

STAFFORD COUNTY PLANNING COMMISSION
January 29, 2020

The meeting of the Stafford County Planning Commission of Wednesday, January 29, 2020, was called to order at 6:30 p.m. by Chairman Steven Apicella, in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Steven Apicella, Darrell English, Barton Randall, Albert Bain, Kristen Barnes, Dexter Cummings, Fillmore McPherson

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Michael Zuraf, Eva Campbell, LeAnn Ennis, Rebecca Chung - YES Student

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Are there any declarations of disqualification on any agenda item? Okay, seeing none, are there any changes to the agenda?

Mr. English: No, Mr. Chairman, when we do items 1, 2, and 3, can we just combine them all in one? Is that okay?

Mr. Apicella: I think that's permissible. I'd like to do the same on items 4 and 5. Objection? Okay. Thank you, Mr. English. So, we now move to the Public Presentations portion of tonight's meeting. I'll open the Public Presentation and give you an opportunity for members of the public to address any matter except the items scheduled for public hearing tonight; and those would be items 1 through 5, Westlake and Garrisonville Retail. Again, you'll have an opportunity when those come up to address those specific items. So, if you're here to speak during the Public Presentations portion of tonight's meeting, you may speak for up to 3 minutes. When you come to the podium, please state your name and address. The green light starts the clock. Yellow means you have 1 minute remaining. Red means you need to wrap up your comments. So, if anyone would like to come forward, please do so now. Okay, seeing no one, I'll close the Public Presentations portion of the meeting and move onto item 1, 2, and 3, which I believe are going to be presented all at the same time. Mr. Zuraf?

PUBLIC PRESENTATIONS

PUBLIC HEARINGS

1. COM17151763; Amendment to the Stafford County Comprehensive Plan - Westlake - A proposal to amend the "Stafford County, Virginia, Comprehensive Plan 2016-2036," adopted on August 16, 2016, regarding future land use designations that would support higher density residential development on a portion of the proposed Westlake development. The proposed amendment would modify Chapter 3, "The Land Use Plan," to amend the maps entitled Figure 3.1, "Urban Services Areas" and Figure 3.6, "Future Land Use" (collectively, the "Maps"). The proposed changes would amend the Maps by changing the future land use designation on Tax Map Parcel No. 35-22 (Property) from Agricultural/Rural to Suburban and amending the Urban Services Area limits to incorporate the Property into the Urban Services Area. The Property consists of 87.6 acres, located at the terminus of Jack Ellington Road, approximately 1,000 feet east of Richards Ferry Road, within the Hartwood Election District. **(Time Limit: January 31, 2020) (History: October 23, 2019 Public Hearing Continued to December 11, 2019) (Public Hearing Continued to January 29, 2020)**

Planning Commission Minutes
January 29, 2020

2. RC17151895; Reclassification - Westlake Proffer Amendment - A proposal to amend proffered conditions on Tax Map Parcel Nos. 35-20, 35-20A, 35-21, 35K-1A-1, 35K-1A-2, 35K-1A-3, 35K-1A-4, 35K-1A-5, 35K-1A-6, 35K-1A-7, 35K-1A-8, 35K-1A-9, 35K-1A-10, 35K-1A-11, 35K-1A-12, 35K-1A-13, 35K-1A-14, 35K-1A-15, 35K-1A-16, 35K-1A-17, 35K-1A-18, 35K-1A-19, 35K-1A-20, 35K-1A-21, 35K-1A-22, 35K-1A-23, 35K-1A-24, 35K-1A-25, 35K-1A-26, 35K-1A-A, 35K-1A-A1, and 35K-1A-B, 35K-1A-CC, 35K-1A-JJ, and 35K-1A-KK (Property), zoned R-1, Suburban Residential Zoning District and R-2, Urban Residential – Medium Density Zoning District, to remove site dedication and improvement requirements and update the terms for the development of the project. The Property consists of approximately 482.01 acres and is located at the southern terminus of Cedar Grove Road, along planned Brigade Boulevard, approximately 3,200 feet west of Warrenton Road, and along the west side of Horsepen Run, within the Hartwood Election District. **(Time Limit: January 31, 2020) (History: October 23, 2019 Public Hearing Continued to December 11, 2019) (Public Hearing Continued to January 29, 2020)**

3. RC17151764; Reclassification - Westlake - A proposed zoning reclassification, with proffers, from the M-1, Light Industrial Zoning District and B-2, Urban Commercial Zoning District to the R-3, Urban Residential – High Density Zoning District, on a portion of Tax Map Parcel No. 35-31 (Westlake Parcel) consisting of 65.0 acres, to allow for the development of 280 townhouse dwelling units; and from the M-1, Light Industrial Zoning District to the R-1, Suburban Residential Zoning District on Tax Map Parcel No. 35-22 (Crucible Parcel) consisting of 87.6 acres, to allow for the development of 120 single-family dwelling units. The Westlake Parcel and the Crucible Parcel are hereinafter collectively referred to as “the Property.” The Westlake Parcel is located at the southern terminus of Cedar Grove Road, approximately 1,500 feet south of Warrenton Road. The Crucible Parcel is located at the terminus of Jack Ellington Road, approximately 1,000 feet east of Richards Ferry Road. The Property is located within the Hartwood Election District. **(Time Limit: January 31, 2020) (History: October 23, 2019 Public Hearing Continued to December 11, 2019) (Public Hearing Continued to January 29, 2020)**

Mr. Zuraf: If I could have the computer please. Good evening Chairman Apicella and members of the Planning Commission. Mike Zuraf with the Planning and Zoning Department here to go through the staff presentation for items 1 through 3 regarding the Westlake project. This involves three separate applications. To quickly summarize those, first there’s a Comprehensive Plan Amendment to amend the Future Land Use map designation on the Crucible parcel, and also the Urban Services Area boundary to include that parcel within it. The Zoning Reclassification application, that would rezone the Westlake parcel from M-1 and B-2 zoning; those are Industrial and Commercial Zoning Districts to R-3, that’s Urban Residential zoning, to develop up to 280 townhouse units. Also, rezone the Crucible parcel from Light Industrial to R-1, Suburban Residential, to develop up to 120 single-family units. The last application is a Proffer Amendment to amend proffered conditions on parcels that were already previously zoned R-1 and R-2, to remove site dedication and improvement requirements and update the terms for the development of the project. The applicant is Westlake Development, LLC, with Charlie Payne as the agent. For a quick summary of the history of these applications, the Commission first considered the application at public hearing on October 23rd of last year. The public hearing was continued to December 11th and again to this meeting. A community meeting was held on Monday, January 13th, at Hartwood Elementary School. A meeting summary has been included with the staff report. Subsequent to the community meeting, the applicant submitted a revised Proffer Statement and General Development Plan. I’ll go over those changes in the presentation. So, this image shows the overall potential development which would include up to 1,100 dwelling units. In

Planning Commission Minutes
January 29, 2020

general, the site is located to the south of Warrenton Road, at the end of Cedar Grove Road. The three applications apply to different parts of this development. The Comprehensive Plan Amendment area includes the Crucible parcel; it's 87 acres. It's located at the end of Jack Ellington Road, east of Richards Ferry Road. Currently, the site has a high-level security training and management facility includes... that also includes outdoor weapons training. It's been in operation for approximately 19 years. The rezoning area includes two separate sites, the Crucible parcel of land what's referred to as the Westlake parcel. The Westlake parcel covers 65 acres and is located at the end of Cedar Grove Road, south of Warrenton Road. Also, that property is undeveloped currently. And the proffer amendment area, that includes the original Westlake residential site; that covers 482 acres and that site also is undeveloped. So, first, going through the Comprehensive Plan Amendment, the map on the left is the current Future Land Use map. The land use recommendation on the Crucible site, which is highlighted in blue, is Agricultural and Rural. And the red line represents the urban Services Area. The Urban Services Area is an area where higher density development is anticipated, where development that would typically utilize public water and sewer and also utilize more public services such as schools, fire and rescue, and have a higher demand for transportation improvements as well. On the right is the same map with the proposed land use designation on the site as Suburban, and expanding the Urban Services Area boundary to include that site. The purpose of the amendment is to support higher density residential development with expansion of the proposed Westlake development onto this subject property. This is the proposed development plan from the concurrent rezoning. So, Policy 1.2.3 addresses expansions to the Urban Service Area and provides a series of criteria that should be met prior to approval of expansions. The following is a summary of the applicable criteria regarding point one. The policy recommends lands that are proposed to be included in the USA must have been zoned Commercial or Industrial as of the original date of the adoption of the plan, which is the case here as land use... as the land has been zoned Light Industrial for many years. On the second point, the proposal does not comply with this criteria as the suitable... suitable land is available inside the Urban Service Area that is designated Suburban on the land use map. On the third point, changing the location of the Urban Service Area boundary. In this instance, it is not adverse to other goals and objectives in the comp plan. On the fourth point, the extension of the Urban Service Area would likely not lead to further extension of water and/or sewer. Rural residential development on well and septic does exist to the west, and the property to the south is approved for a stone quarry. On point five, the boundary change and associated land use will have minimal impact on land and land uses outside of the new boundary. There are several points for this. The proposed amendment would allow for the site to be redeveloped to a use that would reduce impacts to adjacent properties. The current industrial training use is inconsistent with the predominant rural residential development pattern and planned suburban residential development on the adjacent property. The current use generates noise impacts from the facility's shooting ranges, and redevelopment of the site to residential would negate this impact. The accompanying proposed residential development also provides for a buffer between the proposed dwellings and rural residential properties to be consistent and incorporated into the residential development plan to the north. On point six, the change will have minimal impact on public facilities or transportation as the accompanying rezoning proposes to mitigate public facility impacts to schools, fire and rescue, and transportation. On point seven, the project demonstrates the ability of adequate services as the accompanying zoning reclassification includes a proffer analysis that identifies public facility service deficits and proffers would mitigate those deficits. So, on another part of the evaluation, transportation impacts, the traffic impact analysis was prepared with this request and the traffic study assumed that 30% of the trips would access the Jack Ellington Road and onto Richards Ferry Road. Since the site would have the street connections to the approved Westlake site, the remainder of the trips would utilize the new streets within the Westlake development. The TIA determined that there would be impacts to Richards Ferry Road and... at the approach to Route 17. For mitigation, it was recommended additional turn lanes be provided there. And as it relates to this

*Planning Commission Minutes
January 29, 2020*

overall development, the applicant had proffered cash contributions. There is a proposal to remove the street connection to Jack Ellington Road and that would eliminate any of these transportation impacts to Richards Ferry Road, if that was to occur. And I'll talk more about that as we go into the other cases. For the environmental impacts, there is rolling terrain, a mix of wooded and open areas, and one perennial stream. There is no 100-year floodplain. With utility impacts, redevelopment of the parcel would require utility extensions to the parcel. And the adjacent Westlake development would be required to install extensive utility improvements at their cost. Staff is supportive of the amendments to the Comp Plan pursuant to Resolution R20-09. And going to the second application, the zoning reclassification, this is the current zoning map with the Crucible parcel zoned M-1, that's the blue shading. And the Westlake parcel...

Mr. Randall: Mike, can interrupt just a second?

Mr. Zuraf: Yes.

Mr. Randall: Could you go back a couple of slides? I'm sorry. One more; right there. Redevelopment of the parcel would require utility extensions to the parcel. So, who's gonna be doing those utility extensions? Who's paying for those?

Mr. Zuraf: The applicant would be.

Mr. Randall: The applicant?

Mr. Zuraf: Yes.

Mr. Randall: Okay. Do we have an idea of how much those are gonna be?

Mr. Zuraf: For this specific site, I would have to say...

Mr. Randall: We're talking about the water and sewer, correct?

Mr. Zuraf: Yes, yes. I would have to defer to the applicant on what that might cost for this area.

Mr. Randall: Okay. Thank you.

Mr. Zuraf: The Westlake parcel, over to the right, that's zoned M-1 and B-2. The Westlake parcel was zoned that in 1989. It's part of the larger Westlake development. In 2006, the site was part of a proffer amendment that relocated a 55-acre public land dedication from the current Westlake residential area over to this property. The Crucible property was zoned M-1, Light Industrial, as part of a county initiated comprehensive rezoning back in 1978. The Westlake parcel, this is the aerial view. It has rolling terrain, is mostly wooded. There are several rural residential properties located to the east and south of the site. This is the image of the General Development Plan for the proposed 280 single-family attached townhouse units on this parcel. Access would be provided through two entrances off of a proposed entrance road called Brigade Boulevard. And an additional gated emergency access point is proposed on Clark Patton Road that will be provided to improve fire and rescue access to the property.

Mr. Randall: Mike, could you draw those on there somewhere?

*Planning Commission Minutes
January 29, 2020*

Mr. Zuraf: Yes.

Mr. Randall: Please?

Mr. Zuraf: So, Brigade Boulevard is in this location. And this... Route 17 is up here. So the access points would be here and here. And then the Clark Patton Road is down in this corner and it heads over this way. The emergency access would be in this location.

Mr. Bain: And would that be fully paved to the County standards or VDOT standards, or is it gonna be a gravel road?

Mr. Zuraf: I may have to check. I believe it would have to be paved to support fire apparatus.

Mr. Bain: Alright, thank you.

Mr. Zuraf: So, the Crucible parcel, this is the aerial photo of that site. It has rolling terrain and includes a mix of wooded and open areas. Associated with the security training facility, there are several industrial buildings that house the operations and five outdoor firing ranges. There are also rural residential and undeveloped properties to the south and west of the site. And the northern end of the site abuts the residential portion of the Westlake development. This is the GDP for that area. It proposes 120 single-family detached units. Access would be provided through two inter-parcel street connections into the Westlake residential portion at this location and this location. Originally, the plan identified a connection... full street connection off of Jack Ellington Road in this location, which heads out to Richards Ferry Road. The latest revised General Development Plan removed that full connection and proposes a cul-de-sac with a... also a gated fire access in that location. Staff would note also that the public street connections are required to be made when a public street stubs into a developing property. Limiting the connection to a gated access off of Jack Ellington and also Clark Patton Road would not be permitted without a waiver being granted by the Planning Commission and an exception granted by VDOT. This would be a future consideration that takes place at the time of preliminary plan review and approval. So, during the community meeting, the applicant did express his intent to not provide that connection and seek the required waivers and exceptions from the County and VDOT. The Comp Plan's Future Land Use map currently does classify, as mentioned, the Crucible parcel in the Ag/Rural future land use designation and is located outside the Urban Services Area. The corresponding Comp Plan amendment would change that and make that Suburban. The Future Land Use map currently classifies the Westlake parcel as Suburban and is located inside of the Urban Services Area. In evaluating the proposal against the Suburban land use, the following factors are considered. Both the Crucible and Westlake parcels comply with most of these criteria. However, the Westlake parcel is not consistent with the development density and site layout and building design criteria. Westlake has a proposed density of 4.3 dwelling units per acre. Also, the proposed development is not consistent with the design and location criteria listed in the Comp Plan, as the Comp Plan recommends that the site be adjacent to other existing or planned townhouse or apartment dwellings.

Mr. Bain: I'm sorry. And how many units were they proposing in that Westlake parcel?

Mr. Zuraf: Two hundred eighty townhouses.

Mr. Bain: Two eighty? Okay.

Planning Commission Minutes
January 29, 2020

Mr. Zuraf: This slide summarizes what the public facility types would be impacted based on the current capacities. The project would negatively impact elementary and middle school capacities. The latest school enrollment and capacity data identified an increase in the number of students in the receiving elementary and high schools that would serve the site. This resulted in decreased available capacity for students. And then this has the effect of increasing the need for additional monetary contributions to reasonably offset the impacts. On the second point, the project would add to current public safety service level deficits, and traffic from the Crucible parcel would negatively affect levels of service on Richards Ferry Road if a street connection is ultimately required, if the waivers and exceptions are not granted. This slide summarizes what public facility types would be impacted based on current capacities. As mitigation, the applicant has proffered cash contributions to include, for the townhouse units, \$15,600 approximately per unit and it's broken out among schools and public safety. The schools amounts would increase greatly with the changing school capacity numbers. And then also likewise for the Crucible parcel, the school amounts have increased from \$28,000 up to \$42,000 per unit and \$44,000 per unit overall. Also, the cash contributions for transportation were removed in anticipation of removing the street connection to Jack Ellington Road.

Mr. Bain: Mr. Zuraf, just out of curiosity, with the original land development plan, were there cash contributions or proffers made for schools and transportation?

Mr. Zuraf: Yeah, on a portion of the project in the 55-acre area that was part of the 2006 proffer amendment. The homes within that area have a... have a per unit contribution of, it's upwards of like over \$40,000 I believe per unit. The remaining units do not have any cash contributions.

Mr. English: What about the 700 homes?

Mr. Zuraf: That's the 55-acre portion of the... and the exact number within that, I'm not certain.

Mr. English: Okay.

Mr. Bain: So, out of 700 units, there's only 55 that are paying contributions towards schools?

Mr. Zuraf: No, it's the units... the units that are within the 55-acre area. The exact number we'd have to go and estimate.

Mr. Bain: Okay, well how about the other units? Was there a proffer made for the 700 units in that 482 acres?

Mr. Zuraf: Only for a portion of the 700 units. So, the 700 units include... let me go... let me show you. So, the 700 units are...

Mr. Bain: Are the yellow and orange.

Mr. Zuraf: Yes. This whole area. The proffers are approximately in this area. It's the 55-acre area.

Mr. Bain: Why were there no proffers on the remaining?

Mr. Zuraf: It wasn't required back when it was originally approved in 1989.

Mr. Bain: Okay, that's what I was wondering.

*Planning Commission Minutes
January 29, 2020*

Mr. Apicella: So, that 55-acre piece of the Westlake parcel, was that originally the school site?

Mr. Zuraf: It was a ... there was... a portion of it was a school site and a portion of it was a park. I think it was like 35 acres for a school site and 20 acres for a park.

Mr. Apicella: Okay, thanks.

Mr. Zuraf: The applicant also is requiring the design of the buildings to be in accordance with these elevations, including the townhouses on the Westlake parcel and the single-family homes on the Crucible parcel. The proposed architectural design is consistent with many of the features recommended in the Neighborhood Design Standards Plan and the Comp Plan, which includes architectural guidelines. The proposed proffers, they would require development as generally depicted on the GDP, including the limitation of the... to 280... no more than 280 townhomes, no more than 120 single-family homes; limit the amount and type of development to that amount; require the architectural design in accordance with the renderings that you just saw; provide cash contributions that I've already reviewed; require construction of tot lots in the locations that are shown on the General Development Plan. There's a 200-foot setback requirement in the townhouse section adjacent to Clark Patton Road. Also, requiring the Crucible cease operations within 90 days and facilities be removed within seven years of rezoning approval. Require a survey for and safe removal of unexploded ordnance if encountered. Also, there's some new proffers that would limit all construction traffic to the main site entrance, Brigade Boulevard. So, construction traffic couldn't enter in off of Clark Patton Road or Jack Ellington Road. Also, require 18-month delay period prior to any new residential occupancy permits from the time of rezoning. And then once housing starts, there's a... there'd be a annual phasing cap of no more than 100 homes for every 12 month period. And if they are under that 100 home cap, the... whatever units aren't built, they could actually roll those over. So if they build 90 homes in a 12 month period, they could do 110 units in the next year, for example.

Mr. Apicella: Mike, these last two proffers. Are they applicable to just the additional 400 or the 400 plus the 700, so all 1,100?

Mr. Zuraf: That actually applies to all 1,100.

Mr. Apicella: Okay. Thank you.

Mr. McPherson: And Mike, I have one question, if you don't mind. Back to the proffer. I seem to recall reading in the... that the proffer per single-family dwelling was increasing from approximately \$38,000 to \$46,000, I believe, per single-family unit. Is that for all 700 or still just the 55 acres?

Mr. Zuraf: No, this would be for the 120 homes.

Mr. McPherson: Okay, so that would just apply to the 120, not the remainder of the 700?

Mr. Zuraf: Right, right.

Mr. McPherson: Okay, thank you.

Mr. Zuraf: So, staff findings for the rezoning -- there are several positives. The Crucible parcel proposal is consistent with this Suburban land use recommendations should the Comp Plan be amended; proffers would ensure the development would be consistent with the General Development

*Planning Commission Minutes
January 29, 2020*

Plan; the mitigation of the schools and public safety impacts would be considered reasonable; the proposed land use on the Crucible parcel is consistent with the adjacent approved Westlake development; and redevelopment of the Crucible parcel will result in a use that's more compatible with the surrounding properties; proffers would ensure the current use of the Crucible parcel cease within a reasonable timeframe and the corresponding facilities and materials safely removed from the site prior to the redevelopment. Also, the building designs are consistent with the architectural design guidelines. There are some negatives. The proposed townhouse use and density on the Westlake parcel is not consistent with the Suburban land use recommendations in this area; and the townhouse use on the Westlake parcel is not consistent with established and approved development patterns; the proffered cash contributions do not account for annual construction cost adjustments as well. Also, the potential transportation impacts would occur to Richards Ferry Road should the required street connection to Jack Ellington Road not be waived. Yes.

Mr. Cummings: *Inaudible, microphone not on...* proposed townhome use density and it not being consistent with the... *inaudible*?

Mr. Zuraf: Yeah, I guess one of the points that I make, in the Comprehensive Plan in the Suburban area, there's a maximum density recommended of... that residential development not exceed 3 dwelling units per acre. And, in this case, on this portion of the site, the resident... the 280 townhomes would equate to 4.3 units per acre. That's kind of the intent there. So, staff is partially supportive of the application with the conditions proposed. Staff is supportive of the rezoning of the Crucible parcel but not supportive of the rezoning of the Westlake parcel to R-3. Also, the rezoning should be contingent upon approval of the proposed Comprehensive Plan amendments that would precede this. So now, the Proffer Amendment, the last application, number 3. The subject of the Proffer Amendment is the original Westlake residential development site. This is the zoning map again. The original Westlake residential development units are in this location; that's 701 units. Again, it was zoned R-1 and R-2 back in 1989 as part of the larger Westlake development. This is the approved preliminary subdivision plan that permits the 701 single-family residential lots. And a section of the subdivision has been platted, and construction and infrastructure plans are nearing approval. And so, just to mention again, the proffers for this portion would generally apply to the homes within this area. Those have the existing proffers.

Mr. Randall: So, Mike, what's the number of homes you think's gonna fit into the... based on what you're looking at here? Based on what we've seen here? How many total homes?

Mr. Zuraf: I would... I'm just a rough guess of about 150. Seventy-nine?

Inaudible from audience.

Mr. Zuraf: Seventy-nine homes.

Mr. Randall: Alright.

Mr. Zuraf: So, the original development had a series of proffers, and some of the amendments though would decrease the maximum number of residential units down from 796 to 701 to basically be consistent with the approved preliminary plan on the site. It would delete the requirement for commercial development phasing, which the original proffer waived due to prior dedication of land for a college site. Also, addressing Mr. Apicella's question, it does add the delay period and annual phasing cap similar to the rezoning. And adds also language to remove the requirement for a 50-foot

Planning Commission Minutes
January 29, 2020

buffer adjacent to the Westlake parcel if it's rezoned to residential. On the fifth point, it adds that the homes are required to be in general accordance with new architectural renderings. This amendment is consistent with the form of many of the recent residential zoning reclassifications. And then, the last point, it would remove residential building design from Westlake ARB oversight. The ARB would still be required for the commercial development in the Westlake... commercial areas of Westlake. So, also some other amendments; it deletes the requirement to dedicate the 65-acre public use site to the County. This is tied to the concurrent rezoning of that site to R-3 for the townhomes. It would provide \$1 million in cash contribution to offset the removal of the proffer to dedicate that public use site. Previously, the proffer limited funds and use of the funds to only be used for a school site, and so they did modify the proffers to keep it open ended, so that money can be used for public land of any use. And the timing of the payment, within 30 days of the CDA financing or prior to the 350th dwelling unit within the 700 unit section.

Mr. Apicella: Mr. English?

Mr. English: Mike, could you just explain the CDA in case people in the general public don't know what a CDA is?

Mr. Zuraf: Yeah, so the Community Development Authority is a... basically a special taxing district that would help to fund the infrastructure needs for this development. And boundaries are established and, in this case, it would typically be the limits of the land that's under control of the Westlake Development. So, it doesn't go out beyond and include other properties that are not part of the development. And those properties then they would get an assessment from the County to help pay off the bonds that are used to fund all the infrastructure needs for this development.

Mr. English: Embrey Mill is like that...

Mr. Zuraf: Yeah, you have that for Embrey Mill which included all the... you know, that helped to pay for Mine Road, for example.

Mr. English: ... and Celebrate Virginia also.

Mr. Zuraf: Celebrate Virginia has one, yeah.

Mr. Randall: So, who... the homeowners are paying that.

Mr. Zuraf: Yes.

Mr. Randall: They're paying an extra tax based on being in that subdivision...

Mr. Zuraf: Yes.

Mr. Randall: ... through the CDA that's run by the County...

Mr. Zuraf: Yes, the County... *inaudible, being talked over...*

Mr. Randall: ... to pay for those... do you have a list of those infrastructure and... the onsite and offsite infrastructure, do you have a list of those things that would be covered by the CDA?

Planning Commission Minutes
January 29, 2020

Mr. Zuraf: Yeah, that's in Exhibit B of the proposed Proffer Statement.

Mr. Randall: Do you have something that you can put up?

Mr. Zuraf: No.

Mr. Randall: Okay.

Mr. Harvey: And, Mr. Chairman?

Mr. Apicella: So, uh...

Mr. Harvey: Mr. Chairman?

Mr. Apicella: Yes.

Mr. Harvey: Commissioner Randall, I just wanted to clarify. A Community Development Authority is not run by the County. The County Board of Supervisors will authorize its creation and approve its membership, but it's solely run as a separate organization. And the Treasurer's Office does, for a convenience sake, issue the payment requirements as part of the tax billing process.

Mr. Randall: I misspoke, that's correct. Sorry, thank you.

Mr. Apicella: And if you look at Attachment 2a, page 13 of 15, it gives a list of the infrastructure projects and the associated costs, which I think the total amount was about \$17 million.

Mr. Randall: Right. Well, again, do you have that list in front of you?

Mr. Zuraf: I do.

Mr. Randall: Okay. So, basically it seemed to me that some of those we talked previously about the utilities and we talked about water and sewer, and it looks to me like, based on some of those infrastructure, that the onsite water, onsite sewer are also included in that onsite infrastructure, that \$17 million. So, does that mean to me, based on what I'm reading, that the CDA will be responsible, that that money that's generated through the CDA will also be paying for the onsite water and sewer? So, the developer won't be paying for that. It'll be being paid for through the CDA.

Mr. Zuraf: A portion of it... I think a lot of this, and I'll ask the applicant to clarify...

Mr. Randall: We will.

Mr. Zuraf: ... but a lot of the main trunk lines and where you have I think the smaller distribution utility lines through the neighborhoods, that's not covered I believe from this. But I would ask the applicant to... *inaudible, being talked over.*

Mr. Randall: Was the intent for the applicant to cover all of the onsite utilities? Water and sewer?

*Planning Commission Minutes
January 29, 2020*

Mr. Zuraf: I think except for... except for the smaller lines is my understanding. But I would ask the applicant to address if it covers every single utility line. I don't think it does, but I would ask for them to help clarify.

Mr. Apicella: Mr. Bain?

Mr. Bain: Yes, I'm just wondering with the CDA, who assumes the risk? Suppose this bond is initiated a CDA and they get \$17 million up front that they're going to pay off through the tax assessments. And suppose there's a recession and the homes are not built. Who's... who has assumed the risk for that \$17 million then?

Mr. Zuraf: I'll defer to Jeff.

Mr. Harvey: Mr. Chairman, Commissioner Bain, the Development Authority will go to the bond market and the bond market will issue a bond to give the Authority a lump sum money to build the infrastructure. Then the... part of the agreement with the bond issuance is that there be a payback. The investors in that bond would be the ones that would accept the liability if the bond's not paid back. In the case of payments in arrears, there is essentially a lien on the property similar to a tax lien.

Mr. Bain: The County does not back the bond at all.

Mr. Harvey: Correct.

Mr. Bain: That's what I wanted to make sure.

Mr. Harvey: Again, this is not a County administered program. It's a development... separate development authority, but there is some County involvement.

Mr. Bain: Okay, thank you.

Mr. Randall: I have one more question, Mike, about the site for the school site? I was reading in our packet that the assessment for that site was \$1.1 million dollars. Is that correct?

Mr. Zuraf: Yes.

Mr. Randall: Was that with or without water and sewer?

Mr. Zuraf: It was at the current condition.

Mr. Randall: The current condition that it is.

Mr. Zuraf: Yes.

Mr. Randall: But, would we expect that once water and sewer moved down into the Westlake that that property with water and sewer would be significantly... would be assessed significantly higher than it is currently?

Planning Commission Minutes
January 29, 2020

Mr. Zuraf: I think with the current restrictions, it may not because it's limited to the school site, or public use site. But if it was... if this was to be changed and be allowed for residential development, then definitely the value would increase.

Mr. Randall: Do you have any idea what that would be?

Mr. Zuraf: No.

Mr. Apicella: That was in the appraisal in general terms, but they didn't provide a figure.

Mr. Zuraf: Right.

Ms. Barnes: If possible, I don't know if you've covered this yet or maybe I missed it, do we have a number on what that CDA is? Because I know the number for Embrey Mill. Do we have a number for that per house and per townhouse yet?

Mr. Zuraf: I'm not aware of that. Maybe the applicant may have an idea, but I don't. Alright, finishing up this presentation, the findings of the Proffer Amendment, the positives and negatives. The proposal is consistent with the Comp Plan. The deletion of the requirement to dedicate the 65 acres for public use is appropriately mitigated with a cash contribution of an equivalent land value. The proffer amendments establish residential architectural standards consistent with the Neighborhood Design Standards Plan. The proffer amendment updates non-applicable or previously satisfied development standards. No negative aspects are apparent. And staff is supportive of the application with the proffered conditions pursuant to O20-03. I also want to point out that there is... the item is up against the hundred day time limit for the Planning Commission to act. The expiration of it is January 31st. And I was asked to kind of include a, just an overall summary again because we went through a whole lot, just to everybody in attendance has kind of has this clear. So, we have three separate applications for this overall project that would increase the amount of residential development from 701 up to approximately 1,100 units. You have the Comprehensive Plan Amendment; so, on the Crucible property, the Comp Plan is being requested to be changed from Agricultural to Suburban and also the expansion of the Urban Services Area, to include that piece. The zoning reclassification on both the Crucible property and the portion of the Westlake parcel from Industrial and Commercial Zoning Districts to Residential Zoning Districts to allow for the townhome... for basically 400 residential units. And then the Proffer Amendment which, you know the big one is amending the proffer to delete the requirement to dedicate the 65-acre portion to public use and provide the million dollar contribution in place of that. And the latest changes, again, the modification of the General Development Plan to propose not connection to Jack Ellington Road; also, increasing the cash contributions for schools; and then adding the development phasing to no more than 100 dwelling units per year for the overall... entire project. And I'll turn it back to the Commission.

Mr. Apicella: Thank you, Mr. Zuraf. Are there any further questions for staff?

Mr. Randall: One quick question, Mike. How many times has this been... have the proffers been, um, changed since 1989 on the original Westlake development?

Mr. Zuraf: One other time.

Mr. Randall: There's been one other... that's it?

*Planning Commission Minutes
January 29, 2020*

Mr. Zuraf: I'd have to go way back and there were probably some slight adjustments back like in 1991 approximately, but... *inaudible, being talked over.*

Mr. Randall: So, 30 years ago.

Mr. Zuraf: Yeah.

Mr. Randall: So, there have been several proffer changes up till then.

Mr. Zuraf: But, more recently, just the one change in 2006.

Mr. Randall: Okay, thank you.

Mr. Apicella: Any other questions? Okay, seeing none, thank you Mr. Zuraf. Would the applicant like to come forward? Mr. Payne, Happy New Year.

Mr. Payne: Happy New Year to you. Congratulations on your new position.

Mr. Apicella: Thank you.

Mr. Payne: I'm sure you'll do a great job. Mr. Chairman, other members of the Planning Commission. My name is Charlie Payne with the law firm Hirschler and I represent the applicant. So, I appreciate your time this evening. Welcome to the new members to the Planning Commission. I look forward to working with you both. So, this is the opportunity for the applicant to respond to the presentation by staff. And I appreciate Mr. Zuraf's presentation. And as always, appreciate the efforts of staff. This application was initially filed in April of 2017. So we... we have been working very closely with staff for the past two plus years on this project. So, we do have a presentation. I'm gonna go through this and it basically takes us back from October 23 of 2019 to where we are today. Since that hearing, I'll kind of go over some of the issues that came up in that hearing, what came up in the community meeting, and then address your questions. So if I could...

Mr. Apicella: Computer please.

Mr. Payne: Thank you. I thought it'd be helpful just to provide some project history because Mr. English has seen this that we put together at the community meeting, but many of you... and some questions that have bubbled up... this may be helpful to address some of those. So, that original 1989 rezoning included over 1,100 acres and it was a rezoning of 485 acres that included the Residential R-1 and R-2. And it also included 631 acres of M-1 and B-2. Of course, at that time, to Mr. Bain's question, there were not... was not a proffer guideline, a cash proffer guideline for residential. Although in 1990, and Mr. Harvey needs to help me with this, back in those days, you could have a side agreement to provide some proffers, cash for schools, and other impacts. And there was a side agreement and I believe that was paid in full by the property owner at that time; if my memory serves me. It was a 1990s side agreement that did include some cash proffers, albeit minor. But the Board back then and the leadership did understand that there would be some school impacts. Also, as you... as you know, in dealing with sort of these mixed use projects, a lot of times attracting commercial development and commercial uses also helps offset potential impacts. And sometimes you don't ask for proffers because of those potential uses that may come in, in addition to the infrastructure that would have to be provided to this location. As many of you probably also know, the County's future utilities plan masterplan includes extensive utilities to this area, whether Westlake development built it

Planning Commission Minutes
January 29, 2020

or whether the County built it. So it was master planned for that purpose. And the developer, yes, has to extend utilities for their project. But also remember, one, it was part of the master plan anyways, and two, there are some upgrades that they're paying for that the County has asked them to do that would be above and beyond what would be needed for this project. So, I thought I'd just point that out. In 2003, my client Westlake Development bought...

Mr. Randall: Excuse me, Charlie.

Mr. Payne: Yes.

Mr. Randall: Do you have a list of what those upgrades and improvements would be?

Mr. Payne: It's... it was referenced by Mr. Apicella with a document that you have. I can... I've got them here and...

Mr. Randall: No, I've got the amount... I've got the amount. I just don't know what it... I got the amount of what it is, I just don't have a listing of what those entail, what those improvements and upgrades would entail. So, I'm just looking for that list.

Mr. Payne: Exhibit B... *inaudible*?

Mr. Randall: No, I totally agree. I have the amount, I just don't know what it... what upgrades that you're talking about.

Mr. Payne: so, the upgrades would, in all of these, would be the major component, infrastructure components, that would be required for the project. So, the small piping and the small extension of utilities would not be included in that.

Mr. Randall: So, those are upgrades or those would be required to get... get utilities to the homes...?

Mr. Payne: This is required to bring the utility to the development and then to extend it. And then after that it would be extended to the... *inaudible, being talked over*.

Mr. Randall: Right. I guess I'm trying to decide... I guess I'm trying to figure out what's been... what's being required by the County. Is the County... is all the developers planning to pay for are... is actually taking the water from where it is now to a subdivision, and then this 1. onsite water trunk lines, the \$1.4 million would be then to run that water to the individual houses?

Mr. Payne: So I don't know if Mr. Harvey wants to talk about what the required improvements or, Billy, do you... or Andy, do you want to talk about what you're required to do right now in regards to extending the utilities where from, some of the specifications for those to get it to the site?

Mr. Randall: Well, I guess I was under the impression that when developer pays for onsite utilities, that they are responsible to run water lines all the way into the houses, turn it on and get water, and be done with it.

Mr. Payne: Right. We're extending it from offsite to our site, so we've got to get it right away. That's a very long extension. The County's asked for us to provide a larger piping for that purpose.

*Planning Commission Minutes
January 29, 2020*

Mr. Randall: Again, I would just like to see a list of all those things that are covered under the \$1.4 and the onsite water and the onsite gravity main to about two and a half million dollars. What upgrades you're talking about.

Mr. Payne: So, those upgrades have been approved, right? Yeah, so, we've got approved plans that can show all that. The County has approved plans that shows all of this.

Mr. Randall: Okay. A quick list probably wouldn't be too hard then.

Mr. Apicella: So, just to be clear, Mr. Randall, we have to vote on this tonight. So I don't know that we'll promptly get all this...

Mr. Randall: That's why I asked the question if they had it. If they don't have it, then...

Mr. Payne: Yeah, we've got... there's approved plans, the County has approved plans. I believe it's been bonded, correct; \$11.4 million or so bonds have been posted for it. And what you see here is just a general description of what those improvements are. It doesn't get into sort of breaking it down like... *inaudible, being talked over.*

Mr. Randall: No, no, I understand that. But when you say an onsite sewer pump station, you wouldn't... that's being required by the County and the CDA's gonna pay for that, not the developer.

Mr. Payne: That's right.

Mr. Randall: Okay.

Mr. Payne: That's what we're what we're proposing, correct.

Mr. Randall: Okay.

Mr. Payne: And it is a County master plan improvement... *inaudible.*

Mr. Randall: Alright, thank you.

Mr. Harvey: Mr. Chairman and Commissioner Bain, if I may, I may be able to shed a little bit of light on the discussion. As mentioned earlier, this is properties located within our Urban Services Area. It's an area where we have plans for public water and sewer utilities. So, as part of that, our Utilities Department and Utilities Commission have developed a master plan on how do we get the trunk sewer lines, the trunk water lines, the water towers, the pump stations, how do we size them to accommodate all the future growth we anticipate in our Comprehensive Plan? And generally, where should they be located and the sizes? So, under the master plan, the option is for the County to build it through its CIP, Capital Improvements Plan, which is fiscally constrained and occurs over time. Or, if a developer wants to accelerate that process, they can build those capital facilities as well. Typically, those capital facilities are designed to be serving more properties than just the single developers. As such, the developer, if they go in advance and oversize the facilities, they're eligible for what we call a pro rata reimbursement. So, all development within the County has to pay towards our future needs for water and sewer treatment capacity and upgrades and maintenance. So, part of that master plan process anticipates what's the cost to provide those utilities to the County. So, if a developer does not need to do any specific master plan upgrades on their property, they still pay a pro-rata share towards that. In

Planning Commission Minutes
January 29, 2020

this case, they're proposing to accelerate that and build it at their time schedule. And partly what's happening is they're proposing a Community Development Authority to help them speed that process up by giving them financing upfront to start the construction before they start having houses built. As the houses get built, that'll be the reimbursement mechanism for the bonds that are issued by the CDA. I hope that helps.

Mr. Randall: Well, it does. It might... I guess my point, I guess maybe I should have had the bottom line up front, but my point is that these are all things being covered by the CDA, not by the developer. Correct?

Mr. Payne: Well, the CDA, one, Mr. Harvey was correct in stating that the County plays a role in approving the CDA to move forward, okay?

Mr. Randall: Sure.

Mr. Payne: But the CDA is a private entity, is a private advisory board, and the property that the developer owns is subject to liens on the debt that's issued by the CDA. So, the property owner pays for it in essence, because they're... they're using their property to borrow funds just like any other lending process in order to build the infrastructure.

Mr. Randall: Right, so in a perfect situation, 700 homes, 700 property owners, would be paying through taxes or through an increased bond, CDA, the \$17 million for the things that are listed on this list.

Mr. Payne: So, they would be...

Mr. Randall: Is that correct?

Mr. Payne: They would be eventually paying an assessment at some point in the future, but it takes a very long time to build a project out like this.

Mr. Randall: Sure.

Mr. Payne: So, think about Embrey Mill, right? It was initially approved in the early '90s and is just now, you know, coming to three-quarters or so being built out. And then the assessment starts so the developer has fronted, you know, all the costs. And then what they... what they do is they go ahead and assess -- it's not, you know, it's a pro-rata assessment -- it may not cover the entire debt, it may just cover part of it. And you don't want to make the assessment too high because you discourage buyers from coming into your community. So, the plan is to provide a quality, a high quality of life community that includes all the amenities, including the appropriate infrastructure.

Mr. Randall: But, in the end, all 700 homes are built, all 700 home are then... all of that money would go back to the developer. Correct?

Mr. Payne: Well, I don't know. It depends on the payment schedule. I wouldn't say all of it. Like I said, the developer may pay for a lot of it...

Mr. Randall: But for the majority of it, it would all go back.

Planning Commission Minutes
January 29, 2020

Mr. Payne: I mean, it happens in just about every community. I mean, you know, theoretically, we all pay for infrastructure that's built in the County, right, through your taxes. So it's a very... it's a similar model. It's just for the benefit of this development you would pay the extra assessment. And no one else would have to pay for that, no one else outside this community, no other taxpayer, etcetera. I think I was at the second bullet, Mr. Chairman; I'll be quick. And again, this was a bifurcated project; 485 acres of residential and 631 for industrial and commercial. It's also important to note at that time the County was trying to attract University of Mary Washington graduate school to the County. And part of the proffers for this project -- Mr. Bain raised a good question -- was to donate land for that purpose. So that was done as part of this project as well, in addition to the school site. So I think that's important to note what happened in '89. In 2003, the client bought the residential component of this. At the time of the purchase, as today, Westlake Development was entitled to 796 units and there was a 55-acre school site. The 2006 proffer amendment, I think Mr. Randall asked about this, the plan was to relocate the school site closer to the road, to 17 versus in the back of the development, and that was part of that proffer amendment in 2006. In addition, for the old school site the County had asked for proffers to apply to that site. And as we discussed earlier, 77 to 79 units could be built on that 55-acre site and they'll pay roughly \$47,000 a unit. And again, the current school site is part of this rezoning and proffer amendment. In 2011, Westlake Development did receive its preliminary plan for 701 of the 796 units. So they're moving forward with this project. And in 2012 they got their DEQ permits. In 2016 they went ahead and platted the first section, the first 26 slots. As I stated, they also bonded for their infrastructure \$11.3 million. So, the project's moving forward, right. In 2012, you may recall Crucible had come forward -- not all of you, but some of you may recall Crucible had come forward for a conditional use permit to expand the current facility. During that process, Westlake Development did raise objection. The Westlake Development and Crucible had decided it would be in the best interests of both parties to try to find a settlement to that. Westlake Development was getting ready to build out 701 units at the time. You know, having that back up to a security training facility where there's lots of activity going on, lots of firing, gun firing going on, Crucible was looking to expand ranges. It simply wasn't compatible in the opinion of Westlake Development to be able to back up to that project. So the parties agreed, you know, we have a solution. The Crucible will leave. You buy our property. Westlake Development said we'll buy your property if we can get it rezoned. So that's... that's why we're here. As we work through this legal process, again, both parties want to find a mutual resolution. So, just a quick overview of the changes since our last hearing in October. And I appreciate Mr. English's putting together the community meeting as well. I think it's important to sort of talk about what a project like this globally... remember, we've got several pieces here. You got one, a Comprehensive Plan Amendment to allow the Crucible site to access water and sewer and to be rezoned for R-1 purposes. You've got the proffer amendment that would allow the school site to be replaced with a million dollars in cash and some other changes and allow the CDA to be developed or to be created. And that, all in, this project all in including all 1,100 units, what does it contribute? At the end of the day, it contributes \$30.2 million in total cash and in kind contributions. And that's broken down as the following: \$12.5 million in new infrastructure that we just talked about; \$3.3 million in transportation impact fees for the entire project. So, all the units still pay impact fees, whether it's 701 units or whether it's the total 1,100 units, and that comes out to \$3.3 million based on today's per unit cost. Uh, \$9.7 million in cash proffers for this... for the rezoning, for the 280 units for the townhouse units and for the 120 single-family detached units. The \$1 million in school proffers that, again, would replace the 65-acre site with a million dollars in cash. It's been no secret, it's been in the paper. County leadership is looking, not at this site per se, for a new school site, albeit I understand that the proffer for this included, you know, sort of other public uses as well. But this was designated at one time as a future high school. So, the County is looking in that corridor for another future high school, but not necessarily this site. And then \$3.7 million in cash proffers under the current proffer amendment. So, the 55-acre site would generate practically \$3.7 million in cash proffers based at

Planning Commission Minutes
January 29, 2020

\$47,000 roundabout per unit. We heard from the community in the October meeting. They said, hey, don't use Jack Ellington Road, you know, it's going to have an impact. Although if you look at what the sort of the peak of the Crucible activity on that road versus what was being proposed with this rezoning, probably a wash. But we heard the community loud and clear and went back to our transportation folks. And we believe that we can maintain the same level of services by focusing all the traffic along Brigade to 17, which will come to a full light intersection versus utilizing Jack Ellington Road. So, Jack Ellington will be only emergency only as we have proposed. And if we can get the waiver from the Planning Commission and from VDOT at the site planning stage. And so that change has occurred as well. Also, Clark Patton is emergency only. It's never been planned for direct access. Public utilities will be utilizing Clark Patton only to access the water tower when necessary; it has no relation whatsoever to this project other than for those purposes. We also heard from the community that, hey, we're worried about schools, we're worried about traffic. You know, how can you help us control that so that you can mitigate your impacts? So, the original proffer, '89 proffer and the 2006 proffer amendment have no phasing. Well, they did have phasing, but it no longer is applicable because that time is already passed. So, what we said was, hey, we're going to take... we're looking at this project globally. We want to apply the rules the same across the board. And we came up with the phasing plan. So the phasing plan is, is that no certificate of occupancy permit would be issued in the first 18 months after the project... the zoning is approved. And then after that, it's capped at... I'm sorry... it's capped at a hundred units per year. Staff knows there is a rollover provision, but we think the hundred units per year is probably a fairly conservative number in the market... there's a lot of market swings and Embrey Mills is a good example. The market dies and nothing gets built. So, anticipating, you know, what would be sort of the average build out, we thought a hundred units per acre was a conservative and a fair number.

Mr. Apicella: So, you're looking at a 12-plus year horizon.

Mr. Payne: If the market stays as it is, correct.

Mr. Apicella: Thanks.

Mr. Payne: Which we all know it typically doesn't. *Inaudible...* to the CDA clause; we removed the condemnation language so any land that we need, right-of-way area that we need, to extend these utilities, we've got it. It's basically we have that under control. Transportation comments again, we'll get into that a little bit. And then infrastructure investment, I'll kind of walk through that in little more detail. And then appraisal review... overview, because I know there's been some questions about the school site. How it's appraised and what would happen if water and sewer was connected to it? So, just from a local traffic concerns, again, primary access is going to be via Brigade Boulevard, which will be a four lane divided road from Route... to and from Route 17. So, no Jack Ellington, no Clark Patton. I know some folks were confused by looking at our map whether there was access to those roads. We have removed that; emergency only. Again, no public connection to Clark Patton. And only Brigade will be utilized for construction traffic. So, no construction traffic on any other road other than Brigade. Again, emergency access gates will be provided as stated. Our original GDP for the Crucible 2 property again, utilize Jack Ellington. If we can get the waiver, we won't be utilizing Jack Ellington. Again, as a result of this change, the proposed development will now reduce traffic along Richards Ferry Road, so, no more crucible traffic, right. So, traffic will be reduced on Richards Ferry. And again, each unit will pay an impact fee. A little more traffic here, again... I think I'm repeating myself... all traffic will be along Brigade to Route 17. Route 17 is classified by VDOT as a principal arterial road, and it's designed to handle this traffic. Our analysis shows that the level of services at that intersection will be B with full buildout with this project. There will be decel and

Planning Commission Minutes
January 29, 2020

acceleration lanes as well. And if approved, again, this will result in a net traffic reduction for what was originally approved in '89. So what does that mean most? Come on Charlie, it's 701 units and you're asking for now 400 more. Well, with the school site, you actually generate more traffic than what we're proposing with the 400 units. So that's what this chart is. This shows you, all the way to the right, shows you sort of the complete delta, global delta, if you will, of daily trips so there'll be less... 934 less trips with what we've proposed. PM... I'll work backwards... AM there'll be in... will be 544 less trips coming into the site; going out there'll be 150 less, so it's a total of 694 during the peak hours that'll be less than what we're proposing. And the same for the PM; there'll be 7 more coming in, but 71 units in the PM going out -- so with a delta 64 greater trips during PM peak. So, 89 versus what we're proposing generates more traffic. School site evaluation; I know there's been some questions about this. So, my client bought the school site from GHA in January of 2016 for \$500,000. We were asked to retain an appraiser to support our one million dollar contribution proffer. Hired Chris Gayle, a well-respected local appraiser, and he looks at comparables based on the zoning of the site and the similar properties sold on a per acre basis. That value was \$1.1 million. And so we were asked and we asked him if utilities were at the site what would it be? And that number was \$1.8 million. However, that would require infrastructure, utilities being extended to the site. Well, that's about \$16 million dollars, \$12.5 to \$16 million dollars. We're doing that. So without the infrastructure being extended, you don't have the value of \$1.8 million for the site. And, as staff had noted, in its current entitlement as having being restricted for a school site, it has very little value except for another use. So, in summary, the Westlake current approved 701 unit development will proceed regardless of the outcome here. If the rezoning is not approved and the school is built within the Westlake, the total traffic on Route 17 will be greater, as you saw in the traffic analysis. If the rezoning is approved, again, the Crucible site will no longer be off of Jack Ellington Road and will have to relocate. If the rezoning is approved, the County will receive the benefit over time of \$30.2 million and approximately \$11 million in school proffers. Staff has shown you this; I think this is a good overview of the global entire site. I think it's also important to note that the entire community will utilize the amenities, the recreation amenities -- the clubhouse, the pool, the walking trails, etcetera -- collectively. And you can see one road in, one road out. And again, this is the Crucible site. About 50% of it's open space. And, again, this is the Westlake site, also lots of open space, a lot of buffering around with our neighbors. Real quick, I'm just gonna answer some questions if I haven't already answered them. I think Mr. Randall had asked, you know, what's the cost to extend utilities from Westlake to Crucible. It's fairly minimal just because of the fact that Westlake is going to be extending utilities to the back of their property anyway. So, it's just a matter of going across the next property line in order to extend utilities. Um, in regards to the original approval, I think we just talked a little bit... we talked about that. Um, Mr. Randall asked about a list of the improvements. Again, if we had some more time, I'd be happy to get that to you and the approved plans and the surety bond confirmation. Again, a project like this takes a long time to build out. As Mr. Apicella said, you know, 12 years, just kind of based on what we're looking to phase it, and that's if the market stays good. And this project is mitigating the impacts. If you look at the proffers that are being proposed, they're pretty close to the guidelines that we had before the 2016 legislation. In fact, they're exceeding what was typically paid for proffers during that period of time. So, I'd just like to point that out as well. And we've talked about the school site evaluation; hopefully, I've answered your questions there. And I know Ms. Barnes had a question about what we think the assessment is going to be. We don't know now, but typically they run... it depends, you know, they could run from 150 bucks to 500 bucks. It just depends on, you know, what kind of unit it is and whether it's single-family or a townhouse, and it depends on how much of the debt service is still remaining. All those things play a factor.

Planning Commission Minutes
January 29, 2020

Mr. English: Charlie, that could be like a... a house could have a CDA of \$25,000 and that would... is this correct... and after they pay that \$25,000, then they don't have to pay that CDA anymore. Is that kind of how that works?

Mr. Payne: That's right, that's right. They pay an HOA assessment, too...

Mr. English: Right.

Mr. Payne: ... I mean, you know, to be part of the HOA but.

Mr. English: And another question I have for you -- could you just tell us what the housing and townhouses are gonna be running? How much they're gonna costs? I don't think you said that.

Mr. Payne: I had that in the original presentation. Let me check it out real quick. Unless you can do it off the top of your head. There you go -- townhouses would be \$275 to \$375 and the singles \$400 to \$600.

Mr. Bain: Mr. Payne, do you happen to know how much you paid for the Crucible site? The 85 acres?

Mr. Payne: How much who paid for it? I'm sorry.

Mr. Bain: When you purchased that site, what was the cost?

Mr. Payne: I'm not sure. I mean, my recollection is Crucible had been on that site since 1999, and then they bought it sometime after but I'm not sure what that was. And I would just also go... just as a quick reminder, staff does support the Comp Plan Amendment, it does support the Crucible rezoning, it does support the Proffer Amendment, and, pursuant to the current Comp Plan, the staff does not support the increased density on the Westlake site for the townhouses. And, when we think about this project again, how we phase it, how we develop it, how we extend infrastructure, how we... how... how the planning for that plays out, it's one project. So, if you take into account 1,100 units on the acreage that we have, which is the original 485 plus the Crucible site. That's 1.72 units to the acre. The Comp Plan says you can't go above 3 units to the acre. So, we're actually below the Comp Plan if you include this, as we look at it, as a global development -- because it is. It's really one development with several pieces, but it's really one development with one developer. So, with that, I'm happy to answer any questions you have and I appreciate your time this evening.

Mr. Apicella: Thank you Mr. Payne. Mr. English, do you have a...?

Mr. English: *Inaudible, microphone not on...* open up the public hearing.

Mr. Apicella: Anyone else have any more questions? No? Okay, thank you, Mr. Payne.

Mr. Payne: Thank you.

Mr. Apicella: Okay, so I'm gonna open up the public hearing on these three items, items 1 through 3. This is your opportunity to speak, provide your comments to the Planning Commission. Before stating your comments, please give us your name and address. The green light starts the clock; yellow means you have 1 minute remaining; red means you need to wrap up your comments. So, I'm gonna go over

Planning Commission Minutes
January 29, 2020

to the left-hand side, my left-hand side first; anybody on the left-hand side would like to speak, please come forward.

Mr. Steiner: Good evening, my name's Chris Steiner. Yeah, I'm still... I mean, everything was laid out with all of our concerns. This is probably, what, my third or fourth time in front of all you guys, still completely against this rezoning. Still, you know, I don't think that it's in the city's best interest to do that but that's not my job, that's yours. Randall, you made a great point about that the Westlake property, um, after they run water to it, is definitely gonna be worth a lot more money, you know. You could hang onto that but. That's it.

Mr. Apicella: Thank you, sir. Anyone else to my left?

Mr. Penland: Good evening, my name is Les Penland. I don't have any one thing to say in particular but, I do have a petition that I've started against this and I would like to, for the record, if you would like this, I do have 606 signatures against this development. And attached to that are a variety of comments from the community. So, if anybody would like to see those.

Mr. Apicella: Yeah, you can hand them to Ms. Stinnette, or to Mike.

Mr. Penland: As I said, 606 signatures from the community against this development. So, thank you.

Mr. Apicella: Thank you very much. Any others on the left-hand side?

Mr. Westermeier: Good evening, my name's Mike Westermeier. We moved up there a couple years ago because we were in a development similar to Westlake and we did not it; we wanted a more rural atmosphere for our children. We wanted to be able to have barnyard type animals in order to have them grow up with that type animals. So we actually made a conscious effort to move and increase our travel time to live in this area. And it kind of upsets me that we're gonna lose that. And as far as the Crucible goes? I'm an Army Veteran, I did three deployments to Iraq. That doesn't bother me at all. I can't hear it. Half the time... *inaudible*... part deaf. Maybe it bothers other people, I don't mind it. And as far as the traffic goes? I mean, what, it's like maybe 20 guys in suburbans going up there and blazing away while I'm at work. Doesn't bother me either. But what would bother me is increased traffic coming from all the houses they're gonna put there. My kids play out in the yard. We have people running off the road all the time; running into fences, running into mailboxes. I mean, we put up signs that say, you know, drive like your kids live here and people just run that over, too. So, I don't really see how this is good for me. And I've been there before these houses get put up, so. You know, I just would hope that all the members of this board keep that in mind when making their decision tonight. Thank you.

Mr. Apicella: Thank you, sir. Anyone else that's on the left-hand side?

Mr. Smallman: My name's Roger Smallman. And I noticed what seemed like a white elephant to me here... or an elephant in the room. There's a major boulevard on the development; it runs right to my property, which is the end of Charley Coakley Lane. I just need to have some kind of assurance; there's a gate there, with a little padlock, with all kinds of developing trucks running in there back and forth all the time when they open that gate on our privately held lane. Is there any assurance from the County that you're going to protect the privacy of that lane? Because again, on the other side of that gate, on those plans I see tonight there's a major boulevard of the development. Not maybe a

Planning Commission Minutes
January 29, 2020

boulevard, but a major straight road. It's probably the largest one other than the entrance off of 17. Is there any answer to that?

Mr. Apicella: Sir, this isn't unfortunately a give and take.

Mr. Smallman: I'm sorry?

Mr. Apicella: This is not a give and take dialogue between the public and the Commission. You can certainly ask your question. I'll ask Mike if he might be able to address it, but...

Mr. Smallman: Thank you.

Mr. Apicella: ... it's not that kind of a dialogue. I appreciate your concerns though.

Mr. Smallman: Thank you.

Mr. Apicella: Thank you. Anyone else on the left-hand side? Okay, seeing no one else on that side, anyone on the right-hand side would like to come forward and speak on this project? No one else? Okay. Thank you. I'm going to close the public hearing on this matter. I'm gonna ask the applicant to come up and address any of the concerns that were raised.

Mr. Payne: Thank you, Mr. Chairman, other members of the Planning Commission. Again, Charlie Payne; I represent the applicant. Every project is better by listening to the public, and I think we did. This is not the first time that we've heard concerns from the public. There's been a lot of misconceptions about this project and sometimes, as many times as you say it, it doesn't always sink in. But respectfully, I just want people to understand that, one, traffic is contained onsite, right. We're not accessing our neighbors, we're not using Jack Ellington, we're not using Clark Patton, and we're not using Charley Oakley. That is a required inter-parcel connection stub, so we can't go through that property. That's required by the County for us to show potential inter-parcel connection. So, the gentleman's concern about us coming through his property, we can't do that now. One day he develops his property or someone else does, we're going to be required to connect. So, that's... that's why it's showing. But today, this project is going to be accessing Brigade and Route 17. So, we're not going to be on any of the side roads. I was born and raised in Stafford. I'm very familiar with that area. I know those roads pretty well. I know the rule. So, when we heard the community concerned about that, we addressed it. Um, I think one of the other things... I know many in the community, change is tough, growth is tough. I noticed some signs here that say Keep it Rural. I get it. But this part of the County is supposed to grow. It's planned for growth. It's planned for Suburban land use growth. Don't forget that the Crucible site is an industrial zoned site, and it's just to our south, right. Vulcan Quarry, right next to it, is an industrial zoned site. This project, uh, 701 units, have been planned since 1989, so trees are gonna come down, roads are gonna be built, infrastructure's gonna be put in place, and you're gonna have some neighbors. That's gonna happen. Um, we want to make sure that we do it in a respectful manner and a manner that mitigates concerns and impacts. And again, we... you know, when you do projects like this, you do a project of this size, I, you know, I guarantee you not everyone's gonna be happy about it, right. I don't think I've ever been before you guys on a residential project that everyone said, oh, we love this project. So, I get it, but my client's responsibility, my responsibility is to follow the Comprehensive Plan, is to follow the Zoning Ordinance, is to mitigate impacts, and I think we've done this in a very responsible way. Again, just on the density point, I just want to re-emphasize that this is a global project. The townhouse piece of this, I've read staff's conclusions; if you look at this globally, we're well under the 3-unit minimum

Planning Commission Minutes
January 29, 2020

that the Comprehensive Plan encourages. Again, we see this as one project, it's gonna be development as one project. So, I just thought I'd leave that with you. And also, just the misconceptions on the CDA. Let's be clear -- a project of this nature that takes this long to build out, the burden's on the developer. The burden is on the developer. The burden... the developer may recoup some of that cost, but it all depends on so many factors. You can't create an assessment that deters buyers. So, it's all gonna be market driven and buyer driven. So, I'll leave that with you and, if you've got any questions, I'm happy to answer them. And again, I always appreciate your time.

Mr. Apicella: Mr. English.

Mr. English: Charlie, a couple questions for you.

Mr. Payne: Yes sir.

Mr. English: The Crucible -- it's probably got... it wasn't the Crucible at one time, I think it was also used for some traffic stuff, too. So there's probably gonna be some biohazard or some hazard on there, I don't mean bio, but some hazardous, probably stuff, environmental problems on there. Who would clean that up and how deep are you gonna go, and has that been looked at?

Mr. Payne: Yeah, so we... so, the applicant, contract purchaser if, you know, this gets approved, would have to clean this site up. We're already working with DEQ on what those steps would be, so we've got a pretty good idea of what has to occur.

Mr. English: Is it a lot? You can't say, or is it...?

Mr. Payne: I think it's reasonable. I think it could be done reasonably quick.

Mr. English: Okay. And if any other, like down the road 5 or 6 years, 10 years, it affects anybody, y'all still would... like, you built a house on it and something happen that come up through the ground that you didn't see, you all are gonna be responsible for that, correct?

Mr. Payne: So, the radon levels for example, would be one thing you'd be looking at. That would have to be at a level that would be acceptable to the County.

Mr. English: Okay.

Mr. Payne: So, just let me back up a little bit. Just for the Crucible site, as I represented them as well, let's be clear that that site has had a fairly good clean bill of health for a while. It's the lead and those kind of components that are out there that would have to be cleared out.

Mr. English: Okay.

Mr. Payne: Prior to anyone living on the site.

Mr. English: Okay, and the other thing is, water tower. I thought that was mentioned at our community meeting. Is there gonna have to be a water tower there and...

Mr. Payne: Yes.

Planning Commission Minutes
January 29, 2020

Mr. English: ... who's gonna be responsible for putting that water tower up?

Mr. Payne: That site's been dedicated. Who's paying for that? They are.

Mr. English: The developer is?

Mr. Payne: Westlake's paying for it.

Mr. English: Okay. Um, I think that was it right now. Thank you.

Mr. Apicella: Okay. Mr. Bain?

Mr. Bain: Thank you, I figured it out.

Mr. Apicella: Okay.

Mr. Randall: Regarding the Westlake property. Recreational amenities on that Westlake property?

Mr. Payne: They include the clubhouse, pool...

Mr. Randall: On the new Westlake property, the townhomes. Is there any on there?

Mr. Payne: There are some tot lots but they'll be able to utilize the clubhouse and the pool and the field and...

Mr. Randall: Will there be walking paths or some path that they can walk on? Will they be required...?

Mr. Payne: There are sidewalk connections and I think there is a couple of walking paths, right. There's a trail connection as well.

Mr. Randall: There's a trail connection between the two developments?

Mr. Payne: Yes.

Mr. Randall: Alright. I didn't see that on the plan, that's why I was asking.

Mr. Apicella: Anyone else have any questions for the applicant? No? Thank you, Mr. Payne.

Mr. Payne: Thank you, Mr. Chairman; thank you.

Mr. Apicella: Mr. Zuraf, did you have any comments to address the gentleman's question?

Mr. Zuraf: Charlie was correct in that's a stub street to that property where the road is. So, when they develop their area where that road hits Charley Coakley, there basically will be a turnaround cul-de-sac in place. And, if that road was ever to develop and that road become public some point in the future, that would... that would have to connect through at that point. But, at this point, it would not as long as it's in its current state.

*Planning Commission Minutes
January 29, 2020*

Mr. Apicella: Okay, thank you. I think Mr. Randall has a question for you.

Mr. Randall: Yeah, I have one quick question. Do we... I think I asked this last time we had this discussion. Was there a particular reason why that land was never dedicated to the County for the last, you know, in the last 25 years?

Mr. Zuraf: Well, the proffers I know, it specifies that the County has requested that, you know, the land provided...

Mr. Randall: Right. Is there a particular reason why the County never requested that land to be transferred... *inaudible, being talked over.*

Mr. Zuraf: I can only guess that because the property... that area hasn't developed yet and, you know, the utilities and road improvements haven't been installed and put in place. And once, you know, once that happens then that's likely a timeline when that would come around and that would be desired.

Mr. Randall: So, are there other uses that the County could have for that land besides putting 280 townhomes on there?

Mr. Zuraf: It is... the current proffer allows it to be a variety of public uses; it's not limited to a school.

Mr. Randall: Right. Do we think that there's something that the County could use it for that would be beneficial to the County?

Mr. Zuraf: Off the top of my head, I don't... I don't know. I couldn't say.

Mr. Randall: Okay. Alright.

Mr. Zuraf: We haven't evaluated any... you know, there hasn't been any kind of discussion about any potential other use, so I couldn't speak to that.

Mr. Randall: Okay, thank you.

Mr. Apicella: Could the County still choose to do nothing with that property?

Mr. Zuraf: They could.

Mr. Apicella: Okay.

Mr. Harvey: Mr. Chairman, Commissioner Randall, also on that 65-acre parcel, the dedication to the County is, as mentioned, based on County request. But it's also subject to clearance of an easement. As you may recall from some of the diagrams, there's an actual ease... access easement to this planned Vulcan Quarry. The developer's proposing to relocate that easement because the easement partly goes through that 65-acre site. So, it does have some effect on how the property could be developed if that easement's not moved.

Mr. Apicella: Thank you, Mr. Harvey. Okay, I'm gonna bring this back to the Commission. Mr. English, these items are in your district. What would you like to do?

Planning Commission Minutes
January 29, 2020

Mr. English: Well, just for one thing; Charlie, somebody had said... somebody back in the '80s liked that project because you got 700 homes in there so. But I feel like right now, with the impacts that are gonna be on the schools, the public safety, and the traffic that's a concern, I hear from the constituents up there, especially that they turned out for that meeting on the 13th, I hear their concerns and I'm with them. So, right now I'm gonna have to recommend a denial on the first one, that's COM17151763.

Mr. Apicella: Okay, there's a motion to deny COM17151763, the Comprehensive Plan Amendment. Is there a second?

Ms. Barnes: Second.

Mr. Apicella: Okay, there's a second. Any further comments, Mr. English?

Mr. English: No sir.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: One of the things that I... that kind of stuck out in my mind is, and I don't remember exactly who said it, they said Route 17 is designed for this kind of additional traffic. Really? Route 17, I avoid it like a plague. It's not designed for what it's got now, and I'm not seeing how... that's counter-intuitive to me. So, that kind of stuck out to me for that. Thank you.

Mr. Apicella: Thank you, Ms. Barnes. Anyone else have any comments? No? Okay, cast your vote. Okay, motion carries 4 to 3. Next item, Mr. English.

Mr. English: Okay, also, I recommend a denial... What's that?

Ms. Barnes: *Inaudible, microphone not on...* I pressed the wrong button... *inaudible*.

Mr. Apicella: Okay, so we can take up a motion to reconsider but it has to be someone than the person who'd be changing their vote.

Mr. English: I'll make a motion that we can revote. I'll make a motion to revote.

Mr. Apicella: So, just to be clear, when you're voting, you're voting on the specific motion. If it's a motion to deny and you agree with that, you would press the green button. If it's a motion to deny and you don't agree, then you would press the red button. So, the current motion is to reconsider; who made that motion?

Mr. English: I did.

Mr. Apicella: Okay, do we need a second on that?

Mr. Randall: I'll second that motion.

Mr. Apicella: Okay, any further comments on that motion? Seeing none, cast your vote on the motion to reconsider. Okay, the motion to reconsider carries 7-0. Okay, so we go back to the original... do we go back to the original motion and Mr. English would have to make that motion again?

*Planning Commission Minutes
January 29, 2020*

Mr. English: I make a motion that we deny COM17151763.

Mr. Apicella: And, Ms. Barnes, are you gonna second that motion again?

Ms. Barnes: Yes.

Mr. Apicella: Okay. I don't think we need to get further comments, so cast your vote on the motion to recommend denial on the Comp Plan Amendment change. Okay, motion to deny carries 7-0. Next item, item 2.

Mr. English: Yes, item 2 would be Reclassification RC17151895. I also make a recommendation to deny that one also.

Mr. Randall: I'll second that motion.

Mr. Apicella: Okay, there's a motion and a second. Any further comments Mr. English?

Mr. English: No, and again, to say what I've said before, the impacts of the schools and again, the traffic and the CDAs; I don't like the CDAs, I think they caused a lot of concerns over there at Embrey Mill and Celebrate Virginia. That really gives me some heartburn. And I know that's not on the table but, I mean, right now that is something to be separately voted on, but that causes me some heartburn also so that's another reason I'm denying.

Mr. Apicella: Thank you, Mr. English. Mr. Randall?

Mr. Randall: Just to second that CDA, as well as the proffers. I know we did this in 1989. I know that there are no proffers now for the 622 other homes, but I do think that, with some consideration, that adding proffers to those 622 homes, even though it wasn't done in 1989 when it was approved, recognizing the current situation that we're in, proffers for those homes would go a long way to this. But I don't... you know, that and the fact that the CDA, you know, the \$1 million for the school site is covered under the CDA, which means the homeowners are gonna pay for that. So, to that, that's the reason why I'm gonna vote no.

Mr. Apicella: Thank you, Mr. Randall. Any other comments? Okay, there's a motion to recommend denial of the Westlake Proffer Amendment. Cast your vote. Okay, motion carries 7-0. Last one on this, Mr. English.

Mr. English: Yes sir. On the Reclassification of Westlake, again, a recommendation of denial of RC17151764. Again, they've got 700 homes coming in there and they've got to deal with that right now. I don't see an additional 400's gonna help matters any so.

Mr. Apicella: Okay, is there a second?

Mr. Bain: I'll second.

Mr. Apicella: Okay, Mr. Bain seconding. I think you made your comments, Mr. English?

Mr. English: Yep.

Planning Commission Minutes
January 29, 2020

Mr. Apicella: Mr. Bain?

Mr. Bain: No additional comments.

Mr. Apicella: Any other comments? Okay, I'd like to offer some comments. I waited for all three items to come up and to kind of give my catchall comments. I echo the comments and concerns raised by my colleagues and members of the public. But I do want to highlight some specific concerns. On the Comp Plan Amendment, when the County changes the boundaries of the Urban Services Area outside the normal 5-year Comp Plan update process, it may have the unintended consequence of promoting additional growth into adjacent rural areas of the County, and that's why I've consistently voted against previous proposals to expand the USA boundaries unless there's some emergency assisting in the change. On the Proffer Amendment, I'm not convinced the trade of the existing school site at Westlake, albeit for a million dollars, is something we want to have in terms of 280 more homes and whether that's truly in the best interest of the County. And I'm also not clear, in my mind, that the \$1 million is an equitable and sufficient tradeoff with what they're asking us to do. With regard to the rezoning request, the Westlake property is adjacent to a largely rural area. I don't think this is a good place or a good time to add another 400 homes; that's another 60% on top of the already authorized 700+ homes. So, for these reasons, I've supported the previous motions and now the current motion to deny the request. So, we have a motion on the floor; please cast your vote. Okay, motion to recommend denial passes 7-0. For members of the public, I just want to reiterate -- what we've done here tonight is we're merely making a recommendation to the Board of Supervisors. They'll take this up at a future meeting; that's your opportunity to readdress your issues with them. So, thank you for your participation tonight. Mr. Harvey, next item?

Mr. Harvey: Thank you, Mr. Chairman. Staff will present items 4 and 5 together; that is the Retail at Garrisonville project. And Ms. Eva Campbell will be making the presentation.

4. RC19152631; Reclassification - Retail at Garrisonville - A proposed reclassification, with proffers, from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, to allow for the development of a commercial business with a drive-through on Tax Map Parcel No. 20-35A (Property). The Property consists of 0.82 acres and is located on the north side of Garrisonville Road, approximately 230 feet east of Kingsland Drive, within the Griffis-Widewater Election District. **(Time Limit: March 20, 2020) (History: December 11, 2019 Public Hearing Continued to January 29, 2020)**
5. CUP19152632; Conditional Use Permit - Retail at Garrisonville - A request for a conditional use permit (CUP) to allow one single-lane drive-through facility in the B-2, Urban Commercial Zoning District and HC, Highway Corridor Overlay Zoning District, on Tax Map Parcel No. 20-35A (Property). The property consists of 0.82 acres and is located on the north side of Garrisonville Road, approximately 230 feet east of Kingsland Drive, within the Griffis-Widewater Election District. **(Time Limit: March 20, 2020) (History: December 11, 2019 Public Hearing Continued to January 29, 2020)**

Ms. Campbell: Good evening Chairman Apicella and Planning Commissioners, I'm Eva Campbell with Planning and Zoning. I'm here to present items 4 and 5 on the agenda, which is a rezoning and conditional use permit application for Retail at Garrisonville that was deferred to this meeting from the December 11, 2019, meeting. The request is for a reclassification from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, to allow for the development of a commercial business with a drive-through on Tax Map Parcel Number 20-35A. The property is

*Planning Commission Minutes
January 29, 2020*

subject to a concurrent request for a conditional use permit to allow for a drive-through in the B-2, Urban Commercial Zoning District and Highway Corridor Overlay District. The Planning Commission first considered this application at a public hearing on December 11th and the Commission suggested that the applicant perform a Traffic Impact Analysis to appropriately determine potential traffic impacts on the site. The applicant has agreed to perform the traffic study showing the worst case scenario, which would be a coffee/donut shop with a drive-through. The study is expected to be completed and submitted to the County in early February.

Mr. Apicella: I do have a question related to that, because we had this issue come up on a previous project. Isn't an applicant required to do the worst case scenario when it's a generalized rezoning, and there's still several different uses that they can do?

Ms. Campbell: Yes.

Mr. Apicella: Okay, so it's not just that they're agreeing to do it, they have to do it.

Ms. Campbell: Yes, and I'm... just...

Mr. Apicella: Okay, just want to clarify; thanks.

Ms. Campbell: The site is located on the north side of Garrisonville Road, east of Kingsland Drive, and there are no existing proffers on the property. The surrounding zones are mostly commercial with a residential use to the north. The property is currently developed with one single-family detached home constructed in the 1950s with a shed near the rear of the property. It's been purchased by the perspective developer who also owns the medical office building to the west, and the existing residence is currently unoccupied. The Generalized Development Plan illustrates the site layout for the proposed B-2 commercial use. A single one-story building is proposed, 1,790 square feet in size, with a single drive-through. Parking areas are proposed to the south and east of the building. A loading space is located northeast of the proposed building. And an enclosed dumpster is located at the northwest end of the property. No architectural drawings were submitted since the use has not yet been determined. The drive-through window is located on the western side of the building, with the stacking lanes circling the northern and western sides of the building with a bypass lane provided. Vehicles utilizing the drive-through would be required to circle the building in a counterclockwise direction. And potential 24-hour use of the site may create noise impacts on the residential uses to the north. Proposed proffers do not address the hours of operation, but it is addressed in the concurrent CUP with a recommendation on limiting the hours. The proffers submitted by the applicant would require that the property be accessed by sharing the existing entrance to the west, and that such entrance be converted to a right-in/right-out configuration. It would require inter-parcel connections to provide access to Tax Map Parcel Numbers 20-35H and 20-36. It would require dedication of right-of-way for the future widening of Garrisonville Road. It would require construction of a sidewalk as generally shown on the GDP. It would require a mix of evergreen and deciduous trees in any screening areas with a minimum of 50% evergreens. It would prohibit any building on the property from exceeding 40 feet in height. It would require the architectural design of the building to include specified materials with coordinated signage and dumpster screening. It would require removal of the existing residence, well, and septic system on the property. And prohibit truck deliveries between 10 and 6 AM on the property. Staff is also proposing several conditions to help offset any potential impacts that the drive-through facility might have within the Highway Corridor Overlay District. The proposed conditions are: development of the property shall occur in general accordance with the GDP; direct access to the property from Garrisonville Road shall be prohibited and access shall be through the adjacent

*Planning Commission Minutes
January 29, 2020*

properties; a sidewalk and crosswalk shall be provided between the proposed building and the sidewalk along Garrisonville Road; the pick-up window shall be located on the west side of the building; a drive-through loud speaker shall utilize an automatic volume control system to reduce the speaker volume when there is a low level of ambient noise; and illuminated signage shall not be permitted on any building façade facing an adjacent residential use. Staff is supportive of the application with proffered conditions proposed by the applicant, and staff feels that the proposal is consistent with the Comprehensive Plan recommendations for commercial development along commercial corridors. Staff suggests that the Planning Commission consider a condition which limits the hours of operation to reduce potential noise impacts on nearby residential properties. And the applicant is currently working on completing a Traffic Impact Analysis which will determine potential traffic impacts. And we recommend deferral to allow for the completion of that study. Thank you.

Mr. Apicella: Thank you. Questions for staff? Mr. English?

Mr. English: Eva, do you have an aerial shot of that or not?

Ms. Campbell: Right here.

Mr. English: And that's next to the... the building to the...

Ms. Campbell: That's the medical office.

Mr. English: Okay, so it's to the right; I gotcha. Alright, I got it.

Mr. Apicella: Mr. Randall?

Mr. Randall: If you'll keep that up. The closest residential are the ones to the... ones to the north?

Ms. Campbell: Yes, yes. And everything else surrounding is commercially zoned. The vacant parcel to the east is also commercially zoned.

Mr. Randall: Okay. And then the last question I have is, I didn't see it in the proffers and maybe if you go to the site plan? Right there. Were there any thoughts about adding a right-in or right-out to 610 to help mitigate, you know, people stopping on that road and turning? It gets pretty quick along those roads.

Ms. Campbell: Yeah, they proffered the right-in/right-out.

Mr. Randall: I didn't...

Ms. Campbell: Yeah, it's into the existing medical office property, and then they'll access the property through there. But it's a right-in/right-out entrance.

Mr. Randall: Okay, but no... I guess what I'm looking for, the road off of 610, there's no dedicated right lane, right turn off of 610 so that somebody...

Ms. Campbell: Oh, okay. It just tapers slightly.

Mr. Randall: Okay.

*Planning Commission Minutes
January 29, 2020*

Mr. Bain: I think, if I could, that's where my main concern is, because I could envision a lot of traffic at the drive-through coming out and trying to get back on to 610. And with heavy on 610, it could back up to where somebody coming into the site would not be able to get out of the way of the next vehicle trying to get to the site, and you could end up getting rear-ended on 610 because you couldn't get into the site because of everybody trying to get out. I'm wondering if it would be possible to either have a dedicated right turn lane to allow for some stacking, or to widen the driveway entrance so that it would have two lanes coming in; one for the drive-through, one for the medical building, which again would allow for some stacking if it was necessary.

Ms. Campbell: Yeah, I think maybe the applicant can better speak on that.

Mr. Randall: Okay.

Mr. Apicella: Other questions for staff?

Mr. Randall: No.

Mr. Apicella: Okay, well, just before we go to the applicant, was the GDP proffered?

Ms. Campbell: No, it's only... they only have to go in general conformance with the GDP if the conditional use permit is approved.

Mr. Apicella: So, this whole layout could change.

Ms. Campbell: Yes.

Mr. Apicella: Okay. Any other questions for staff? Thank you.

Ms. Campbell: Thanks.

Mr. Apicella: Would the applicant like to come forward?

Ms. Foroughi: Good evening Mr. Chairman, members of the Planning Commission, I'm Angela Foroughi. I'm the Civil Engineer on the project representing the applicant here this evening. Um, I can address... we heard you guys. The last time, I know some of you guys are new, but we did hear you guys the last time with your concerns for a traffic study. So, that's what the applicant is doing. At this moment it actually is complete. We have not submitted it yet to staff. It's literally... was completed yesterday. So, that will be to staff in the very near future. To your point, Mr. Bain, we looked at a right turn lane and that is actually one of the things that, I've seen the study in advance, that is one of the things that we are recommending in order to mitigate. It's not required per se but it is a recommendation of the traffic study.

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

Mr. Randall: Yes. What does that mean to us? When you say recommended by the traffic study, does that mean it's recommended to the point that you're going to add it? That it'll be something that you'll do? Is that what you mean when you say...?

Ms. Foroughi: Yes sir.

*Planning Commission Minutes
January 29, 2020*

Mr. Randall: Okay.

Ms. Foroughi: If that's... if staff and VDOT agree that that makes sense and they agree to the dimensions and all of that, yes, yes sir.

Mr. Randall: Okay. Alright, thank you.

Mr. Apicella: Other questions? So, is there a reason that you all are not proffering a GDP?

Ms. Foroughi: Yes, there is a reason we're not proffering the GDP. He doesn't have an end user. He doesn't know who the user is going to be. There may not be a drive-through at all. It may end up being a stand-alone... it could be a CVS, it could be a bank, or it could be, I mean, he has talked about if they don't have a buyer, they've talked about me be investing in it personally, because he has his investment group with his doctors and then his wife is actually... I'm sure I'm going to misspeak but she's somehow involved with medical lab work so they've talked about maybe making it a lab facility. So, the reason the GDP is not proffered or in general conformance with the GDP is because he doesn't know the end user. That's the only reason.

Mr. Apicella: So, you mentioned that the TIA was finished today. Do you know what the traffic count would be? I think the most extensive use would be a donut/coffee shop?

Ms. Foroughi: Yes, that's correct; a coffee... a coffee shop, or coffee/donut shop with drive-through is the most intensive use, yes.

Mr. Apicella: So, do you know what the daily traffic count would be?

Ms. Foroughi: It's somewhere in the neighborhood of... it's either 1,400 vehicles per day or 1,600 vehicles per day. I'm sorry, I don't have that handy. We were... *inaudible*... to come to request a deferral. I wasn't even sure I was speaking. So, I apologize. It just... it just was completed.

Mr. Apicella: I appreciate it.

Ms. Foroughi: But it's in that neighborhood.

Mr. Apicella: Okay, thank you.

Ms. Foroughi: Mm-hmm.

Mr. Apicella: Any other questions? Okay. The public hearing was left open so I'm gonna again remind folks that this is an opportunity to speak on this matter. Same ground rules as before. If anybody would like to come forward, please feel free to do so. Seeing no one, I'm gonna close the public hearing and bring it back to the Commission. Mr. Cummings, what we normally do is we pass the baton over to the district rep. They've asked for a deferral. It's your motion to make to start us off with. Is that something you're amenable to? Or how would you like to proceed forward?

Mr. Cummings: Yes, I'm amenable to a deferral and so I'd like to make a motion.

Mr. Apicella: So, would you like to defer to the next meeting? I think... when do we have to decide on this? March, so we could do the next meeting or the meeting after that. What is your preference?

*Planning Commission Minutes
January 29, 2020*

Ms. Foroughi: If I may, by code I believe VDOT has 60 days to review the traffic study; it may be 45. I'm not actually sure what those state regulations are. I highly doubt that VDOT, as much as we appreciate you wanting to expedite this, I highly doubt that VDOT would have comments back to staff for us to address any of them and get it turned around in 30 days. If they can, that'd be great, if you can order them to comment in 2 weeks we'd be happy to address them. But, in all fairness, to give all the reviewers time to review the traffic study.

Mr. Apicella: I don't have it in front of me; what's the date of our second meeting in March? So, we'd have to do it the meeting prior. So, deferring to the meeting March 11th?

Mr. Cummings: March 11th.

Mr. Apicella: Okay.

Mr. Harvey: Mr. Chairman?

Mr. Cummings: I make a motion to...

Mr. Apicella: Mr. Harvey?

Mr. Harvey: Sorry, I apologize. The second meeting in March is March 25th.

Mr. Apicella: Right, so that would be after...

Mr. Harvey: Correct.

Mr. Apicella: ... so, we'd have to do it at the first meeting. So, what I'm hearing is a motion to defer this item until the March 11 meeting. Is there a second?

Mr. Randall: I'll second that motion.

Mr. McPherson: Second.

Mr. Apicella: Okay, any comments Mr. Cummings?

Mr. Cummings: No.

Mr. Apicella: Mr. Randall?

Mr. Randall: No.

Mr. Apicella: Anyone else? Okay. Cast your vote on the deferral. Motion carries 7-0. Mr. Harvey, next item.

Mr. Harvey: Mr. Chairman, does that motion cover both cases?

Mr. Apicella: Do we need to take them up separately?

Planning Commission Minutes
January 29, 2020

Ms. Lucian: It depends on what the motion said. So, if there's any doubt, I would just make a second motion on number 5.

Mr. Apicella: Okay. So, what I think I heard you say is a motion to defer item 4 until the March 11 meeting, and we voted on that. And the next one is on item 5 if you want to...

Mr. Cummings: We'd like to defer also CUP19152632 as well.

Mr. Apicella: Thank you, Mr. Cummings. Is there a second?

Mr. English: I'll second it.

Mr. Apicella: Thank you, Mr. English. Any comments?

Mr. English: No sir.

Mr. Apicella: Alright, cast your vote. Okay, motion carries 7-0 to defer this item 5 until the March 11 meeting. Mr. Harvey, next item?

Mr. Harvey: Thank you, Mr. Chairman. The next item on the agenda is item number 6, which is an amendment to the Subdivision and Zoning Ordinance dealing with lot shape. And please recognize LeAnn Ennis for the presentation.

UNFINISHED BUSINESS

6. Amendment to the Subdivision and Zoning Ordinances - Proposed Ordinance O20-07, formerly O19-41, would amend the Subdivision Ordinance, Stafford County Code Sec. 22-4, "Definitions;" Sec. 22-143, "Shape and elongations;" and Sec. 22-146, "Side lot lines;" and the Zoning Ordinance, Stafford County Code Sec. 28-25, "Definitions of specific terms," to amend definitions and requirements relating to lot lines and lot shape configuration. **(Time Limit: February 9, 2020) (History: Deferred on January 8, 2020 to January 29, 2020)**

Mr. Apicella: Ms. Ennis?

Ms. Ennis: Mr. Chairman, members of the Planning Commission, this is a deferred item that was deferred to today on lot shape, lot lines, and definitions within subdivisions in the Zoning Ordinance. The background of the ordinance request was to consider amending the Subdivision Ordinance, Section 22-4, Section 22-143, 22-146, and 28-25 of the Zoning Ordinance where in 2009 the Subdivision Ordinance was modified to prohibit irregular shaped lots. Staff and professional engineers continuously required interpretations from the Director on the consideration of side lots lines and shape because of the vagueness of the Ordinance. The Board of Supervisors, on January 21, 2020, voted to allow additional time of 90 days to extend it to April 30, 2020, for Ordinance O20-07 to amend the Subdivision Ordinance; Stafford County Code 22-4, 22-143, 22-146, and the Zoning Ordinance 28-25.

Mr. Apicella: Thank you, Ms. Ennis. As I remember the conversation, we talked about creating a subcommittee to do a... to take a look at the ordinance and do a deep dive and potentially provide some recommendations for changes. With that in mind, I'd like to appoint Mr. Bain, Ms. Barnes, and Mr. McPherson as Chairman to work on that subcommittee. I think what we need to decide is when we would like the subcommittee... the outside date we'd like the subcommittee to come back with its

*Planning Commission Minutes
January 29, 2020*

recommendations. So, if we work backwards, we need at least a month generally speaking for public notice to advertise the item. So, what was the date in April again?

Ms. Ennis: April 30th.

Mr. Apicella: April 30th; so, by the end of March we need to have something. I don't have the schedule in front of me.

Mr. McPherson: By the second meeting in March, the 25th.

Mr. Apicella: Okay. So, I would ask the subcommittee to provide their recommendations no later than March 25th.

Ms. Ennis: Can I ask again who? I heard Ms. Barnes, Mr. Bain, and...?

Mr. Apicella: Yeah, Mr. McPherson will serve as Chairman. Do we have any other thoughts or feedback we want to give to the subcommittee before they proceed forward? Nope? Okay.

Mr. McPherson: LeAnn, I'll be reaching out to you.

Mr. Apicella: Alright, I think that covers it. We don't need to take a motion, do we?

Ms. Lucian: I'm sorry, I missed the question?

Mr. Apicella: So, we created a subcommittee; we don't need to take a motion formally to do anything.

Ms. Lucian: You're allowed to do an... *inaudible*.

Mr. Apicella: Okay. Alright, thank you Ms. Ennis. Sorry you had to wait. Mr. Harvey, next item.

Mr. Harvey: Yes, Mr. Chairman, the next item is dealing with time limits for development applications and Ms. Ennis will also discuss this topic.

NEW BUSINESS

7. Amendment to the Subdivision and Zoning Ordinances - Proposed Ordinance O20-13, formerly O19-53, would amend and reordain Stafford County Code, Sec. 22-5, "Family and minor subdivisions;" Sec. 22-26, "Mutual responsibility;" Sec. 22-60, "Staff review;" Sec. 22-78, "Review and approval;" Sec. 22-89.1, "Revisions to approved plats;" Sec. 28-162, "Review and requirements;" Sec. 28-185, "Conditional use permits;" Sec. 28-204, "Review;" Sec. 28-251, "Review procedure;" Article XIV, "Site plans;" and Sec. 28-252, "Approval or disapproval generally" of the Subdivision and Zoning Ordinances regarding the establishment of time limits for development plans. **(Time Limit: March 26, 2020)**
(Authorize for Public Hearing by: February 26, 2020)
(Potential Public Hearing Date: March 25, 2020)

Ms. Ennis: Mr. Chairman, members of the Planning Commission, item number 7 is proposed Ordinance O20-13, it's on time limits within Subdivision and Zoning Ordinance. The request is to consider amending the Subdivision Ordinance, Section 22-5 of the Family and minor subdivisions; 22-

Planning Commission Minutes
January 29, 2020

6, Mutual responsibility; Section 22-60, Staff review; 22-78, Review and approval; Section 22-89.1, Revisions to approved plats; Section 28-162, Review and requirements; Section 28-185, Conditional use permits; Section 28-204, Review; Section 28-251, Review procedure; and Section 28-252, Approval or disapproval generally; all within the Zoning Ordinance. In 2009, we went through a whole process redesign. And the Subdivision and Zoning Ordinance was modified to establish time limits for review and resubmissions of the subdivision and site plans. The ordinance was created as part of the process redesign efforts. And the intent of the ordinance was to have the ability to move projects within a timely manner based upon time submissions and review time periods. So, the engineering firms... we had... staff agreed, when we did the process redesign, that we had a 3-week turnaround and then they... they were counter-offered with a time limit and there's three different timeframes. So, every time a plan is submitted, the County reviewers have 3 weeks and they have 3 different... they have 120 days, 60 days, and 30 days. But every time they get a plan back, they get 120 days to resubmit a plan back in. Projects were permitted extensions based on criteria. That was adopted ordinance. The approved ordinance, as written, did not apply to the application. So, once we adopted the ordinance in 2009, it wasn't... it was only put into effect for construction plans, preliminary plans, and site plans, and it didn't roll across to the rest of the applications. We have 32 applications in our department, and it didn't roll across to the ones that we really needed to help. I mean, it did alleviate, but we have a whole lot of... I have 4 drawers of record plats. Section 22-60 and 22-78 of the Subdivision Ordinance and 22-251 of the Zoning Ordinance; I took this because Mr. Apicella asked last time what the ordinances said. So I put in the main parts. So, it's in quotes but it's not the whole entire one-page ordinance. Where the applicant shall submit with 120 days... so these are our timeframes that the engineers are required to submit back in... 120 days of the date of the agent or his designee's notice of recommendations and decisions. The applicant's failure to satisfy this modification deadline, or any extension thereof, shall result in the termination of the application. The applicant may obtain the first extension for a period not exceeding 60 days without any need on the part of the applicant to establish cause. So, they didn't have to have a reason to ask for the first extension. The applicant may seek additional extensions for a period not exceeding 30 days per extension through no fault of the applicant for the following reason. They had to have... if the plan that was submitted was vacating or abandoning or condemning easements and they needed permission from the owners or they need to get owners' permission to put those easements on their property, or any Federal, state, or local department or agency determination if they were looking for rulings or decisions, or they were needing to comply with any Federal, state, or local regulations. Or they were satisfying any change, correction, or modification which was necessary prior to the presentation to the Planning Commission. The applications that we have, we're only allowed to have 4 reviews. So, 4 reviews and then the application was automatically closed in our system. Currently, the applicant can ask for multiple extensions that doesn't fall under the 4 reviews that I just talked about. They can ask for multiple extensions every month and continuously request for extensions that can last years. This is time consuming to staff to write letters granting extensions with no apparent end in sight that they know have... that we have not worked on in years. Staff is unable to close out these projects knowing that sewer is not going to be extended an area due to the limits of the Urban Service Area or that the applicant did not pursue the proffer amendment request that was submitted to the department which allowed them to automatically be granted an extension based on the proffer amendment approval. Development applications that were submitted 2 years or longer run the risk of being out of compliance. Staff has had several applications that were approved but never sought for final approval. Applications that had previous reviews completed approved by the individuals, reviewers, and/or a signature approved on the plan by VDOT but had never pursued the final steps of the approval process. With these plans pending in the system, this runs the risk of the code changes or the state requirements being updated or modified. And because of these plan... some of the plans approvals, I have approvals from... we have 14 reviewers that review our plans and, if they reviewed the plan and approved it, they

Planning Commission Minutes
January 29, 2020

do not get it returned back to them if it sat for 10 years in our office. So, we never reroute them for re-review because they don't... there's no fee in it and that we can collect from the applicant for it sitting for 10 to 12, 15 years. Staff is requesting that the proposed ordinance apply to all applications with the Planning and Zoning Department. This would include rezonings, conditional use permits. An exception to rezonings and CUPs per Resolution 16-170 and 1619-188, which established a policy aligning the state... aligning our... the policy with the state code where adopted applications must be acted upon within one year of filing, an extension may be granted by the Board or the Commission at the time to extend. To extend past 18 month deadline, the Board must grant the extension. And the extensions, they have to... on those extensions, they are required to give an end date to the Board of when they think this project... they'll pursue it.

Mr. Randall: Excuse me, LeAnn, I'm sorry. Go back one please. One more. When you say an extension... I'm sorry, where it adopted a policy that applications must be acted upon, what do you mean by that? Acted upon by whom?

Ms. Ennis: By the Commission, by the Planning Commission or the Board.

Mr. Randall: Okay. Alright, thank you.

Ms. Ennis: Right? Okay. The proposed ordinance require all plans, plats, and applications for rezonings and CUPs to be approved or denied within the 18 months of being filed. There would be no limitations on the number of reviews or maximum time limits specified for plans and plats to be resubmitted correcting all the identified deficiencies. The proposed ordinance would become effective for all new and existing planning applications after the proposed ordinance is adopted. Staff recommends including all existing applications currently on file in the Department. These applications would include record plats, infrastructure, grading, conditional use permits, zoning reclassifications, site plans, construction plans, grading... preliminary plans, cluster plans. Staff recommends adoption of the proposed Ordinance 20-13.

Mr. Apicella: LeAnn, would you say that this is a pretty significant and important proposed set of changes?

Ms. Ennis: Yes, it's very significant. It's very time consuming for me. I have... I have projects that are in Widewater and we're on years of extensions on 30 days. They're faithfully submitting them in, but they have been extended past a hundred times. I have projects that are... have proffer amendments and they've never pursued those proffer amendments. I kinda told you last time, when I showed you some lots, I just recorded a plat from 2007. It's been sitting in my review process since 2007 and I recorded... that was one that I could not reroute around because I had everybody's signatures except for Jeff. I had everybody's approval and that plat just sat here. And I wasn't... I didn't feel good about that one but, you know, I had to do it. And so, I have... because I've been here so long, I have several plans that are old that go back. When we went on our computer system, I have some from 1999 that I can't get rid of because they're still valid plans by our ordinance.

Mr. Apicella: I appreciate where you're coming from. And the reason I asked that question is we have a little bit of time; we don't have to jump on this tonight before we need to put it to a public hearing. I think the date that's recommended here is no later than February 26, so I just personally think there's a lot here to absorb and I think we all want to make sure we get it right. I know Mr. Bain had some comments on one of the draft versions that we saw. I don't see that those have been...

Planning Commission Minutes
January 29, 2020

Ms. Ennis: I think Mr. Harvey addressed all those prior to...

Mr. Apicella: I mean, I looked for the first one and I didn't see it. So, and then I looked for the other ones and I didn't see those changes either. So, I'm just wondering, I'm just gonna throw it out there that we want to make sure that any proposed changes that people have are considered, including any changes that you all have; I think there may have been one or two where I thought you all were talking about maybe making some additional modifications. So, I just want to make sure before you put it to a public hearing that we get the words exactly how we want them.

Mr. English: If you did... I mean, if it was approved tonight, say we approve this, you go back to all these other pre-applicants that's in there and you give them... okay, this is the new rules, would they have that extra 120 days to kind of start from scratch again?

Ms. Ennis: No, they have 18 months. So even my 1999 plans will have 18 months to get this approved.

Mr. English: So, they would have... but you'd tell them 18 months it's done.

Ms. Ennis: It's done. I don't notify them, I just...

Mr. English: Send them a letter.

Ms. Ennis: No, just close it out.

Mr. Bain: Is that legal or aren't they grandfathered? Again, this is an area that I don't understand. You know, can you... can you...

Ms. Ennis: Why would they be grandfathered if they're not approved?

Mr. Bain: Well, just like any plan that's been approved can be grandfathered, but...

Ms. Ennis: But they're...

Mr. Bain: I'm just asking.

Ms. Ennis: That makes sense because the plans' approved. These are plans that are still under review.

Mr. Bain: But they've been applied... they have applied. I'm just... I don't know, I'm not trying to cause trouble, I just don't want to make an ordinance change and have developers suddenly start suing the County because they felt...

Mr. Harvey: Mr. Chairman, I can answer Mr. Bain's question and also explain a little bit why staff didn't make any adjustments to the ordinance at this point in time. Vested rights typically following requirements in state code, which is an affirmative governmental act or, in other words, an approval of some sort of application. That gives the person vested rights. That gives them their opportunity to move forward. Assuming that they've expended significant money, assuming that they've made due diligence with their project, they can move forward based on that prior approval. But things that are in process, and if the ordinance changes, they're not grandfathered until they have an approval. But that always becomes an issue if there's a significant change in the County Code as to fairness with the

Planning Commission Minutes
January 29, 2020

application in process, and that's a decision made by the Board of Supervisors if they want to have some saving provisions for people in process. Sometimes it's... there have been some, sometimes there have not been; depends on the sweeping changes of the... or nature of the ordinance. At the last discussion, there was one issue about possibly having an additional time extension. Staff did not put any additional language in there due to the issue of what would that time extension be, what's reasonable if there is one, and what's the process. Right now, the proposed ordinance stops the review at 18 months. We would have to administratively close out the file and advise the applicant of that that their file has been closed. And we... if we have time available and good customer service prevails, we're gonna give them some advance notice. But, depending upon their situation, it may or may not be ample time for them to get re-engaged. I did have a discussion with a representative from the Fredericksburg Area Builders Association about this topic initially. And 18 months was sort of a compromise that we came up with with discussion. Initially, staff had talked about possibly a 12-month deadline. So an applicant would have a year to get their application approved. And in discussion with that representative, it was pointed out, especially with subdivision plats, a year may be too short of a timeframe. So, they suggested 24 months so we settled on 18. But right now, as was pointed out by Mr. Bain, there is no saving provisions other than for them to reapply and pay a new application fee and resubmit. That's the end result if their plan expires, they would have to refile an application, pay a review fee, start all over again based on the standards that they are as of the time they file.

Mr. Apicella: So, I'm just gonna give one example of an edit that Mr. Bain had recommended. I'm not saying it's the exact words that we should adopt, but I'm looking at Attachment 1, page 3 of 14, the second line of the first sentence where it says, any plan and plat application from the Department of Planning and Zoning shall be approved. And I think his question was, do we want to add the words, or disapproved. I think what you're really saying is some action needs to be taken on it, not necessarily approval. There were some other comments back and forth with Mr. Bain. Just going to the next one, Section 22-60...

Mr. Harvey: Mr. Chairman, I do recall that one. That was one that I talked to legal counsel about and that was one that we felt could be added in there.

Mr. Apicella: Right. There were some other things, too. I'm just gonna give another example. The Section 22-60(a) where it refers to the agent, I think there was some discussion back and forth whether or not... I'm not clear whether that whole sentence could be removed or part of the sentence could be removed, but my point is, I'm not sure we're there yet. I think maybe, uh, we've got a little bit of time. I might recommend for consideration that by the next meeting, everyone submit any comments to staff and we can come back and talk about it on the 12th and see what, if anything, would be worthwhile to change before we, again, send this to public hearing. Does that seem reasonable?

Mr. Randall: Well, to that end, I would recommend that we pick a... maybe by February 6th or 7th to give staff enough time to compile the changes, put all the changes together, make... and then be able to make a recommendation. I surely would agree that we would probably need to move this forward and vote on it one way or the other on the 11th... or our next meeting, the 12th.

Mr. Apicella: Well, yeah, I think we have until the 26th. It's not a showstopper.

Mr. Randall: No, but I think we, you know, let's take care of it, put it on the table. But I think if everybody looked at it and made their recommendations by the 6th or 7th, that would give staff enough time to, you know, adjudicate all of the comments and give us some type of a final version.

*Planning Commission Minutes
January 29, 2020*

Mr. Apicella: Are we all good with that?

Ms. Barnes: The 6th or 7th?

Mr. Apicella: Let's just say the 7th.

Mr. Randall: Let's just say the 7th; that give them 4 days. That gives them at least Monday, Tuesday, and part of Wednesday to put together the final draft and present to us the final draft on that Wednesday.

Mr. Apicella: Let me take that back. Normally, the 7th is the date we would get our agenda package; so, I think probably the 6th would be more helpful to them to at least potentially incorporate it into the staff report if they thought that was worthwhile to do.

Mr. Bain: Or sooner.

Mr. Apicella: Or sooner, yeah, right.

Several people talking at once.

Mr. Apicella: *Inaudible, being talked over...* until COB Friday... on the 6th. But, again, I think that's one way to kind of work through this process rather than necessarily doing it right now. Do we need to take a motion on that or can we just move forward with consensus?

Ms. Lucian: I think on that it's fine. I think you should take a vote on when you're going to defer the matter to.

Mr. Apicella: Well, it's not an item we have to take up right now.

Ms. Lucian: No, you're right, you're right.

Mr. Apicella: Yeah.

Ms. Lucian: You don't need to take a vote on the deadline that you guys establish... *inaudible*; that's fine.

Mr. Apicella: Okay. Any other comments on this one? Alright, thank you. I think we can move forward. Thank you again, LeAnn. I guess Planning Director's Report?

PLANNING DIRECTOR'S REPORT

8. 2019 Annual Report

Mr. Harvey: Thank you, Mr. Chairman. As you recall from the last meeting, staff sent out a draft of the 2019 Annual Report and seeking the Commission's guidance for any changes, modifications, or adoption by the Commission. Once adopted, the staff will forward the finalized report to the County Administrator to send to the Board of Supervisors pursuant to State Code.

Mr. Apicella: Any comments, changes, edits? How would folks like to proceed forward?

*Planning Commission Minutes
January 29, 2020*

Mr. English: I make a motion; it looks good to forward it on.

Mr. McPherson/Mr. Randall: I second that.

Mr. Apicella: Okay, I'm going to give that one to Mr. McPherson. Any comments, Mr. English? Mr. McPherson?

Mr. McPherson: No. I do agree, it looks very good.

Mr. Apicella: I just want to say, as always, we have great staff. We appreciate all the hard work that you do and I don't think folks realize all the work that goes behind the scenes to make this meeting happen and to work with us and the Board of Supervisors on planning issues. So, thanks again for all your hard work. Okay, with that, cast your vote?

Ms. Barnes: *Inaudible, microphone not on.*

Mr. Apicella: No, we're voting to send this forward. This is the Annual Report. Motion carries 7-0. Anything else, Mr. Harvey?

9. Revision to 2020 Planning Commission Meeting Schedule

Mr. Harvey: Mr. Chairman, again we have a request to reconsider the meeting schedule. We realized that one of the proposed dates for a meeting on November 11th conflicts with Veteran's Day; that's a Federal holiday as well as a County holiday, which the building will be closed. Staff's recommending consideration of November 18th as the sole meeting for November.

Mr. Apicella: Okay, is there a motion to that effect?

Mr. English: So moved.

Mr. Apicella: Thank you, Mr. English. Anybody else?

Mr. Randall: I second that motion.

Mr. Apicella: Thank you, Mr. Randall. Motion to change the date from November 11, 2020, to November 18, 2020. Please cast your vote. Motion carries 7-0. County Attorney's Report?

COUNTY ATTORNEY'S REPORT

Ms. Lucian: Good evening Mr. Chairman, Planning Commission; I have no report.

COMMITTEE REPORTS

CHAIRMAN'S REPORT

10. Planning Commission Representatives for ARB and Parks & Rec Commission

Mr. Apicella: Thank you. We have no Committees to report. Under Chairman's Report I do have a couple items I'd like to address. I have a few appointments to local Boards and Commissions I'd like

Planning Commission Minutes
January 29, 2020

to make. First, I'd like to reappoint Mr. Randall as our representative to the Stafford Parks and Rec Commission. Second, I'd like to reappoint Mr. McPherson as our liaison to the Stafford Economic Development Authority. And lastly, I'm appointing Mr. Bain to the Stafford ARB. And that concludes my report. Other Business -- I don't think we have any. Approval of minutes; is there a motion to approve the December 11 minutes?

OTHER BUSINESS

11. TRC Information - February 12, 2020 - *Cancelled*

APPROVAL OF MINUTES

December 11, 2019

Mr. Bain: So moved.

Mr. Apicella: Okay, just for clarity, I think Ms. Barnes and Mr. Cummings might want to abstain since you weren't here. So, okay, all those in favor... or cast your vote.

Mr. Bain: Did we get a second?

Mr. Apicella: I thought I heard a second.

Mr. English: I'll second it.

Mr. Apicella: Okay. Wow, I'm not really reading these colors very well. What does this mean?

Mr. Bain: Mine's not picking it up; I'm pushing the button.

Mr. Apicella: Can we redo this? Okay, cast your vote. Okay, motion carries 5 with 2 abstaining (*Ms. Barnes and Mr. Cummings*). Alright, with no other business before the Commission, we're adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:44 p.m.