford County Planning Commission does hereby certify, on the 2nd day of March, 2011, that to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in closed meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said closed meeting was convened were heard, discussed, or considered by the Commission. No member dissents from the aforesaid certification. Is there a motion for that Resolution?

Mr. Mitchell: Mr. Chairman, I make a motion for certification of the Executive Session.

Mr. Howard: Is there a second?

Mrs. Hazard: Second.

Mr. Howard: Is there any discussion?

Ms. Kirkman: Mr. Chair, I'm going to oppose the motion to certify the closed session. I believe it was nothing more than an attempt by the County Attorney to browbeat the Planning Commission into circumventing the judicial process outlined in the state statute and to approve the plan.

Mr. Howard: Well, I believe you're lying. Are there any other comments?

Ms. Kirkman: Mr. Chair, point of order. I do believe there are certain Robert's Rules of Orders about respectfully disagreeing and I believe that it is out of order to call...

Mr. Howard: You are correct, Ms. Kirkman.

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Ms. Kirkman: ... a member of the Commission a liar.

Mr. Howard: You're correct. Robert's Rules does account for that. Please accept my apology. You have misstated the facts as they actually exist. Any other comments? Hearing none I will now call for the vote. All those in favor of the certification signify by saying aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed?

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 4 to 2. And for the record, and I recognize Ms. Kirkman's zeal and effort to willy a certain outcome and I'm not sure what's going to happen to be honest with you, but at the end of the day, the meeting was held lawfully. We only talked about what we said we would talk about and the attorney gave his opinion and it was exactly the attorney's advice and opinion, which we should have and we should have access to in closed door sessions. We're now onto Unfinished Business which is the first item on the agenda which is Subdivision 1000017, Patriot Ridge Preliminary Subdivision Plan and we'll hear from staff.

Ms. Kirkman: Excuse me, Mr. Chair. As a point of order I think we need to discuss the agenda first. Isn't that typically done?

Mr. Howard: Typically we do do that.

Ms. Kirkman: And the reason why I say that is at this time I would like to make a motion to postpone the public hearing regarding RC1000338, Quantico Corporation Center.

Mr. Fields: Second.

Mr. Howard: Okay, discussion?

Ms. Kirkman: Mr. Chair, I made the motion to defer or postpone that public hearing because we have not yet received the comments from VDOT regarding the Traffic Impact Analysis under... as required under Chapter 527. I'm very concerned about us proceeding with this matter without those comments, particularly because as I've been advised by Mr. Harvey, once we open the public hearing, our 90 day clock starts ticking. And I think it would be very unfortunate if the Planning Commission were in a position of having to make a recommendation without the VDOT comments or with insufficient time to review the VDOT comments because this is a large project spanning 15 acres in an area that's already experiencing severe traffic problems. So, I really think we should postpone this until after we have received the VDOT comments.

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Mr. Howard: Mr. Fields, you have the chance for the second discussion since you seconded the motion.

Mr. Fields: No, I think that's... to me, that seems appropriate. The 527... the whole purpose of the initiation of the 527 review is to afford what is heretofore a new level of comprehensive and larger scale, bigger picture if you will, transportation planning. It has nothing to do with the potential merits of the rezoning application, but it certainly becomes a critical component if we shortchange ourselves the full 90 days of time without that information. It seems like we're shortchanging the process in terms of making sure that we have all the information that we need to make a good decision in a timely way.

Mr. Howard: Okay, any other comments from members? I don't have an issue with this being a public hearing. I know we don't have the review but there's no need to take any action at all tonight either. So, Mr. Harvey, if we postpone this, or we remove it from the agenda, we're on the hook for the re-advertising of this I would think.

Mr. Harvey: Yes, Mr. Chairman. Generally, the way staff interacts with an applicant is if the applicant voluntarily postpones the public hearing, they would be responsible for the advertisement. If the Commission changes their agenda and deletes an item off of the public hearing agenda then that would be borne by the Planning Commission's advertising budget.

Mr. Howard: When do you anticipate... if the clock did start tonight, to Ms. Kirkman's point which is a good point, when would the... has there been communication with staff and VDOT?

Mr. Harvey: Yes sir. It's my understanding VDOT has a deadline of April 5 for their review and that would be the 120 days that they're allotted as a maximum amount of time for review. Initially, the way the 527 regulations are set up, they have 45 days. If VDOT, within that 45 day time period, requests a meeting then the time limit extends 120.

Mr. Howard: So VDOT must have notified the applicant...?

Mr. Harvey: Yes, they did request a meeting and staff was present. VDOT requested additional information which the applicant has provided, but we have not yet received comments from VDOT. VDOT was aware of this public hearing and they said they would make attempts to provide comments to us in a timely manner. Unfortunately it didn't get to us in advance of this hearing.

Mr. Howard: So, how long has VDOT had this application?

Mr. Harvey: I guess I'd have to count the days back from April 5 to give you a firm timeline in which they've had it.

Mr. Howard: Well, you mentioned the 45 day time period. So is that... and I'm assuming this but you didn't actually say this... but my understanding of what you said was around the 45th day they seem to tell the applicant "we need more information"; is that correct?

Mr. Rhodes arrived at 7:02 p.m.

Mr. Harvey: Yes. I believe that they've had it close to 90 days now.

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Mr. Howard: Alright.

Ms. Kirkman: So, to clarify... if they've had it for 90 days, I think under the regs they have up to 120 days for their final comments? So, they could take an additional month? Is that correct?

Mr. Harvey: Correct. April 5th was the deadline.

Mr. Howard: That's correct. Again, I'm not... I don't know that there's a need to do that. I mean, it's been advertised; I don't know who's going to show up for it. No, we don't have the VDOT review and no, we shouldn't take action on it without that. So, I'm not sure that the applicant should be penalized though because VDOT wasn't able to get it on their schedule. So, any other comments?

Mr. Fields: Is it because of the 45 day but with a trigger to 120, is that how we got to a situation where we have a public hearing on what is essentially an incomplete application at this point? I mean, that's kind of... just again, from a purely process question, I understand making this question but then opening a public hearing, this is the chance that the public has if they choose to do so to get up to speed, to read all the relevant documents, to come here and express their opinion, positive or negative, on the rezoning. Well, since this is the only public hearing that's held and since the very, potentially very significant results of a very large... obviously if they had to ask for extra time it must be a somewhat involved traffic survey of maybe of all the things about this probably affects the public the most. It's going to be absent from the information of the public hearing. That seems to make the public hearing itself very flawed, not to mention the time constraints. But is it... the direct question is, is it because of VDOT's ability to go from 45 to 120 that we ended up with a public hearing in advance of that document?

Mr. Howard: Mr. Harvey, do you know the answer to that?

Mr. Harvey: Well, Mr. Chairman, the answer to the first part of Mr. Fields' question, in our local ordinances, there is no discussion about receiving VDOT comments in order to have a complete application.

Mr. Howard: Okay.

Mr. Harvey: The application is complete from the standpoint the applicant submitted the study which is required. Staff in our recommendation, we are recommending that we continue the public hearing until we receive the VDOT comments so those comments can be incorporated into the discussion and testimony and also possibly in the proffers. The staff had discussions with the applicant about postponing the hearing; as you may know, the hearing was previously scheduled at another meeting and was postponed. The applicant had requested that we continue to try to move forward with the case. So that's why we're on tonight's agenda for this application. Again, staff's recommendation was the public hearing be continued; if the Commission so desires, the Commission can remove the item and reschedule the public hearing.

Mr. Fields: Thank you Mr. Harvey; that was a great answer.

Mr. Howard: Right; that's always an option we don't have to close the public hearing, which we've done in the past. Ms. Kirkman?

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Ms. Kirkman: Mr. Harvey, if the public hearing is continued, is the continuation of that public hearing and when it will next be heard, is that advertised?

Mr. Harvey: Normally a continuation of a public hearing does not generate a new ad. It does not generate new notice; it just keeps the public hearing open for comment.

Ms. Kirkman: So, anyone who came looking for traffic information and did not find it and assumed tonight was the only chance to comment would not know they'd have another opportunity to comment?

Mr. Harvey: Well, they would know from the standpoint that if they attended the meeting or watched it on television, that they would be aware that the public hearing was left open for comment. And on the agendas it also would still list it under public hearing, so they would have the opportunity to comment during the public hearing process. So it would be brought back up on the agenda as a public hearing but no additional notification in the newspaper or notice to abutting owners would normally take place; unless the Commission requested that be done.

Ms. Kirkman: And just to clarify, how is it that it's determined that something goes to a public hearing? I know, for instance, on a subdivision, there's certain requirements when an application is deemed complete. Are there any similar requirements regarding a rezoning?

Mr. Harvey: For rezoning applications, there are requirements in the code which constitute a complete application. Staff reviews those; we also coordinate with the applicant with regard to rezonings that you enter into discussion about proffers and whether proffers are going to be offered by the applicant and what they are. That also goes into discussion about the timing of the public hearing. Once the application is complete and the applicant and staff have discussed proffers and at the applicant's request, we would proceed to put an item out for a public hearing advertisement. Prior to each public hearing agenda being set, the County staff submits the agenda to the Chairman. If the Chairman does not object, we continue on with the item on the agenda as a public hearing. But if there is some objection then we will take it off the agenda.

Ms. Kirkman: So, is there anything in our local code or the state code about mandating when a public hearing on a rezoning application must be held?

Mr. Harvey: I'm not aware of any such provision; however, in the state code, it does stipulate that once an application is filed with the County, the Board of Supervisors must act within one year of that filing. But there's no specific time period when the Commission must hold its hearing.

Ms. Kirkman: And what ends up on the agenda for the Planning Commission for the public hearing is ultimately determined by the Chair?

Mr. Harvey: Well, traditionally, again, staff puts things forward and the way the current situation is, the Chairman reviews the agenda and gives us the okay to proceed as proposed.

Ms. Kirkman: Thank you.

Mr. Howard: Any other discussion...? Mr. Hirons?

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Mr. Hirons: Mr. Chairman, just one last question for Mr. Harvey. What's the ballpark cost of the advertisement for this type of public hearing?

Mr. Harvey: Normally for a land use case the advertising cost is around \$200 for that ad. Mr. Chairman, also on the agenda staff would like to make the Commission aware that for item 9, the applicant has requested that this public hearing be postponed. They may be pursuing an alternative approach.

Mr. Howard: Okay. Thank you. So, right now there's a motion on the table to remove the reclassification of Quantico Corporate Center from the public hearing section and require that applicant to come back because there's no letter from VDOT or there's no 527 review completed that we're aware of.

Mrs. Hazard: Mr. Chairman, can I just have clarification? If we had the public hearing hearing open tonight and we would have to rule within 90 days, is that correct? If we aren't expecting or that VDOT has their timeframe of April 5th... that's about 33 days from now... would that be correct?

Mr. Howard: Yes.

Mrs. Hazard: So, our 90 days would be decreased for the review, is that correct?

Mr. Howard: Right, we would have...

Mrs. Hazard: A full review including the traffic...

Mr. Howard: Well, if you're not including tonight. I mean, tonight staff would go over the entire application. So the review would begin tonight; we wouldn't have the benefit of the traffic input. I don't know if there's a TIA but there's certainly a 527 review required based on the size and scope of the project.

Mrs. Hazard: No, I was just trying to get clarification on the timing of how it changes us. So, thank you.

Mr. Howard: Okay. Alright, all those in favor of removing... all those in favor of Ms. Kirkman's motion which is removing the reclassification of Quantico Corporate Center signify by saying aye.

Mr. Fields: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Opposed nay?

Mrs. Hazard: Nay.

Mr. Mitchell: Nay.

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Mr. Howard: Nay. I'm going to have to poll because I didn't catch... I think there were two ayes, is that correct?

Mrs. Hazard: Three.

Mr. Howard: Three? Okay. And did you vote Mr. Rhodes?

Mr. Rhodes: No, Mr. Chairman, I was just going to clarify I abstain. I am still catching up and digesting the conversation. I don't think I fully have digested so I'd prefer I think it would be more appropriate if I abstain. Thank you.

Mr. Howard: Okay, so we have a tie; 3-3. Thanks for the help. So, there's no... it doesn't get removed. I mean, now we can vote on the agenda and somebody can make a motion but it kind of stays as it is; it's a neutral issue. Is there a motion to accept the agenda as written? If we find out that number 9 is not coming, they're not coming. But I'm not sure we need to take that off. That was done by the applicant's request, right?

Mr. Harvey: Mr. Chairman, since this was an advertised public hearing, I would recommend the Commission consider whether or not to remove it from the agenda since the applicant is requesting postponement.

Mr. Howard: Is there a motion?

Mr. Hirons: Mr. Chairman, as the representative from the... yeah... from the district that it's from, I will move since the applicant has requested deferment, I will... or postponement... I will move that item number 9 be postponed.

Mr. Mitchell: Second.

Mr. Howard: Any discussion? All those in favor of removing item 9 from tonight's agenda signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. Is there a motion to adopt the agenda with item 9 removed?

Mr. Hirons: Mr. Chairman, I have one question.

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Mr. Howard: Yes sir?

Mr. Hirons: Is Mr. Taves here only for item number 3 on the agenda?

Mr. Howard: Yes, but if there's a legal question you can ask Mr. Smith; he's more than qualified.

Mr. Hirons: That wasn't really where I was going. I was just wondering if we could move number 3 up to the front so we can hopefully dispose of this fairly quickly. I don't know what the update that we're going to receive exactly is so Mr. Taves could leave us if he so desired.

Mr. Howard: I'm sure he desires. So, you're making a motion to move... is that a motion?

Mr. Hirons: Yes it is.

Mr. Howard: Is there a second?

Mrs. Hazard: Second.

Mr. Howard: Any discussion?

Mr. Hirons: We do enjoy you around here but you're probably costing us a lot of money too.

Mr. Howard: Any discussion? Hearing none, I'll call for the vote. All those in favor of, not that we've adopted the agenda, but when we adopt the agenda item 3 would become item 1 and item 1 would then fall to item 2 and then item 2 would become item 3. All those in favor signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? Okay, the motion carries. Is there a...?

Mr. Hirons: Mr. Chairman, I would move that we adopt the agenda as we've so slaughtered it.

Mr. Howard: Okay.

Mr. Mitchell: Second.

Mr. Howard: Any discussion?

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Ms. Kirkman: Mr. Chairman, I'm going to oppose that motion. I want to repeat again... I just... when you talk with the folks that live here in Stafford County about what's important to them, there's three things that continually come up: taxes, schools and traffic. And I think it's irresponsible to move forward on a public hearing on a major development without having VDOT's comments on the application.

Mr. Howard: Thank you. Any other discussion? Hearing none, I'll call for the vote. All those in favor of adopting the agenda as amended signify by saying aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Mr. Fields: Nay.

Mrs. Hazard: Nay.

Ms. Kirkman: Nay.

Mr. Howard: Okay, the motion carries 5 to 2.

Mr. Fields: Three to four.

Mr. Howard: Five to... what did I say? You said nay? Okay. I'm sorry, 4-3. You got that Stacie? Okay, thank you. I did not hear Mrs. Hazard's nay. Okay, so now we're on item 1 which has become the Comprehensive Plan, UDA Allocation. Mr. Harvey, you have an update?

UNFINISHED BUSINESS

3. Comprehensive Plan UDA Allocation Update

Mr. Harvey: Mr. Chairman, yes, thank you. At the meeting that we held last week, the Commission gave the staff a directive to prepare two proposed amendments to the Comprehensive Plan. Staff has prepared those amendments and they were handed out at tonight's meeting. Mr. Zuraf can go through specific recommendations of those amendments. Also, for the Commission's information, the Board of Supervisors yesterday approved the Resolution pertaining to the Comprehensive Plan and these proposed amendments that are being discussed tonight. There should be, at your desk, a Resolution that was passed by the Board last night giving the Planning Commission directive with regard to this matter. Specifically, the directive is that it gives the Commission additional time to consider these amendments, that the Commission's recommendation now is due by May 4th rather than April 1st. Also, it further directs the Commission and the staff not to advertise an amendment until after March 15th.

Mr. Fields: Mr. Chairman?

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Mr. Howard: Mr. Fields.

Mr. Fields: I thought we've been over this before? I thought the Planning Commission had its own statutory authority regarding this matter to move it to public hearing at the time that it saw... in the way and the time that it saw appropriate? I thought we've been over this in several instances that the Board doesn't have the authority to move our timetable. Am I dreaming about a different world that I used to live in? What is the correct answer to that? Can the Board tell us to move our public hearing date around?

Mr. Howard: We can defer it to the attorneys but I do believe that the Board of Supervisors does have the authority to be directive with the Planning Commission. So, I will defer to Mr. Smith on that.

Mr. Taves: Well, I think the important thing here is the fact that this amendment is coming about based on the Board's Resolution, 11-78, and the Resolution, I'm thinking 10-377 passed in December. And those set up deadlines; an April 1 deadline for the Commission and the Board yesterday moved that deadline, as was noted, to May 4th. Now, ultimately, the funds that... the County funds that are spent on advertising are within the purview of the Board and it's clearly indicated in the Resolution that the Board is considering taking some other action. The first paragraph says the Board may desire to take additional action regarding the amendments to the Comprehensive Plan at its March 15, 2011 meeting.

Mr. Fields: So... well, this is exactly what has happened last year or two or three years ago when it forced the Planning Commission at one point to take up a collection amongst ourselves to pay for the cost of advertising. Of course, the Board knows full well that I don't think we can pay for the cost of this one out of our pocket. But it certainly brings up the same exact point is that extending the deadline is fine if we choose to take advantage of the deadline. But for them to refuse to allow us to advertise it simply because of the cost has been commented and analyzed by many people from many directions as absolutely a subversion of the process and the authority of the Planning Commission has under the Code of Virginia. It may be a technical loophole, but I remember when this first came up. I consulted with many of the people, VACO, the experts down at VACO and attorneys down in Richmond, and they were all aghast that a Board of Supervisors would attempt to subvert the process of the Planning Commission simply because it held the purse strings on the advertising funds. While it may be technically possible under the letter of the law, I don't think you could find anybody that could make a compelling argument that that is democratic or fair.

Mr. Taves: Mr. Chairman, could I address that?

Mr. Howard: Sure Mr. Taves.

Mr. Taves: Mr. Fields, if you look at the Board's Resolution, the Board's Resolution does not have an all-encompassing affect, saying that any amendments to the Comprehensive Plan the Planning Commission wants to come up with on its own under the independent authority that you mention which certainly does exist, that the Planning Commission is precluded or prohibited from doing anything with regard to those amendments. I don't think the Board's Resolution affects that one bit and it shouldn't be construed in that way. I think the Board is clearly stating, however, that with regard to the deadline set forth in the earlier Resolutions and with the amendment, with regard to the amendment, that the Board set forth in Resolution 11-78, the Board is basically stating don't move forward on that because, stay tuned, on March 15 the Board may desire to take additional action.

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Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes Ms. Kirkman.

Mr. Fields: Thank you Mr. Taves.

Ms. Kirkman: Could I get some clarification on that please? So, we all agree then that the Planning Commission does have the statutory authority to initiate, on its own, amendments to the Comprehensive Plan. Is that correct?

Mr. Taves: That's correct.

Ms. Kirkman: So, the Planning Commission may, at its will, move forward any amendment to the Comprehensive Plan.

Mr. Taves: There isn't anything that the Board did yesterday that prohibits the Planning Commission to assert its authority to move forward with any particular plan amendment.

Ms. Kirkman: So, if, and I'm not saying they are planning on doing this but, as a hypothetical example, if the Planning Commission were tonight decide to move forward an amendment to the Comprehensive Plan to remove the UDA from around the airport, they could do so.

Mr. Taves: Certainly.

Ms. Kirkman: Okay, thank you for that clarification.

Mr. Howard: Any other questions regarding this?

Mr. Fields: Well, I get back to the question, we get back to the fiscal hammer. If the Planning Commission then moves forward with its... if we decide we want to move whatever we want to move forward on a different timetable, our initiative on a different timetable regarding Comprehensive Plan amendments related to the Urban Development Areas, it seems to say in this Resolution that we're... So, the Board then will gladly pay for the public hearing that we initiate? Is that what I'm to understand?

Mr. Howard: Well, you know, they paid for the last one. It did not come out of the Planning Department's budget, but I don't know the answer to that. Mr. Taves?

Mr. Taves: If I may, I would also note for the Commission that the Board's Resolution also has a direction to staff. And there is certainly a staff component to the extent that the Planning Commission may want to try to move forward with whatever it wants to move forward with. The last paragraph of the first page says that staff is not to advertise any public hearing pursuant to Resolution R10-377 and/or Resolution R11-78 until after March 15th. Now, the staff works for the Board ultimately so, like I said, if you want to go forward and pass motions with regard to whatever amendments the Planning Commission may wish to pursue, it may be something that just isn't going to happen because the staff too has been directed to not take any action in that regard.

Ms. Kirkman: Mr. Chair?

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Mr. Howard: Sure, Ms. Kirkman.

Ms. Kirkman: So, Mr. Taves, is it your position then that the Board can circumvent the authority of the Planning Commission to initiate amendments to the Comprehensive Plan by directing staff to not advertise those amendments?

Mr. Howard: I don't believe Mr. Taves is saying that; I think he's clearly pointing out...

Ms. Kirkman: Well, I'm trying to get clarification on that point Mr. Chair.

Mr. Howard: I think he's pointing out that the staff is going to be in conflict with certain issues and that's all he's indicating to us.

Ms. Kirkman: Sure, I understand that. And I'd like to hear from Mr. Taves if he believes that the Board can circumvent the authority of the Planning Commission to amend the Comprehensive... move forward amendments by directing staff to not advertise those amendments.

Mr. Taves: Mr. Chair, if I might suggest, I think it's probably appropriate if the Commission wishes to get legal advice about the extent of the Commission's or the Board's authority in this regard, that we have a closed session that's the purpose of such closed session.

Mr. Howard: I concur. We do have to go to public comments and public hearing at 7:30.

Ms. Kirkman: Mr. Chair, I actually do not concur. I think, again, what we've got an example of is taking behind closed doors what is a very important discussion about the basic processes of government...

Mr. Howard: Ms. Kirkman, I'm going to call you out of order. Hold on Ms. Kirkman; you've done this on numerous occasions. Because you disagree with legal advice does not give you a license to impugn everyone else's integrity who sits up here with you. So, I won't sit here and allow you to do that. That's not going to happen. No one did anything that was unethical or illegal in that room earlier. No one is suggesting that that's the case now. We have a right to counsel. We have a right to protect the County. And that's what a closed door session allows you. If you don't want to participate in that right, you should rethink your participation on the Planning Commission and maybe go out and become an activist. But, I think it probably behooves all of us to allow, in a closed door session, to protect the County and to protect the people of the County to hear legal opinions so that when we come out... and we can disagree, it's only advice and an opinion. We can absolutely disagree with it and discount it. You're allowed to do that. But to impugn the integrity of the attorneys of our County and those who sit on this dais I think is not appropriate.

Ms. Kirkman: Mr. Chair, since you have personally attacked me, I will respond by saying I did not impugn anyone.

Mr. Howard: You have, you have.

Ms. Kirkman: I simply stated that I believe that these are important matters for public debate, not private discussion behind closed doors.

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Mr. Howard: And to the extent we can debate them publicly without comprising the protection that the County needs to have, we do that. We've always done that. We've never not done that Ms. Kirkman. So, I think this grandstanding that you continue to engage in and want to have occur, it's time for that to come to an end.

Ms. Kirkman: Again, Mr. Chair, as a point of order...

Mr. Fields: Ms. Kirkman, I concur with that opinion.

Ms. Kirkman: ... I think your hyperbole is really out of order here, Mr. Chair.

Mr. Howard: It's not out of order, it's long overdue actually.

Mr. Fields: Mr. Chair, I respectfully disagree with your assessment that it's long overdue. We all have our opinions.

Mr. Howard: We do, Mr. Fields, and I've tolerated (inaudible).

Mr. Fields: I agree with Ms. Kirkman's opinion that this is a question of transparency in the public interest. I don't think it's appropriate for closed session. I think Mr. Taves is a wonderful attorney and I respect his integrity.

Mr. Howard: I think you know full well as a former Supervisor that's it's more than appropriate. It's more than appropriate for a closed door session.

Mr. Hirons: Mr. Chairman?

Mr. Howard: Yes, Mr. Hirons.

Mr. Hirons: I think we're in for a long evening. I wonder if it might be appropriate to have a motion to table discussion on the Comprehensive Plan and related UDAs until after the Board of Supervisors meeting on March 15th.

Mr. Howard: Are you making a motion?

Mr. Hirons: Yes I am.

Mr. Howard: Is there a second? I'll second for discussion.

Mr. Hirons: My purpose of this is really to move on. The Board has given us directive of an indication that they're going to do something at their meeting on March 15th and, to a certain extent, I believe we should go ahead and respect that. It's not going to change anything for us. They're giving us an extension so we can wait and see what they have to say and take it up at our March 16th meeting. However, that does bring into question, we adopted a schedule at our last meeting. Do we need to take any administrative action to adjust that schedule?

Mr. Howard: I think we would but we're on your motion but let's stick to that. I'll yield my comments as the seconder to anyone else who wants to comment.

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Mr. Rhodes: Mr. Chairman, in going back to what generated some of this since the only commentary there was just to ask for staff to not advertise, it didn't stop any discussion, didn't stop any position, didn't stop the evolution of our consideration and dialogue and whether their actions on the 15th are minor or large. Personally I think we benefit from continuing our dialogue, not necessarily closing out, not necessarily voting for public hearing or any other action. But I think there could be benefit from continuing the dialogue and then we'll continue it again when we meet the next time. So, I'm a bit inclined to just... it may only be five minutes of discussion but seeing, just seeing where we evolve to here versus just tabling it at this point. Thank you Mr. Chairman.

Mr. Howard: Any other discussion on the matter? Mrs. Hazard, are you reaching for the green...?

Mrs. Hazard: No, I think Mr. Rhodes has covered some of what I would say. I'm not sure right now we need to table. Let's see where we go. We have an evening; if we decide to table later we can do so if that seems appropriate. Right now I think we're still in an information gathering mode and would like to continue in that fashion.

Mr. Howard: Okay. I also... I appreciate the motion. I seconded it for discussion but I'm not in favor of not moving forward with what's on the agenda as it relates to the Comprehensive Plan and the allocation of the 4,000 dwelling units. So, I will not support the motion even though I seconded it because I think it's been said... we have plenty of time to work through that. All those in favor of Mr. Hirons' motion signify by saying aye.

Mr. Hirons: Aye.

Mr. Howard: All those opposed say nay.

Mr. Fields: Nay.

Mrs. Hazard: Nay.

Mr. Mitchell: Nay.

Ms. Kirkman: Nay.

Mr. Howard: Nay. The motion does not carry, 1 to 6. And we're at the 7:30 mark so we'll now table our discussion on that and follow the agenda which, at 7:30, we have public presentations. Anyone wishing to address the Planning Commission on any matter that is not a public hearing this evening may do so by stepping forward to the podium. And I just want to indicate to those in the audience that the applicant for Departure from Design Standards for Leeland Station which is the VRE parking lot expansion has requested that that public hearing not occur tonight. So if you have comments on that during the public presentation, you are more than welcome to address that as well. So, anyone wishing to address the Planning Commission may do so by stepping forward to the podium. Thank you.

7:30 P.M.

PUBLIC PRESENTATIONS

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Mr. Waldowski: Computer please?

Mr. Howard: Computer please for... you have to tell us who you are.

Mr. Waldowski: Oh. Paul Waldowski. I'm an activist.

Mr. Howard: Welcome.

Mr. Waldowski: We have 95 counties in Virginia. You see, I put Stafford County there just to show you. Next slide please. And we also have 140 cities. And it's funny that you're talking about UDAs because that's the discussion of my topic today because I believe that the Planning Commission is the one that needs to set the direction and amend that Comp Plan. And I'm going to give you some ideas. Next slide. On this one slide I have all the answers for you because I just tallied them. The Planning Commission picked eight UDAs and all I did was I rearranged them; so Brooke Point, Courthouse and Stafford are in green. Because in brainstorming, you go for quantity, and then if you look at the bottom line, Waldowski already provided you quality. Now the Board of Supervisors passed it on 7-0 to have six of those. But guess what? Courthouse was one of them. Hmm. Then we decided to combine the Planning Commissioners and the Board of Supervisors and we got six more; and now we have two of them that you picked initially. Wow! Then on 2/15 the Board adjusted the UDAs and we've got two more; Courthouse and Brooke Point. And I attended both town hall meetings and I have to admit that the consultant was the one that made me rename Urban Development Areas to Undeveloped Downtown Areas. Now if you remember the first slide, we had a red are there. Now do we really want eight downtown areas in Stafford County? I think we only need one, that's Courthouse. We'll learn from it. If you pick Brooke Point in 2020 and Stafford Station in 2030, you can amend the Comp Plan. But to keep eight of them on the books, or six of them... if you really look at the numbers, 666... hmm... that's not good news. Next slide please. And I've brought you other information before. You need to look at the geographics of these aspects. And the geography is going to tell you you're not going to need downtown areas. In Courthouse, you're not going to have... why isn't there the school across the street anymore? Just some observations of taking data and presenting it as information. Next slide. And I was going to make one comment to number 9 and I'm glad it's not part of the public hearing. But any kind of parking that's done in this County needs to be done vertically, just like downtown areas are done. So you ought to consider a vertical parking garage so we quit using up the land horizontally. Thank you.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission on anything that's not part of a public hearing tonight may do so by stepping forward to the podium. Seeing no one else advancing, I will now close the public presentations and open up the public hearings. Mr. Harvey, we have RC1000338 which is the Reclassification of the Quantico Corporate Center.

PUBLIC HEARINGS

6. RC1000338; Reclassification - Quantico Corporate Center - A proposed reclassification from R-1, Suburban Residential and M-1 Light Industrial to B-2, Urban Commercial Zoning District to allow office, commercial, and retail uses on Assessor's Parcels 12-1, 12-3, 12-4, 12-5, 13C-A, and 13C-D, consisting of 15.06 acres, located on the north side of Telegraph Road, and east side of Interstate 95 within the Griffis-Widewater Election District. **(Time Limit: May 17, 2011)**

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Mr. Harvey: Yes, Mr. Chairman. Mike Zuraf will be making the presentation in a moment.

Mr. Zuraf: Can I have the computer please? Good evening. The first public hearing tonight is a public hearing for Quantico Corporate Center. It's a reclassification request. It's a request to reclassify the property from R-1, Suburban Residential, and M-1, Light Industrial, to B-2, Urban Commercial, for the development of office, commercial and retail uses. The applicant is Jud Honaker of Quantico Business Center LLC. The agent, who's here tonight, is Samer Shalaby with Development Consulting Services. The properties consist of several properties on Tax Map 12, parcels 1, 3, 4, 5 and portions of Tax Map 13C-A and D. The area in all covers 15.06 acres. Looking at the location and zoning of this site, the site itself first is highlighted in red. All the individual parcels are highlighted in red. The site does not include this piece that is kind of here in the middle and surrounded, but it does include all the other properties and, in effect, actually surrounds that one property. The property is located on the north side of Telegraph Road and on the east side of Interstate 95, and the block of Telegraph Road between 95 and US Route 1 up in the Boswell's Corner area in North Stafford. The current zoning of the property is R-1 as mentioned. The majority of the property is R-1. The properties also to the south and east are zoned R-1 as well. You have several residential uses around this area to the south and east. To the north you do have M-1, Light Industrial, zoning in place. The properties up to the north make up Quantico Corporate Center... the current Quantico Corporate Center in this area. And then to the west of Interstate 95 is Quantico Marine Corps Base, unzoned federal land. The zoning history on this property; the R-1 zoning, that was part of a comprehensive zoning of the County that occurred back in 1978. So there are no proffers on the R-1 properties in this area. The M-1 portion, that was zoned in May of 2004 as part of the Fritter Park rezoning that preceded the development of Quantico Corporate Center. The existing features of the site; there is a family cemetery within the limits of the zoning request. My understanding is that's maintained by family members who live on some of the adjacent properties. There is also a farmstead of some older structures that are within this site. You did receive tonight a kind of brief historical I guess letter that discusses some of the structures and that was requested by the Historical Commission member who attended and went out to the site. That was an initial request from the Historical Commission member who went out to that site. Also, there is an existing residential structure constructed approximately 1920. There also is a residential structure on the property that is kind of surrounded that I pointed out that is surrounded on all sides by this rezoning. Regarding natural resources, the property has a kind of a mix of open and forested areas on the site with land contours. There are some flat areas kind of in the middle of the site up towards Interstate 95 to the western end of the property. And then there are some steeper gradients as you get to the east, head to the east, back towards Jefferson Davis Highway. And there are no known wetlands or floodplains on this site. It's kind of on a high spot relative to other areas in the vicinity. These are photographs of the relic structures, two of the three buildings that were identified on this property. Here is the aerial photograph of the site which you kind of get a better idea of where some of the clear open areas are on the site, generally kind of in the middle. You also have an area that had been cleared and graded as part of the Quantico Corporate Center early grading in this location. And you do have wooded areas across some of the other portions of the site.

Mr. Howard: Mr. Zuraf, on the west side of Telegraph Road, where does that empty out on? I know the east side obviously lines up with Route 1.

Mr. Zuraf: Where does this go?

Mr. Howard: Yes.

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Mr. Zuraf: This road goes into Quantico Marine Corps Base and loops around and ties into Russell Road, I believe.

Mr. Rhodes: And the new BRAC building.

Mr. Zuraf: Yeah, the BRAC facility is probably no more than a mile to the west.

Mr. Howard: But most of the traffic will be forced to be routed to Route 1.

Mr. Zuraf: Well, yeah, there's going to be... you're talking the traffic from the BRAC facility...?

Mr. Howard: No, the traffic that will be generated from this development.

Mr. Zuraf: Yes, it will... well, there will, with this proposal, be options because the development, the proposal, would tie Corporate Drive through and provide I guess an option; so not all the traffic would have to take Route 1. Corporate Drive currently ends just off of the image here and the proposal would extend Corporate Drive to tie into Telegraph Road.

Mr. Howard: But Corporate Drive is just a quarter of a mile... it empties onto Route 1 as well.

Mr. Zuraf: Yes, yes it does, so all traffic ultimately goes to Route 1.

Mr. Howard: Okay, thank you.

Mr. Zuraf: The location of those older dilapidated structures is in this area of the site. The cemetery is in this location. Here's a birds eye image of the site; just kind of orient you on the limits, it approximately goes around this way and swings around and includes... this is the existing structure that is within the limits of the site. This is the residence that is not subject to the rezoning. And you can see that there is a telecommunication tower also on this adjacent property. Here's Telegraph Road and the proposed entrance would be in this location. The General Development Plan submitted with the request... this kind of is flipped... Interstate 95 is in this location, Quantico to the north, Telegraph Road is in this area, and the proposed entrance into this area is proposed at this location. This is the proposed extension of Corporate Drive that I referenced where it would run through to the existing location. The General Development Plan locates the potential uses on the site; the building in this location, the two buildings located adjacent to Interstate 95, a building in this area and then another building on this remainder of land to the south. The uses are not specified within the General Development Plan. This does appear to take the form of a hotel. These appear to be potential office buildings. And also, to orient you again, the cemetery is located in this location. There is an existing private access easement through this area known as Minor Drive. This loops through this site and does connect back up with Telegraph Road just off of the screen; it provides access to a few of the homes. Under this proposal, Minor Drive would tie into the realignment and the new Corporate Drive approximately in this location. The applicant did submit proffers with this request. Some of the key points of the proffers, there would be building material standards consistent with the design of the buildings that are in place in Quantico Corporate Center. The proffers would establish screening standards for storage areas, trash enclosures and rooftop equipment. There would be a limitation on monument signage height for the individual businesses to eight feet. The current County code limit is 12 feet, so there's a slight reduction there. Also, it would prohibit certain uses; some of those include a car wash and convenience center with vehicle fuel sales. Also, there would be no more than one drive-

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through use permitted on the site. Also, there would be enhanced screening around the cemetery which would be located adjacent to Corporate Drive. There would be enhanced fire safety features, including an NFPA 14 standpipe system which deals with fire flow in taller buildings. Also, if any traffic signal was warranted in the future, an emergency vehicle pre-emption would be installed as part of the traffic signal. That would allow emergency vehicles to trigger that traffic signal and get through the site. Also, some of the proffers relating to transportation would construct transportation improvements that are warranted in the Traffic Impact Assessment, proffer to connect Corporate Drive within six months of the occupancy of the first building, construct a sidewalk along one side of Corporate Drive consistent with the current conditions on Corporate Drive, and dedicate right-of-way along Telegraph Road. The Traffic Impact Assessment, it was submitted with this request. The study was required because it estimates that there would be overall 3,910 vehicle trips per day generated from the uses on this site and up to 461 vehicle trips per hour from this site alone. In the traffic study, it looked at two scenarios that could occur in this area in looking at the bigger picture of the Regional Transportation Network. It, of course, looks at the potential entrance onto Telegraph Road with the extension of Corporate Drive, but then also the first scenario then looks at the existing signalized intersections along Route 1, Route 1 at Telegraph Road, and then Route 1 at the current intersection with Corporate Drive. The second scenario looked at this proposed site entrance with these two existing entrances off of Route 1, but then included a potential third access point to this area and a third signalized intersection which would be approximately at George Mason Drive along Route 1. That's about the mid-point between Route 1 and Corporate Drive currently. The traffic study includes impacts that would be expected from... estimates impact expected from future growth. That would include continued development of the office uses in Quantico Corporate Center and then also the BRAC facility on Quantico which will have several thousand employees. Some of the findings in the traffic study, the findings were kind of separated out by the impacts that would be generated by this use alone and then the overall full potential of surrounding development. The improvements associated with this site, according to the traffic study, were that there would be right-turn lanes required along Telegraph Road. Under both scenarios, no left-turn requirements were envisioned nor a traffic signal was recommended as being needed at the site entrance off of Telegraph. The study shows that at full build-out the intersection would perform at a Level of Service C which is the Level of Service standards range from A to F, A being the best operating intersection and F being the worst. So Level of Service C is considered an acceptable Level of Service for traffic movement. Other improvements that were noted relating to the overall impacts, recommended the full widening of US Route 1 would be needed and then also additional turn lane improvements at the various intersections along US Route 1. And even with those improvements, the study found that there would still be failing Level of Services for some of the movements that would even be projected with all these improvements. And we did go over the issue with the VDOT comments that they have not been provided yet and those will be provided once they're made available to staff. Looking at the Comprehensive Plan in this area, the Land Use Plan that was just adopted recommends this area for business and industry. The site is identified with a star in this location. Business and industry generally recommends the continuation of larger scale office and commercial development in these areas. The proposal, as it stands right now, is consistent with Land Use Plan recommendations in this location. I would like to point out we do have the draft Redevelopment Plans and, specifically, the Boswell's Corner Redevelopment Plan. That is still under consideration by the County and the Boswell's Corner Redevelopment Plan really kind of envisions a different form of development in this location. It does envision a more mixed use and compact development pattern. The site, as it relates to this land use image that was included within the Redevelopment Plan, the site is generally in this location which depicts a more pedestrian-oriented grid pattern of streets and actually identifies multi-family residential uses in this location. So, this proposal would not conform with the Redevelopment

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Plan should it be adopted. And, as we all know, it's currently not adopted so staff cannot necessarily use this as a basis for recommending against this request. The Transportation Plan recommends a two-lane improvement for Telegraph Road. The extension of Corporate Drive, which is proposed, is a recommended improvement in the Transportation Plan, so this request does conform with that. Also, the Transportation Plan identifies an additional network of streets. And the Redevelopment Plan also, as you saw, recommends a grid network of streets through this area. Regarding the evaluation of this request, some of the positive aspects, the proffers would enhance the design of what happens in this site, it would minimize visual impacts on adjacent uses and the cemetery that exists. Also, the commercial zoning would support the expanding employment base in this area by providing potential retail or restaurant uses. Also, it would be an appropriate use along, in this location, along Interstate 95 and it is in conformance with the land use recommendations in the Comp Plan. A negative aspect is it would not be in conformance with the proposed Redevelopment Plan should that be adopted by the County. And there still is not a full understanding of the transportation impacts until we get the comments from VDOT. Staff does recommend the Planning Commission defer action and also consider leaving the public hearing open until these VDOT comments have been provided. And once they are provided, staff will be able to formulate a specific recommendation at that time. And that ends staff presentation Mr. Chairman.

Mr. Howard: Thank you Mr. Zuraf. I'll bring it back to the Planning Commission. Before I open it up for questions, I do want to point out to those in the audience that if you're here for item number 9 on the agenda under Public Hearings, that item has actually been postponed. We do not have a new date for that so that item will not go to public hearing tonight. But you will have an opportunity to comment on the other three items that are on the public hearings this evening, if you're here for that. Are there any questions of the Commission of staff? Mr. Hirons?

Mr. Hirons: Mr. Zuraf, how much of this property of this application actually makes up the Boswell's Redevelopment Plan as a whole? Well, all of this property is within it but how much of it makes up the entire Boswell's Corner...

Mr. Zuraf: The Boswell's Corner Redevelopment Area I believe is several hundred acres and this is 15 acres of that. The specific amount of acreage I don't have that off the top of my head. I should know it but I don't.

Mr. Hirons: It's safe to say between 10 and 20 percent of it.

Mr. Zuraf: Probably less than 10%.

Mr. Hirons: Okay, thank you.

Mr. Zuraf: I'd say between 5 and 10%.

Mr. Howard: And that's just an estimate right now.

Mr. Zuraf: Yeah, a rough estimate.

Mr. Howard: Are there any other questions? That's a good question. Mr. Fields?

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Mr. Fields: Yes, Mr. Zuraf, are there other components to this development... we're not really seeing... I understand we're looking at a very specific request but, once again, we're connecting to another project that's already partially under way so we're not really seeing the big picture yet. One of the things that I'm noticing, if you... these look like office buildings and you refer to one possibly as a hotel... within this complex or anywhere nearby, is there existing or provisions for sort of a range of commercial and service industries that would radically affect, we haven't gotten the VDOT review but they would radically affect the traffic pattern. Right now, it looks like thousands of people will be working here with no place to get lunch except driving out onto Route 1. That seems almost like a missed opportunity. I know these buildings are just buildings but, I mean, is that part of the provision or the plan that there's somewhat, you know, we may be losing the battle on mixed use residential there but I would hope we're getting a little more integrated than you know just remote office buildings with nothing close to them.

Mr. Zuraf: That's why the applicant is requesting Urban Commercial in this location because all the existing areas of Quantico Corporate Center are Light Industrial which is less conducive to retail uses. The portion of Quantico Corporate Center that fronts right down on Jefferson Davis Highway, that is Urban Commercial. But beyond that, once you get if you're familiar with... you know, once you start heading up Corporate Drive, that's all basically planned office parks. And now this portion going to Urban Commercial, that would open up the opportunity for more maybe restaurant opportunities and retail opportunities. And I think I'll probably defer to the applicant to maybe talk about what potential they might be able to share on that.

Mr. Fields: In that same light, do we have, if we combine the existing Quantico Corporate Center development and this, is there a projection of how many jobs ultimately could be located there? Just in a ball park? Do you have that information?

Mr. Zuraf: No I do not.

Mr. Fields: Okay, thank you.

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: Mr. Chair, as I said, I don't believe this public hearing should have opened without the VDOT comments, so I'm going to reserve any comments or questions I have until after we've received those regarding the substance of the application. I do have a process question which is when is the appropriate time to make the motion to continue the public hearing?

Mr. Howard: We've always done it, Ms. Kirkman, when we've heard from the applicant and the public has had a chance to address us with their concerns, comments or anything they want to bring to our attention. That's typically when we've done it.

Ms. Kirkman: Okay, so that'll happen before you close the public hearing?

Mr. Howard: Well, I don't think we'll close the public hearing.

Ms. Kirkman: That's... well, I know, that's why I was trying to figure out the sequencing of this.

Mr. Howard: Yeah, that's the way we've done it the last year and a half since I've been the Chair.

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Ms. Kirkman: Alright, thank you.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Yes.

Mr. Rhodes: A question for Mr. Zuraf. On the Traffic Impact Analysis for the projections, especially with the movements associated with Telegraph Road, I didn't see that it fully accommodated in the traffic growth, the traffic from the BRAC facility that's up there, is that fully addressed in there?

Mr. Zuraf: I believe it does include the estimated growth in the BRAC facility and I will probably defer that to the applicant's traffic engineer is here and they can speak to that.

Mr. Rhodes: Will do, thank you very much. That's all Mr. Chairman.

Mr. Howard: But you do believe that the traffic that's generated on Telegraph Road, those who are going into that Quantico facility is captured in that TIA?

Mr. Zuraf: I believe it is but I would want to get confirmation from the traffic engineer on that.

Mr. Howard: Okay, thank you. Are there any other questions of staff? If not, we can bring the applicant up. Okay, we look forward to hearing from the applicant.

Mr. Shalaby: Good evening Mr. Chairman and members of the Planning Commission. My name is Samer Shalaby; I'm here on behalf of Quantico Corporate Center. I guess Mr. Zuraf kind of covered a lot of the basic stuff. I'm just going to comment on a couple of things. With regard to the traffic study, just to give you some background because there's some discussion about timing, we actually started this work on the traffic about a year and a half ago. And we met with VDOT probably half a dozen times and with staff just talking about different scenarios, particularly when we first started contemplating connecting Corporate Drive from Telegraph Road all the way down to Route 1. So there was a lot of discussion that went on there. We actually started the traffic study also about a year ago and a lot of different iterations with VDOT and discussions of how do we analyze it. During that time obviously the BRAC, they have done their own traffic study and we had to see what kind of results they had so we could connect to that. And also there was some discussion about possible improvements, the Quantico Growth Management, basically there was some possible improvements they're going to do on Telegraph Road. So there was also some looking at that to see what they're going to do and how we connect everything together. So, it's been a process going on for quite some time. We finally reached the point that we kind of needed to go ahead and at least submit. Unfortunately for us I guess is at that time there's a lot of changes that happened at VDOT recently so a lot of the people that we had been working with for the last year and a half were gone, new people came in, and now we're dealing with people from Northern Virginia, some people from Richmond, etcetera. However, just to kind of summarize that point, we do have a meeting set up with quite a few people at VDOT on March 11th and the whole purpose of that is to finalize the details of, you know, what questions, concerns, etcetera. So, hopefully we'll be able to get that... or staff should be able to get the comments from VDOT pretty soon here. With regard to just some general comments, on the plan we show, off the GDP, we did show the first building is kind of contemplated an office building. We are actually working with a government contractor who is interested in locating from Northern Virginia. There is also that other building that looks like a hotel. That's kind of a hotel that we're

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looking at. We've had basically some discussion with some of the government contractors up there looking for potential services which is, you know, again, is there a hotel, is there any other facilities. So we're looking at talking to some people about putting a hotel up there. Also, we're looking at doing a daycare possibly and some restaurant service, that's why we requested a one drive-through because, again, we're talking with a lot of people because we don't want people going back to Route 1. And just like Mr. Zuraf said, at the entrance to Quantico Corporate Drive where the Navy Federal Bank is on the right side, the left side actually is zoned B-2 and we are working... we have a design for a building that's 8,000 square feet for retail, a mixed use retail. So, hopefully, again, that will add to amenities to the project. In terms of... and again, I'm not going to talk about traffic in too much details, I do have Mr. John Riley, he's with Kimley-Horn, he's the one that's been working on this for seems like forever. So if there's any specific comments, he'll be able to address that. In terms of consistency, we'll try to connect both projects even though right now it's one big project. We have been acquiring some of the parcels along Telegraph Road. Basically, the County's vision is to have this whole area into office, retail or mixed use. We also have been working with the County with the redevelopment, the Boswell redevelopment; that we've actually kind of met with the people that are working on that for the past you know few months. We're actually working with them on some details about the remainder of the property and give them some ideas that we have. Unfortunately, like you said, it's not enacted yet so it's not something we can follow. There are some things to work out in terms of transportation. But we tried with our roadway alignments to kind of match the same areas that they were looking for to put roads. Those are kind of the main things I wanted to cover; unless there's any specific questions, I didn't want to kind of go through again (inaudible) so I'll be glad to answer those.

Mr. Howard: Yeah, I think there were a few specific questions. Mr. Rhodes, I know you have one.

Mr. Rhodes: I guess it would be for your...

Mr. Shalaby: Yeah, and like I said, I'll bring him up. If there's anything besides transportation, how about that, and I'll get him to answer specific those. Anything else...

Mr. Howard: I don't think so...

Mrs. Hazard: Mr. Chairman?

Mr. Howard: Oh, sorry Mrs. Hazard. Go ahead.

Mrs. Hazard: Mr. Rhodes is blocking me. I just wanted to clarify, I believe in Mr. Zuraf's presentation there was a comment that vehicle sales were not going to be contemplated as one of the uses.

Mr. Shalaby: Right.

Mrs. Hazard: As I read attachment 9, which was I believe your all's letter in the recitation under number 11, it does say convenience center with gas but I didn't see the specific vehicle sales. If vehicle sales was going to be...

Mr. Shalaby: I don't know if that was specifically mentioned in there but obviously that's not something that we want to do in an office park.

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Mrs. Hazard: And it could be somewhere else; it was just if we focused on that proffer rather, I just wanted to verify that.

Mr. Shalaby: Yeah, we can modify that.

Mr. Howard: So, you're asking to add vehicle sales to what's prohibited.

Mrs. Hazard: Yes. It seems like that was discussed but the document that... and since we haven't gotten as far as a formal proffer.

Mr. Shalaby: I don't know if he specifically mentioned, but we can eliminate that. Again, that's not contemplated. With the class A office park we're trying to do, that's not something we're interested in doing.

Mrs. Hazard: I just wanted to clarify because I agreed with that. But I'm trying to...

Mr. Shalaby: We can make sure that's added to it. Anything else pertaining to...? If you guys would allow it, John Riley... again, he did all the traffic studies so if there's any questions he'll be able to answer them.

Mr. Howard: Sure. Thank you.

Mr. Riley: Good evening Mr. Chairman, members of the Planning Commission, staff. I'm John Riley with Kimley-Horn and Associates out of Richmond. And I'll answer the two, couple questions I heard and be happy to answer any further questions. And if you desire, I'll give a brief overview of the traffic study. Mr. Fields' question about mix of uses, we did analyze from the traffic perspective fast food and bank and daycare uses in order to generate higher peak hour volume scenarios. When this project was scoped, which was some time ago, and even now there's some uncertainty as to exactly what will be coming, there's interest, but we wanted to make sure with VDOT and County at the table that we looked at likely uses and ones that would be on the higher scale of traffic generation. So, from that perspective, we try to be as high as we could be within the reasonable uses allowed for this desired zoning. As for the BRAC development, we did at scoping identify the traffic for the BRAC project needs to be included. And we relied on the EIS that was conducted for the Base and looked at those trip and added that to our background traffic. So yes, that has been included.

Mr. Rhodes: So if you could just clarify that, or add to that and expand, what vehicle traffic counts were associated with that then on Telegraph Road particularly? I look at the no build and the other scenarios and the numbers aren't terribly high on the through when you look at the left and right turns into your proposed development off of Telegraph Road, so I was trying to get a sense as to what numbers were associated with that there. I see numbers like 200 vehicle trips up and down and that just doesn't sound consistent with a few thousand folks over there.

Mr. Riley: Well, we... there was some discussion about the assignment of traffic for the MDIA building is what we refer to it as. I think it was on the order of a couple thousand vehicle trips or less on Telegraph at build-out. What that will actually be I can't say but we agreed at scoping that we would rely on the study that had been conducted for them. Our piece of the development will also add a few thousand per day on Telegraph and I think there's a couple thousand out there today. Amongst the various scenarios we analyzed, the total future traffic... and we looked well out into the future of

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year 2018 as an initial build-out year and then another plus six years for our Chapter 527 requirement, to go out to 2024... and the scenarios we looked at, under no scenario did the traffic exceed 10,000 vehicles per day on Telegraph which in past studies we've used this as sort of a threshold where a two-lane road may not be suitable any further. With the widening... excuse me, the shoulder improvements that are proposed and our turn lane and the projections for the MDIA building and other BRAC development, we think that a two-lane facility is enough to accommodate everything.

Mr. Rhodes: So, just so I've got it straight, if I could just draw your attention to two pages in the TIA.

Mr. Riley: Sure.

Mr. Rhodes: Page 27, figure 4, has the a.m. peak hour traffic as 235... I just want to make sure I understand this correctly... 235 vehicles during the peak hour for the a.m. going from Route 1 up Telegraph Road towards Quantico under existing conditions.

Mr. Riley: That's right.

Mr. Rhodes: And then in the p.m., 130 vehicles. That's what that says?

Mr. Riley: Yes.

Mr. Rhodes: And then in the 2024, this is the projected no build scenario. So this figure 8a, page 38. So that's saying at that point in time, in 13 years, it goes up to a.m. peak hour traffic is 506 and p.m. is just 238 coming from the BRAC facility?

Mr. Riley: That is right.

Mr. Rhodes: So, it only increases a hundred vehicles per day in the p.m. peak hour from the couple thousand is what this Impact Analysis proposes (inaudible).

Mr. Riley: Yes.

Mr. Rhodes: Okay. Well, thank you.

Mr. Riley: I think the other... another point is that our peak is... our p.m. peak is probably later than the Base peak. So some of that Base traffic is letting out 3:30 or so and the peak hour we are looking at is between, I think it's between 4:30 and 5:30. But, regardless, we took the peak... those numbers should reflect the peak from the BRAC EIS.

Mr. Rhodes: Okay; because I do know they'll have about 2,500 or so parking places there so...

Mr. Riley: Right. And there's been significant improvements I believe to their other entrance from 95 and...

Mr. Rhodes: To Russell Road, certainly, so those going north will go that direction. All those going south though, that's not necessarily the best option. It could be, it certainly could be.

Mr. Riley: I agree.

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Mr. Rhodes: It just... I thought maybe it wasn't in here or that I was misunderstanding since in the decade after it only increased about a hundred vehicles per day at peak operation, or on the peak hour. Thank you.

Mr. Riley: Per hour, yeah.

Mr. Howard: A hundred vehicles per hour.

Mr. Rhodes: He said for the peak hour.

Mr. Howard: I have a few questions; I'm not sure if any other Commissioners do. The table that you show on page 2 of attachment 7, it's similar to what Mr. Rhodes was just going through. It actually does show... you show a fast food with a drive-through, a bank with a drive-through, a hotel and the daycare. And the trip generation from those four uses, you have a daily trip generation I think of 4,344 vehicles?

Mr. Riley: Total, yes. Prior to...

Mr. Howard: And then you break out a.m. peak hour obviously and p.m.

Mr. Riley: That's correct.

Mr. Howard: And that's just for those four uses.

Mr. Riley: That is correct.

Mr. Howard: Okay. And that has nothing to do with the actual office complex that you are...

Mr. Riley: No, those are accounted for... they're not in the tables up front... but those are accounted for in the study and I can point you to table 1 on page 30; that's another 10,000 that we're calling approved unbuilt trips in the office component to the north.

Mr. Howard: And then this next one, I might be wrong Mr. Riley, and only Mr. Riley, weren't you involved I want to say maybe a year ago or so with giving presentations on the VDOT 527 changes that were occurring? Did you...?

Mr. Riley: No.

Mr. Howard: No? You never did that? Okay. But Kimley-Horn I think had some people who I guess met with VDOT, really went in to understand it, then came out and worked with developers and other businesses on how to really understand and comprehend what the 527 review really meant and what their requirements would be.

Mr. Riley: Well, we have done some presentations of our own. I have not been involved in direct meetings with VDOT.

Mr. Howard: Okay. Then my next question is irrelevant so... but thank you.

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Mr. Riley: Sure.

Mr. Howard: Any other questions? Okay.

Mr. Riley: Thank you.

Mr. Howard: Thank you. We'll now open up the public hearing. Anyone wishing to address the Planning Commission on the public hearing which is the reclassification of the Quantico Corporate Center may do so by stepping forward. You have three minutes and we won't answer your questions directly but we certainly will listen, take notes and try and get an answer for you this evening. The one thing I would highlight before there's comments, we all recognize that VDOT has not responded and it is unlikely that this public hearing will be closed this evening. Due to that, we'd like to wait for those comments. I think that's the will of the entire Commission here. Obviously we'll find out with a vote but we don't have a desire to rush that at this point in time. So, again, three minutes; we ask you to state your name, your address, when the green light goes on you're good to go, when the yellow light comes on you have about a minute, and when the red light starts to flash we ask you to conclude your comments and allow the next speaker to address us. Thank you. Good evening.

Mr. Hundley: Good evening Mr. Chairman and members of the Commission. My name is Steve Hundley; I'm the Community Plans and Liaison officer for Quantico Marine Base. Colonel Choike, the Base Commander, and I thank you for the opportunity to review and comment on the proposed reclassification of zoning districts in the Boswell's Corner area as it relates to the Marine Corps Base. The Base Commander sent a letter today with our review comments... does everyone have a copy of that? Have they received that?

Mr. Howard: We did receive it, yes.

Mr. Hundley: Okay. So I'd like to take this opportunity to restate that we have no objections to the reclassification and we welcome the removal of some property from residential zoning in the Boswell's Corner area. We support planning, policies and proposals that limit residential encroachment on land that is in close proximity to the active military training ranges. The area of reclassification is located just two and a quarter miles from Charlie demolition range and within five miles of Murphy demolition range. And those living near that area are likely to experience high energy impulsive sound from demolition events and artillery that create high levels of peak event, short duration noise and vibration. The closer that homeowners live to the source of these events, the more likely they are to complain. And over time that can eventually lead to curtailing of the important training that marines conduct at Quantico Marine Base. And I'll be happy to answer any questions you have.

Mr. Howard: Thank you. We wouldn't be asking you, but we appreciate your coming down and sharing that with us. Thank you.

Mr. Waldowski: Paul Waldowski, US Air Force alumni. So I disagree with giving an applicant a blanket B-2 rezoning when they have not pointed out how they're going to use that infrastructure. And all the noise that they make anyway is going to just shake buildings that are going to be vertical which are going to upset workers; so it's a double-edge sword. Also, the parcels that was pointed out by staff, all you're doing is you're surrounding one residential area. So eventually you're going to force that person in some way if you just give them a blanket B-2. You know, this is very similar to Central

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Park. The land was granted and no one knew what was going to be put out there and everyone thought there was going to be all these great jobs and then the jobs you got were minimum wage. And yes, you're going to create some kind of jobs with daycare and a convenience aspect, but I don't see nothing that discusses the storm ponds that are going to be put in this area. And yes, I'm highly aware like you are about VDOT not responding, but we need... the traffic is the most important entity in this County, especially Route 1... and the peak hour is not 3:30 for Quantico. I slug and sometimes we have to take 1. It's not just Quantico that uses Route 1 to route around coming south. So, whoever's doing these analysis, you have a big window; it's called 3:30 till 6:00. That's why it's called HOV. And you have a lot more at stake here because of a lot of people who work on the Hill who use these roads just as well as what else you're going to bring in on here. Now, one other comment I have, when I read this online, I was determined to come here not just to give my three minute speech but I saw under the Comprehensive Plan under this RC1000338 reclassification a term that said "redevelopment areas are selected areas within the Urban Services Area". Now, is that a new acronym? USA? I thought USA was United States of America? That are underutilized and underdeveloped when the County desires to concentrate. And as I said earlier today, Boswell's Corner will never become a downtown area. It's impossible to become a downtown area because of that base and their mission. Thank you.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission on the public hearing of the reclassification of the Quantico Corporate Center may do so by stepping up to the podium. Seeing no one else advancing towards the podium, I will now close the public hearing on the reclassification...

Mr. Rhodes: (Inaudible – microphone not on).

Mr. Howard: There is? Okay, I'll wait. Thank you.

Mr. Jackson: Thank you for hearing me. My name is Richard Jackson. I live right off of Telegraph Road in between the Route 1 and 95 corridor, the area where this discussion is being talked about. I would just like to ask all of the Board to just ride up through there one day and take a look at the area and residents. I'm not sure how many residents are here tonight but I'm here representing. Just to see, you know, the people. I know that eventually I got to go and I just hope that you all don't move me out before I have to go, if you understand what I'm saying. That's why I say, ride up through there. Look at what these people are talking about. I mean, I know that progress is coming so I'm gonna have to go. That's no problem with me. But I don't want to be moved out or forced out, if you understand what I mean. I'm there all the time. I welcome you to come knock on my door and talk to me. Thank you.

Mr. Howard: Thank you Mr. Jackson. Anyone else wishing to address the Planning Commission may do so by stepping forward to the podium. Seeing no one else advancing towards the podium, I will now close the...

Mr. Smith: Mr. Chairman...

Ms. Kirkman: Mr. Chair, I actually wish to make a motion at this time to continue the public hearing to our first meeting in April, which I believe is April 6th, which will be the day after the deadline for the VDOT comments.

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Mr. Howard: Is there a second?

Mr. Fields: Second.

Mr. Howard: Any discussion?

Mr. Mitchell: (Inaudible) the first meeting after (inaudible)?

Mr. Howard: It's in two meetings from now.

Mr. Mitchell: Two meetings from now, okay.

Ms. Kirkman: And the date is just because at that point, either VDOT has chosen to comment or the statute says it's not going to comment.

Mr. Howard: It's the right date.

Mr. Smith: Excuse me, Mr. Chairman? Did the Commission state the specific date that it will be continued to?

Mr. Howard: April 6 is what Ms. Kirkman indicated. That's what the motion is; we haven't voted yet. Any other discussion?

Mr. Rhodes: Mr. Chairman, just an opportunity for a comment on where we are thus far. I am still... from what we've seen this far, I am concerned about Telegraph Road. I'm concerned about the volume that's going to be there from the facility that's already further up that road. And then you add this Corporate Center which is a great opportunity I think for the County in the long run but it needs to fully consider the volume that's going to be there. And I don't think that 5% of the volume coming out of that building, vehicular traffic, somewhere in there is just missing... something is just not right. Unfortunately, I'm a product of a Kentucky education so it takes me a little while to get there but something is just not right there and I have significant concern about that one road. We are going to feed onto Telegraph Road, that's where any development from the Quantico Corporate Center is going to come into, but that's going to be a particular area that I'm going to be interested as we continue this and continue discussion and even after the public hearing and debate further on this. So I would just share that out there. Thank you Mr. Chairman.

Mr. Howard: Thank you. Any other comment? I concur; I don't think we can do anything really until we get the 527 review and understand what VDOT has looked at and what their comments are. They are the experts on traffic and while I agree I think this can be a great project for the County to allow to occur, at the same time we need to make sure everything possible is being done. I'd also, for the next time staff comes back, if you could get a traffic count on what trip generations are created today from the Quantico Corporate Center that's in existence and what is the occupancy rate of that particular development, so we have an understanding of that as well. I think that'll help all of us, including Mr. Rhodes, understand where the numbers are coming from. I'll now call for the vote. All those in favor of the motion signify by saying aye.

Mr. Fields: Aye.

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Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hiron: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. So the public hearing for the reclassification of Quantico Corporate Center is still open and will remain open until April 6th. We're now on item 7 which is the Comprehensive Plan Compliance Review for Telecom Tower, CWS @ Payne's Corner.

7. COM1000344; Comprehensive Plan Compliance Review - Telecom Tower - CWS @ Payne's Corner - A request for review to determine compliance with the Comprehensive Plan in accordance with Virginia Code § 15.2-2232, for a 180 foot tall monopole telecommunication facility on Assessor's Parcel 35B-1-7 consisting of 1.00 acre, located on the south side of Warrenton Road, approximately 700 feet east of Poplar Road, within the Hartwood Election District. **(Time Limit: April 30, 2011)**
8. CUP1000345; Conditional Use Permit - Telecom Tower - CWS @ Payne's Corner - A request for a Conditional Use Permit to allow a 180 foot tall monopole telecommunication facility in a A-2, Rural Residential Zoning District on Assessor's Parcel 35B-1-7 consisting of 1.00 acre, located on the south side of Warrenton Road, approximately 700 feet west of Poplar Road, within the Hartwood Election District. **(Time Limit: April 30, 2011)**

Mr. Harvey: Mr. Chairman, Joey Hess will be making the presentation for staff. Staff requests that you allow us to combine the presentation for items 7 and 8 since they are integrally related.

Mr. Howard: Okay. Thank you. That will save some time.

Mr. Hess: Thank you. May I have the floor computer please? As Mr. Harvey stated, staff is bringing to you tonight two items; one is a Comprehensive Plan Compliance Review, the other is a Conditional Use Permit. They both are related to CWS Telecommunications Tower at Payne's Corner. The background is the applicant... CWS stands for Community Wireless Structures LLC. The proposal is to locate the telecommunication facility on Assessor's Parcel 35B-1-7. The parcel is approximately one acre in size. The location of this property is on the south side of Warrenton Road approximately 700 feet east of Poplar Road. And the area is agricultural in nature with a few residential units located around this property. As mentioned, the Comprehensive Plan Compliance Review is a request for a new tower, a new telecommunication facility, on the subject parcel. The proposal is to construct a 180 foot tall monopole in an A-2, Rural Residential, zoning district. Here is an aerial of the existing conditions. The proposed access is to go through Burton's Automotive which is this building right here. The proposed access is to utilize I guess an existing roadway or parking area to go around the back, along the side of the building and go around to the back of the property which the vehicle repair shop is located on, the building is on, and wrap around to the proposed facility which is to be located right about in this area on again Assessor's Parcel 35B-1-7. Here's the existing zoning today. As you

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can see, where the automotive repair shop is at, all zoned B-2 properties, there are a few A-2 properties to the northeast. Each of these have a residential structure on them. The A-1 property I guess wrapping around to the west, or the east, south and southwest is undeveloped. And then again you have another piece of A-2 property over to the west. The current Land Use Map recommends Suburban uses. Suburban uses are to be primarily residential in nature complemented by neighborhood and community oriented activities such as activities centers, places of worship, parks, play areas, and retail and business activities. The existing conditions... as you can see in that aerial, the property is undeveloped. The site has been disturbed due to a previous grading possibly associated with the vehicle repair facility. The property slopes generally from the north to the south gradually. Again, as mentioned before, the vehicle repair and its associated uses are located to the north of this site and there are no environmental resources identified on the site. The proposal includes a 180 foot tall monopole tower. The compound is approximately 48x44 feet with lease areas for providers and lessees. There's two icebridges that will connect equipment areas to the tower. There is an eight foot tall chain-linked fence with barbed wire at the top proposed and then around that, within the lease area, is a 15 wide landscape buffer with evergreen trees. The tower, sorry, going back, the tower is designed to accommodate for a minimum of at least six providers or carriers. Here's a site overview map. The proposed... let's see... the building is approximately right in this area so here is the access easement. I believe it's a 20 foot wide access easement that will go around along the side of the building to the back of the building to get to the proposed telecommunication facility. There's a utility easement that goes to it. As you can see, there's an existing residential building here and here and really undeveloped around the area. Here's a shot of the proposed compound layout. You have the tower right here, you have lease areas here, there and there and there and there; those are six areas you can see there. The landscape, 15 foot wide landscape buffer along the outside and the tower itself right there in the middle. Here is a shot of the proposed monopole tower profile. Again, it's showing the approximate location of where the antennas would be located at. And we have different photo simulations taken here. There's the first picture taken from the south, or viewing from the south looking north. As you can see, the tower is way back there in the background. And here's a view driving down Warrenton Road as you are driving towards I-95, so I guess you would be heading southbound. And there's the tower right there. And finally we have a shot from the east looking west; that's Warrenton Road in the foreground and then there's the tower right there. Some of the siting criteria, with regard to the Telecommunication Plan, is to look for colocation, or for a tower to provide colocation on existing telecommunication facilities, water towers, within utility transmission lines, or tall structures. Another criteria would be spacing of new facilities three to five miles apart. The Plan discourages impact to historic properties and aircraft operations. It also discourages the location of facilities near residential concentrations. Here is a propagation map showing existing coverage. As stated in the report, the propagation maps were provided by T-Mobile to the applicant. The applicant, CWS, Community Wireless Structures, they're not a provider; they simply provide the infrastructure for providers like T-Mobile and Verizon to locate on their facility. So, right now, this is the T-Mobile coverage map that you're looking at. The colors represent different types of coverage. The first being green is your indoor residential... so coverage within the house, within the home. And then the blue is within your vehicle, if you were driving along Warrenton Road. And then the yellow is on streets so if you're outdoors on foot, that would be the coverage you would get. And the white I guess is where they have no coverage. And here is the proposed coverage map where the tower, you know, should the tower be constructed. As you can see, it fills in that gap along Warrenton Road, more or less trying to capture traffic travelling north and south on Warrenton Road.

Mr. Howard: Mr. Hess, when you show that coverage map, is that the coverage of this particular carrier?

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Mr. Hess: That's correct. These maps were provided by T-Mobile.

Mr. Howard: Right, so there are other carriers that have different level of coverage in that particular geography.

Mr. Hess: I would imagine so, yes.

Mr. Howard: Thank you.

Mr. Hess. Okay. The Telecommunication Plan also looks at facility design standards and these are the criteria right here that stick out the most; and the collocation for a tower to at least have a collocation to provide for three providers to locate on the tower. Looking at antennae design and color and scale all to conform with each other. The facility design is to minimize visual impacts specifically near residential dwelling units and then we look at the tower to be setback from agricultural and residential property lines, as well as adjoining or abutting dwelling units. With the Telecommunication Plan, we looked at positive and negative aspects. The positive aspect that we pointed out is that the propagation map shows support for the spacing of the facility. Even though it's not... I guess in the report it was about, I think we decided a mile and a half to two miles away from other existing telecommunication facilities out there, but it seems as though that because technology is changing that locating facilities closer together seems to be the way it's going. But that's another discussion right there. But again, the propagation map that I just showed you does support coverage in this area for at least T-Mobile. Again, the tower does provide for future collation up to six providers. We have conditioned low impact design techniques that would minimize visual impacts. There is the landscape buffer and then there's a possibility of the board on board fencing around the proposed chain-link fence. And the applicant did provide a Cultural Resource Study and an FAA Aeronautical Study to show that there were no impacts on historical resources or aircraft operations. On the negative side, again, it just talks about not being consistent with the spacing requirements of the Telecommunication Plan. Again, the propagation maps did show support for the need for coverage in that area. Not being located toward the interior of the subject property, we said that the tower would be more in conformance if the tower would be located still within the same property line, the one acre parcel, but moved more to the west, more interior to the B-2 properties that were pointed out on the zoning map. The tower is not set back from abutting agricultural and residential property lines. Again, the property is small in nature; it's one acre so when you go up 180 feet and you do a circle around, a diameter circle around, it does overlap on a couple of the abutting residential and agricultural properties; however, it does not... there are no residential units within that fall zone essentially. They are more than 400 feet or greater away and, of course, there's also exception to that in that there is proper screening which the applicant is providing proper screening at the base of the tower with the evergreen trees being planted and the possible board on board fencing along the outside of the chain-link fence. So, on that, staff on balance says that the proposal does meet the goals of the Telecommunication Plan and does recommend that the Planning Commission find the request in compliance with the Comprehensive Plan. And onto the proposed conditions of the Conditional Use Permit, the Conditional Use Permit only does permit the construction of one tower. The height, type and location shall be in conformance with the GDP. We are proposing incorporating low impact design methods. The design of the tower is to accommodate at least six carriers/providers. At a later date, studies are to be provided ensuring signals do not interfere with the public safety 9-1-1 system nor the regional airport. And we're talking about providing space on the tower for the County at no cost should the County wish to collocate on this tower.

Ms. Kirkman: Excuse me, I have a question regarding the condition.

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Mr. Hess: Certainly.

Ms. Kirkman: I think I remember, and I don't remember if it's in this one, there's also typically language that the equipment that's on the tower will be designed so that it cannot interfere with the County's equipment.

Mr. Hess: Correct.

Ms. Kirkman: Is that language included here as well?

Mr. Hess: It is, yes.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Along that same thought process, is there language if this thing has to be dismantled if it's no longer in operation and...?

Mr. Hess: Yes, that kind of language is in there as well.

Mr. Howard: Okay.

Mr. Hess: And then finally staff recommends approval subject to the Comp Plan Compliance Review... approval of the CUP of course... and we believe that it is in accordance with the standards of issuance. It does not change the character of established development pattern. It is an agricultural area with few residencies. We do not believe it hinders or discourages future development on adjacent properties. We believe it does not adversely affect the health or safety of adjoining residential properties and it does provide low impact design which will reduce visual impacts of the tower equipment and ground facilities. And, with that, I will take any questions you might have.

Mr. Howard: Are there any questions of staff? Yes, Mr. Mitchell.

Mr. Mitchell: Looking at the FAA determination of no hazard to air navigation, this is something that has always bothered me. These studies are done out of Fort Worth, Texas, so I think what they're doing is looking at a map, they're looking at a location of a tower, and they're looking at a location of the airport and looking at distance and saying there's no problem with navigation. I've always disagreed with these reports from the FAA. Number one, I think it should have been done by the FAA seeing their main office is in Washington, DC, a little bit closer than Fort Worth. Number two, are they going to put lighting on the tower?

Mr. Hess: I believe they are not going to be putting a light on the tower.

Mr. Mitchell: They're not going to put it? And I just want to mention that the FAA evaluation, even though I disagree with it, recommends it. If it were done voluntarily, it does recommend lighting on the tower. I believe that's about the middle of page 1 of 3.

Mr. Howard: So, you're talking about a beacon light that...

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Mr. Mitchell: Right, exactly. The actual documentation states “Based on this evaluation, lighting and marking are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular...” which I won’t read the number.

Mr. Hess: Okay.

Mr. Mitchell: So, again, this is me personally... I disagree that someone in Fort Worth can make a determination if an airplane has lost its navigational ability, it could just as easily fly into that unit as any other unit in Stafford County. So, I’m also concerned about the lighting on it because again the lighting could protect the lives of the pilot or anyone driving or flying a plane if in the event in a foggy area and they had no navigational ability, for whatever reason if their navigation went out.

Mr. Hess: Okay; duly noted.

Mr. Howard: Any other questions?

Mrs. Hazard: Not at this time.

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: I did. I had some questions about the access to the property.

Mr. Hess: Okay.

Ms. Kirkman: I don’t think we got a big sheet on this, did we?

Mr. Hess: A large size GDP?

Ms. Kirkman: Did we...?

Mr. Hess: You should.

Mr. Howard: That’s it.

Ms. Kirkman: In terms of that access, there were two questions I had. The first question I have, the 20 foot access easement...

Mr. Hess: I’m sorry, I can’t hear you.

Ms. Kirkman: The 20 foot access easement appears to cross over what looks like a road between the brick and block office garage and the metal garages.

Mr. Hess: Okay.

Ms. Kirkman: Do you see that, where I’m talking about that?

Mr. Hess: Yeah, the existing metal garages? Okay.

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Ms. Kirkman: And I don't know if that's treated as an access easement between the two properties. But if it is, I think we have some regulations about private access easements cannot intersect with one another. I don't know if that applies here. Then my second question or concern was I think this building has been here a while. I don't know if it has any nonconforming aspects, particularly regarding parking. But I'm just wondering what it does to the property's ability to meet the parking requirements if you've got a travel lane going through what now constitutes parking. And did staff look at that? Because I don't want us to be in a situation of creating a nonconformity by approving this plan.

Mr. Howard: Mr. Harvey?

Mr. Harvey: I can answer some of those questions and, Mr. Hess, please jump in if you know more factual information than I do.

Mr. Hess: Certainly.

Mr. Harvey: The provision you were referring to with the private access easement should not intersect... they apply in the case of subdividing property, and primarily residential property. For non-residential property that wouldn't apply. We often see private access easements or ingress/egress easements I guess more so in commercial where they have to intersect because you're providing connection points between different businesses and buildings on a shopping center type of context. Our Zoning Ordinance does require that there's a minimum travel lane width of 20 feet, so their easement could accommodate that. If the site is losing parking due to this easement, that may become an issue of the site only meets the current minimum parking requirements because they cannot go below the minimum parking requirements voluntarily. So, if this is impacting parking, they may have to restripe another area that's already paved or provide more parking for the existing business.

Mr. Hess: And the way that it goes is it goes through a travelway, a travel... yeah, a travelway which does not affect any parking. There are parking spots along the way but it goes to the travel lane and it goes back around the side of the property to around the rear of the building. So it goes along the side of the building and then around the back of it, going through a parking area.

Ms. Kirkman: But you've confirmed that they have the required number of parking spaces?

Mr. Hess: As far as... with regard to the existing vehicle repair shop? That I don't know. No, I did not go out there and count the spaces on the actual existing structure.

Mr. Howard: Mr. Hess, would this structure be removing any current parking spaces?

Mr. Hess: No, it certainly does not.

Mr. Howard: This is all the way in the back of the...

Mr. Hess: Right. This is located on an A-2 property separate from the vehicle repair.

Mr. Howard: Yeah, the Burton's Repair is... there really isn't anything behind there but open vacant land I think.

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Mr. Hess: Correct. The building's up front.

Mr. Howard: Right. Okay. And there's something on the GDP here that shows... are there storage sheds on there as well?

Mr. Hess: There might be some storage sheds behind the building.

Mr. Howard: Okay.

Mr. Hess: I'll leave that up for the applicant to answer.

Mr. Howard: And does Verizon currently have landlines coming through there into some junction or...? It shows it; I'm not sure why it's on there. On the top left-hand corner of the...

Mr. Hess: Are you talking about the compound facility?

Mr. Howard: Yes.

Mr. Hess: I think they're just showing potential carriers to collocate on the tower itself. That's a lease area. It's proposed so there's no... I mean, they do have a proposed utility easement which I imagine...

Mr. Howard: So they're proposing the tower and then they're proposing the separate storage facilities surrounding the tower?

Mr. Hess: No.

Mr. Howard: No? Then I don't understand it.

Mr. Hess: I guess you're still looking at the ground compound?

Mr. Howard: Yes.

Mr. Hess: Okay. All the ground compound is showing you is the potential locations of where the ground equipment... where the equipment shelters are going to go for each of the providers and carriers. So, in this case, they're showing two specific carriers, I'm just guessing, and I'll leave it up to the applicant to tell me whether, or tell you whether they are already in contract with CWS to locate on the tower. But they're just showing where they're going to put their ground equipment within the lease area, within the fenced in area. So, those are equipment shelters. As far as storage, there's no storage here. This is all pertaining to, at least within the compound area which we're talking about, is again where the equipment areas are at... where the equipment shelters are at. Does that make sense?

Mr. Howard: I think so. Do you know where the closest tower is to this proposed tower?

Mr. Hess: There are a couple towers that are located further down Warrenton Road. Banks Ford Road has a tower right near the GEICO building and then there's one across the street; I think it's a separate tower that's on the Dominion Virginia property. And then going up Poplar Road, off of Kellogg Mill Road, there are two towers up there as well. And then there's some other towers as you head out

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towards Fauquier County off of Hartwood Road. And those are all approximately a mile and a half to two miles away. Actually, if I can get the floor computer up please? The last slide of my power point presentation shows the vicinity map here that the applicant provided so you can see a little bit better of the closest towers. And you see a one mile radius around where the proposed tower is at and the towers I was talking about down here to the southwest is where Banks Ford Road is at and Dominion Virginia Power property is at. And then up here off Kellogg Mill Road, there's Poplar Road; there's a couple towers in that area. And then I believe this one is near Hartwood Road. Yeah, there's Hartwood Road right there.

Ms. Kirkman: I thought we used the criteria of five miles?

Mr. Hess: Three to five miles, that's correct.

Ms. Kirkman: Okay. And this radius is one mile?

Mr. Hess: Correct. I did say in the staff report that the facilities to the north along Kellogg Mill Road and Poplar and down here, further down Warrenton Road are about a mile and a half to two miles away.

Mr. Howard: Is there a reason why the T-Mobile carrier is not trying to get on those towers?

Mr. Hess: Well, T-Mobile is already located on the Banks Ford tower here and they are located on this tower out here in Hartwood. If you go back to the... there's the existing so this is approximately where the Hartwood facility is at. This is approximately where the Banks Ford facility is at. And I don't know if they're... I guess they're not concerned with covering this area right here but there are two towers right there they could collocate on. So they're really looking to fill the gap here along Warrenton Road with traffic travelling up and down Warrenton Road.

Mr. Howard: So, do you really think we need a telecom tower every mile? I mean, that's unbelievable, when you think about it.

Mr. Hess: Again, maybe they can explain...

Mr. Howard: Right, I understand.

Mr. Hess: ... the need for it.

Mr. Howard: It's interesting. Okay, any other questions? Mr. Mitchell?

Mr. Mitchell: Mr. Hess, what is the mandatory height... I'm thinking it's 200 feet for lighting? Now, I haven't looked at that recently but what is the mandatory height where lighting is mandated?

Mr. Hess: I believe once you go over 199 or 200 feet you are required to have a light at the top of your tower.

Mr. Mitchell: Okay. I'll accept 199 or 200.

Mr. Hess: Yeah, I believe once you hit 200 it is required.

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Mr. Howard: Okay, thank you.

Mr. Mitchell: Okay, that answered by question. Thank you sir.

Mr. Hess: You're welcome.

Mr. Howard: We can now hear from the applicant on this.

Mr. Murray: Mr. Chairman, members of the Planning Commission; I appreciate the opportunity to speak. My name is Tam Murray. Quick background of Community Wireless Structures; we develop the infrastructure that the carriers use that makes our cell phones work. We have developed structures in 10 Virginia counties. We've been here before and worked with Mr. Harvey seven years ago, something like that, on a site that's at the M&M Auto Salvage Yard. That site is probably about a mile and a half from the nearest sites up and down 95. The fact is, and I'll try to answer some of the questions and keep the remarks brief also, but the fact is, we're all... not all of us... but a lot of us are carrying these smartphones and they just need more structures to get the signal and to deal with the capacity issues. So, a little bit of background on CWS. The actual site, how did we pick the site? You know, Lowe's was just built, Walmart was just built, there is a structure... this is the map that was up before but there is a structure going west towards the county line, towards Fauquier County, and there's a structure back... I'm trying to think how to refer that... near Celebrate Virginia. The gap is not three to five miles. The carriers need sites more frequently and it's driven by the usage, where people live, drive and work; there's just a need for more sites. And T-Mobile's plots show where their hole is and show how this fits the hole nicely. Just some of the background work, we did fly a balloon to study the visual impact. Planning Commissioner Hazard was there and we appreciated her coming and getting a look, a live look. Board member Snellings was there also, as was Joey Hess. So we flew the balloon and we've reached out to the nearest neighbors and haven't... maybe someone's here tonight to talk but I don't know, I don't think there is. We've reached out and haven't heard of objections. We're, as an applicant, we're in agreement with the approval conditions. There's one little difference that I have about the style of fence; we like to go with chain-link and stockade and the report calls for board-on-board. We think it's a better combination of aesthetics and protection, safety, security, if you go chain-link and stockade. Now let me try to answer some questions that I heard and I'll see if I can remember them all. At 200 feet you need a light. It's mandated. So, 199... up to 199, no light. We need the FAA to look at these; we ask the FAA, we can't tell the FAA to review it here. They review it where they review it so the Fort Worth... the point well taken, but we can't control that. There was a question of other towers; I think we've talked about that. There was a question about ground space. An installation, for example, by T-Mobile here, they've got what they the radios. There's the cabinets at the base, there's lines that go up and there's antennas at the top. So, a cell site for a carrier is three things: the radio at the base, lines going up and antennas. Those cabinets at the base sometimes are in buildings and sometimes they're freestanding. So that's why there's a little difference in the drawings that you see; we show some cabinets and we show some prefab buildings. Landline... you know, cell towers link back to the wired phone network so we do need to bring Telco in. As more volume goes through these cell sites, they can't use T-1s, they need fiber. So, we're seeing a lot of fiber come to the sites. We've developed 40 of these sites in various counties, as I pointed out. Access... we're not taking any parking; that travelway exists right now in the site. We talked about aviation. I can't help but gloat; sometimes people don't like our towers but one thing you can't complain about is the parking. You know, listening to the prior application, it's really one vehicle trip per month per carrier. So, that's a lot less than 4,000 per whatever. Those are my

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comments and I appreciate your support if you can support it. And I'm happy to try to answer questions.

Mr. Howard: Okay, thank you. I'll open it up... any questions of the applicant from the Planning Commission?

Mr. Hirons: I have a question.

Mr. Howard: Yes.

Mr. Hirons: Who is this intended to serve? Is there an industry survey or something that's there's something being underserved there?

Mr. Murray: Well, the coverage plots from T-Mobile are pretty...

Mr. Hirons: That's great that it's from T-Mobile, but what about the other carriers? If there's no other information provided, that T-Mobile information really isn't useful.

Mr. Murray: Well, let me just see if I can handle that. There is a gap in coverage; we know that from looking at T-Mobile. And we also see where the other structures are from the final slide. Maybe we could show that final slide again.

Mr. Hirons: I don't particularly need it.

Mr. Murray: Okay. Not that slide; I'm talking about the one that shows the location of the towers with the big circle. We... the site we developed on 95, Nextel was the lead tenant and then we got Cingular came on and there's a third one, I think it was Cricket. But there's six active service providers in this market. There are no sites that cover this gap on Route 17. T-Mobile is the first. I'm not saying if Verizon's coming but they might. I'm not saying AT&T is coming but they might. Cricket is out there. There's a group called Clearwire that provides broadband. So, I think we've shown that there's a hole. We've shown that one carrier has a need. I guess I ask kind of rhetorically, there is no structure that will provide for the other carriers. We've got a new Walmart, we've got a new Lowe's, we have 7,000 cars a day, we have a lot of residential development that's coming. So, this is all anecdotal and you don't know me from Adam but I'm betting that we make money by having a site that has multiple carriers. If T-Mobile is the only person here, then I've made a very bad business decision. Just based on my knowledge, I've been doing this for twelve years, and the spacing that I see and the coverage plots, I'm very confident that this is going to solve a problem for multiple carriers in your County.

Mr. Hirons: Are you currently contracted with T-Mobile to locate there?

Mr. Murray: T-Mobile has provided us a letter of intent. When you say contracted, there's no lease fully executed.

Mr. Hirons: That's an enough of an explanation; I understand. But no other carriers, only T-Mobile?

Mr. Murray: No sir. No, no. Not at this point. We have structures that have six carriers on them. The structures that have the most carriers on them stood vacant for a year and a half. They happen to

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be on the Dulles Greenway between Dulles Airport and Leesburg. These structures are needed where people live, drive and work, and there's a gap on one of the key county roads in this east/west road and that's... T-Mobile said we need it now and I'm quite comfortable that other carriers will need it as well.

Mr. Howard: Thank you. Any other questions for the applicant? Okay. Thank you very much Mr. Murray.

Mr. Murray: Thank you sir.

Mr. Howard: I will now open up the public hearing and we are going to be discussing both the Conditional Use Permit for Telecom Tower @ Payne's Corner and the departure from the... I'm sorry, no... the Conditional Use Permit and the Comprehensive Plan Compliance Review on this issue. So anyone wishing to address the Planning Commission on this issue may do so by stepping forward to the podium. We just ask that you announce your name and address. And you have three minutes to address the Planning Commission. We will not address you back directly. When the green light goes on you can go, when the yellow light comes on you have about a minute to conclude, and when the red light comes on we just ask you to conclude your comments. Anyone wishing to address this may do so now.

Mr. Waldowski: Paul Waldowski. Gosh, I'm the only activist. Well, I object to your poll; okay? So now you've heard it. Tomorrow at 11:00 a.m. the Joint Committee of the Planning Commission and the Telecommunications Committee needs to meet. It was the will of the Board of Supervisors to put this together so we can take care of these aspects. Yahoo is 17 years and Facebook is 7 years old, so you have 12 year's experience and technology is changing every day. And there's big three's in this country; AT&T, Verizon and Sprint. Okay? So, there's smartphones. T-Mobile is for my 23 year old because that's all they can afford. Let's take my phone out there and let's see if it picks up what's going on. Let's take an AT&T phone and let's see that. You know, anyone can take a Cricket. You know, we can pull one of those out of the agricultural zoning area and put a Cricket right out there for ya. So, and I'm really in favor of the FAA aspect. Like I said before, I'm an Air Force alumni. Safety is paramount; it's not a condition. We live in a world today where people forget; you know, it's ten years ago that four airplanes came out of nowhere. So, having a beacon and trying to go under 200 feet so you can not provide a safety aspect so some random event can happen because what's going to happen, there's nothing you can do about it. So, um, I really believe that there is no gap in service with some of these big three's, but I don't really know unless I see the data. And then once we see the data then we can provide it. But I know that it's not good for this county to keep on having a little T-Mobile who may not even be here in 2020; I really doubt that Cricket and T-Mobile and whoever else is there... because there's going to be some kind of satellite changing technology and some other aspect that's going to be happening and you are the leaders on the Planning Commission. You need to set a standard and make sure that these business decisions that are helping a small little area of the population which now we have at 128,961 because we've more than doubled in 20 years. Now you and I both know it's not going to double in the next 20. Thank you.

Mr. Howard: Anyone else wishing to address the Planning Commission may do so by stepping forward. Seeing no one else advancing, I will now close the public hearing for both the Comprehensive Plan Compliance Review on Payne's Corner as well as the Conditional Use Permit for the telecom tower and bring it back to the Planning Commission. Were there any other points of clarification from any other Commissioners?

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Mrs. Hazard: Mr. Chairman, I did want to ask about the two members of the Telecom Committee sort of where that was in status. I know that that's actually technically later in the agenda, a report from the Telecom Committee, but I think at this point it would be a good time to get an update on that going forward of where that's going.

Mr. Howard: Okay. Do we have...?

Mr. Fields: We have a meeting tomorrow morning at 11:00, so that gets us a better idea. We've asked for a lot of data relating to a lot of these questions, trying to get a comprehensive look at what the needs are. Maybe Scott can help me... did we actually set a hard deadline for the completion of what we were doing? I know the resolution enabling the committee had a time...

Mr. Hirons: Yeah, and I'm going to ask Mr. Harvey.

Mr. Harvey: My recollection was that the committee was supposed to do its work and forward it to the various Commissions for public hearing by June.

Mr. Fields: Yeah, that's my recollection; a couple months. It's a lot of things. I don't necessarily... you know, we don't want to unnecessarily hang things up but certainly I think we're trying to get at least a little bit of a comprehensive look at what the status quo is and where at least in broad strokes where we're going to be in the future. We know that without... going long range without accessing a lot of very technologically specific expertise, there's certain things we can't answer just between the Commissioners of the two bodies. Tomorrow's meeting, I think, will probably give us a much better grasp... don't you, Mr. Hirons? Because we asked for an awful lot of data to start looking...

Mr. Hirons: Yeah, absolutely. That's a couple notes I actually jotted down for tomorrow's meeting; some of the stuff that came up here.

Mr. Fields: Is that a significantly vague enough answer for you?

Mr. Mitchell: Mr. Chairman?

Mr. Howard: Yes Mr. Mitchell.

Mr. Mitchell: Mr. Chairman, I will not be supporting this issue tonight. I believe there is a severe safety issue. I do believe that not every plane, every airplane out there has perfect guidance equipment. My concern is the plane that... and not to bring up a bad subject, but several years ago there was a crash at the Stafford airport and the pilot came in and he thought he was on the runway and we was like 150 yards south, if my memory serves me right. I think the 180 foot... a lot of these are almost identical... 180 foot with a small extension of a lightning rod or whatever, all of them try to stay below the 200 foot so there is no lighting required. I think lighting could be a safety factor so I will not support it for safety reasons.

Mr. Howard: Thank you Mr. Mitchell. That's actually an interesting question. How many pilots... and I don't know what the answer is, whether it's Hartwood or Stafford airport... now many pilots fly in and out that are instrument certified versus visual certified? I don't know how we'd get that but I'm sure somebody knows that.

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Mr. Fields: Well I think getting to the point, even if you look at the replicas, I think if it fell below the height requirement because there was a lot of other things in that area that were that tall, that would be different. But this is still the tallest structure... it would just come out of nowhere at night if you were flying.

Mr. Howard: The tallest structure within (inaudible).

Mr. Fields: You know, if you look, it's above the tree line and there's no tall buildings that high, so it would just come out... and it's not very big so it would have no profile. It would come out of nowhere I would think. And I know that's not the main approach to the Stafford airport, but there is Hartwood airport and Shannon and, I mean, there's a lot of... and no disrespect to civil aviation pilots but there's wildly varying levels of experience, expertise and sophistication of equipment in the general aviation.

Mr. Howard: No doubt about that.

Ms. Kirkman: Can we get a clarification? I just... is Hartwood airport, is that... it's not operational at this point. And then...

Mrs. Hazard: It is not.

Ms. Kirkman: And then the flight path for the Stafford airport actually comes from the east, is that correct?

Mr. Fields: (Inaudible – microphone not on).

Ms. Kirkman: Okay.

Mr. Howard: It does cross from an eastern approach over 95 though. Ms. Kirkman's right. It'll be interesting to hear what the committee decides. I'm looking forward to... there's a lot of detail to Mr. Fields' and Mr. Hirons' point to get into. I hope one of the issues that you think about is, is the number of collocation an issue also? So, have we handcuffed ourselves and do we need to rethink some of that strategy and allow maybe one or two more carriers per existing tower. I don't know; I have no idea. But it's certainly something probably to look at.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes.

Ms. Kirkman: I'm going to defer to whatever the Commissioner from Hartwood believes is best in this matter. And this is probably more comment for the committee. I guess I'm really concerned to hear the statement made that these things are needed every mile to mile and a half.

Mr. Howard: I agree. It's almost alarming, that's why we put that committee together.

Ms. Kirkman: So... nothing more needs to be said about it.

Mr. Fields: Well, I know, but I think you're going to find, and this is just a ball park, I don't mean to, you know, and this is far from resolved, but what's really changed of course is the advent of

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smartphones. The sheer amount of data now that is expected to be trans... that we're all expecting to have, you know, and God, I'm just embarrassed sometimes that I have a little tantrum because, you know, I'm not downloading images off the internet like instantaneously while I'm standing outside with my phone. I mean, our expectations have gotten high, the market has gotten high, and I'm not sure that the sheer mass of data that has to be propagated to service smartphones may very well require... I mean, to be honest with you, when we did the first Telecommunications Plan when I was on the Board way back, it was on the horizon then which was... I don't know when that plan was dated. What was that Jeff, 2002 maybe? Or '03?

Mr. Harvey: The first plan was in '98.

Mr. Fields: Ninety-eight. But then there was one that we kind of...

Mr. Harvey: Two thousand two.

Mr. Fields: ... tweaked on... '02? Yeah, '98, '02... even in '02 we knew that the three to five mile was already starting to probably become antiquated. So, I understand what you're saying; I share your concern. But I would say that I think there's probably a good deal of compelling evidence that the necessity of bandwidth and volume and data volume will probably require a different model than what we've kind of had for 10 years or so.

Mr. Howard: Mrs. Hazard, do you have a motion?

Mrs. Hazard: I'm trying to get one in. Based on all the comments and certainly that this issue has been one we have identified for a time, I would like to ask for a deferral of this until the next meeting, March 16th, so that we can update...

Mr. Rhodes: Or March 30th.

Mrs. Hazard: I'll go with our next meeting at this time and coordinate also with the applicant, but also I am interested to hear what the Telecom Committee will be coming up with and any guidance we can provide to any of the carriers.

Mr. Howard: So you're making a motion to defer Comprehensive Plan Compliance Review Telecom Tower @ Payne's Corner and the Conditional Use Permit for Telecom Tower, CWS @ Payne's Corner; is there a second?

Mr. Fields: Second.

Ms. Kirkman: Just to clarify, that's to defer it to our next meeting whenever that may be had.

Mrs. Hazard: Right.

Mr. Hirons: If I could ask the motion maker and the seconder, whoever was the seconder there... I heard three or four of them... I would actually prefer if we could defer this and this may end up having a question answered of how long we have for this until... in fact it's probably on here... or at least our April 6th meeting. That will probably give the Telecom Planning Commission/Joint Commission, the

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joint committee, an opportunity to meet at least two more times. We may have some more information to be able to provide for this.

Mrs. Hazard: I'd be amendable to April 6th.

Mr. Howard: And I think it was Mr. Fields, he had his mic on; Mr. Rhodes was reaching for his mic.

Mr. Fields: This is like Jeopardy...

Mr. Howard: If it was an instant replay I'm pretty sure Mr. Fields got that segment. The seconder would be Mr. Fields.

Mr. Fields: I certainly agree; obviously being on the joint committee I can hardly disagree with my colleague Mr. Hirons on that one. The more time, yeah... if we could get even a couple meetings I think we'll be able to increase the level of enlightenment a little bit.

Mr. Howard: So what was the...?

Mr. Rhodes: Six April.

Mr. Howard: April 6?

Mr. Hirons: April 6, is that our first April meeting? Or is it April 5th?

Mr. Harvey: Correct, April 6.

Mr. Hirons: April 6th.

Mr. Howard: So, I'll restate the motion even though I think sometimes under Robert's Rules we're supposed to vote on whether we accept the second or the friendly amendment. So the motion would be to defer to April 6th the Comprehensive Plan Compliance Review, Telecom Tower @ Payne's Corner, and defer the Conditional Use Permit, Telecom Tower @ Payne's Corner, to April 6th. And the motion was made by Mrs. Hazard, seconded by Mr. Fields. Any other discussion? All those in favor signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

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Mr. Howard: Aye. Opposed nay? The motion carries 7-0. Thank you. And we're back on item 1 and we had changed the agenda for those of you who may not have been here, which was 3 so we're back to the Comprehensive Plan UDA Allocation and we were discussing whether there was a need to... whether there was the will on the Commission to seek attorney-client privilege advice from the attorneys that are present. So, it sounded to me like there was because there were additional questions. I know there was debate about that but I'll defer to the will of...

3. *Comprehensive Plan UDA Allocation Update*

Mr. Rhodes: Mr. Chairman, I would be fine with it if that's where we head but I really don't see the need for it. I believe we can just have some discussion and move forward. It seemed like the issue was the fact that the Board has asked staff not to advertise which just means we are deferring whenever we would have a public hearing by a couple weeks and that just, quite frankly, is no big deal now that the extension has been made in my opinion. Thank you.

Mr. Howard: Okay. So that would be two. And I think Mr. Fields was agreeing with that when we were in discussion there. So that would be three people; anybody else?

Mr. Fields: Agreeing with what?

Mr. Howard: You were agreeing... Ms. Kirkman had indicated there was no need...

Mr. Fields: Oh, yeah, my position is that I don't feel it's a good idea to go into closed session.

Mr. Howard: Alright, I don't seeing anybody else chiming in so we'll continue with our discussion on the Comprehensive Plan.

Mr. Harvey: Yes, Mr. Chairman, Mr. Zuraf is here to be able to answer any questions that the Commission may have. We have prepared for the Commission the two alternatives and have provided them to you at your desk. One alternative was an attempt to address the Boards' directive; the second alternative reflected those issues, with the exception of the Brooke UDA, the reallocated dwelling units from that UDA, and also included more dwelling units into the Southern Gateway UDA. And I'll defer to Mike for the specifics.

Mr. Zuraf: What you have received tonight are basically two versions of the Amendments to the Urban Development Areas. Both documents look pretty much the same. What makes them stand out is the first version you received which states in red towards the bottom, amendments in conformance with Board of Supervisors Resolution R11-78. That basically reflects all of the changes and amendments proposed that were presented to the Planning Commission at your last meeting that allocate the 4,000 Urban Development Area dwelling units in accordance with the Board Resolution. And it does also incorporate the adjustments that the Planning Commission suggested that still fit within the criteria of the Board Resolution. Like, for example, Mrs. Hazard's motion to expand the Centreport Urban Development Area to Hulls Chapel and Moorewood. That is not contrary to the Boards' proposal so that's reflected in these amendments. So, what you've received are basically all of Chapter 3, all of the Land Use Plan chapter, and then portions of Chapter 4 and one page out of Appendix G. Within Chapter 3 you will see going through that the changes are denoted with the track changes so there's strikethrough and underline of any changes to the document. And you will see... you might say well why are some changes in blue and some in red; there's no difference to that. It's a

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change nonetheless, it just means that it was made at a different computer. That's just to clarify that. Also, the maps that were adjusted were basically replaced; replaced the old maps. So like Figure 3.6, the countywide Land Use Map is within the document. The new... I guess the draft in this version... and that is identified as Version A, it's on page 3-13. You also received large full size versions of the countywide Land Use Maps. Also, the individual Urban Development Area maps are included that were in place of the previous Urban Development Area maps, within the discussion of each Urban Development Area. Prior to the individual Urban Development Area discussions, on page 3-19 staff did include a new table, Table 3.3, which adds some clarification that I think might be beneficial to the public and to everybody and to myself. It breaks out the mix of multi-family units recommended and total... well, a break-out of all unit types recommended in each Urban Development Area and total commercial square footage recommended within each area. So, you'll notice that in getting all these 4,000 to be properly explained within the individual sections of Chapter 3, there are modifications to the text in certain places and we did make adjustments to the commercial square footage in relation to and to reflect the changes to the dwelling units in each area. So that's all there for your review. Table 3.4, the Land Use Map Growth Projections, in that table we've identified and highlighted in yellow each number that's been modified from the original version.

Mr. Howard: So, Mr. Zuraf, originally... not originally but how we left off I think from the last meeting is we wanted to consider what the Board of Supervisors sent to us, which you have done in the attachment labeled Supervisors Resolution R11-78, Amendments in Conformance with the Board; is that right?

Mr. Zuraf: Yes.

Mr. Howard: And then the second proposed amendments are Amendments with Planning Commission Modifications. Now, when we made those modifications, we didn't really do them in tandem with the Supervisors which is why the suggestion came out let's have two in tandem so we're in compliance with what we've been tasked to do but, at the same time, as a body we can recommend additional amendments. So, you feel like you've captured both sides of that?

Mr. Zuraf: Yeah, this second document which reflects all the changes that are identified in the first document but then with the modifications to reflect the Planning Commission amendments that differ and go outside of Resolution R11-78, and go outside of those bounds. Like, for example, the removal of the Brooke Urban Development Area.

Mr. Howard: Right, which again, as a body, we can make that recommendation to the Board of Supervisors really anytime we want. We're choosing to do it now because we've been asked to work on...

Mr. Zuraf: And in that second document, any of the changes are highlighted, within the text, are highlighted in yellow to show the differences from the two documents.

Mr. Howard: Okay. I don't know if there's any other questions of anyone for clarification. Or do we need more time to sort through this; take it back home and...

Mr. Zuraf: And I can run through the map amendments if you'd like that.

Mr. Howard: Yeah, why don't we do that.

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Mr. Zuraf: Okay. On the map amendments, on the first, Version A, the Board version, the map amendments would expand several of the existing Urban Development Areas. It expands the...

Mr. Howard: Do you have visuals or can we go to them?

Mr. Zuraf: No... well, we can.

Mr. Harvey: Computer please.

Mr. Howard: If you know where they are in the document. Oh, she has them.

Mr. Zuraf: You have those within the... but we can provide that. And the adjustments here to the Urban Development Areas reflect what staff presented and what the Planning Commission concurred with and what adjustments were made by the Planning Commission. The adjustments to the current Urban Development Areas include the Courthouse Urban Development Area 1, the Southern Gateway Urban Development Area that... yeah, the adjustments to the Southern Gateway Urban Development Area to add in Rappahannock Landing and include land on the south side of Warrenton Road and connect up the existing Southern Gateway Urban Development Area. The third expansion was to George Washington Village to include the area, expand the Urban Development Area up to Courthouse Road and then also extend it north of Courthouse Road to include Embry Mill, the lower portions of Embry Mill, as proposed last week at the last meeting. The fourth was changes to Centreport to expand the Urban Development Area slightly to the east towards Interstate 95 and also expand it a little bit to the west to Hulls Chapel Road and Moorewood. The last expansion to existing Urban Development Areas was to Leeland Town Station which extended the Urban Development Area to the south to include the remaining portions of the undeveloped... the remaining undeveloped portions of Leeland Station on the east side of Leeland Road. Eskimo Hill was the only Urban Development Area that did not change. The other amendments were to, if we go up to the Widewater area we took the area that was the former Stafford Station UDA, we took that are out of the Urban Service Area, we provided an ag/rural land use in that location, also we established the Urban Service Area in the Widewater area that was in place prior to the December 14, 2010 adoption of this plan with the exception of Widewater Elementary School. That school location was previously out; that was added into the Urban Service Area.

Mr. Howard: Ms. Kirkman, go ahead.

Ms. Kirkman: I wanted to get some clarification on that. I know we got something today; I don't know if it's included in there. And it's really about the implications of including the school in the Urban Services Area because adjacent to that is a property that's vested. And so then, what are the implications since they now have a contiguous relationship to the Urban Services Area?

Mr. Harvey: Ms. Kirkman, any subdivision that's vested can proceed to develop under its vested rights, so the applicant would be required to provide any necessary water and sewer to service their project. There could be the possibility that they could tie into that existing pump station that's located beside the school. I'm not sure about water capacity, whether there's adequate water capacity for their project. They may be required to do offsite upgrades in order to make their project viable.

Ms. Kirkman: Can they connect to that pump station if it is not included in the Urban Services Area?

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Mr. Harvey: I believe the Utilities Ordinance has a cost threshold for connection to utilities if within 300 feet and there's a certain cost threshold. You have to connect but we do have issues with the Comprehensive Plan and it does not recommend extending utilities, only under certain circumstances. So, you have a potential issue with policies in the Comprehensive Plan not necessarily matching what's approved for the development project. I don't know where that necessarily puts us as far as plan approvals, but I imagine the attorneys would say that we could not frustrate the developer in their attempt to achieve their vested rights.

Mr. Howard: Under the current USA boundary this is what's being proposed. That was really Ms. Kirkman's question.

Ms. Kirkman: Mr. Chair, actually to clarify, I believe Mr. Harvey is correct. The issue is a combination of the Urban Services Area and the fact that there are preliminary subdivision plans that are vested for water and/or sewer on the peninsula. And I'm trying to... and I don't feel I've quite gotten the best answer yet in terms of what are the implications given those vested properties.

Mr. Howard: Right. Are we making it easier or is it the same?

Ms. Kirkman: So we had gotten an opinion from the attorney that the developer would be responsible for offsite improvements. Well, is that true... like, how does it impact if it's contiguous to the Urban Services Area or if there's a space in between those vested properties and the Urban Service Area that's not?

Mr. Howard: I understand the question; I don't think you got the answer. That was my point, yeah.

Ms. Kirkman: Right.

Mr. Howard: So, I'm not sure if we can answer that but... Mr. Taves?

Mr. Taves: I don't feel knowledgeable enough with the particular facts to be able to give you an opinion on that. Although, in general, what I would suggest is whatever the developer's vested rights are, it would depend on the extent to which they're also vested to the water and sewer. If you want an answer to a particular question like that so that those facts can be evaluated and everything, I think it may be more appropriate to submit that to the County Attorney's office and they and we can deal with that and get you an opinion on that.

Mr. Howard: Well, we can do that by way of this meeting.

Ms. Kirkman: Yeah, I thought I had done exactly that at our last discussion regarding this.

Mr. Taves: At the last meeting?

Ms. Kirkman: Yeah.

Mr. Taves: I'm sorry, I don't recall that.

Ms. Kirkman: When we were discussing the Widewater... So, for instance,...

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Mr. Howard: I don't recall the vested rights question but you did specifically ask about if we were to extend the USA boundary around the school, what impact, if any, would it have to the adjacent properties.

Ms. Kirkman: Right. And in particular, this question of what happens if there's... here's the Urban Services Area boundary, here is a property that is not vested and here's a vested property. How is the line going to get from the Urban Service Area to the vested property?

Mr. Howard: Well, I am hearing a different question also, a little bit earlier, that because there is a vested parcel there or parcels, whether the Urban Service Area is extended or not, which is really if we extend it are you making it easier, that's one of the parts of the question. If it's not extended, what are the rights... what's the difference of the delta between the rights of that property owner who has vested rights with the Urban Services Area being extended or not extended? That's really what we would want to know, I think; right?

Mr. Fields: Mr. Harvey or...

Ms. Kirkman: Mr. Fields.

Mr. Fields: There's another question too that does... that actually, again, I don't mean to be too technical, but there's a real difference between connecting to a sewer interceptor and connecting to a pump station. A big, big, big difference, many pump stations you know are designed with a very specific capacity for a very specific portion in time, so to answer that question would also involve really Utilities saying whether there's any excess capacity at all. There may be no capacity in that pump station to accommodate adjacent properties, meaning sewer would be a whole... a much more highly problematic situation for them. And we don't generally encourage or permit pump stations anymore is my understanding except under, you know, the most extreme of circumstances. So I'm just throwing that out there. I hope... I am not trying to muddy the waters, I'm just saying it's another component of the...

Mr. Howard: That will be part B of the question. It's something that, you know, what is the current capacity of that? Is it a pump station?

Mr. Harvey: Yes, Mr. Chairman, and I agree with Mr. Fields. I think there are two issues that would have to be considered. You have policy issues plus you also have engineering considerations that would drive what the ultimate answer would be. Because it may be, from a policy standpoint it may or may not work, but from an engineering standpoint it also may or may not work.

Mr. Howard: Correct. So we'll have those answers? Somebody will try and get those answers?

Ms. Kirkman: Related to that, in terms of the paragraph we did get from the attorney which stated that the developer would be responsible for offsite improvements. Again, how is that impacted by area that is or is not included in the Urban Services Area? Because my understanding of the way those offsite improvements are done now is related to the pro-rata share, is that...?

Mr. Harvey: For master planned improvements that is correct. If it's in the County's master plan there is a pro-rata share program that all new development pays towards for offsite improvements.

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Ms. Kirkman: Which is a little different than saying the developer is responsible for all the costs. Because in the pro-rata share isn't it divided up?

Mr. Harvey: Correct, it's divided up amongst all the projected growth in properties within the Urban Service Area. So if you are outside the Urban Service Area you would have to provide any necessary improvements to serve your project at your own cost.

Ms. Kirkman: If you are in then it becomes a pro-rata share equation?

Mr. Harvey: Correct.

Ms. Kirkman: Okay, that is helpful. Thank you.

Mr. Howard: Okay, any other comments or questions about the map that Mr. Zuraf went over? No, okay are you going to show us the second map?

Mr. Zuraf: Well I am still on the first.

Mr. Howard: Still on the first, okay.

Mr. Zuraf: Yes, sorry. Land east of that new Urban Service Area boundary, that was all designated at agricultural/rural with the exception of the two parks, Patowomeck County Park and Widewater State Park areas. Also in this area on the map we removed the proposed train station from the former Stafford Station area and also removed the road designation and that denoted the potential Widewater Parkway. Also then the last change on this map was designating Brooke Station as an Urban Development Area. And those are the changes on this map. The second map, the Planning Commission's map...

Ms. Kirkman: Just to clarify the boundaries on the... where you drew the boundaries on that Brooke UDA are those the same or different than the boundaries that were in the Comp Plan that went to the Board in December 2010?

Mr. Zuraf: It's the same.

Ms. Kirkman: Okay. Thank you.

Mr. Taves: Excuse Mr. Chairman.

Mr. Howard: Yes.

Mr. Taves: Can I ask Mr. Zuraf a question? Was there any change in the land use designation for the formally proposed Brooke Station and Stafford Station UDA's? I don't remember you mentioning that.

Mr. Zuraf: Yes the former Stafford Station UDA area was changed to... we have it... currently it was undesignated, so that change would be to agricultural/rural and now in the Board version the Brooke Station would become and Urban Development Area.

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Mr. Taves: Okay, thank you.

Mr. Howard: Right, he did mention that. That was one of the first things.

Mr. Taves: Okay. I think I missed that. Thank you.

Mr. Zuraf: Now in the version B, the Planning Commission version incorporates all those same changes with the exception of removing Brooke Station as an Urban Development Area and in that area instead of a designation of an Urban Development Area it would be designated as agricultural/rural. The second change would be additional expansion to the Courthouse Urban Development Area to expand the Urban Development Area to the east of Route 1 and the south side of Courthouse Road, where the hand is. And then the last change would be to the Southern Gateway UDA to expand that Urban Development Area to the north side of Warrenton Road and east of I-95 in an area that matches up with the Redevelopment Area boundaries. And those were the additional changes to version B. That is it.

Mr. Howard: Thank you.

Mr. Zuraf: Okay.

Mr. Howard: Are there any other questions or is anyone looking for any additional review at this time? I think there are some questions. We will look for some follow up at the next meeting.

Mr. Rhodes: Mr. Chairman, I would just comment that upon review I think they did a great job of capturing what we discussed just a week ago. Transferring it into the document, making it something at the point in time when we are ready to go forward to public hearings it certainly will be very, very useful. I think it was a great job of capturing those things as much as we went over last time. Thank you.

Mr. Howard: Thank you Mr. Rhodes.

Ms. Kirkman: Mr. Chairman.

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: I... there... I do want to bring something forward for the Planning Commission's consideration.

Mr. Howard: Absolutely.

Ms. Kirkman: In relationship to the UDAs and that is you all will see in front of you Resolution 11-80, which was unanimously passed by the Board last night. And I am sure we will get a more detailed discussion from Mr. Harvey during his report. But I think it is actually germane to our discussion now which I why I am bringing it forward now. And this is their resolution regarding the establishment of a redevelopment area district in the Boswells Corner area and it includes the Ordinance for that as well the zoning text amendment. And what I want to point out to the Commission is that if you look on page 20 of the proposed Ordinance 11-14, under the Base Residential Density it has residential densities... the lowest residential density is six units per acre and the highest residential density

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possible is eighteen units per acre. So even the very lowest residential density exceeds that of the proposed UDAs, which is four units per acre. Additionally, if you go to the last page which has the aerial view and the what's called the Regulating Plan, down in the far bottom right corner it list the minimum dwelling units as being... for this redevelopment area being 1,050 and the maximum dwelling units being 3,124. And so I raise this and bring it to the Commission's attention because this was unanimously sent to us by the Board. We've got proposed densities in this redevelopment area that actually exceed in the UDAs and additionally we have got as many as 3,124 potential units. Given that set of facts, I really think that we ought to consider designating Boswell's Corner a UDA and pulling the 4,000...the 3,124 units from somewhere since clearly this is the desire of the Board.

Mr. Howard: Well, I have not had a chance to read through this. I think that certainly that is an interesting distinction to make in terms of the density requirements in this RDA versus what we have proposed in the UDAs. And I am not sure I understand why the delta. So I think I would have to get clarification. I don't know... Mr. Harvey, were you present during this? Actually you presented this.

Mr. Harvey: Yes Mr. Chairman. The Board in its review of this had some concerns about the density issue and they... in the resolution you will see that the Board is requesting the Commission to take a look at that issue. Specifically, each transect zone has a density range and the overall proposed district has a proposed range. And the Board is concerned about what the appropriate density should be for Boswell's Corner and asked the Commission to look at that in more detail. Also, in a related matter, the Board referred the Redevelopment Plans to the Commission for conducting public hearings and getting citizen input in the Commission's recommendation. One of the comments at the Board level was again looking at the appropriate density in Boswell's Corner which may require us to change the Boswell's Corner Redevelopment Area plan recommendation as far as the number of dwelling units. The Board has received commentary from the Marine Corp Base. The Marine Corp Base does not encourage any further residential development in that area. There is also evidence by the comments in the Marine Corp letter today for the Quantico Corporate Center rezoning, so again the Board has asked the Commission to take a look at that issue.

Mr. Howard: Was there a number of 744, right? Isn't that what someone said in that particular... Boswell's RDA, 744 residential dwelling units?

Mr. Harvey: Mr. Zuraf can provide some more detail on that.

Mr. Zuraf: I'm not certain of that specific number, but that sounds close to a number of the existing units and then the units that would be permitted by-right in that area. It is like 500 and some units existing and a hundred and so that could be added by-right equaling 700 plus.

Mr. Howard: So the reason I ask that, I heard that part of the meeting, but I only heard that one 744 number being bounced around and I wasn't sure why. Is that... is the request to do exactly that? To come back and say this is what by-right can be developed today? And... or is the request to go back and look at the Base Residential Density on Table 3.9b which is the transect zones and come back with a recommendation on what the units should be?

Mr. Harvey: Mr. Chairman, the resolution leaves it up to the Commission's digression to determine what is appropriate to be advertised.

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Mr. Howard: Okay. So Ms. Kirkman brings up a good point. Is this the discussion we want to have and then ultimately, you know, add it to our recommendation and to the version that we're working through?

Mr. Fields: Mr. Chairman, I mean I just... I really don't know what to say. I kind of feel like I'm in reverse bizarro world, planning world here. We've just had numerous debates, recommendations and back and forth on the Boswell's Corner UDA. And it's been removed and rejected every time because of the statement by the Marine Corp that they feel that residential units is completely incompatible with the proximity to the ranges and the mission of the Marine Corp. I don't even know where to begin. How does this even... this completely contradicts that. I mean why would... we've gone through the exercise of, you know, with a lot of debate and a lot of back and forth on Boswell's Corner UDA or no UDA. I don't really even know where to begin to approach something like this because this completely contradicts then that entire process. Why would we even be considering residential units in the Boswell's Corner RDA if they have been completely rejected already by both the majority of the Board and the Planning Commission?

Mr. Howard: That is why I asked that question Mr. Fields. Is it that we're trying to get to the number of by-right that can be built which is by-right and there isn't too much anyone can do about that? Or is it that to Ms. Kirkman's point, should we be sitting here re-evaluating the maximum density?

Ms. Kirkman: And actually Mr. Chair, my point was if this is what the proposed densities are, should we be considering... should we be calling this a UDA and not an RDA?

Mr. Howard: Right. I think Mr. Fields is right on that. I am pretty sure that is not the intent but I wasn't there and that is why I was asking Mr. Harvey. I don't think the intent is to actually hit these maximum density targets. But it's here for discussion and the will of the Planning Commission.

Ms. Kirkman: If we have it in our Ordinance and we have it on... designated on the map, then it meets the UDA requirements from the State Legislation. And if it meets the UDA requirement, why aren't we counting it towards meeting those requirements?

Mr. Howard: If in fact we agree and we sign up that that is the maximum density, you know, base residential density in those transect zones, then I would agree with you. But that's not what was sent to us to be reviewed and looked at and evaluated, and I think that is one of the issues that we should be discussing as we are.

Ms. Kirkman: One of the issues that was raised was that Quantico doesn't want to see residential density in this area. But I recall in their encroachment control plan they had a number of recommendations about residential density, including one that certain areas of the county should not have densities greater than one house per ten acres. And it was I think they call it within the RMZ zone. Was that policy adopted by the Board?

Mr. Zuraf: Within those... within Chapter 2 of the plan where we had those? Yes.

Ms. Kirkman: So, we now have something in our Comprehensive Plan that limits residential density in some parts of the county to one house per ten acre?

Mr. Zuraf: As a recommendation, yes.

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Ms. Kirkman: Do we have the zoning to go with that?

Mr. Zuraf: No.

Mr. Howard: No, it's not zoning, it's just guidance on those areas designated (inaudible).

Mr. Fields: In other words, if somebody came in... would the theory be, I'm interpreting this, if someone came in with an A-1 subdivision for that covered by that area, would they be out of conformance... ? Well, they wouldn't come in for a rezoning, they would come in to us with a preliminary subdivision plan for A-1 at, let's say, four units per acre, would we then have the authority to deny the preliminary subdivision plan because it's not one per ten acres average density as accordance with the Comp Plan and the Marine Corp?

Mr. Zuraf: I don't believe so and I...

Mr. Howard: I think the zoning would take precedence.

Mr. Zuraf: Well, I believe...

Mr. Fields: The zoning would allow them one per three acres. So, if it's in the Comp Plan at one per ten acres but since it's by-right development, it's a meaningless statement. It means they can still develop at one per three acres irrespective of what we say. So it's meaningless for us to say that in a Comp Plan if we can't enforce it.

Mr. Zuraf: And I believe the Comp Plan also, if I'm correct, I don't have the Plan right in front of me, but I believe language was added to that to say that that density is recommended and should be implemented through the use of Purchase of Development Rights or Transfer of Development Rights or other means; as in specifically not through amending the Zoning Ordinance to downzone. I believe that was the way that got adopted.

Mr. Fields: Okay, thank you.

Mr. Howard: So, I mean, do we want to send something back to the Board of Supervisors asking, you know, what was their rationale? I mean, it's a pretty definitive vote, 7-0, and they left Table 3.9 with those types of densities. I mean, Mr. Harvey, unless you can answer the question, but I would like to get some clarification from the Board of Supervisors to understand what is the thought process on that and is, you know, you hate to say this but is this a backend way of getting density into Boswell's Corner without upsetting the Marine Corp Base which I don't think is the intent but I'm not sure.

Mr. Harvey: Mr. Chairman, there was not a discussion about intent in that regard. There was discussion at the Board level, as I mentioned, that they felt that maybe some of the densities in this document are too high and should be re-evaluated, and that was reflected in their resolution. To get more background with regard to this issue, back in November the Board gave directive to staff to come up with a Form Based Code Ordinance to start the process to be able to potentially implement one of the Redevelopment Areas; and Boswell's Corner was chosen. With the density ranges you'll see is that they apply to each transect zone and each transect zone is different. There's a T-4, T-5 and T-6.

Mr. Howard: Right.

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Mr. Harvey: The density potentially increases by the increase in the number in the transect zone. The tables that are provided in the one diagram shows the range of potential units. That range goes from all the way up to assuming that every property is zoned for the maximum number of dwelling units, and that's what that one list of range gives you. For any zoning, you weigh it against your Comprehensive Plan, what your Comprehensive Plan recommends. So, again, as this Boswell's Corner plan comes back for a review and authorization for a public hearing, if the Commission looks at that plan, it currently has approximately 1,700 units recommended. So, if you went with what's currently in the plan, that's what would go forward. If someone wanted to rezone, we would gauge your rezoning versus the recommendations in the plan to make sure we're not exceeding the dwelling unit totals that were contemplated for that planning area. So, again, those are some of the dynamics in play; how much will ultimately be recommended for the Boswell's corner area in our long range planning document and then also what zoning densities may be appropriate for properties that get rezoned in that area.

Mr. Howard: Okay. Yeah, it does say in the resolution, you're right, that the Planning Commission be and it hereby is directed to review, consider and adjust the residential density ranges for the proposed zoning district and residential density ranges of each transect zone within the ordinance as it deems necessary. So that is definitely one of the charges that we've been given.

Ms. Kirkman: So, I think part of the clarification we need from the Board is, what is their position on residential density in Boswell's Corner? Specifically, do they want to stick to for that redevelopment area the 700 and what we think is 744 units that exists now plus the by-right that they can do anyway. Do they want us to stick to that number or do they want something different? The only way we can stick, as far as I can tell from this ordinance, the only way we can stick to 744 units is to have no residential density listed in any of the transect zones. And is that, in fact, their intent?

Mr. Howard: Right. That is a good question. Do you know the answer to that Mr. Harvey?

Mr. Harvey: Mr. Chairman, Ms. Kirkman, I do not know the answer to that question. But I will say that some discussion at the staff level has been could someone take a project that exists today that has residential units and convert to that to a non-residential use and someone else rezone another piece of property and essentially transfer those dwelling units to that other piece of property. That may be an option; but, again, that's something for the Commission to consider in its deliberations on how you want to treat the...

Mr. Howard: Well, in the discussion on the Form Based Code, Mr. Harvey, was there discussion about the mixed used including residential since Boswell's Corner was the first RDA that was chosen for this type of, you know, test I guess?

Mr. Harvey: Yes, Mr. Chairman. As you look at the ordinance, it does have residential in the three different transect zones as a possibility. Again, it gives you density range within each of those transect zones...

Mr. Howard: No, I understand that. But where... but you also stated, and it says in the resolution, that we're to amend that. But the question is, when you discussed the Form Based Code, was that a component of that discussion where the redevelopment would include residential as well as the commercial, you know, and business and so on and so forth... and the office and, you know... Was

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that understood that that would be part of that Form Based Code? They picked Boswell's Corner... somebody picked it for a reason and what was the reason?

Mr. Harvey: I believe it was chosen because of the development activity currently occurring.

Mr. Howard: That's right.

Mr. Harvey: And the probability that that area would likely accommodate implementation at a quicker pace than some other areas of the County for the new concept of redevelopment. The Redevelopment Plan does call for mixed use types of projects and that's why the ordinance was drafted with having residential and non-residential uses both allowed.

Mr. Howard: So, in the Aquia Center redevelopment, isn't that really the County's first experience with that type of zoning?

Mr. Harvey: Correct. It's zoned P-TND, Planned Traditional Neighborhood Development.

Mr. Howard: And how much residential, as a percentage, is part of that mix?

Mr. Harvey: I don't know. As a percentage, it's a 30 acre site and allows 280... a 35 acre site and allows 280 multi-family dwellings.

Mr. Howard: Okay.

Ms. Kirkman: I think, Mr. Harvey, didn't it do the maximum number of dwellings allowed under the P-TND Ordinance?

Mr. Harvey: No, it didn't.

Ms. Kirkman: Because wasn't the maximum like an average of 10 per acre?

Mr. Harvey: Correct. So they didn't proffer to the maximum because that would have given them 350 approximately.

Ms. Kirkman: Don't you take out for certain things on the acreage?

Mr. Harvey: I don't recall if there is an...

Mr. Howard: You do take out for common space or Resource Protection Area.

Mr. Harvey: Yeah, there's no environmental features on that property; it's already previously developed.

Mr. Howard: Okay. So...

Ms. Kirkman: I think that that's instructive because again, if the Boards' desire is that we not have any more than 744 units in the Boswell's...

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Mr. Howard: We should know that before we start working on it, yeah, that's correct.

Ms. Kirkman: Right.

Mr. Howard: So that's really the question we need to have answered.

Ms. Kirkman: And the caveat is if they want more than 744 than we should be considering it for a UDA.

Mr. Howard: Okay. Any other comments on that? From a process perspective, Mr. Taves, do we defer these issues since they're on our agenda to the next meeting or do we just carry them over automatically? What's your thoughts on that?

Mr. Taves: Well, I think... is your question, Mr. Chairman, whether the Boards' Resolution R11-78 has any impact on that? Is that what you're asking? Whether the Boards' Resolution...

Mr. Howard: You're not rephrasing, you're restating, but...

Mr. Taves: Well, I'm trying to... I'm just trying to make sure that I understand what the question is.

Mr. Howard: The question is, in the past we've carried and deferred things to the next meeting and not always on a vote, sometimes on a vote. To do so, my question is, trying to keep everything we're doing on the Comp Plan whole if you will, recognizing we have you here to help us do that, the best process in order to carry this forward to the next meeting would be...

Mr. Taves: Well, I think it's really the option of the Commission. I don't know that there's a legal ramification one way or the other...

Mr. Howard: Okay.

Mr. Taves: ... whether you carry it forward by a motion or don't make any motion at all.

Mr. Howard: Fair enough. So, what's the will of the Commission here?

Mr. Rhodes: I make a motion that we defer further discussion of this and carry it forward to the next meeting.

Mr. Fields: By this, you mean what?

Mr. Rhodes: The Comprehensive Plan and UDA allocation of 4,000 dwelling units, agenda item number 1.

Mr. Mitchell: Second.

Mr. Howard: Discussion? Hearing none, I'll call for the vote. All those...

Mr. Fields: Oh, wait a second... So, I just want to point out, wasn't our original plan to vote to send this to public hearing tonight? That's why we had this accelerated schedule and the special meeting.

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Mr. Rhodes: It seemed to me that it was to consider doing that if we felt we were ready.

Mr. Fields: Because to do an April 1 public hearing, we would have had to have authorized it for public hearing tonight, correct?

Mr. Rhodes: For March 30th I think is what we were modifying our schedule to attempt to do, yes.

Mr. Fields: Well, yeah. So, we've collectively... I mean, I assume that because I'm accepting because of the language in the Boards' resolution we couldn't move the Boards' plan, but does that... so are we saying now that we just, we're not going to move our plan, the Planning Commission modification plan, forward tonight? I mean, we've decided we can't do that or won't do it or there's no will...?

Mr. Rhodes: My comment would be that on the motion would be it was motivated by multiple things; one, the fact that the staff cannot advertise, two, the fact that we got our deadline extended because that was certainly a major driving factor in our efforts to do the timing and to coordinate and to get things addressed in time to move forward to that. So since that has been mitigated by our deadline being extended by a month, I'm now comfortable just continuing the discussion trying to move it forward as deliberately as possible, with many of us here having been playing with this thing for so long it would be nice to have it completely done.

Mr. Howard: But I also think there's a few things from my perspective. One is that the issue surrounding the Urban Service Area map, that even in the Commission's recommendation we're still not sure what it means to the vested property rights of the owners if we change it around the school in Widewater. That's an answer I'd like to know before we go to public hearing or try and advance this. Plus, the new information this evening based on the R11-80 Resolution that we were just presented.

Mr. Rhodes: Which we want some answers to.

Ms. Kirkman: Mr. Chair, this actually gets back to the question that I had asked several hours ago and I would like to hear the answer, which is can the Board prevent the Planning Commission from sending an amendment to the Comprehensive Plan to public hearing by directing staff to not advertise it?

Mr. Howard: I don't know the answer. I...

Ms. Kirkman: Well, I wasn't asking you. I had raised that question earlier and I would like to hear the answer.

Mr. Howard: Mr. Smith or Mr. Taves, is there a portion of that that you can answer for us?

Mr. Taves: Is it fair to conclude that the Commission does not wish to take this into closed session based on my recommendation?

Mr. Howard: No, I wouldn't say that. I would say if that's the... I'm a strong believer in taking the advice of counsel. If that's the advice of counsel, I would want to support that. So, if that's your advice, we can...

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Mr. Taves: That would be my continuing advice, but I would note that it's up to the Commission whether you want to have this discussion out here or in closed session. It's not the decision of the attorney, it's the decision of the Commission.

Mr. Howard: Well, we don't want to... my perspective is not to put the County at a disadvantage. That's my only concern.

Ms. Kirkman: Mr. Chair, I'm not looking for legal advice in terms of our strategy or what we need to be considering, I'm just looking for what the County Attorney says the law says. And we often ask those questions in public session and I don't see why this should be any different. I just want to know what the law says. Does the law say that the Board can prevent the Planning Commission from exercising its authority to initiate amendments by directing staff to not advertise?

Mr. Rhodes: My gut is it doesn't say that verbatim.

Mr. Howard: Yeah, I would agree.

Mr. Rhodes: Like most things you (inaudible).

Mr. Howard: I don't have an issue with Mr. Taves answering that if he knows the answer to that.

Mr. Taves: If the Commission wants me to talk about this in public session, I'd be glad to.

Mr. Howard: I think we would like you to answer that one question.

Mr. Taves: Okay. Let me answer it this way... looking at the, I need to get the right Resolution in front of me... I think I have every Resolution except the one I need.

Mr. Howard: We do have a lot of paper this evening.

Mr. Taves: Thank you. Let me say this... I don't believe the Boards' Resolution from last year precludes the Planning Commission from taking whatever amendment, whatever Comprehensive Plan amendments it wishes to public hearing. It also doesn't do that with regard to the staff. What it does, however, is I believe it essentially requires the Planning Commission, if it wishes to pursue an amendment as its own amendment, then it can go forward and pursue it as its own amendment. I think what the Board is saying here, reading the language of the Resolution, is that the Board previously gave a deadline and previously gave direction with regard to a public hearing that the Board wanted the Commission to conduct. And that was the public hearing pursuant to the two Resolutions, R11-78 and R10-377. Now, I take the Resolution from last night to redirect the Planning Commission, to say to the Planning Commission to essentially say the Board wishes to stand down with regard to that direction until March 15th because, as the Board says in the Resolution, the Board may desire to take additional action regarding amendments to the Comprehensive Plan at its March 15 meeting. So, my conclusion there is that the Board isn't telling the Commission, isn't precluding the Commission, isn't precluding the staff from pursuing whatever amendments it wishes to pursue as its own, but... and that would of course, based on some motions made at the last meeting, would require this Commission to pass the motions adopting as its own for the time being for the purpose of advertisement whatever amendments it wishes to pursue. But I think what the Board is saying we don't want you to pursue anything based on our prior Resolutions. I hope that... does that explain it?

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Ms. Kirkman: Well, I think what you're restating is certainly what the Board desires. I guess my question is more of a technical nature to understand the choices that we can make, not that we will tonight, but what our choices are. And legally tonight, if we chose to do so, could we send an amendment to the Comprehensive Plan forward tonight regarding the UDAs and expect that staff, because there's a statutory requirement regarding notification, will advertise as needed for that public hearing.

Mr. Taves: Well, what I would say in regard to that is that if the Commission decided to pursue such an amendment on its own, yes, the Commission could do that. I would also submit, however, that from... if it's not the Commission's amendment, if the Commission does not wish to kind of temporarily adopt it as its own proposal, then... and if the Commission is doing that based on the prior Resolutions of the Board, because the Board told us to do this before we must continue to do this now, I don't think that would be an appropriate action and I think it would be an enormous waste of money. I think what the Board is saying here is stand down for the time being until March 15th under our prior direction; we're directing that. As they had previously directed the Commission to conduct a public hearing, I think they're basically saying stand down on that direction for the time being and saying that to both the Commission and the staff. But, as I said earlier, I don't think the Board has precluded the Commission from pursuing whatever amendments it may wish to pursue, if it wishes to pursue those amendments as its own amendments.

Ms. Kirkman: And doesn't prohibit the advertising of that.

Mr. Taves: No.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Thanks. Any other discussion? Okay, I'll call for the vote.

Ms. Kirkman: I think it leads us though back to the question that Mr. Fields raised. And I'm not necessarily advocating a particular position, but I think we need to be clear in the choices that we are making and, at the last Planning Commission meeting, the special meeting, we had adopted a schedule for moving forward a series of amendments.

Mr. Rhodes: In order to meet a deadline.

Mr. Howard: Right, to try to comply with that deadline. And I think Mr. Taves used the term stand down in terms of the deadline. So, I understand what you're saying and if, you know, you're willing to... if you're making an amendment or something to the motion, because I think that's a separate issue that Mr. Hirons raised earlier; do we need to change the schedule? I think we do. The Planning Commission has its own schedule based on the last meeting and I think we do need to change it.

Mr. Hirons: And I plan on asking that after this motion is disposed of.

Mr. Rhodes: Call for the vote.

Mr. Howard: The vote's been called for.

Ms. Kirkman: And could you state what the motion is that's on the floor?

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Mr. Howard: Yes.

Mr. Rhodes: The motion is to defer discussion on this agenda item, which was number 3, is now number 1, Comprehensive Plan, UDA, Allocation of 4,000 Dwelling Units Update, until the next session of the Planning Commission.

Mr. Howard: Okay, and he also...

Mr. Rhodes: And move it to the next agenda.

Mr. Howard: He also called for the vote.

Ms. Kirkman: There were a number of us who have spoken. Can we hear from the remaining Commissioners about what they think we ought to do?

Mr. Howard: We could... did you call for the vote? Did I catch that right?

Mr. Rhodes: I did.

Mr. Howard: Since he called for the vote, it actually would cease the discussion at this point.

Ms. Kirkman: Well, actually, to call for the vote you then have to vote on whether or not you're going to call for the vote.

Mr. Howard: That's correct, yeah. Before we do anything else. So, what's on the table now is Mr. Rhodes' call for the vote. So, we're going to vote on whether we actually vote on the motion without any further discussion. So, all those in favor of calling for the vote now signify by saying...

Ms. Kirkman: Can we have discussion of the motion please?

Mr. Howard: We can have discussion on the call for the vote, yes.

Ms. Kirkman: Right, that's correct. And I just want to hear from the Commissioners who have not spoken up during the course of this what's the direction they would like to see.

Mr. Hirons: Well maybe we could have taken care of this about three hours ago when I made a motion, but we did learn valuable information so I won't go any further than that. I will support both the call for the vote and the motion on the table.

Mrs. Hazard: I will as well for reasons that we clearly have raised numerous issues tonight that we need to have resolved that I am not myself prepared to vote on something tonight.

Ms. Kirkman: Thank you Mr. Chair; that's helpful for me to hear that.

Mr. Howard: Thank you. All those in favor... again, we're voting on whether we're calling the vote or not... all those in favor of calling the vote signify by saying aye.

Mrs. Hazard: Aye.

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Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Mr. Fields: Nay.

Mr. Howard: The motion carried 6 to 1; did I get that right? Okay. All those in favor of the motion to move the Comprehensive Plan UDA Allocation of 4,000 Dwelling Units Update, item number 1 on the revised agenda, to the next meeting date signify by saying aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 5 to 2. Thank you.

Mr. Hirons: And now can we take care of our schedule? What did our schedule... what was the schedule we adopted? I just don't have it in front of me; I don't really remember.

Mr. Rhodes: I thought we had moved our session from the 16th, cancel that and moved it to the 30th in order to get a public hearing in, in theory based on our previous deadline of the 1st of April.

Mr. Howard: We did adopt that schedule.

Mr. Rhodes: And I don't know the notifications that have gone out and where we stand with that.

Mr. Howard: The schedule that we adopted was we cancelled the meeting on the 16th and we moved the meeting to March 30th. We were also going to consider advertising or finalize recommendations for a public hearing tonight which obviously we just took care of that. So, the only other open issue looks like do we want to reschedule the March 16th meeting or leave it as is on the 30th? I personally don't have a preference on that.

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Mr. Rhodes: Mr. Chairman, my only position would be (inaudible) notifications have gone out and changes have been done, I wouldn't want to change it any further if we've already made notifications, publicized, etcetera.

Mr. Howard: Mr. Harvey, do you know the answer to that?

Mr. Harvey: Mr. Chairman, I notified the Public Information Office but I'm not aware of specific press releases or anything of that nature at this point in time. We have not sent an ad out so there's no notice to the newspaper with that regard. So...

Mr. Howard: So if you cancelled...

Mr. Harvey: We are still within the notice timeframe for announcing meetings; you have three days to announce a meeting prior to it occurring.

Ms. Kirkman: Well, I think the question is will it disrupt anything if we meet on the 16th instead of the 30th?

Mr. Harvey: I'm not aware of any disruption.

Ms. Kirkman: Okay.

Mr. Howard: Okay, good. Is that a motion Mr. Hirons?

Mr. Hirons: I'm a little perplexed; I'm not sure if I want to make a motion. So staff knows if we don't meet on the 16th we won't have a St. Patrick's gathering and you won't get my Irish Rum Cake.

Ms. Kirkman: I think the motion might be to meet on the 16th and not on the 30th.

Mr. Hirons: Is that the will of the... it seems to be the will of the...

Mr. Rhodes: To me... well, my only commentary would be that certainly as long as we don't have to change, add, notify, do anything along those lines, I think the 16th is preferable because you have a distance between then and our next meeting in April. Whereas, the 30th to the 6th of April is certainly... I mean, there's just no turnaround time (inaudible).

Mr. Hirons: Okay, I'll move to reinstate the March 16th meeting and remove the March 30th meeting that we had adopted at our last meeting.

Mr. Howard: Is there a second?

Ms. Kirkman: Second.

Mr. Howard: Discussion? I'll call for the vote. All those in favor of changing the schedule signify by saying aye.

Mr. Fields: Aye.

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Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. Mr. Taves, I think we're good. We appreciate your time.

Mr. Taves: Thank you very much.

Mr. Howard: Thank you.

Mr. Fields: Thank you.

Mr. Howard: That brings us up to... I am...

Ms. Kirkman: Mr. Chairman, could we take a five minute break?

Mr. Howard: Yes. We'll take a quick five minute break.

Mr. Rhodes: You know when they saw item 1 on the agenda, they did not expect to be here...

Mr. Howard: I apologize, but I think we need a quick restroom stop. So, Caroline, we'll be back in five minutes. Thanks. We're in recess.

9. WAI100037; Departure from Design Standards - Leeland Station VRE Parking Lot Expansion - A request for Departure from Design Standards for Landscaping Section 120.1(a) Parking Lots, Interior Landscaping requirements for the proposed parking lot addition, in accordance with Section 143 of the Design & Construction Standards Manual for Landscaping, Screening and Buffering, in an M-1, Industrial Light Zoning District on Assessor's Parcel 46-93G, consisting of 2.10 acres, located on the west side of Leeland Road approximately 1,000 feet north of Primmer House Road within the Falmouth Election District. If the request is approved, applicant will not be required to provide interior parking lot landscaping. **(Time Limit: May 26, 2011)**

1. SUB1000017; Patriot Ridge - Preliminary Subdivision Plan - A reconsideration of a previously denied preliminary subdivision plan for 16 single family residential lots on private well and septic systems, zoned A-2, Rural Residential, consisting of 23.12 acres located on the west side of William and Mary Lane, approximately 1,200 feet south of Decatur Road on Assessor's Parcels 31-67 and 31-68 within the Griffis-Widewater Election District. **(Time Limit: March 20, 2011) (History - Deferred at February 16, 2011 Meeting to March 2, 2011)**

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Mr. Howard: Good Evening. We had a quick recess. We are back at the Stafford County Planning Commission meeting for March 2, 2011 and we are on agenda item number 2, believe it or not, which is the Subdivision 1000017, Patriot Ridge Preliminary Subdivision Plan. Mr. Harvey, we will hear from staff on this I suppose on this?

Mr. Harvey: Mr. Chairman, to give you a little brief background, this application had been before the Planning Commission and it was initially denied at the Commission level. It's been resubmitted and the applicant has made some adjustments to the plan. The Planning Commission considered this application at the February 16th meeting and deferred it to this meeting due to some concerns that the Commission had and received some legal advice regarding it.

Mr. Howard: Okay. That's the presentation?

Mr. Harvey: We can get into more specifics if you would like.

Mr. Howard: No that's fine. Go ahead Ms. Kirkman you had a...

Ms. Kirkman: I do have some questions about the specifics. When you say the plan was resubmitted, what does that mean?

Mr. Harvey: The applicant filed a plan showing corrections to that plan based on the comments that they received upon the initial denial.

Ms. Kirkman: So was a new application number assigned to the plan?

Mr. Harvey: No Ma'am.

Ms. Kirkman: Did they pay an application fee?

Mr. Harvey: No they did not pay a new application fee.

Ms. Kirkman: Did they go through TRC?

Mr. Harvey: No Ma'am.

Ms. Kirkman: Did VDOT review it?

Mr. Harvey: I have to ask Mrs. Doolittle if VDOT reviewed it. No they did not.

Ms. Kirkman: And the Department of Health?

Mr. Harvey: No...

Mr. Rhodes: They spoke last time.

Mr. Howard: What was the...

Mr. Harvey: I believe the Department of Health... was there a...e xcuse me Mr. Chairman.

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Mr. Rhodes: He was here last time speaking to us.

Ms. Kirkman: Mr. Chair, my question to staff was did they do a formal review that typically goes with an application.

Mr. Howard: Right, that was your question and the follow-up to that from my perspective would be what is required for a resubmission?

Mr. Harvey: Mr. Chairman, that is unclear. Our Ordinance for development review has standards for new applications; it also has standards for revisions to approved applications. It doesn't really speak to what happens when an application is denied by the Planning Commission and resubmitted for approval pursuant to the State Code. So what staff in this case did is the plan came in. We did review on the aspects that were changes to the plan and then forwarded that plan to the Commission at our earliest possible date that we could get it on the Planning Commission agenda because there is a time limit for the Commission's consideration once the plan has been filed with the county.

Mr. Howard: Okay.

Ms. Kirkman: And you said you only reviewed the things that had been stated by the...

Mr. Howard: Denial.

Ms. Kirkman: ... denial letter but late yesterday evening, early in the evening, we received from the County Attorney a statement that the section that applies here of the State Code is 15.2-2260 not Section 2259. Correct Mr. Smith?

Mr. Smith: Yes Ms. Kirkman, that is correct.

Ms. Kirkman: And it is actually in 2259 that there is the language that precludes examining the plan in its entirety. That language does not appear to be anywhere in 2260. So that would seem to indicate the intent was to review the entire plan since it does not specifically preclude the Commission or the agent from doing that in a way the 2259 does. Is that... Mr. Smith?

Mr. Rhodes: It does not specifically direct it.

Mr. Smith: Mr. Chairman, I think it may be appropriate to discuss this matter in closed meeting if that is the will of the Commission.

Ms. Kirkman: So once again I am just trying to get an answer about what the law says. I'm not asking for legal advice in terms of whether we should approve, deny, act or non-act. I am just trying to understand...

Mr. Rhodes: You don't like the position.

Ms. Kirkman: ... what it is...

Mr. Howard: Hold on Mr...

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Ms. Kirkman: ... excuse me... what it is that the law says.

Mr. Smith: Well, Ms. Kirkman, I apologize if I did not answer the question that you asked. I agree that you are correct in your reading of Section 15.2-2259 and 2260 in terms of the language of the statute.

Ms. Kirkman: And then is there anywhere... I did not see it but you are certainly the authority, is there... is this animal of a resubmission identified anywhere in the State Code?

Mr. Smith: Yes Ms. Kirkman, I believe that the State Code does contemplate a resubmission.

Ms. Kirkman: Could you point out where it talks about this animal of resubmission?

Mr. Howard: Mr. Smith is looking that up for those...

Ms. Kirkman: Sure.

Mr. Howard: ... of you who are watching at home.

Mr. Smith: Unfortunately 15.2-2260 may not be as clear on this issue as one would hope. But I think that it does contemplate a resubmission at least in the following language in subsection B. It refers to various State agencies including the Virginia Department of Transportation doing their reviews and it states that it shall complete its review within 45 days of the receipt of the preliminary subdivision plat upon first submission and within 45 days of any proposed plat that has been previously disapproved.

Ms. Kirkman: So it does make it clear that VDOT should review this resubmission?

Mr. Smith: I would prefer to answer that in a closed meeting setting.

Ms. Kirkman: Okay, so well I will read it. The Virginia Department of Transportation Authority shall complete its review within 45 days of the preliminary subdivision plat upon first submission and within 45 days of any proposed plat that has been previously disapproved.

Mr. Howard: Okay, thank you.

Ms. Kirkman: And VDOT did not review this; is that correct?

Mr. Harvey: That is correct.

Ms. Kirkman: So Mr. Chair, at this time I'm going to make a motion to postpone this until the next meeting. The reviews that were supposed to take place in this case have not. In addition, we only received work last night that in fact we can look at the plan in its entirety, not just the things that the Planning Commission denied and so I think that takes another... we need to take another look at the plan for that reason.

Mr. Fields: Second.

Mr. Howard: Okay, discussion?

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Mr. Rhodes: Mr. Chairman I make a substitute motion for approval of preliminary subdivision plan SUB1000017, Patriot Ridge preliminary subdivision plan.

Mr. Howard: Is there a second?

Mr. Mitchell: Second.

Mr. Howard: Discussion on that?

Mr. Rhodes: No further discussion. I think we have been through all the issues. I think we have been through the things that were previously denied. Of course the primary one, the only one that I was ever standing behind in the first place was proven to not be applicable here. The others were matters of opinion and I think we are just dragging this on long enough. Thank you Mr. Chairman.

Mr. Howard: Any other comments?

Mr. Fields: Mr. Chairman.

Mr. Howard: Mr. Fields.

Mr. Fields: I will oppose the substitute motion. I think individual... the integrity of everybody's process and reasoning in and of its self is fine. I still contend that what has happened here, a process that should have been appealed to the Circuit Court has been has been appealed to the body that made the decision in the first place and that irrespective of how many ways we can argue about the letter of the law, it is clearly not the intent of the law that a preliminary subdivision plan when it has been disapproved by the Planning Commission can be re-argued before the Planning Commission and re-voted. And I don't disrespect any of my fellow Commissioners sensibilities of wanting to dispose of the matter or their opinion on it, but I do feel that to a large degree it has been a manipulative process and it should have gone to appeal and that is why I can't support the approval of it.

Mr. Howard: Okay, thank you. Any other discussion?

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: I am going to oppose the motion to approve for a number of reasons. First off, looking at 2260 and reviewing the case law, there are about 10 or 12 cases that have gone through the various Courts in Virginia related to Sections 2259 and 2260. It's clear that if there is plans submitted after denial, it needs to be treated as a new plan. That has not occurred in this case and we have clearly established that the plan did not get the VDOT review that is required. Secondly, I concur with what Mr. Fields has stated as this is not the appropriate venue. The Virginia State Supreme Court in Sterling Land Corporations versus the Planning Commission of Hamilton in 2000 made it very clear that when the applicant feels that the Planning Commission's reasons for denial do not comport with the Ordinance, that the appropriate venue to take is the...an appeal to the Circuit Court. Where by the way the presumption is the Planning Commission decision was correct. I think this is simply a matter... a means to use the local government to circumvent the State Laws. Lastly, I think our Zoning Ordinance is crystal clear in that A-2 properties shall not have densities of one house per acre unless they have...

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are served by either water or sewer and that that law is in place to keep up from getting into situations like we have out in the Roses, which supposedly was the reason for extending water and sewer far beyond the Urban Services Area boundary. I mean, quite frankly, what we have got here now is the wild, wild west, where people are just simply making up laws to meet the needs of developers and I think it's a shame.

Mr. Howard: Any other discussion from Planning Commission members?

Mr. Rhodes: Mr. Chairman. I would just follow up that while everybody has the right to their opinion, I tend to fall back on those who have the legal degree versus how people would desire to see it. But I will comment that the one thing that I, while it is not a reason for denial, that is really weak here in my opinion is the narrow eighteen foot roadway. I would not drive through a subdivision that had that kind of a roadway and would never want to live there personally and I think that's unfortunate but that is something that was approved through the review process and not a basis but I would tell you I would make them wider. I mean that just is not good. But that is all I have. Thank you Mr. Chairman.

Mr. Howard: You know I was conflicted initially on this myself and my focus was on the last comment that Ms. Kirkman actually made which was the A-1/A-2 conflict and it does appear that maybe a conflict within our own code on this. But it really doesn't in my mind and the advice I was given legally does not create an affirmative requirement for you to be on public water or sewer. Albeit I do know of some subdivisions, that Ms. Kirkman pointed out, that because of the one acre sized lots and certain parts of those you cannot get to perk for a septic system, their systems are failing and failing very badly. I think with today's technology and the advancement of all that has occurred within that arena I am comfortable that this particular applicant has met that requirement and I no longer find myself in conflict with that part of the issue, which was one of the reasons that this application was denied originally. Hearing no other comments I will call for the vote. All those in favor of the substitute motion made by Mr. Rhodes signify by saying aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: Motion carries 5 to 2. That does cancel out Ms. Kirkman's original motion. Thank you. We are now on the Floor Area Ratio in the Commercial and Industrial Zone, time limit May 3rd.

2. Floor Area Ratios (FAR) in the Commercial and Industrial Zoning Districts (**Time Limit: May 3, 2011**)

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Mr. Mitchell: Mr. Chairman?

Mr. Howard: Yes.

Mr. Mitchell: I make a motion that we move this to the next agenda, number one due to the lateness of the evening but number two this was given to us tonight. I think it would give us a little more timeframe to look at it and then we can discuss it a little more (inaudible).

Mr. Howard: Do we have time on that? We have until May 3rd.

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

Mr. Howard: Okay, is there a second?

Mr. Rhodes: Second.

Ms. Kirkman: Mr. Chair, one request I would have of staff in terms of some of the additional information, we had asked for what the build-outs could be... would be for commercial in our current zoning and land use and what the potential build-outs could be under land use and zoning map with the new floor area ratios. I didn't see that in our packet. Mrs. Hornung? I see you approaching.

Mr. Fields: We do owe Mrs. Hornung a gift card or something for making her stay here till 10:30 and then deferring.

Mrs. Hornung: That's okay, I took my nap already.

Mr. Fields: My vote to defer is no sign of disrespect to you, Mrs. Hornung.

Mrs. Hornung: That's okay; no problem. Thank you Mr. Chairman, members of the Commission. The information that I provided you has the, from what I understand that was asked from the last meeting was the acreage of the zoning districts and the acreage of the land use districts. And then also from Economic Development we provided some vacancy rates that are for the region. If I didn't include some information, then I misunderstood the additional questions; and then I can work on that to provide that for you.

Ms. Kirkman: What I recall requesting was that kind of build-out analysis. So, under our current zoning in our current land use, what's the maximum square footage of commercial and under the new proposed floor area ratios, under the land use map and under... we just need the land use map, right, because the zoning's still the same? Under the proposed land use... under the new Comprehensive Plan... wait. It's a four by four grid... I mean a two by two grid. And it's the current floor area ratio build-out for zoning and land use. And then under the proposed higher floor area ratios, the build-out under the zoning and the land use map.

Mrs. Hornung: So, you didn't want the acreage for the existing zoning...

Ms. Kirkman: No.

Mrs. Hornung: ...or the future land use?

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Ms. Kirkman: The acreage starts to get close to the second question I had and, as you'll recall, we had a discussion about do you build up or do you build out? And it had to do with what proportion of land use and some of the comparable counties what proportion of their land area were in the commercial versus other designation.

Mrs. Hornung: Right, that's what I have here.

Ms. Kirkman: Well, you have acreage but we don't know the total acreage so we can't... we didn't get the proportion. So, for instance, is 10% of Spoty's land zoned...

Mrs. Hornung: You want a percentage then.

Ms. Kirkman: Yeah, that's what proportion typically refers to.

Mrs. Hornung: Because I thought you wanted the acreage for each zoning district and each land use area.

Ms. Kirkman: I think you're really close. You just need one more number which is the total acreage for the county to do some division and get the proportion.

Mrs. Hornung: So, you want a percentage of the acreage in each zoning district and land use classification.

Ms. Kirkman: Yes.

Mrs. Hornung: Okay.

Mr. Fields: As a percentage of the total area of the county versus Stafford.

Mrs. Hornung: Right.

Ms. Kirkman: So I just wanted to...

Mr. Howard: Thank you, that's clear. So, all in favor of Mr. Mitchell's motion and to include obviously the questions being answered that Ms. Kirkman just asked to be carried over to the next meeting signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

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Mr. Howard: Aye. Opposed nay? The motion carries 7-0. The other item on the agenda is item 5 which is under New Business and is the Conditional Zoning Proffers. And, Mr. Harvey, to get into that would be difficult I think at this late hour. It says April 6 but what does that actually mean? That's a very short timeframe actually.

4. Rappahannock River Overlay District and Potomac River Overlay District (Referred back by Board of Supervisors) (**Time Limit: October 6, 2010**) (**History - Deferred at June 16, 2010 Meeting to August 18, 2010**) (**Deferred at July 21, 2010 Meeting to September 1, 2010**) (**Deferred at September 1, 2010 Meeting to October 6, 2010 Meeting**) (**Deferred - Requesting additional time from Board of Supervisors**)

NEW BUSINESS

5. Conditional Zoning (Proffers) (**Time Limit: April 6, 2011**)

Mr. Harvey: Correct, we've had a number of discussions about this and I guess at the last... since last meeting there were some requests for some legal advice, which the Commission received. From the staff's perspective we would suggest the Commission consider authorizing a public hearing. This basically creates or amends our local ordinance to allow us to have broader flexibility under State Law. The issue was the Commission had asked previously could we do both...

Mr. Howard: Right, and we did get the opinion.

Mr. Harvey: ... and the answer is no, so...

Mr. Howard: Alright, so...

Ms. Kirkman: The... I am trying to find this in all the paper. The other question was pertaining to that particular section regarding amending the proffers without public hearing, right?

Mr. Howard: Right.

Ms. Kirkman: We're talking about this ordinance, right?

Mr. Smith: Yes, Ms. Kirkman, that is correct.

Ms. Kirkman: And I think the opinion we got from the attorney, it's the very last paragraph in the proposed ordinance was that we were not required... that was the question, were we required by State Law to have that in the ordinance? And I think the opinion we got from the attorney was we were not required to have that and my concern and why I raised it was I felt like changes to proffers ought to take place in a public forum.

Mr. Howard: Yes, I would agree with that.

Ms. Kirkman: So, I would...

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Mr. Howard: There is nothing that... I don't want to stop you from making a motion Ms. Kirkman, but I don't think there is anything to preclude from once it's advertised to making that change the night of the public hearing; but if you want to make a motion now.

Ms. Kirkman: Well, I was just going to propose that we send it to public hearing minus that last paragraph.

Mr. Fields: So, it would preclude the capacity to make proffers changes by administrative review, right?

Ms. Kirkman: It would keep it out of our County Code.

Mr. Fields: Right.

Ms. Kirkman: And then I think there would be some, as the attorney pointed out, there would be some discussion what could be done.

Mr. Howard: Yes, there would be some ambiguity to it, but at the end of the day it would probably have to come before the Planning Commission which is what Ms. Kirkman is trying to accomplish, I believe.

Ms. Kirkman: Yes, so my motion is to send it to public hearing minus the very last paragraph in the ordinance.

Mr. Howard: Is there a second?

Mr. Fields: Second.

Mr. Howard: Okay.

Mr. Rhodes: Are you interested in discussion of the attorney's... just any reaction of this very detailed thoughtful opportunity?

Mr. Smith: I agree with Ms. Kirkman's characterization that it is not required. I probably should clarify that I... my reading of that provision that the Board could exercise that authority without it being included in the Zoning Ordinance. I recommend including it in the Zoning Ordinance, I think that it's helpful to have it there for staff and the public's knowledge in a second location. But I think not including it in the ordinance would not preclude the Board from exercising that authority in the future if it chose to do so. I would not be required to exercise that... well it would not be required to use that provision, but it would be available to the Board. I will further clarify, I apologize, that I am not recommending that the Board exercise that authority or utilize that authority. But if the Board has a desire to have it... if there is some desire by the Board to use it in the future, I think it would be helpful to have it in the Zoning Ordinance for public knowledge and for the knowledge of staff.

Mr. Howard: Can we have that read? I don't have that in front of me and I can start looking for it but...

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Mr. Harvey: Mr. Chairman, I can read that provision. It is Section 28-165, Amendments and Variations of Conditions. It states there shall be no amendment or variation of conditions created pursuant to the provisions of Virginia Code Section 15.2-2298 or 15.2-2303 until after a public hearing before the governing body advertised pursuant to the provisions of Virginia Code Section 15.2-2204. However, where an amendment to proffered conditions is requested by the profferor and where such amendment does not affect the conditions of use or density the Board of Supervisors may waive the requirement for a public hearing: 1) under this section and 2) any other statute, ordinance or proffer requiring a public hearing prior to amendment of conditions created pursuant to Virginia Code Section 15.2-2298 or Virginia Code Section 15.2-2303. Once so amended the proffered condition shall continue to be an amendment to the Zoning Ordinance and may be enforced by the Zoning Administrator pursuant to the applicable provisions of the Virginia Code and it cites four different code sections.

Mr. Howard: So, I recall recently the church, it's a Lutheran Church on Courthouse Road came before us to have a proffer amendment and we had a public hearing because of the material of the fence was different than what was originally proffered.

Mr. Harvey: Correct, and there was a recent case where they were changing the type of gas station... or name of the gas station. We had a similar type of situation. Right now within our current process it requires a public hearing.

Mr. Howard: Right, but I completely understand Ms. Kirkman's concern because I think, you know, as transparent as you can be it is always a positive. I have no issue, you know, when people negotiate proffers publicly, county residents really hearing it, see it, feeling it and trying to understand what we are trying to accomplish. But at the same time I am on the fence with this one because I don't know how you can accomplish that. You would hope that the Board of Supervisors would not try to leverage part of that new zoning ordinance for bigger issues, but you certainly would like to have the opportunity for the applicants who are spending money they probably should not have had to have spent.

Ms. Kirkman: Except for Mr. Chair we... I thought we had changed the fee structure...

Mr. Howard: We did, we did lower the fee.

Ms. Kirkman: ... for amendments to the proffers. So...

Mr. Howard: And actually the one for the church came in under that.

Ms. Kirkman: Yes. And my concern is not the churches that want to change...

Mr. Howard: I know that.

Ms. Kirkman: ... from one fence to the other; it is the fact that this literary means the Board could say okay, we know that we got public support for that rezoning because there was a \$30,000 proffer per unit attached to it. Well, we have changed our minds; now we only want a \$6,000 proffer.

Mr. Rhodes: That is still open discussion and vote.

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Ms. Kirkman: But there is no public hearing associated with it.

Mr. Howard: You would not be able to get public input... formal input.

Ms. Kirkman: And as well no notification requirements.

Mr. Rhodes: Is there... might there be a reason to keep the first sentence of that section? Did we... was the motion to eliminate the entire section or... ?

Ms. Kirkman: Oh, I see what you are saying.

Mr. Howard: Right, if you ended it at...

Ms. Kirkman: 2204?

Mr. Howard: Yes, exactly; right before that.

Ms. Kirkman: That is a very good point. If you are suggesting a friendly amendment, I will accept it.

Mr. Howard: Friendly amendment Mr. Rhodes?

Mr. Rhodes: Okie dokie.

Mr. Howard: Does the seconder accept that? So right before the 15.2-2204.

Ms. Kirkman: It would end right there at that first sentence.

Mr. Howard: Correct. Who seconded your motion?

Mr. Fields: I did.

Ms. Kirkman: Mr. Fields did.

Mr. Fields: I agree with that.

Mr. Howard: Okay. Any other discussion?

Mr. Fields: Yeah, I did have one thing. I am supporting sending this to public hearing. I would like to say though, and I say this... and I want to be brief, but I do want to share a couple things for my Planning Commissioners to consider as we go into this. I have some reservations about this. While it seems on the face value why wouldn't we want the increased authority for proffers, but during not only my tenure on the Board but specifically when I was Chair of the Coalition of High Growth Communities, it enabled me along with VML Legislative Committee to interact a lot with particularly a lot of Northern Virginia Supervisors and a few City Council people from Hampton Roads and people that had some of this authority. And I think it can be a double edge sword. It can quite often obscure the true nature or the true public impact of a development because you can... a developer now has the ability to start really flashing some serious green in the face of the local governing body and the public and it can obscure the validity sometimes of a land use decision that in my opinion needs to be sound

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in and of itself. And then we open the proffers to mitigate impacts of a good land use decision. But if you see some of the things that end up happening particularly in a fast growing county like Loudoun that had that proffer authority, I believe it enabled probably a great deal of fairly aggressive and high growth in the county that really couldn't stand it even worse than Stafford could. Not to say the every... you know it is like any of those things, it is all up to the will of the Planning Commission of the governing body how they are going to apply that. But I would say that there is a slight word of caution and maybe people might want to do a little bit of homework and look how it is applied. I think sometimes it is not necessarily the best thing. So that's just all I wanted to add.

Mr. Howard: Thank you. And I would tag onto that, with the recent Richmond change, and Mark Obenshain who's the one who lead the charge on that, to say that Stafford County was thumbing their nose at some legislation that they passed which actually limits... extended some limits to I'll call it vested, but proffers that had been existing that will now fall under this new particular laws that exist end up hurting us, if your all familiar with it or not, but in any case there is some validity to what Mr. Fields is saying at a different level. But all those in favor of supporting the motion as amended signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. Planning Director's report?

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you Mr. Chairman. We had the discussion earlier about the Form Based Code and I briefly mentioned about the Redevelopment Area Plans. Just to elaborate a little bit more, the Board referred all four Redevelopment Area Plans to the Commission to schedule a public hearing. The Resolution to do so is similar to the Form Based Code Resolution in that it requests you conduct your public hearing and make a recommendation within 60 days. So staff would ask the Commission for some guidance as to when you want to bring the Redevelopment Area Plans back to the Commission. Do you want to have Mr. Johnson come in and talk some more to the Commission or how do you want to proceed with that regard?

Mr. Howard: I would rather get it on the agenda sooner. I mean, it may have some application to what we're discussing with the UDAs I would think. I'd defer to the will though of the group. Get it on the next meeting agenda and start going forward with it? I'm not sure if Brad needs to come back.

Mr. Fields: We certainly need to start working something with the Boswell's Corner. I mean, I think we made that pretty obvious. We've got to get to work on that right away.

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Mr. Howard: Yeah. Are you asking do we want it on...?

Mr. Harvey: Yes. Do you want it on the meeting for the 16th?

Mr. Howard: Yes, I think so.

Mr. Harvey: Okay.

Ms. Kirkman: Just to get clarification... did we or do we need to make a motion specifically requesting the Board give us specific direction about the number of residential units they want in Boswell's Corner?

Mr. Howard: We didn't make a motion but we certainly could.

Ms. Kirkman: Well, I'm asking do we need to do that and like specify like request that they do so at their next meeting since we also have these deadlines?

Mr. Howard: We can do that. We've done it both ways in the past, Ms. Kirkman, and they typically give us an answer either way. But if your concern is they might just not get to that we can certainly send it to them as a, hey, we voted on this, it was a seven... I don't know, I can't predict the future, but if I could I would've got the lottery tickets last night. But, you know, here's the vote, it was a strong vote and we really want some help on this one. So if you're making that motion...

Ms. Kirkman: Would this be the time to do that?

Mr. Howard: Well, it probably would have been like 15 minutes ago but that's okay. We can still do that though; we haven't concluded the meeting. Yes, we want that on the agenda. Ms. Kirkman is in the middle of making a motion to help and support you.

Mr. Harvey: I only had one other item. The Board did pass the revision of Section 22-190 regarding subdivision street connections as recommended by the Planning Commission.

Mr. Howard: Good.

Mr. Harvey: And that concludes my report.

Ms. Kirkman: I guess my motion at this time, and I'll certainly look for help from my colleagues in phrasing it, is that we request the Board at their next meeting to provide specific guidance to the Planning Commission on the number of residential units that they want in the Boswell's Corner area.

Mr. Howard: Can we say range?

Ms. Kirkman: Well, see, range creates a problem because if you get above 744, you're then having to look at somehow changing the ordinance. So it's really... so I'm no longer speaking to the language of the ordinance, but the sort of logical problem that we have in front of us is if the desire of the Board is that there not be more than 744 units in Boswell's, then that means the ordinance before us should not have any residential component to the transect zones.

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Mr. Rhodes: And that, if I might interject, what you stated is representative of where I thought we left the conversation for the question for them. And that is, what is this? Is it that you want us to only apply what is the maximum buildable by-right? Is it that number or is it that you truly want to have us consider a proposal that takes these minimum of six dwelling units per acre up to 18 and this density of I came up with the bottom to the 3,000.

Mr. Howard: And why I said range is if they did come back with a range and said between 700 and 850, we may create transect zones that have a different density in order to accommodate the maximum. That's why I was mentioning the range, so it gives us a maximum ceiling and we know we'd have to come back and do a calculation.

Ms. Kirkman: So, I guess... so, let's move away from the motion making and just have some discussion so we can figure out what the right motion is. I do think the first question for the Board to answer is do they want a limit to what they have said they want to do previously which is 744 which is the existing units plus the by-right development. Do they want that, yes or no? They could say no, we want a range; yes, that is what we want. If they want something more than 744, then I think we need direction from them in terms of do they want those additional units to be in a UDA, because at that point you're talking about more dense residential development.

Mr. Howard: Correct.

Mr. Fields: Well, I understand your point about the range. Ms. Kirkman's point is critical because if going even one unit above the vested zoning now is reversing what we've been doing which is saying no further residential development in Boswell's Corner because it's incompatible with the Marine Corps. So, I know what you're saying about a range but if we go above the vested, you know, we're into a whole different world at that point; even if it's not a lot of numbers. Does that make sense?

Mr. Howard: Absolutely. But I don't know what their thinking was.

Mr. Fields: Well, I guess that's what we do. Maybe we just need to ask them a question. Do you want us to cap residential in the Boswell's RDA? Should the total number of existing future residential units be capped at 744? Or do you envision a scenario where additional development above vested and existing can occur?

Mr. Rhodes: So it's at, near or is it a UDA?

Mr. Fields: Yeah; are we sticking with vested or are we rethinking a potential UDA type of development at Boswell's?

Mr. Howard: Alright. So, how do we want to word that?

Mr. Fields: Maybe just kind of like I just said, do they want us to look at Boswell's RDA and cap residential development at existing and vested projects? Or do they want us to examine the possibility of adding a UDA or adding another layer of residential development to Boswell's Corner?

Ms. Kirkman: Mr. Chair, I think the construction question is not an or as the second question. I think the construction of the second question is if the Board desires to have more than 744 then do they want a UDA.

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Mr. Fields: Yeah, that makes sense.

Mr. Howard: Yeah, that's right.

Mr. Fields: If then rather than or.

Ms. Kirkman: So I make a motion that we request the Board address that at the next meeting.

Mr. Fields: Second.

Mr. Howard: Stacie, do you have that captured fairly well you think?

Mrs. Stinnette: Yes sir.

Mr. Howard: Okay. So I think we got the spirit of that. All those in favor of the motion made by Ms. Kirkman, seconded by Mr. Fields, signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Mr. Mitchell: Nay.

Mr. Howard: Okay, the motion carries 6 to 1.

Ms. Kirkman: Could we just hear from our colleague about the thinking behind opposing the motion?

Mr. Howard: If he has the appetite to do that. I can't force you to talk, Mr. Mitchell, so it's your choice.

Mr. Mitchell: I'm like Pete said, Quantico is our best neighbor. Quantico puts a lot of money into Stafford County. I do not support putting houses up there residential. I support the business side because Quantico needs the business people, the commercial entities like the park that we discussed tonight. I do not support putting residential housing; if it's by-right we're stuck with it. But I do not want a direction from the Board telling us well, here's what we want; we want more housing, da-da-da. I think it's indicative that we respect our neighbor. It's indicative that we should try to get along with our neighbor, especially seeing they have 19% of the north end of our County. So, I cannot support any resolution to the Board that deals with additional housing, housing or residential.

Mr. Howard: Okay, thank you.

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COUNTY ATTORNEY'S REPORT

COMMITTEE REPORTS

10. Transfer of Development Rights (TDRs) (**Time Limit: April 6, 2011**) (**In Joint Committee**)
11. Telecommunications Plan Update
12. Implementation Plan Update

CHAIRMAN'S REPORT

OTHER BUSINESS

APPROVAL OF MINUTES

February 2, 2011

Mr. Howard: Is there a motion for approval of the minutes for February 2nd?

Mr. Rhodes: So moved.

Mr. Mitchell: Second.

Mr. Howard: Any discussion on the minutes? All those in favor of approving the minutes of February 2nd signify by saying aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Fields: Aye.

Ms. Kirkman: Aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. Is there any appetite... I mean, Mr. Hirons you brought up your rum cake. I'm like all for that. I could absolutely bring in some really delicious Irish soda bread that my wife will make.

Mr. Hirons: Certainly.

Mr. Howard: Five thirty next meeting if anybody wants to eat dinner.

Mr. Hirons: I'll be here.

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Mr. Rhodes: Be there or be square.

Mr. Howard: Okay.

Mr. Rhodes: I'll bring plates and bowls and plastic stuff and things because that's what I can cook.

Mr. Howard: Cool. Alright, meeting is adjourned. Thank you.

With no further business to discuss, the meeting was adjourned at 11:02 p.m.