

**STAFFORD COUNTY PLANNING COMMISSION MINUTES**  
**June 8, 2016**

The meeting of the Stafford County Planning Commission of Wednesday, June 8, 2016, was called to order at 6:30 p.m. by Chairman Steven Apicella in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: Coen

STAFF PRESENT: Harvey, McClendon, Stinnette, Baker, Zuraf, Sugg, and Ennis

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Are there any declarations of disqualification on any agenda item? Okay. I am hereby recusing myself from items 5 and 6 on tonight's agenda. While I do not have a direct personal financial interest in items 5 and 6, a friend of mine, who is employed by a local builder, is working with me on a project at my house. And his company occasionally purchases lots from the applicant. Therefore, I think it is appropriate to sit out on these two items. To that end, I have not reviewed the material or spoken to anyone about either of these items. When they come up on the agenda, I will hand the gavel to Mrs. Bailey who will serve as the acting Chair. I will sit off to the side until the Planning Commission finishes its business on these matters. Are there any changes to the agenda Mr. Harvey?

Mr. Harvey: None that I'm aware of Mr. Chairman.

PUBLIC PRESENTATIONS

Mr. Apicella: Okay, thank you. It's now the public presentations portion of tonight's meeting. This is an opportunity for the public to speak on any matter except tonight's scheduled public hearing items. There will be a separate comment period during those public hearings. Please state your name and address before you start your comments and address the Commission as a whole. You have 3 minutes to speak when the green light comes on. The yellow light indicates you have 1 minute left. And when you see the red light, please wrap up your comments. So if anyone would like to speak, please come forward. Seeing no rush... oh, there we go.

Audience member: I hope this is the appropriate time to talk. My name's Scott Dixon.

Mr. Apicella: So, again, this is on any matter except for any of the scheduled public hearing items. So if you're going to speak to any of those, then there will be a time to speak (inaudible).

Mr. Dixon: That's why I apologized because I didn't look at it and I didn't know if it was on the agenda. I do see it on the agenda. Okay.

Mr. Apicella: Okay, thank you. Anyone else? Okay, seeing no one else, I'll close the public presentations portion of this meeting. Mr. Harvey, item 1.

PUBLIC HEARINGS

1. RC16151188; Reclassification – Stafford County Economic Development Authority (EDA) Property - A proposed reclassification from the A-1, Agricultural Zoning District to the M-1,

*Planning Commission Minutes*  
*June 8, 2016*

Light Industrial Zoning District, to allow commercial/light industrial use on Tax Map Parcel No. 38-29. The property consists of 14.75 acres, located on the east side of Jefferson Davis Highway, approximately 700 feet north of Perchwood Drive, within the Falmouth Election District. **(Time Limit: September 6, 2016)**

Mr. Harvey: Thank you Mr. Chairman. If you please recognize Kathy Baker for the presentation.

Ms. Baker: Good evening Mr. Chairman, members of the Commission, Kathy Baker. I'll be presenting the rezoning application for the Stafford County Economic Development Authority, or the EDA property. This request is to rezone 14.75 acres from A-1, Agricultural to M-1, Light Industrial on Assessor's Parcel 38-29. The County is acting as the applicant on this. The owner is the Stafford County EDA. The Board of Supervisors had previously authorized the staff and the County Administrator to prepare the application and to submit it and bring it forward. You see the location of the property highlighted in the red boundary. The property and the adjacent property to the north and east is A-1. To the west and south is M-1, Light Industrial, and you also have in the pink B-2, Urban Commercial along the frontage of Jefferson Davis Highway. This property does have about 740 feet of frontage on Jefferson Davis Highway. Note the existing conditions in the frontage of Jeff Davis Highway to the left, or the west of the property boundary. The property was previously cleared to remove basically the trees from... the large-standing trees that were on the property. To the south you see the industrial park, two industrial parks; the Potomac Creek Industrial Park and Crane's Corner Industrial Park. And then on the west side of Route 1 you'll see the Penny Industrial Park and Taylor Bott Industrial Park. And then to the north and east, again, the properties are undeveloped. If you all the way to the top left-hand corner across 95 where it shows Centreport Parkway, that is the location of the Stafford Regional Airport which I'll discuss a little bit more in a moment. And this is just a view looking at the property looking from Route 1 east. And the property does a varying topography. It actually rises about 60 feet towards the rear of the property. And then, again, you see the industrial parks here to the right and to the bottom of the screen. And the EDA had requested as I said the Board to rezone the property. This property was transferred to the EDA from the Stafford Regional Airport Authority; there was actually an exchange of properties. The EDA proposes to sell this property to raise money towards the future Germanna Campus, Germanna Community College Campus. And they decided that if they were to rezone the property to M-1, then it may make it more marketable and therefore get more money for it. The EDA had a feasibility study prepared in 2013 by a consultant, and this assessed the cultural and environmental resources on the property. There were no cultural resources identified and the only environmental resource is just a small finger of wetlands on the southern property line. There were three options for development that were included in the feasibility study. Since they are looking to sell the property, they want the potential buyer to be able to develop it. But these three options that they did were just to show what could feasibly go on the site based on the size of the property, what that zoning would be, any other restrictions that might be included, parking and other utilities, and infrastructure. And this is the first option and it's for approximately 200,000 square feet data center; one access off of Jeff Davis Highway. And you'll see the parking as well. The second option is for about 106,000 square feet of retail... or excuse me, commercial and office development, a mixed use proposal. This shows five buildings of varying sizes. And then the third option was actually to subdivide off eight individual lots or pad sites that could be developed for industrial purposes. And this is in line with the way the other adjacent industrial parks are developed. And this just shows the location within the Stafford County's Airport Overlay. As you know, the Airport Overlay zone was established in 2003 and it does regulate the height of structures and other objects of natural growth such as trees. The site that you see there indicated by the star shows the location within an AE, or eastern approach surface zone. And this is an area which would limit the maximum height of any structure to 262 feet. There's also an avigation easement recorded on the property which by deed restricts heights

*Planning Commission Minutes*  
*June 8, 2016*

and other development potential of the property. So it basically allows free unobstructed air space over the property. Yes.

Mr. English: Question for you. In reference to that property, there is a hill; I'm familiar with that hill. If they cut that hill down, would that make a difference as far as height of buildings, if they cut it down almost to Route 1? Because I know it goes up and comes down. Would that make a difference?

Ms. Baker: I know that the height restrictions are based on kind of an imaginary plane that follows... I mean, there's a formula about rise and run over and the distance from the airport runway. So I'm thinking it could potentially make a difference if it was graded down.

Mr. English: Thank you.

Ms. Baker: Just to touch briefly on transportation, there's been no transportation impact assessment or study prepared at this time. That would come at the time that the property would be developed if required. But this just shows, based on those three options, what the vehicle per day traffic counts would be. And you'll notice that the office park would generate the highest volume of traffic. And this compares to by-right development under the A-1 zoning. You could potentially have four single-family lots with an average daily vehicle traffic count of 40, so it would be an increase in traffic. And just to note, we've had discussions with Virginia Department of Transportation just to talk about any potential issues with the site. You see the blue star is generally the location of the proposed entrances based on the three options that were prepared. A couple of things to note is the proximity to the existing entrances on Jeff Davis Highway. This one into the industrial park to the south doesn't extend that far but there may be an issue with meeting the entrance separation requirements under VDOT. So a waiver could be required if they can't get additional access such as potential shared access with adjacent properties. So it's just something to take into consideration as the property would come under development. I just note, there is an area of transition along the frontage of the property. You'll note the striped access area and this is to accommodate left turn lanes going both southbound and northbound as they turn into the properties to the adjacent industrial parks. And just one other item of note, there is a project for adding a turn lane into Perchwood Drive which is further south and not really in the area of the frontage of the property. In 2022, that is proposed as a project, so that could also have some impact on the way that the entrance into this property would be designed. With regard to the Comprehensive Plan, the land use recommendation is for Business and Industry which does promote large scale industry and business development, wholesale as well as other business-type uses, research and development, and light manufacturing. So the M-1 zoning would be keeping in compliance with the Comprehensive Plan designation. The other thing to note is the Airport Land Use Compatibility Study that was prepared previously and considered for inclusion into the 2016 Comprehensive Plan update. The land use study would talk about potential uses as it relates to noise impacts and potential safety impacts being within the airport flyover zone. Staff is recommending approval. This rezoning would be in conformance with the Comprehensive Plan, it would be consistent with development patterns in the vicinity, and would also allow for generation of funds towards the Germanna Community College.

Mr. English: Could you go back a slide or two slides?

Ms. Baker: More?

Mr. English: Yeah, it's not showing. Now go up; go up a slide. No.

Ms. Baker: Other way?

*Planning Commission Minutes*  
*June 8, 2016*

Mr. English: One more, keep going; right there. The Hazel Park Lane that you have right there off of Perchwood? You see right there? Is it possible that that could be tied into this property as an alternate entrance as far as instead of coming off of Route 1, it could be an entrance there? Have they looked as that as far as...?

Ms. Baker: I don't think they've looked at it yet. It would probably require an easement at a minimum over that property because I think that the access comes short of the property line.

Mr. English: The only reason I was saying is because you've got so many entrances on Route 1 right now and I thought that would be a better entrance instead. Because I know you've got the Blackjack and then you've got Perchwood and then you go up for Sage Lane and then you're going to be having another one and there's no light there. I didn't know if that was an alternative (inaudible).

Ms. Baker: Right. And that's some of the discussions we had with VDOT. There was talk about... of course this property is currently A-1 and it's under separate ownership, but in the future, if that were to develop and possibly have access across from that Sage Lane and then have shared access into this property. So, there are other alternatives that VDOT is going to ask them to investigate. But it would most likely be with the future property owner.

Mr. English: Okay, thank you.

Ms. Baker: Any other questions at this point? I have...

Mr. Apicella: Questions?

Ms. Baker: Brad Johnson is here from the Economic Development Department if you have additional questions as it may relate to the Economic Development Board.

Mr. Apicella: Mr. Johnson, do you want to say anything?

Mr. Johnson: Good evening Mr. Chairman, Brad Johnson, Economic Development.

Mr. Apicella: Good evening.

Mr. Johnson: I think Ms. Baker summarized the EDA's position on this. I can't speak on behalf of the EDA but we do provide staff support to them. We did look at those other options and thought, you know, if we were going to keep that property that might be something to look into. But since the goal is here to get the Germanna grant moving forward because there's starting to be some movement on that and we thought this might be the more expedient way to move forward. But happy to pass along any comments the Planning Commission has back to the EDA and certainly I think they are willing to work with you.

Mr. English: That was my only comment was that Hazel Mill (inaudible) the main entrance instead of coming off of Route 1, because I feel like that would be a better alternative. But that was my only comment. Maybe shaving that hill down.

Mr. Johnson: Yeah, that road easement just does not quite go to the property line. And if it did, I think we'd be having another conversation.

Mr. English: Right, understood.

*Planning Commission Minutes*  
*June 8, 2016*

Mr. Johnson: Yeah, it's a good option.

Mr. English: Thank you sir.

Mr. Apicella: Any other questions for Mr. Johnson? Okay, I have a question for Ms. Baker. Just to point out what is the obvious here is despite the fact that there was a feasibility study with the three options, that's for information only. So this is ultimately a generalized rezoning to M-1; any of the allowable uses could occur on this site.

Ms. Baker: As it stands, yes, that's correct.

Mr. Apicella: Okay. Alright, that's it for me. Any other questions? Alright, I'll now open up the public hearing on this item. This is an opportunity for the public to comment on this matter. Please direct your comments to the Planning Commission as a whole, not to any specific member. You have up to 3 minutes to speak. Please state your name and address when the green light comes on. The yellow light indicates you have 1 minute left. The red light means you need to quickly wrap up your comments. So, if anyone would like to come forward and comment on this item, please do so now. Okay.

Ms. Geslois: I'm Susanne Geslois, I own the property that's just to the north of this property. So, I'm wondering about the driveway entrance. Now, you're showing a driveway; it's of course just proposed. But at some point I'm going to need a driveway from my property. I have 27 and a quarter acres just to the north of this property. So, I'd like to see that again if I could.

Mr. Apicella: Ma'am, unfortunately this is not a back and forth dialogue. You're certainly able to make any comments that you might have.

Ms. Geslois: Well then, my comment is, I'm just wondering. You're saying that there's so many entrances off of US 1; I'm going to have to have an entrance for my property. Now, the driveway that I saw in the topography was the driveway that went into my home when I lived there. And of course the airport did away with my home. So, I'm very concerned that there might be a problem with me gaining access to my property at the proper point. I'm going to stay A-1 for now; I don't intend to get the property rezoned anytime soon. That's down the road. I might even end up using it for a home site, or maybe two home sites, which I can do. So, anything that has to do with egress to that property to the north I'm going to be very interested in. And that's my comment. I don't... I don't... I can't do anything about the M-1 zoning; if you choose to do that, that's the way it would be. I would prefer to see a lighter zoning. I'd prefer to see Business. There's a lot of M-1 zoning in that area and it just looks like to me that some more retail would be nice in that area. Now you have to go up to 610 or you have to go down into Fredericksburg. So, that would be a nice feature for that area. It's kind of midway between 610 and Fredericksburg. So, that's my comments. Thank you.

Mr. Apicella: Thank you ma'am. Anyone else? Okay, I'm going to close the public hearing on this item. Ms. Baker, Mr. Johnson, anything else you want to add? Okay. I'll bring it back to the Commission. Mrs. Bailey, I'm going to hand you the gavel since this is in the Falmouth District.

Mrs. Bailey: Mr. Apicella, this is in the Falmouth District. What's your pleasure?

Mr. Apicella: I'd like to make a motion to recommend approval of RC16151188, the reclassification of the Stafford County Economic Development Authority Property.

*Planning Commission Minutes  
June 8, 2016*

Mrs. Vanuch: I'll second.

Mrs. Bailey: Any comments?

Mr. Apicella: Yes Mrs. Bailey. First of all, I think the rezoning to M-1 is consistent with the neighboring parcels and the development pattern. I appreciate the neighbor's concerns. I think there's at least been a restaurant across... in close proximity that's never been successful there, as far as I'm concerned. It's probably changed hands 5, 10 times in the last 15 years, so I'm not quite sure the development pattern at this point in time indicates retail would be appropriate. Plus I think M-1 is probably the most lucrative based on the analysis that's been done thus far; at least from the EDA perspective selling the property and providing funds to help with the Germanna College effort. I think it's consistent with the Comp Plan and, again, I think it supports a strong public good by supporting the Germanna Community College Campus in Stafford. So, for those reasons, I'm recommending approval.

Mrs. Bailey: Alrighty. Mrs. Vanuch, any comments?

Mrs. Vanuch: I'd just like to echo what Steven said. I think he did a great job kind of summarizing why we're supportive of this moving forward. And I'd just like to expand upon the work that we did with the Comprehensive Plan and with the Airport Overlay project that this makes a lot of sense to rezone the property and, that's it.

Mrs. Bailey: Okay, do we have any additional comments or discussions from the other Commissioners? If not, all those in favor.

Mr. Rhodes: Aye.

Mr. Apicella: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mrs. Bailey: Aye. Opposed? It carries. Thank you. I'll give the gavel back to you sir.

Mr. Apicella: Thank you Mrs. Bailey. Mr. Harvey, item 2.

2. RC15151046; Reclassification – Patriots Crossing Proffer Amendment (formerly known as Stafford Sports Center) - A proposal to amend proffered conditions on Tax Map Parcel No. 20-12, zoned B-2, Urban Commercial Zoning District, to replace a planned recreational facility with other uses and modify transportation and other site development requirements. The site consists of 23.79 acres and is located on the south side of Garrisonville Road, approximately 220 feet west of Parkway Boulevard, within the Garrisonville Election District. **(Time Limit: September 6, 2016)**

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

Mr. Zuraf: If I could have the computer please. Good evening Mr. Chairman, members of the Planning Commission; Mike Zuraf with the Planning and Zoning Department. The item before you is a proffer

*Planning Commission Minutes*  
*June 8, 2016*

amendment for a project known as Patriots Crossing. This is a request to amend proffered conditions on the Patriots Crossing development project, on Assessor's Parcel 20-12. The total site area is approximately 24 acres. The site is zoned B-2, Urban Commercial. The applicant is 799 Garrisonville LLC, with Sherman Patrick as the agent for the applicant. This project was formerly known as the Stafford Sports Center. The proposal is to amend proffered conditions to replace a planned recreational facility with other uses and modify the associated transportation and other site development requirements that were related to the recreational facility. That was the main focus of the development project at the time of initial approval. The location of this site is on the south side of Garrisonville Road, approximately 220 feet west of Parkway Boulevard. The zoning history: in 2012, the rezoning of the site occurred from A-1, Agricultural to the current B-2, Urban Commercial zoning designation with proffers. At the time, the plan included commercial retail uses in the front of the site along Garrisonville Road and the recreational enterprise on the remainder of the site to the south. Since this time, no development has occurred on the property and the recent opening of the Jeff Rouse Swim and Sports Center at Embrey Mill likely has minimized the need for a swimming pool and recreational complex of that type on this site. And so a new development concept is being considered on this property. Looking at the existing conditions, you can see an aerial view of the property highlighted in red. The site is primarily wooded. There's rolling terrain. There are two streams located on the property. The stream on the northern end of the site has been recently designated as a perennial stream which includes a 100-foot Critical Resource Protection Area buffers along it. The stream to the south is intermittent and includes some associated wetland areas. Surrounding uses to the north is a Rural Residential type of use; probably the last one on Garrisonville Road in that area. To the west and south is North Stafford High School. To the east is the Park Ridge Community with a professional office in the front of the site along Garrisonville Road and townhome and single-family detached units along the remainder of the border of this property. This is a view of that original General Development Plan, and just to highlight, the plan envisioned commercial uses in the front of the site in this area and then other commercial uses as well in this location. And the large recreational facility and associated parking really took up the remainder of the site to the back. And, at the time when this was approved, that perennial stream... that what's now known as a perennial stream, at the time was determined to be intermittent. So, it's in this location. There were no buffer requirements along that stream. The circulation pattern of the original plan included a primary access point, right in/right out onto Garrisonville Road in this location, but it also included inter-parcel connections over to North Stafford High School and Wolverine Way. People could access the site by turning left onto Wolverine Way and heading in this way. And then there also was an inter-parcel connection through the office parcel over to Parkway Boulevard that people could access as well. So, this is the new General Development Plan. On this plan, the site is talking about (inaudible) access. The site would be accessed by again the same primary access point onto Garrisonville Road in this location. The new feature that is being proposed with this is a dedicated left-turn cut in Garrisonville Road that people could access the site directly from Garrisonville Road. The applicant is proposing inter-parcel access easements over towards North Stafford High School and to the Park Ridge commercial site, but is not necessarily guaranteeing that the connections will be made. So that will be a different change to the traffic pattern in the site as the use will be... connections to the signalized intersections at Wolverine and Parkway Boulevard may not be there. Also on the site, the plan shows a potential for gated access through Park Ridge for emergency purposes. They show a potential gated access point onto Kimberly Drive, in this location. The proffers say that a secondary access will be provided; it doesn't necessarily say it has to be at this location, but they show that as a potential location for a gated access. As mentioned, there's a new CRPA designation which does affect and change the layout of the site. Your commercial uses are still in the front of the parcel but you do have a larger protected area in the middle of the site. And then to the back of the site, in place of the recreational facility, are several office buildings in this location. Also, the applicant does show a potential car wash located in this location on the site. Staff did note concern with that potential use in that location given the potential noise impacts to the adjacent residential uses. This car wash use would

*Planning Commission Minutes*  
*June 8, 2016*

require a conditional use permit. The applicant has not applied for one, so to actually have that car wash use in that location, they would have to come in and seek a conditional use permit. So this approval doesn't guarantee that use in that location. The commercial... also, the office buildings are proposed... they're shown as being 2-story buildings with approximately 40,000 square feet of floor area for each building. And the applicant is maintaining a 50-foot transitional buffer adjacent to Park Ridge with an 8-foot fence. All of these are not proffered; the applicant did provide these typical renderings of the style of the office buildings that may occur on the property. Many of the proffers that are being changed are associated and related to the development of the recreational facility and associated traffic patterns. Just to kind of summarize some of the changes and highlight some of the main changes to the proffers, proffer 1, a new General Development Plan is being offered. The applicant is only proffering the transportation requirements that are provided under proffer 2 as they're shown on the GDP. The other elements of the GDP, including the types and locations of uses, may change from what you see in the GDP. With proffer 2, the transportation access, noted on the GDP the new traffic pattern. The applicant's proposing to delete the requirements for the inter-parcel access to the signalized intersections to the east and west, so there would potentially be only one access point into the site. But staff will note overall, removal of the recreational facility and replacing those uses with offices does reduce the overall traffic generated on the site. By giving the new traffic pattern, re-evaluation of the impacts was warranted. And under the initial study, the applicant looked at the main entrance point. One of the main issues that came out of that study was that directional slotted left-turn lane identified a Level of Service F in the morning AM peak hour. All other movements at that main intersection were determined to be acceptable. Also, vehicle stacking was on the edge of meeting the available stacking on the site. Staff did request additional analysis on the adjacent intersections, the adjacent signalized intersections. This was just completed and provided to you. We are still reviewing the report and have some questions about the assumptions, so we don't have an answer as to the results of that and the impact on those adjacent properties... of those adjacent intersections to this project. And also, VDOT notes that a new slotted left-turn break and median on Garrisonville in that location would need an exception from VDOT regarding the spacing from those signalized intersections. Also, the proffers requiring additional emergency access does include language that may not guarantee that it would be required. And also the language regarding the phasing of when that occurs staff believes could be improved. The proffers also maintain the requirement to provide a 50-foot transitional buffer and also in this proposal the applicant's deleted the language that would allow for a 50% reduction with the inclusion of a fence. So this is going to guarantee that the buffer will be 50 feet wide with a fence. And also, the applicant is modifying some of the language regarding whether a berm would be constructed. They would do that if it's shown to be beneficial, because in certain cases, if there's enough of a slope a berm really is not going to be effective.

Mr. Apicella: Who would make that decision?

Mr. Zuraf: That's going to be something that's going to be determined at site plan stage when site grading is...

Mr. Apicella: So if staff thinks it's necessary, they would push it.

Mr. Zuraf: Right, right.

Mr. Apicella: Because the language indicates that it's ultimately up to...

Mr. Zuraf: Yeah, in the language the applicant could make that determination. But that wouldn't be done until likely the time when the site plan is (inaudible).



*Planning Commission Minutes*  
*June 8, 2016*

Mr. Apicella: So, if there's a disagreement between the applicant and the County, what happens?

Mr. Zuraf: The applicant will prevail on that under that language. Some of the other amendments to touch on, regarding proffer 4, there are several additional uses being prohibited that are not identified in the County Zoning Ordinance that may be difficult for us to enforce. We've shared that concern with the applicant. The applicant does wish to retain those additional restrictions as assurances to the adjacent residents in Park Ridge that the overall uses would be limited. Regarding hours of operations for all...

Mr. Apicella: Mike, I'm sorry to jump in on that one. So, where they're unenforceable, at least from the County's perspective, is there another way to guarantee it, i.e., through a deed restriction?

Mr. Zuraf: That's likely, and maybe the applicant can confirm my understanding from the applicant is that something they may be placing on the property is that overall restriction through their covenants.

Mr. Apicella: Alright, thank you.

Mr. Zuraf: I'd ask for the applicant to kind of confirm that. Okay, on the issue of hours of operation, there are current restrictions for buildings. Those are being lifted and they would remain for the car wash use and also for any refuse collection. There would be hours of operation restrictions on trash collection. So staff notes that consideration should be given to the affect this may have on adjacent residential uses. With fire and rescue protection, the applicant is deleting the requirement to have standpipe system... requirements that were in place for the recreational facility are being deleted, so the remainder of the site would not have that requirement to have a standpipe. Staff is requesting that requirement be retained for any building greater than 2 stories tall. And with the recreational facility, other proffers that indirectly to the recreation facility are proposed to be deleted. This includes a requirement to construct a pedestrian trail that would have run from Park Ridge Elementary School over to North Stafford High School and through the site. And also, requirements for shared parking agreements with the adjacent schools if there were events that needed extra parking, these requirements would no longer be related to the office park development. And staff doesn't see those as necessary. With the Comp Plan, the Land Use Plan recommends the site as a commercial corridor with suburban land use. Commercial corridors are intended to encourage commercial activities where there are adequate transportation facilities to accommodate proposed uses. Suburban areas of the County are areas where suburban scale development is most appropriate. Staff believes the proposed amendments to the proffers maintain the site's consistency with the Comp Plan recommendations in this area. Regarding the staff findings on summary, there are positive aspects. It's in conformance with the Comp Plan. The proposal updates proffers reflect the current development potential on the site, and minimize impacts on natural resources. Also, there are some negative aspects. There are negative and unknown impacts on the transportation network at this time. The type and location of uses ultimately to be developed on the site are unknown. And the changes in the proffers potentially reduces fire protection measures previously proffered on the site, and there are potential noise impacts on adjacent properties with these changes. Given this comparison of positive and negative features, staff cannot support the request at this time. There should be some additional consideration given to those concerns. And you've received Ordinance O16-27 which reflects approval with the proffers in their current form. And I'll take any questions.

Mr. Apicella: Questions for staff?

Mr. Rhodes: Yes, Mr. Chairman?

*Planning Commission Minutes*  
*June 8, 2016*

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: Mr. Zuraf, you mentioned on wanting the standpipe and the fire protection on any buildings over 2 stories.

Mr. Zuraf: Yes.

Mr. Rhodes: Isn't that offered in here? I thought I saw that in the proffers? I know fire sprinklers were for any buildings over 2 stories. Was there more than that that you were looking for?

Mr. Zuraf: It's a separate requirement from the sprinkler systems.

Mr. Rhodes: Oh, okay.

Mr. Zuraf: The standpipe system is a measure to increase water flow and allow...

Mr. Rhodes: Increase the pressure?

Mr. Zuraf: ... the pressure to (inaudible) the taller buildings.

Mr. Rhodes: Okay. So that wouldn't apply to the statement there that's on the sprinkler system?

Mr. Zuraf: Right.

Mr. Rhodes: Okay, understood. Okay, I didn't realize it. Thank you. And I know I'll ask this of the applicant, but was there a particular reason cited to you for no longer doing the connector through... over to Parkway Boulevard?

Mr. Zuraf: Yeah, they did note that in that location of where a connection would be required, it's basically a parking lot and there are parking spaces. And they see it as really an unrealistic connection that may have been difficult to make in the first place, because they'd be running the traffic through a parking lot in this area.

Mr. Rhodes: Gotcha. And then the way... I always knew Wolverine Boulevard was a little weird because it's the school's entrance, etcetera, and they have the right, or typically have reserved the right to lock it off or secure it off, and so that would now have to have separate agreements. And just to make sure I understood what I was reading there, we were talking about the five buildings in the back being upwards of 40,000 square feet each, right? So a couple hundred thousand of office space back there.

Mr. Zuraf: Correct.

Mr. Rhodes: So occupancies of 80 to 100 people or so potentially, depending on the configuration of the use and the purpose.

Mr. Zuraf: Right.

Mr. Rhodes: So, several hundred and just the one entrance is all that's being...

Mr. Zuraf: Yes, yes. And just for clarification on the connection to Wolverine Way, the applicant is specifying that they would make the connection if the County School Board agrees to a connection and

***Planning Commission Minutes  
June 8, 2016***

also if the applicant's not going to be required to make any extra improvements to the Wolverine Way intersection.

Mr. Rhodes: Okay. Alright, thank you.

Mr. Apicella: Other questions? Okay, spring-boarding off of Mr. Rhodes' question about the office buildings, they may not be office buildings, right, because the GDP is not proffered in terms of the uses?

Mr. Zuraf: Correct.

Mr. Apicella: Have you discussed with the applicant potentially proffering a maximum daily traffic count as a way to mitigate or put a ceiling on the amount of through-cut?

Mr. Zuraf: I did mention that to the applicant and that is something that they see as maybe might be a good option, but at the time I mentioned it, it was the first time I mentioned it to them and I've not heard yet if that's something that they're willing to proffer, but definitely thought it was a good idea.

Mr. Apicella: How many residential units about the parcel roughly? You don't have to give me an exact.

Mr. Zuraf: How many... sorry.

Mr. Apicella: Residential units.

Mr. Zuraf: Well, it looks like...

Mr. Apicella: Well, immediately about; there's obviously...

Mr. Zuraf: It looks like maybe 20 to 30. There are the condo units, so, say 20 to 30.

Mr. Apicella: Okay, and have the residents and the HOA been notified of the proposed changes?

Mr. Zuraf: Yes.

Mr. English: Did you get any feedback from the HOA?

Mr. Zuraf: No.

Mr. English: No feedback.

Mr. Zuraf: No. And I believe the applicant met with the HOA. Maybe they can expand on that.

Mr. Apicella: Okay, that's it from me for now. Anybody else? Okay, applicant?

Mr. Patrick: Good evening Mr. Chairman, members of the Commission, I'm Sherman Patrick. I work with Compton and Duling and we're representing the applicant in this case. I'm a land use planner and have spent some time with this application, as well as with many others. I appreciate the comments and questions that you all have made and the very thorough presentation by Mr. Zuraf, so I'll try to present things that are different than what he said even though a few things I have to admit I do overlap on. So, if I stumble a bit, I'm trying to catch myself up and not be redundant and make the best use of your time. Also, he's challenging me to use this pen to point to things and I never do well at that. I had 8 slides and

*Planning Commission Minutes*  
*June 8, 2016*

I would like to use these as a way of kind of giving you a little bit different perspective on the proposal. The concern I know, whenever you're looking at a proffer amendment is whether something is being taken away that was promised previously. In this case, the issue really is is that the applicant had previously just proffered a little too much and (inaudible).

Mr. Rhodes: Computer please.

Mr. Patrick: The proffered conditions themselves indicated that there would be a recreational center on this facility. That would be the major use. It also allowed commercial and retail uses on the front, much as we have, although they extended that much deeper onto the property as our plan does... than our plan does. But, in their application, once the County built a recreation center that basically absorbed the market for that use, they were left with a piece of property because of its zoning and its proffers that is essentially unusable. So, we're back before you now to try to come up with a reasonable and practical use of the property. It is already zoned B-2, General Business. You heard Mr. Zuraf say that our overall traffic counts are lower than what the recreational facility would have generated. And that's particularly true on weekends and in the evenings. Also, there was a lot of discussion about things, connectivity and shared parking and things like that that were a part of the original proffers, and those had to do with a certain synergy that was being assumed between the school sites -- the elementary school as well as the high school site -- and then this recreation center site that don't apply at this point. If there is something like a trail that needs further discussion, we're interested in having that conversation but we did not hear that. We did meet with the umbrella Homeowner's Association for Park Ridge, and then we met with a subcommittee of the two areas within Park Ridge that are immediately adjacent to and most affected by this proposed rezoning. We have an aerial photograph on the screen right now in front of you and that photograph has outlined in white the proposed site. It's almost 24 acres. It is located halfway between the Wolverine Way and the Park Ridge Boulevard intersections where there are already traffic signals. If you look across the street, you'll see another large tract, larger than ours, that is also green. And when that property... it's green now but it is planned for development in the future. When that property comes into you for rezoning, you're going to having this exact same discussion about what happens to the properties that happen to be halfway between two traffic signals. Properties that are halfway between two traffic signals are always going to have this concern with transportation about what are your impact on the other signals, how many U-turns you're going to cause at those intersections. The only way to alleviate those U-turns is to have a slotted left-turn lane. And that is why we proposed a slotted left-turn lane because it improved the Level of Service at the intersection of Wolverine Way and Garrisonville Road. So, the slotted left-turn lane that we've proposed that may require a modification from VDOT is actually a mitigation effort to try to address this issue of what you do when you have a large parcel that's halfway between two traffic signals. This is a copy of the existing zoning map. You see our property outlined in yellow. It is zoned B-2, General Business... or not General Business but B-2, Urban Business, as I mentioned already. You see North Stafford High School to the left and Park Ridge Elementary in the back to the right, and Park Ridge residential area also to the right. We have very few opportunities for inter-parcel connections. And the previous applicant for rezoning proposed two opportunities, if you will, for inter-parcel connections and they did it in exactly the same manner that we've done it, across the high school. It's subject to the adjoining property and giving them authorization to do it. The difference is, we said it in our proffer, but they didn't say it in theirs. They could never have crossed either of those two properties without having authorization from the adjoining property owner. Also, I'm pointing out again the A-1 zoned property across the street from us that's going to have the same type of access issue in the future. Our proposal overview, I won't spend a lot of time on this because Mike has already spent a good deal of time on it. We do have a right-of-way access onto Garrisonville Road and we've proffered that we will connect to Wolverine if that is available to us. And, again, we mention the slotted left-turn lane. This is a copy of our General Development Plan which Mike has already shown you. We have six office buildings on the back of the property because

*Planning Commission Minutes*  
*June 8, 2016*

we think that's the way the property is going to develop. Retail users are generally wanting to go where they have some visibility. Our commercial retail area, as we anticipate it evolving, is closer to the road; it is about 300 feet deep whereas previously you saw a commercial retail area that was 600 feet deep. Also, I'll point out that the office buildings that we have shown are the highest and most impactful in terms of transportation generation. And that's what we're usually asked to do. We're usually asked to show whatever might create the most traffic and office uses, create the most traffic and plus they create it at very concentrated times during the day. It's that 8:30 arrival in the morning and that 5 PM departure in the evening. And so that too causes a difference in what you see in the transportation model. And I'll come back to that in just a second. But as I said before, we have this issue of having proffered a little too much, proffered a little too specifically, and now we're trying to make the site more usable realistically. We know that we don't have a crystal ball. We don't know who our end users are going to be. We're going to have to react to the market and the market is also probably going to evolve over a much longer period of time than what the traffic impact analysis requires. And traffic analyses are snapshots in time. So, you have to realize that you take the numbers from today... and they're also filled with all sorts of assumptions. So, you take the numbers from today, you escalate them to whatever percentage you're told to do it, you do it for the number of years you're told to do it, and you assume the distribution of trips in the manner that you're told. So, you make them go left or right and if VDOT says that's not right, I want you to make more of them go right, then that's what you do. And then the numbers come out and they give you a conclusion. So, they're for very specific points in time which is important because we think that there is going to be improvements to Garrisonville Road earlier than we're going to be able to build out this entire site with all of these office buildings. So, the issue is that our study is showing everything being built out in a very short period of time even more rapidly than what Garrisonville Road will be widened. So, we like the idea of looking at phasing the development based on the amount of traffic that's generated and based on the conditions that exist at the time when the actual improvement is proposed. So, we're very interested in looking at that in further detail. I already mentioned that there are a lot of assumptions that go into a plan.

Mr. English: Sir, I've got a question for you.

Mr. Patrick: Yes sir.

Mr. English: You've got a lot of office buildings in there, that I've noticed; I think it's 6 or 7 office buildings.

Mr. Patrick: Six.

Mr. English: Six. You go straight up the road not less than a mile and you've got an office park up there that's not even filled up. And you're putting more in and I know there's at least... well, I know there's two up there at 610. One down across from Sheetz, and then before you get to Sheetz there's a strip mall and then you've got the office park. And you want to add more office spaces. Do you think you're going to be able to fill these with what's vacant now?

Mr. Patrick: We think that eventually we will be able to, but we don't know what that time horizon is. And that's the point that I wanted to make. I'm glad that you picked up on that, because we don't know the time horizon.

Mr. English: I just hate to see... I hate to see you put these 6, 7 buildings in here and they're going to sit empty or not even be vacant when you've got something up the road that's not even filled up. It seems like that we've got more office space vacant, especially in the 610 area.

*Planning Commission Minutes*  
*June 8, 2016*

Mr. Patrick: We would not construct these buildings until those offices that you're talking about were absorbed into the market.

Mr. English: Thank you.

Mr. Patrick: That's when it would become viable to start to do this. So, what I started to talk about a little is the access points that were previously proffered. You see an asterisk on the screen that shows what was previously proposed as a connection to Park Ridge was not a full turning movement intersection. It was a limited access; it only allowed right in and right out. And so, that entrance was not doing a lot to disburse traffic. In addition, it was causing a great deal of impact on the adjoining community. If you look at the photographs that are to the right of this exhibit, you'll see first the picture... the first top left-hand corner is a picture of the parking lot. The new driveway was going to go around that parking lot in some manner. And if you look at the second to the right... I mean, the second photograph in the top right-hand corner, you'll see a photograph closer to a transformer. You can just see it in the first photograph, but if you go to number two, you can see the transformer again. And you look through that little window between the landscaping and you see someone's house, and the bypass lane, if you will, that was shown in the other GDP was going around that edge of the parking lot. So it was going that much closer to that person's house. The next photograph down is closer to the curb. It shows you that there's a drainage area outside of the parking lot exactly where the bypass lane I'll call it was to be located. And then the final photograph is showing you just how close that it is again to someone's house. So we thought that that particular road going out to Park Ridge Drive was just going to have too much impact... Park Ridge Boulevard, was just having too much impact on the neighborhood. And so that's why that was deleted. And it was not disbursing very much traffic because of the limited turning movements on it. Essentially you could turn right onto Park Ridge and go down, you know, to wherever you would back into that community, but that was the only trip that it really addressed. The next intersection or inter-parcel connection, which we have proffered to because we were asked to, is over to Wolverine Way. And again, the top left-hand photograph shows you an aerial of where Wolverine Way is located and you can see that the asterisk on that photo is showing you where the intersection would come in from our inter-parcel connection. It is behind a security fence and behind the security gate that goes into the school. Wolverine Way is essentially simply a driveway that goes to the high school. And so that was why we said we'd connect to it because we were asked to, but we said that we could only do limited improvements to it. Because very frequently, it's like pulling a thread when you're dealing with an application like this, you proffer that you'll make a connection and then someone says, oh, because you're making a connection now you have to build a commercial roadway section and you have to put sidewalk, curb, and gutter on it, the lanes have to be twice as wide, and suddenly the cost is rapidly rising, well beyond anything that was anticipated at the time of the zoning. So we're just being cautious. If you don't watch your expenses, you end up with a rezoning that you can't build and then I'd be right back here or someone else would be in my footprints here trying to explain to you why what was proffered before isn't buildable. So we're trying not to do that. The next photograph down from the first one that I mentioned, so I'm not following the same sequence that I did in the last slide, is a closer up picture of where the inter-parcel connection would come in. Again, it's marked with a red asterisk. It would come in between soccer fields and tennis courts. It'd be immediately adjacent to the tennis courts and, if you look at the photographs in the right-hand column... if you go to the top right-hand corner of the four photographs... you should be able to see a blue rock, a white rock, and a red rock. The inter-parcel connection would come out at about where the white rock is. And the next slide down... or the next photograph down shows you a picture of the white rock and you can also see in the background how close that would be to the tennis court. We're not so certain how the School Board's going to feel about that. But again, being careful and not wanting to misrepresent to you all that we can do something that we don't have permission to do, our proffer says

*Planning Commission Minutes*  
*June 8, 2016*

very straightforwardly, we'll build it but we have to get permission from someone else because we're building it on their land.

Mr. Apicella: Mr. Patrick, it begs the question have you reached out to the Stafford School system?

Mr. Patrick: I made a phone call and I didn't get a return call, and I apologize because I did not follow-up on that. And we're completely willing to go ahead and follow that to the end. At one point, we thought that we were getting a signal that that connection was not going to be desired. And the reason for that, you may remember me mentioning before, is because with our traffic going into that intersection, Wolverine Way goes to a Level of Service E. So it diminishes the Level of Service on Wolverine Way. And so when we saw that, we assumed that the School Board would say, oh, wait a minute, we don't want you interfering with our students and our bus traffic exiting the property, or entering the property in the morning which is when the hours would overlap. So, we just didn't think that that was going to be a very likely scenario, but it's seeming now that it is one that is desired and so we can run it to ground.

Mr. Rhodes: I think I would just characterize for consideration that I couldn't imagine the schools wanting to have your... I agree with you, I couldn't imagine them wanting your traffic unless something were improved... unless it improved it for them and for the kids. That's where a lot of the kids are turning in. The buses primarily go on off of Shelton Shop into the school, so that's mainly the personal vehicles dropping off or students driving. And short of a great extension to the turn lane or other type of improvement that made it worth their while, I wouldn't see why they would want any added traffic there. So, if there's not any intent to incentivize their interest in that, I would anticipate that that would be the response. I think the desire in there is just trying to find relief from a singular entrance on who knows what development on a site and a parcel, and the concern on the traffic and the small, you know, setup between those turn lanes. Even going out on the other way on Park Ridge Boulevard, at least there was a signalized intersection that people could make left turns who are proceeding west on 610 and then you could access the property from there if there were some type of an entrance. It is a right-in, so I think it was just the relief from a singular entrance on a very complicated road that is a while till we get the improvements on it.

Mr. Patrick: Some other items that were mentioned was about the hours of operation. Our hours of operation were much more limited than what the recreational center hours of operation would have been. Our activities in the evening are much less because we're talking about office types of uses and the same or less commercial retail type of use. The fire and rescue request for NFP-14... NFPA-14 has confused me a little bit. The buildings will be constructed fully compliant with the Uniform Statewide Building Code. All of the buildings will be sprinkled and they do all get pressure-tested to make sure that they have adequate fire flow prior to occupancies being issued. And when the site plan is submitted, you have to do pressure calculations to show that you do have adequate water pressure to serve these buildings. I'm not... I'll have to have somebody explain that to me further. But we believe that we are meeting all the building code requirements and, again, all the buildings will be fully sprinkled and they will all meet pressure requirements for those sprinkler systems. The proposal has been found consistent with the Comprehensive Plan land use goals for the area. We do have this question about what do you do with a large parcel that is located between two intersections. And you're going to have this issue over and over again. We are looking for your support and would like to have your support, but we are willing to talk about some of these concerns in more detail and see if we can come to some resolution that gets everyone comfortable with the proposal. With respect to not knowing the precise land uses, I explained already the reason that we showed offices is because we're told to show offices. It's the highest transportation impact, so it is likely that we would have other types of uses. It's likely that we'll have lesser square footages. It's likely that we'll have a lesser square footage until well after

*Planning Commission Minutes*  
*June 8, 2016*

Garrisonville Road and many other things develop in this area. And so the snapshot in time is not accurate for what will actually happen on this property as it develops. We are fully cognizant that we need a Conditional Use Permit for a use that has the car wash, and we would apply for that later. We're showing it in our plan because we have a letter of interest for a car wash on this property. We also have an interest from a restaurant. The owner of Zibibbo's is interested in locating in this area. So, we have a couple of things that we have interest already; they're retail oriented. We have a Conditional Use Permit in our future, so if there are noise impacts from that conditional use, we will absolutely address them in the Conditional Use Permit. But we've been up front with you and we've told you that these two uses are likely to happen here because we have interest in those from people. With respect to building architecture, we have proffered materials that would be used. This, again, becomes an issue of time; building design, technology, and building standards change over time. We think that we have a long time horizon on this property. We don't want to proffer a particular type of building only to find out that it's considered dated and unattractive and difficult to lease in the future. We need to have the flexibility to create attractive buildings that will attract the types of businesses that you want in the County. And those will have to change over time. You'll notice that shopping centers refresh, they call it, about every 20 years. They come in and they strip the old building facades off and they put new building facades on. And that's to make them keep them fresh and keep them marketable and keep them viable. So, we need to be able to do that as well, as investors in this property. With respect to condition enforceability, we recognize there are some things that the County would have difficulty enforcing, but Mr. Hart feels very strongly that he's made representations to the County or to the community that he's not going to allow certain things to happen in his business. And he has the sole authority and discretion to enforce those types of things. The types of things that he is committing to is that he won't allow adult business, he won't allow bars, he won't allow things that are going to change the character of the neighborhood. Now whether the County can enforce those or not is really not terribly disconcerting for his because he plans to and he's fully resolved to enforce those. If the County sees that they aren't being enforced, the County can always approach him and address the concern that it's not being enforced. Some of them would be easier than others. But and the way the things are these days and different decisions that you see, having a private owner who's willing to enforce some sort of, you know, value standards I think would be really reassuring to people because he's not afraid to stick his neck out and say this is good business and this is bad business and I don't want the bad business in my facility. So, I don't really think that's an issue. Whether or not the County can enforce it, I think we should all be pleased that there's someone who has the integrity to stand up and say he's going to take care of that and take care of the character of the community. If you have any questions, I'd be happy to try to answer them. I hope I didn't overwhelm you with too many thoughts.

Mr. Apicella: Questions? Mr. English?

Mr. English: Did you meet with the Homeowner's Association?

Mr. Patrick: Yes sir, we did. We met with the umbrella association first and then we had a second meeting with the two sub-associations that immediately about this site. And one of them is the Gates and one is the Gardens, I think I've forgotten the names. I apologize to the people. I think they're here to speak this evening, so you'll hear from them. We offered to meet a third time after we had the staff comments and after we had submitted our final proffers, but they didn't, at that time, feel that it was necessary, I presume. Either that or they thought it was impractical to pull people together given the amount of conditions that were on it. I'll let them speak for themselves.

Mr. English: Okay.

Mr. Patrick: But we did offer a third meeting.



*Planning Commission Minutes  
June 8, 2016*

Mr. English: Thank you.

Mrs. Bailey: Mr. Apicella...

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: I have a question. I was just reading through the proffers and, for uses, as far as the car wash -- and this relates to the hours of operation that's here in the proffer -- is that a manned or an unmanned car wash that you're thinking of?

Mr. Patrick: It's a full service manned car wash.

Mrs. Bailey: It's a full service? And so are car washes generally operational from 6 a.m. to 10 p.m.?

Mr. Patrick: No, they aren't. We thought we could refine that with the owner if he moved forward with securing a location here through the Conditional Use Permit.

Mrs. Bailey: Okay, because that would be something that would be problematic I would think. The other is for clarifications, because you have under permitted uses, under (i), boat sales and marina. And then when I read through the prohibited uses, any boat sales or marina. So, I don't know if that's a typo or...

Mr. Apicella: Funeral home as well.

Mrs. Bailey: Beg your pardon?

Mr. Apicella: Funeral home is in both.

Mrs. Bailey: Right, so... not sure what is meant, if you do want boat sales and a marina or not.

Mr. Patrick: Outdoor sales of any kind are something that's going to be looked at very carefully. I'm not seeing the proffer, and I'm sorry, I don't remember it.

Mrs. Bailey: Okay, so that's under uses; it would be 4.a., or (i)

Mr. Patrick: Okay.

Mrs. Bailey: So, under uses (i) you have permitted uses and number (7) is boat sales and (8) is marina, and then below that, prohibits uses.

Mr. Patrick: I can explain that. The first grouping of uses that are permitted are sort of conditionally described, and they must be set back at least 200 feet from Garrisonville Road. That came from input that we received that people didn't want to see a lot of automobile uses, automobile oriented uses, next to Garrisonville Road. So our proffer, including the car wash, says that those uses will all, if there are any, will be at least 200 feet back from Garrisonville Road. And then the second list of uses, the prohibited uses, the (ii), are ones that are prohibited throughout the entire site.

Mr. Apicella: I think Mrs. Bailey's point is, it's mentioned in both. So it's mentioned as being no closer than 200 feet in a., and then in (i) it's mentioned as a prohibition throughout the site. So there's an inconsistency between the two.

*Planning Commission Minutes*  
*June 8, 2016*

Mrs. Bailey: That's correct.

Mr. Patrick: I'm sorry, I didn't understand. I think... yes, you're right. It's a typo; we'll fix that.

Mrs. Bailey: So, it's something that you do want within 200 feet or you do not want?

Mr. Patrick: Do not want it.

Mrs. Bailey: Thank you.

Mr. Rhodes: Mr. Apicella?

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: Just to confirm what I thought I heard you say, Mr. Patrick, that you and your applicant are certainly willing to... are willing to discuss phasing development to capacity or capability on the roadway to support? So working in some phasing construct?

Mr. Patrick: Yes sir. I want to be completely clear about that. We need to understand... we need to crunch the numbers.

Mr. Rhodes: Oh, sure.

Mr. Patrick: We need to know exactly what that means. But we're absolutely to... Mr. Hart has said he's absolutely willing to discuss that and wants to explore that.

Mr. Rhodes: Understood. Okay, thank you.

Mr. Apicella: Anyone else? I would ask... it's more of a comment, two comments. On the berm, if the County requests that you keep it in... so, it's conditional if the County desires it.

Mr. Patrick: I think that we can probably write some criteria for decision-making. I find that it's always wise to do that. Otherwise you end up with berms that are built on top of big hills and don't benefit anyone, but they're expensive (inaudible).

Mr. Apicella: I don't think the staff would put you in that position, but I understand where you're coming from.

Mr. Patrick: Right. So, yes sir, with some decision-making criteria in place, that would be acceptable.

Mr. Apicella: And the other thing on use is, I would ask you to take another look at the list that's here, whether 200 feet or not, and maybe work with staff and think about what really would be appropriate on this particular parcel. I'm not sure why motor vehicle sales anywhere on the parcel would be necessarily appropriate, especially given what you might want to put there. But it's one of my issues that I bring up with all B-2 zonings. So, my concern is to make sure that whatever is proposed isn't incompatible with the surrounding area, especially since it's close to a neighborhood. And you may have said this in your comments, in terms of the uses, additional uses that you all say that you're going to prohibit, you're going to do that by a deed restriction or a covenant restriction?

Mr. Patrick: Yes, that can be done.

*Planning Commission Minutes  
June 8, 2016*

Mr. Apicella: Okay.

Mr. Rhodes: Mr. Apicella?

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: One other quasi comment versus question. Was appreciative of seeing the continued 50-foot buffer in there; that certainly was an important point when we did the last rezoning a number of years ago. There wasn't going to be anything near the neighbors, it's mostly parking area -- you know, the other GDP was -- but still having that distinctive buffer and the willingness of the fence and the other things I think that is a very positive continuation of one of the terms that was important to your neighbors on the property. So, certainly appreciative of that consideration and just would submit that I understand the need for some decision-making methodology that's clear, but the consideration of taking a recommendation on the berms is appreciated as well. I think those are positive steps forward on that, so thank you.

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

Mr. Patrick: Thank you.

Mr. Apicella: I'll open up the public hearing on this matter. This is an opportunity for the public to comment on it. Same ground rules as before. You have 3 minutes to speak, up to 3 minutes. If anyone would like to come forward, please do so now.

Ms. McMahon: Good evening, my name is Mary McMahon. And I am the President of The Gates HOA which is contiguous to this property. I'm also a member of the Master Association so I've had presentations from the developer at both levels. I would tell you that our community is small; we are 16 homes. We are right behind the Coldwell Banker building, and we are vehemently opposed to any kind of access from Parkway Boulevard through the Coldwell Banker parking lot or around the parking lot or anything along that line. Vehemently opposed. We will never get out of our community, which is a cul-de-sac. The other thing that I would say is that we are concerned about a car wash. In particular, we had heard that it was going to be moved to another part of the parcel closer over to the school as opposed to close to The Gates, which is where it currently I think is residing. So, we would urge that that continue to be looked at because we really don't want a car wash from 6 to 10 at night going 7 days a week. The developer has addressed the buffer and we're really glad to see that that continues to be there and seems to be still a strong buffer. We continue to worry a little bit about noise, about light diffusion. We've been told that the light would go down so it would not broadcast all night long into our homes. In addition to that, the refuse location and the pickup of refuse is a concern, and where that's located on that parcel. So, the developer has been very nice about coming and talking to both the Masters and the smaller associations, but we still have some concerns. We thank you for listening to us.

Mr. Apicella: Thank you. Anyone else?

Mr. Clinger: Good evening Chairman, members of the Board. I'm Matthew Clinger. I'd like to mention that the vast majority of the homes along Verone Drive, about 20 homes, are detached dwellings. The condos are located at the northern end of the proposed site along Garrisonville Road. We'd like to see stronger language to keep the berm in place for discretion. Most of the land, once you get south of the condos, is fairly level. Not being a ground engineer, there isn't a lot of movement of area. Being part of the community that abuts where Kimberly Drive is, I understand the last developers tried to get access through Kimberly for fire and ambulance and that was disregarded. We'd like to keep

*Planning Commission Minutes*  
*June 8, 2016*

that so other avenues of approach through Wolverine Way, North Stafford High School and don't come through a neighborhood. Once a private neighborhood that has a paved road with a gate become an access point for... an easier access point for traveling. Right now students travel it to get to North Stafford High School. Once it is paved, it's just going to increase the level. And walking my dog already, we normally catch kids drinking or smoking weed in the woods. So as it develops greater, the ability to come in is likely to increase. I'd like to see that the members retain the 2-story, 36-foot building, specifically for buildings 4, 6, and 9 vice letting them increase to 3 stories, because those do abut parcels where people live. Granted they do have a 50-foot buffer, but only 50% of the trees that they have to plant have to be coniferous, which means during the wintertime we're going to be staring at the back-ends or shallow ends of office buildings. The normal trees in the area are probably about 2-stories tall that may give enough cover but adding that additional story would mainly hurt home values. I appreciate your time.

Mr. Apicella: Thank you.

Mr. Estep: Mr. Chairman, Commissioners, thanks for the opportunity to speak before you. I'd like to just continue piggyback off on what Matthew Clinger said. But before I do that, if I may address the applicant's representative, Mr. Patrick, if you would be so kind to convey to Mr. Hart, I certainly appreciate Mr. Hart's sentiment in terms of how he embraces the community, certainly having the values and the type of business that he would prohibit from being introduced. On that same line, we are a community, we're a small community that certainly abuts it and we certainly understand business. But it's also good business to take care of the community, people within, especially us. We're about as close as we're going to be to them and they're going to be to us as they develop. In the grand scheme of things, I've been here over 16 years and I certainly don't object to any development. But at the same time, I certainly ask you folks, and you're alluding to it and thank you for that as far as the buffer zone, but I think having that wall, the berm, is going to be key for us because, and I understand your staff addressed the noise concern, but you know, noise abatement is going to be important as well as like Matthew just mentioned. When the trees are gone on the wintertime, I've got a 2, 3-story building staring at my window through my bedroom and privacy is important to us. And we certainly would ask you folks to continue to champion that for us and give us that sense of privacy. And that berm, in my mind, is as about as important as that that I would ask and certainly Mr. Hart would consider. It's just good business. It's not just bringing in development business, but taking care of the people within it. And we're it. We're the community that represents them and they represent us. So, we'd like that sense of partnership and we ask you folks to continue to champion on behalf of us. And my last note is, I'd like some clarification, if I heard it right, if there's a disagreement between the County and the applicant, the applicant prevails. I'd like to know how that happens.

Mr. Apicella: Sir, before you go, could you give us your name and address?

Mr. Estep: Yes sir, I will. My name is Michael Estep. I'm the guy who's going to be facing the south end of that perpendicular building, right into my bedroom. So, again, I thank you in advance.

Mr. Apicella: Thank you.

Mr. Estep: Thank you.

Mr. Smihal: Ladies and gentlemen, my name's Jeff Smihal. I'm neighbors just to the north of Mr. Clinger and Mr. Estep. I share their same sentiments. I appreciate a lot of the things I've heard here today about taking our privacy into account. You know, we've been blessed to have nothing but woods behind us. I don't... you know, I understand that development is coming. I don't have a problem with

*Planning Commission Minutes*  
*June 8, 2016*

that. I would stress, as the other two gentlemen have stressed, the berm. I think that's very important. I think Mr. Clinger talked about the trees specifically. Even in the winter, you know, the less we can see of the development, I think the more that that would be appreciated, you know, within our community. You know, we want business there. We want business to thrive. I appreciated Mr. English pointing out the fact that we do have a lot of empty buildings right now along Garrisonville, and we don't want to see that. But we don't want to stop development either. I think if things can be placed in there that can be used, I think that's a good thing for the community. But, you know, we appreciate the developer taking our privacy into account as they're building this. And that's all I want to say. Thank you.

Mr. Apicella: Thank you sir.

Mr. Dixon: My name is Scott Dixon. So, if you're standing on my front porch, I am looking at the south end of the building. So, I have a few concerns that I want to talk about as well. We have probably around 200 homes in The Greens where I live. And the last time that this was brought up, I actually was for the pool because I want to see that kind of infrastructure in Stafford County and I do agree that the more office spaces like having another pizza and wings place on 610, we just don't need it. But, with that being said, to reiterate what they said, I am in full support of that berm and an 8-foot wall. Specifically for our corner, though, one of my concerns that I have is that this security access point; we were able to show that it was completely unnecessary last time and I think we can do that again. I'd be happy to meet with any of you in our neighborhood to show you, and once you see our roads and how tiny they are, we have so many one-lane driveways that a lot of people have to park on the street. And the access is very limited. It's 15 miles an hour. It's completely unnecessary. As a member of Fire and Rescue for over 25 years, I can tell you right now I would never go down that road to respond to those buildings. I would never stop, get out, unlock a gate, open it, drive through. So, it is unnecessary. We were able to successfully prove that last time; I think we can do that again. But, to go off that concern, not only do I feel like it's a safety issue with the 15 miles an hour and all the kids that play down there and all that stuff, I'm also concerned that while we may have this berm and privacy fence if I'm staring a security gate, we don't get that same privilege so the berm and the wall don't seem to benefit us at all who probably have the most affected house values. So, like I said, I just wanted to say that the trees are very important to us. We love that they have that in there. And the berm and wall are important to us; love that that's in there. The security gate needs to go. The berm and wall need to go... continue past to the edge of the property. And I would love to be able to speak with somebody about that and get that resolved. Because we did it last time and I don't think it needs to be there. So, thank you.

Mr. Apicella: Thank you sir. Anyone else? Okay, seeing no one else, I'm going to close the public hearing and bring this back to the... actually, Mr. Patrick, do you have anything else you want to add?

Mr. Patrick: No sir.

Mr. Apicella: Okay, I'm going to bring it back to the Commission. Mr. Rhodes, this is in your district.

Mr. Rhodes: Yes, Mr. Apicella, I would just raise one point because the question was raised. I think when Mr. Zuraf was talking about the question if there isn't something specifically identified dealing with differences of opinion on the berms or other things, that there's not some manner or form in the agreement on the front end that Mr. Zuraf was characterizing, then the developer prevails if they have a disagreement. If you don't have a terms or conditions or a way to address it, and I think we are working on trying to address that with the question that you had asked, Mr. Patrick, and others, can we put some type of language to try and take that a little bit further. And I'm sure there'll be a way to address it. But there seemed to be a concern as to how does that work and I think what you were saying, Mr. Zuraf, was

*Planning Commission Minutes*  
*June 8, 2016*

simply that if there's not... if it's not stated that they have to do anything, then obviously they can do what they desire if we don't have some other term that would direct them in that behavior.

Mr. Zuraf: Correct, yeah, if there's no other criteria, then they can make the decision.

Mr. Rhodes: So, that is, as you had said, that is something we would... I think we would want to address a little bit further. I will make a motion here in a moment to defer this a bit to work on some things. But I would just like to first make a couple comments. One, I'm very appreciative of the applicant working so openly proactively with the Homeowner's Associations; it's always something we advocate. It's not something that always happens. It certainly makes everything better, as I think it has here. I appreciate the receptivity of the applicant trying to work through some of the issues with them. That's a positive step. This is in a commercial corridor along 610. It's certainly something we do need to get reworked. We had a previous agreement for a different thing on the property that's not going to happen now, and so now it is something we need to figure out how to develop. I certainly appreciate the recognition of that by the neighbors as well and just trying to find the right balance. And I think we're on a great path. The willingness to continue the 50-foot buffer; we can work a little further on what might be the right balance in terms to take care of getting the benefit of the berm, but if the berm's already there I can understand not wanting to build a berm on a berm. But we need to make sure that these things, I think, stay consistent. But I sense that that's the desire of the applicant as well, so I think in the next couple weeks we can probably work through those pieces. What will be... and there's a couple other things that we've got identified here that were mentioned and we can work through them. What is of interest to me is to better understand and get staff's sense on the transportation impacts. It is a busy road; it will be awhile. I don't think this portion of 610 is in the 6-year improvement plan. It used to be but I think it got bumped just on the outside. Yeah, so it's outside the 6-year improvements. So it's going to be awhile till that portion gets widened and we will have more cars on that road before that point of widen, so I think some talk -- and we've got to rationalize it -- but some talk as to how we might phase that to match capacity. We ought to put some smart brains on that portion as well I think would be very beneficial. But with that said, Mr. Chairman, I'd like to make a motion that we defer this to our next meeting and try and work through a couple of these remaining open items. But I'm very appreciative of all the efforts on all sides to make this an effective and positive type of an agreement.

Mr. Apicella: Is there a second?

Mr. English: I'm going to second it with the caveat to put in there when he goes back to the... as he goes back to the School Board that maybe for that secured entrance, instead of maybe that we should be on the North Stafford High School side, it would be fenced, it wouldn't be used but for emergencies only. That might be an area that they could do that. Just see if that's a doable area instead of putting it on the backside of the residents. They wouldn't be using it. It'd be closed, only for emergencies, so that's one thing I'd ask.

Mr. Rhodes: Put the Knox box there, yeah.

Mr. English: What did you say?

Mr. Rhodes: Put that Knox box on the fence there instead of in the back corner.

Mr. English: Right, that would be my thing.

Mr. Apicella: Motion to defer with comments, motion to defer with comments. Anything else Mr. Rhodes?

*Planning Commission Minutes  
June 8, 2016*

Mr. Rhodes: Nope.

Mr. Apicella: Anything else Mr. English?

Mr. English: No, that's it.

Mr. Apicella: Anyone else? I'm going to support the motion to defer. I think there's some really good changes with this proposal. I think the... I won't say getting rid of the rec center, but the fact that the rec center is no longer viable is probably a positive thing in terms of the potential impact on the traffic pattern. That being said, I think there is some uncertainty with this proposal so the impacts, it's not clear that they're fully mitigated or the extent to which they're mitigated. What I heard were some concerns about the car wash location, lighting although I think that would probably be dealt with with our standards. I guess timing of refuse collection, hours of operation, the security gate issue, continuing no road into Park Ridge, and something that I do have some concerns about -- 2 stories versus 3 stories closest to the neighboring houses. So, those are things that the applicant may also want to keep into consideration as this moves forward. Did you have anything else you wanted to add Mr. Rhodes?

Mr. Rhodes: I apologize, I did mean to just confirm something. So, they're not proffering the GDP. So the siting of anything that they're proposing on there is not necessarily what they're trying to begin to lock in. That's just a concept.

Mr. Zuraf: Correct.

Mr. Rhodes: Okay.

Mr. Apicella: That being said, but they could proffer that any buildings that are close to the neighboring houses could be restricted.

Mr. Rhodes: Understood. Yep. And that certainly could be on the other side. And I do want to just publicly acknowledge consistent with the efforts to reach out to the HOA and others. The applicant's representative had reached out to me and I completely dropped the ball in circling back with them. So there were some of these things we probably could have addressed before now, so I apologize for that. But I'll certainly get with them in the intervening time.

Mr. Apicella: Okay, with no further comments, there's a motion to defer. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries 6-0. Thank you. Mr. Harvey, item number 3?

*Planning Commission Minutes*  
*June 8, 2016*

3. COM14150427; Comprehensive Plan Text Amendment – Old Dominion Village - A proposal to amend Chapter 3, “The Land Use Plan,” of the Comprehensive Plan 2010-2030 document, dated December 14, 2010, and last amended on September 15, 2015. The proposed amendments would add a new set of criteria to the Special Conditions for Townhomes and Multi-family Units in the Suburban Area land use designation. **(Time Limit: August 7, 2016)**
  
4. RC14150428; Reclassification – Old Dominion Village - A request for a reclassification from the A-1, Agricultural and M-1, Light Industrial Zoning Districts, to the P-TND, Planned-Traditional Neighborhood Development Zoning District, to allow for a development consisting of varying types of residential units and commercial uses (as described below), on Tax Map Parcel Nos. 38-101, 38-102, 38-102A, 38-103A, 38-103B, and 38-103C. The property consists of 40.273 acres, located on the east side of Jefferson Davis Highway, approximately 1,000 feet north of the intersection of Jefferson Davis Highway and Eskimo Hill Road, within the Aquia Election District. **(Time Limit: September 6, 2016)**

Mr. Harvey: Mr. Chairman, we’d like to request a combination staff presentation for items 3 and 4 since they’re integrally related.

Mr. Apicella: Without objection? Please do so.

Mr. Harvey: Thank you Mr. Chairman. And Mike Zuraf will also be making this presentation.

Mr. Zuraf: Okay, if I could have the computer again please. Again, good evening; Mike Zuraf with the Planning and Zoning Department. I have items 3 and 4 which are two applications associated with the project known as Old Dominion Village. Item 3 is a Comprehensive Plan Amendment, text amendment proposal. And then item 4 is a zoning reclassification. This is an application that the Planning Commission considered last spring and considered the issues over several meetings, and made a recommendation last year. And prior to the... rather than moving forward to the Board of Supervisors, the applicant further modified the application to address some of the issues that came up previously and has brought those modifications back in. And the modifications were enough that we require them to go back through the process, back to the Planning Commission because of the changes. For background, the applicant is 7K Investments, LLC. Clark Leming is the agent for the applicant. The location of the site is highlighted on this map. It’s on the east side of Route 1 just to the north of the intersection with Eskimo Hill Road and on the north side of Big Springs Lane. First, we’re going to go through the Comprehensive Plan Amendment proposal. This would be a proposal to amend the text of the Comp Plan, the 2010-2030 document, specifically text within Chapter 3, the Land Use chapter and the Suburban land use language to expend the areas where townhomes and multi-family dwellings are allowed to be permitted where incorporated into a mixed use P-TND district and if it meets a series of criteria. Some of those criteria include that a project has to include a mix of uses, it has to include a phasing plan, identify compatibility with abutting uses, and mitigation of visual impacts. Also, density standards are recommended as well; specifically that the overall gross density wouldn’t exceed 3 dwelling units per acre, as Suburban land use already recommends. But there would be an ability to increase that density up to 7 dwelling units per acre if development rights on other property are terminated or dedicated to the County or other entities. As already noted, this is requested concurrently with a rezoning request on the property; not a Conditional Use Permit. This request is similar to one that was approved last year for Stafford Village Center. There was a modification to the Comp Plan in a similar way to support that project. That’s a separate mixed use project along Garrisonville Road, also in the P-TND zoning district. For background also, the current Comprehensive Plan Suburban land use generally is intended for single-family detached dwelling units on quarter to half-acre lots. And, also as mentioned, development density would not exceed 3 dwelling units per acre. As part of recent



*Planning Commission Minutes*  
*June 8, 2016*

development proposals that have been through the County, there have been some amendments to the criteria for Suburban land use to establish special conditions for townhouse and multi-family units. So this references a series of criteria that would need to be met for projects to be able to include townhomes and multi-family units. So, there's right now two other sets of criteria that were associated with other projects. Generally, currently the Urban Development Areas are where the majority of townhome and multi-family units are recommended in the Comprehensive Plan. So, looking at this current proposal, we look at issues of location and build-out. And with location and build-out, this proposal would add more options for additional townhouse and multi-family units, and potentially the ultimate build-out of the County if some of the criteria was to be achieved. It is not consistent with Comp Plan Policy 2.1.2. That policy does not support amending the Plan to create additional excess residential capacity. Also, staff does note the policies in this amendment should limit the ultimate full build-out impact. As noted, the density would not be able to exceed 3 dwelling units per acre, but the only chance to exceed it would be through the retirement of units elsewhere. So, we don't see that that's necessarily going to be widespread practice that will really increase the density countywide in these areas and given the situation. With the issue of adjacent properties, underdeveloped Suburban areas may be more impacted by this request if there are multi-family and townhouse units as opposed to single-family detached units. Also, mixed use areas will have an overall effect on adjacent properties due to the change in the landscape as they're just generally more intense in the amount of development that occurs. And also, the use may generate more noise which is resultant from more traffic in population that you see in higher density developments. The noise issues can be mitigated through the criteria that's recommended or proposed that would require landscaping and buffering as mitigation. Some of the other factors in the evaluation regarding community facilities, the amendment may create increased demand on public infrastructure, facilities, and services with the greater build-out potential. Also, with the natural resources, there could be increased impervious areas due to the greater densities created. And it creates increase in stormwater impacts and potentially natural resource impacts as well. With fiscal impacts, with this multi-family and townhouse units, they've been seen as potentially having more of a negative fiscal impact on balance compared to single-family detached units. But the standards in this amendment that require a mix of uses, that would likely increase the likelihood of the project being more fiscally balanced with a mix of commercial development. With housing, it is consistent with Comp Plan goals that promote housing options and affordability. Regarding the draft Comprehensive Plan amendments, as you know they are new amendments that are being considered by the Planning Commission and Board, going through public hearings right now. The draft amendments include designation of this Old Dominion Village area as a Targeted Growth Area which would make... which would support a mixed use development of this type and make the project consistent with the land use recommendation. So if that draft Comp Plan amendment goes forward then this specific amendment would actually not be necessary.

Mr. Apicella: So, have you discussed that with the applicant about potentially postponing this until some action or no action gets taken on the Comp Plan changes?

Mr. Zuraf: I have not.

Mr. Apicella: Alright, thanks.

Mrs. Bailey: Mr. Apicella? I was just curious -- do we know when the draft Comp Plan will go before the Board of Supervisors?

Mr. Zuraf: It is going to be scheduled to go to the Board of Supervisors for public hearing in July.

Mrs. Bailey: In July?

*Planning Commission Minutes*  
*June 8, 2016*

Mr. Zuraf: Their July meeting, early July.

Mrs. Bailey: Okay. So, if by chance that draft Comp Plan is approved and Old Dominion is included in the TGA, I just want to clarify that the text amendment would not be necessary.

Mr. Zuraf: I don't believe it would be, right.

Mrs. Bailey: Okay, thank you.

Mr. Zuraf: Alright, and in summary of this Comp Plan amendment, there are some positive and negative aspects. Looking at the positives, the mixed use projects can relieve road network demands by supporting multi-modal trip options within a specific project; it achieves growth management policies in the Comp Plan; provides housing options and promotes affordability with more affordable housing types; supports development where services already exist; includes guidelines to mitigate the impacts that might occur with this type of development; and requirements for mixed use developments should offset negative fiscal impacts. Negative findings -- it would be contrary to policy that doesn't support creating additional excess residential capacity, and creates additional demand on infrastructure, public facilities, and services. But overall, on balance, staff believes the positive aspects outweigh the negative aspects and would recommend approval of the request. The Planning Commission may want to consider holding off until the Board decision, but that's up to the Planning Commission on that. And regardless, if you make a recommendation, it wouldn't be going on to the Board of Supervisors until after or at the same time as the Comp Plan in going to the Board. So, now moving onto the zoning reclassification, this is a request for a reclassification from the A-1 and M-1 zoning districts to a P-TND, Planned-Traditional Neighborhood Development zoning district. This would be a mixed use development with up to 99,000 square feet of commercial uses and actually 139 residential units with the mix that you see on the screen. The previous proposal had all townhouse units. There were comments from staff that a typical TND project would have more of a mix and scaling back from the higher intensity development to a lower intensity development on the edge. The applicant heard that and has modified the project and provided a mix of uses in response to that concern. Again, here's the outline of the site highlighted in red. You have A-1 zoned properties adjacent closer to Jefferson Davis Highway and farther to the east you have two of the parcels that are within the site are zoned M-1, Light Industrial. The site is largely undeveloped and land around the site is largely undeveloped or rural residential uses. Here's the existing conditions; the aerial view of the site. The property is primarily undeveloped and wooded. Existing structures on the southern portion of the property include a pole barn and an abandoned 1-story dwelling that are intended to be demolished. There's one Critical Resource Protection Area stream parallel with Jefferson Davis Highway that runs to the north of the site down towards Accokeek Creek. The topography does include rolling terrain, alluvial soils, and areas of steep slopes greater than 25%. The project is located near Civil War campsites and fortifications that have been identified in other studies. In response to this issue and comments from the Stafford County Historical Commission, the applicant is proffering to prepare a Phase 1 Cultural Resource Study for the project site prior to the submission of a preliminary plan. With a TND zoning proposal, the applicant has to provide additional information; a Regulating Plan that establishes the general framework of the intensity of development on the site, a typical General Development Plan that you're used to seeing for most development projects, and then Neighborhood Design Standards that define how the appearance of the development may look. Looking at the Regulating Plan on the site, the Regulating Plan identifies the different Transect Zones on the site which include T-1 and T-2 zones; those are protection areas and open space areas. The areas where development are include the T-3 zone; that's on the eastern end of the site where the single-family detached units are. This is the location of the single-family detached units in the T-3 zone. The T-5 zone, in this location, makes up the majority of the townhouse units and does include a proposed live-work building that would have ground floor office or retail and apartment units above. And then

*Planning Commission Minutes*  
*June 8, 2016*

the T-6 zone, which kind of snakes around the remainder of the site, includes the location of multi-family units and then commercial development in this location. Also, the circles around the site identify the pedestrian sheds that are required to allow for walking distance from the destination points on the site. The destination points identified as a commercial area. Civic use is required; that's identified as the Town Square in this location which includes a fountain at this intersection. And then the vista termination requirement is a view of that fountain and building in this location. This image is zooming in on that Town Square area and location of the fountain in the commercial center of the site. Looking at the General Development Plan, this has been modified as well in response to comments provided before. And to highlight some issues with this, the primary access points are identified as a right-in/right-out access point at Jefferson Davis Highway. Staff had a concern about the certainty of it being right-in/right-out and the applicant is addressing that in some modified proffers that you've received tonight. And then a full service access point at Big Springs Lane and then inter-parcel connection points at this location and this location on the site. Also, previously Road A, which is in this location, it originally was located along the edge of this property line where M-1 zoning is located here. Staff suggested that Road A be relocated more internal to the site to separate this residential project from potential future industrial uses. And the applicant responded to that and relocated the road internal to the site. And also the project identifies what streets are going to be public and private. The public streets are going to be this street, Road A, this main street from Route 1, and then the street serving the single-family detached homes. The other streets would be private and maintained by the community. And staff would highlight that this new layout is much more reflective of the intent of the traditional neighborhood development that is envisioned through our Comprehensive Plan and Zoning Ordinance. The applicants proffered development to be designed in accordance with the Neighborhood Design Standards. A series of design standards are in this Neighborhood Design Standards document that comply with many of the architectural recommendations in the County's Neighborhood Design Standards Plan which is an element of the Comp Plan. Staff notes that the images are illustrative of the building appearance and then there is a series of written standards. The images themselves are not proffered. Staff has mentioned that this is maybe a concern that the Commission may want to consider. It has this method of using the images as illustration and as them being illustrative is something that's a method that's been utilized in previous Neighborhood Design Standards for P-TND projects. But staff had some issues with certainty of what's been provided in the design of projects given this format. There are several proposed proffers with this project. Just touching on some of the highlights -- with site intensity and use, the site's limited to the amount of commercial and residential development that I've mentioned. There is development phasing proposed that's going to require a certain amount of commercial development to occur prior to all the residential occurring. With road access, there's the one single access point on Jefferson Davis Highway and an access point on Big Springs Lane, and two inter-parcel connections being provided. With transportation improvements, I'll go over those in a later slide. With the retiring of development rights, the applicant is proffering to extinguish development rights for 117 residential lots and a 25-acre lot and 5-acre lot that they own within the Crow's Nest Harbour Subdivision. The maximum building height would limit the height of all buildings to 3 stories or 56 feet. With the site design, this would require a building and site design in accordance with the Neighborhood Design Standards. With the airport disclosure, the site itself is within the Airport Overlay and the applicant is requiring written notice be provided to the buyers of the presence of the Stafford Regional Airport, and the presence of the site being within the Overlay and potential noise issues that may result. Also, with the Phase 1 Archaeological Survey, they are requiring that Phase 1 survey, as I mentioned. And then if a Phase 2 is recommended in the Phase 1 study, they would do that as well. And sprinkler systems are being required in all non-residential or mixed use buildings. The Comprehensive Plan identifies the site as being with the Suburban land use in the current version of the Comprehensive Plan. As mentioned, the proposed development is not consistent with the current recommendations, and approval of the separate Comp Plan Amendment request would bring the request into conformance with the Comp Plan, or the adoption of the new Comp Plan would take care of that as

*Planning Commission Minutes*  
*June 8, 2016*

well. With fiscal impacts, the applicant has, in their impact statement, identified the economic and fiscal impacts of the by-right and proposed uses. There would be an increase of annual tax revenue from the proposed project increasing from \$134,000 up to \$603,000; that is identifying only revenue. The impact statement did not address actual costs associated with the development. With proffers, the cash contributions to offset the anticipated demand on capital facilities would be limited to cash being provided for transportation improvements. That's being provided in the amount of \$720,000. The County's proffer guidelines would in total for all the residential units, if you applied all the residential units to the recommended guidelines, it would total \$4.8 million. And as mentioned, the applicant is proposing to mitigate their impacts through the extinguishment of development rights in the Crow's Nest Harbour Subdivision. Staff would note that we do have transfer of development rights within our County's Comprehensive Plan which recommend where development rights can be transferred, and it identifies sending and receiving areas. The Crow's Nest Harbour lots are within a designated sending area, but this site not within a receiving area, and it's, in that regard, not necessarily consistent with the TDR recommendations in the Comp Plan. With transportation impacts, the traffic impact assessment found that the project would have impacts to three intersections, those being the new Courthouse Road alignment and intersection with Jefferson Davis Highway and Hospital Center Boulevard, and then the Jefferson Davis Highway intersections with Eskimo Hill Road and Centreport Parkway. And in those locations, there were specific improvements that were identified as being deficient. And the applicant has quantified the value of those needed improvements; their proportionate share of the improvements that would be needed at those intersections and have provided to... offer to provide a monetary contribution to provide that and mitigate that impact. And originally the applicant was proffering to either construct or contribute that same amount of money. Now they are proposing to provide the cash contribution. VDOT did express concerns about the contributions being provided rather than the actual improvement being made. But staff would note that the applicant is contributing their fair share and this would require the County to commit to doing the full improvement to the intersection that would be needed to mitigate the project in the future. And staff would note that this method of providing cash contributions for proportionate shares of an improvement is a method that's been accepted on other cases, and most recently the Stafford Retail Commons rezoning to the north on Route 1 utilized this same method. Some of the other transportation proffers -- they would construct the local principal street off of Big Springs Lane prior to the 70<sup>th</sup> residential occupancy permit; install a new traffic signal at Route 1 and Eskimo Hill Road prior to 28,000 square feet of commercial development; dedicate right-of-way along Route 1, that being 80 feet from centerline as recommended in the Comp Plan; and construct a transit stop on the site if requested by the County or the Regional Transit provider by occupancy of 33,000 square feet of commercial. Some of the other comments of note, as mentioned, the access onto Route 1 staff had expressed concern about the certainty of that access being right-in/right-out. And the applicant has addressed that through new proffers that they submitted tonight. And the request to specify the specific improvements that would be needed at these intersections was a request from VDOT as well, and the applicant addressed that in the new proffers. So, the new proffers would specify what that money was intended to go towards, but also provide some flexibility that if the money goes for a similar regional improvement that would provide a benefit, that the County would have that leeway. Looking at the overall evaluation, with the positives, the cash contributions would offset the impacts to the transportation network; the positive net annual fiscal impact assuming full build-out of the project; also, approval of the concurrent Comp Plan amendment or overall Comp Plan update would bring the plan into conformance with the Comp Plan; and preservation of lots in Crow's Nest Harbour are identified in the Comp Plan for park purposes. With negative aspects, the proposal is not fully in conformance with the land use recommendations in the Comp Plan regarding the location of uses and form of development; mitigation of transportation impacts would be contingent on future actions by the County; and impacts to most types of County facilities would not be fully mitigated. And regarding the staff recommendation, staff at this time would recommend denial. Although there are many positive aspects and the proposal has improved greatly from the original request in response to staff comments,

*Planning Commission Minutes*  
*June 8, 2016*

staff believes the negative aspects outweigh the positives. And should the Planning Commission consider approval of the companion Comp Plan Amendment, staff recommends these issues raised in the report be considered to further mitigate the potential impacts. You should have received tonight a one-page document, two sided, that just provides a quick summary of the issues that were mentioned in the staff report. I will point out that there were a few points that we had concern with that actually the applicant had addressed and were just carryovers from the original proposal. So the applicant did address and minimize some of the impacts and addressed also some of the impacts through the additional proffers that were provided tonight. Also, I'll note that we mentioned in the staff report the spring house that's within the Resource Protection Area. The Stafford County Historical Commission suggested the applicant provide informational signage regarding the historic nature of that spring house, and the applicant has expressed willingness to include this in the proffers although staff didn't get that communicated correctly with them. So that issue as well can be addressed through an additional amendment to the proffers. I'll take any questions at this time.

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

Mrs. Bailey: With the TDR of the 117 lots and the 25-acre and the 5-acre parcel, given that the subject property is not in the receiving area, what needs to occur to allow that to even be considered?

Mr. Zuraf: Well, maybe Mr. Harvey can add on, but the Comp Plan is a guide so it could proceed as is and as proposed. But, you know, it's just noted that the guidance is that this not be a receiving area, but it's definitely at the County's discretion to go ahead with the proposal as is.

Mrs. Bailey: Okay.

Mr. Harvey: And Mrs. Bailey, to add on to what Mr. Zuraf said, the TDR Program is a by-right program so it doesn't involve any zoning changes at all. This is trying to achieve a similar goal but this is through a rezoning mechanism where the developer is looking for an up-zoning in one area and committing to restrict the use of property in another area. It doesn't match exactly with the TDR Program, but it's trying to achieve a similar goal but it's not in our targeted area for adding development rights.

Mrs. Bailey: The other question related to the TDRs. Do we know if there's been an analysis on those parcels to show that the value of those parcels would in fact mitigate the impacts to the schools, the fire and rescue, and park and other items?

Mr. Zuraf: Not that I'm aware of. We didn't receive anything.

Mrs. Bailey: Is it customary to do something like that?

Mr. Zuraf: Yeah. Well, I think this is a unique situation so I think you might want to defer to the applicant to see if they may have some information for us.

Mrs. Bailey: Okay, great. The transportation impact of the \$720,000 -- how is that going to be phased in or how will that take place?

Mr. Zuraf: Yes, the applicant is proposing to phase the payments of the \$720,000 in three installments of \$240,000 each. And it's associated with phasing of the project, so the first phase would be on or before the occupancy permit for the 70<sup>th</sup> dwelling unit and 33,575<sup>th</sup> square foot of commercial use. The next \$240,000 would be before issuance of the occupancy permit of the 88<sup>th</sup> dwelling unit and 61,000

*Planning Commission Minutes*  
*June 8, 2016*

square feet of commercial use. And then the final payment before issuance of the occupancy permit for the 118<sup>th</sup> dwelling unit or 67,150<sup>th</sup> square feet of commercial use.

Mrs. Bailey: Do we know if that's sufficient to take care of the mitigation of that?

Mr. Zuraf: Yeah... as far as the amount?

Mrs. Bailey: Mm-hmm.

Mr. Zuraf: Yeah, as far as their share of the needs, yes.

Mrs. Bailey: Okay. Let's see, there was a mention of what is applied towards and so that is in the proffer... the new proffer that we got this evening?

Mr. Zuraf: Yes, the applicant has clarified or specified the specific improvements that had been identified as needing the improvement.

Mrs. Bailey: That's all I've got.

Mr. Apicella: Other questions? Okay, I've got some questions. Well, first is a comment on number 3. If it happens to get deferred, I think it would be helpful for us to have a visual representation of what the impact would be of the areas that would be impacted by the proposed change. So, if it's 2 miles from every I95 exit, where would those circumstances occur?

Mr. Zuraf: Okay.

Mr. Apicella: Mike, you know I had some proposed changes to two of the factors that were listed. Have you run those by the applicant?

Mr. Zuraf: I did provide those to the applicant.

Mr. Apicella: We don't necessarily need their concurrence, right, to propose a recommendation to the Board of Supervisors? Is that true?

Mr. Zuraf: Right.

Mr. Apicella: Just from a County Attorney perspective, if we wanted to make changes, is that in the form of a motion?

Ms. McClendon: Commissioner Apicella, if the Planning Commission would like to recommend changes to the Board, they would need to do that in a motion. So I would recommend the Commission acting on the proposed resolution in front of it recommending approval or denial, and then in that motion also making a recommendation that the Board consider the following changes and then list those out.

Mr. Apicella: Okay, do you mind if I read those out, Mike, and you tell me if you have any issues with those changes from a staff perspective? Do you have a copy of it?

Mr. Zuraf: I do.

Mr. Apicella: Awesome.

***Planning Commission Minutes  
June 8, 2016***

Mr. Zuraf: I was scrambling to get that done and I printed it off right before the meeting so (inaudible).

Mr. Apicella: Great. So, just for some context, the reason why I suggested a change on number C.5., which is on page 3, right now it just uses the word portion. And my concern was portion undefined can mean any portion; it can mean 1%, 10%, 50%, so try to put some boundaries around what that might mean. And I try to use language that was consistent with the draft Comp Plan that talked about trying to achieve fiscal balance when we do phasing. Did you have any issues or concerns from a staff perspective on the proposed change to C.5., Mike or Jeff?

Mr. Zuraf: No.

Mr. Apicella: No? Mr. Harvey?

Mr. Harvey: No sir, no concerns.

Mr. Apicella: Okay. And on 8, the reason why I suggested the change, the most important change being limiting the designation of transferrable development rights to the actual sending areas that have been designated, because in the absence of putting again some boundary on this then someone can propose sending development rights from anywhere in Stafford County. Including many areas outside of what is now the sending area. And I also made a proposed tweak to the, again, put a boundary around what rural land could be dedicated in terms of if it is going to be dedicated, it's something that should be acceptable to the County. Any concerns with that language?

Mr. Zuraf: Just that this proposal wouldn't be in conformance with this language because it's not within one of the sending... within... oh, receiving, okay, yes. Gotcha.

Mr. Apicella: Yeah, I wasn't limiting where it could be received, just where it could be sent from.

Mr. Zuraf: (Inaudible). Yeah, that's...

Mr. Apicella: Mr. Harvey, did you have any concerns with that change?

Mr. Harvey: Mr. Chairman, I didn't see anything on the face of it.

Mr. Zuraf: It's fine.

Mr. Apicella: Okay. Alright, any other questions for staff? Seeing none, would the applicant come forward?

Ms. Karnes: Good morning... good evening rather Mr. Chairman.

Mr. Apicella: I hope it's not morning. Has been that long of a meeting?

Ms. Karnes: My name is Debrarae Karnes. I am a land use planner and attorney with the office of Leming and Healy. And I'm very happy to be here presenting these two cases. And, with your permission, I will also combine my presentation for both the Comp Plan Amendment and the rezoning application. I want to first spend a little bit of time bringing the Planning Commission up-to-date. When we were last here, we did not have final VDOT comments and we had gotten comments from both staff and the Planning Commission that our project was not the best P-TND project that they had seen. Our goal therefore became three things: number 1, to get consensus from VDOT, even if that

*Planning Commission Minutes*  
*June 8, 2016*

meant changing our development scenario. Number 2, to bring back to you a really superb P-TND project, and I'm happy to say I think we did that. And number 3, to make sure when I was standing here the next time before you I had worked out every issue with staff except for perhaps the cash proffer issue which we knew is a policy issue that you will be discussing. And I'd like to thank staff for working with us. I'll note it happened much slower than we had hoped. We lost the case planner who relocated to another state. It was reassigned to Mr. Zuraf who was heading up the whole Comp Plan update, working very diligently on that, but still his time was limited to do some of the other things. At one point I even had to approach the Planning Director to say, hey, we're scheduled but I haven't gotten many comments. And so I'm willing even to postpone the hearing to enable Mr. Zuraf to give me comments. He gave me brief comments on the regulating plan on May 7<sup>th</sup>, but there were no more comments received until we got the staff report on Friday. I did meet with Mr. Zuraf on Tuesday. The proffers, the revised proffers at your desk tonight, are a result of that. It seems like there's one or two issues we need to do further work on with staff and we're willing to do that. But we are trying our best to resolve every single issue involving this project. Now, just to recap, the changes in the rezoning proposal -- we changed the unit mix. And so instead of all townhouses, we have a mix of singles, townhouses, and apartments. And, in addition... can we show the plan on the screen? The development flows from a planning perspective so that it is more compatible with the environment. So, for instance, the single-family detached units are on what appears to be the eastern side of the property although the directions are a bit off. And so, these singles are near the undeveloped land designated rural residential. The commercial is up front near Route 1. We have rerouted the road labeled Road A to run through the property instead of on the edge of the property which provides for a more cohesive development. And it also provides a border, a boundary if you will, between the development and the industrial land to the approximate south. We replanned the commercial, centering it around a Town Square, with a fountain, benches, lights for gathering purposes. We added pedestrian... well, more accurately we increased the width of the pedestrian lanes within the development to encourage connectivity and pedestrian activity. And finally, we diversified the locations of the recreational areas. I really think you've got not only a good P-TND development, but maybe, dare I say, the best looking P-TND proposed in to date. We also made changes in the Neighborhood Design Standards. I think this is one of the issues I still have to talk to staff about. Actually, Mike Zuraf and I talked about it on Tuesday. I actually brought several samples of versions I worked on. He indicated to me that he had no comments at that time, although he was going to talk to the Planning Director. So, I'm a little surprised that I'm still hearing a negative comment. But as I told Mike Tuesday, I'd be willing to work with him on practically anything in there. The only thing we can't do, we can't proffer the exact pictures. We can do anything else. This is what we've done in other cases, including the Aquia Towne Center that was recently approved. Now see, the difference in this case and some of the others, like difference between this and the case you heard at the last agenda item, is that these documents are absolutely proffered. So the location of the building, aside from a little adjustment for engineering, is proffered. The exact pictures would be proffered. So, you are getting assurance of what you see. And that's why we have to be very careful when we point out what it is we cannot do. Yesterday I offered to Mr. Zuraf to change the design standards to tighten up the language that would say that the design standards reflected, the general theme of the architecture, the lighting the signage, etcetera, etcetera, and so we're willing to continue working that out with staff. One of the components that has changed since the last time I saw you are the transportation improvements. We successfully worked with VDOT and they determined, number 1, the methodology we used was correct, the improvements we recommended were suitable for this development in mitigating the issues, and finally staff has let us know that they feel that our calculation of the pro rata amounts was correct. Now I want to be very specific here -- not only have pro rata payments been accepted in other cases, including the Embrey Mill commercial, the fact that we are paying to... that we calculated the impact and we're paying the cost of the impact, that's consistent with state law and with the Comprehensive Plan. There's a specific policy in the Comprehensive Plan calling for pro rata cast payments when the improvements are not solely generated by the proposed application. And so this strategy is consistent



*Planning Commission Minutes*  
*June 8, 2016*

with the Comprehensive Plan. We feel that the proposed development meets and exceeds the standards of the Zoning Ordinance. But we stand ready to work with the Planning Commission to make any other changes that you'd like. Now, there are a few other issues but, before I get there, I want to make sure I address the fact that Vern Tourney, the Transportation Engineer, and Bruce Reese, the engineer for the development, are here if you have any technical questions. And I think though you want me to move a little further along on the Comprehensive Plan Amendment. I think I heard the Chairman ask if I had seen the proposed change to the Comprehensive Plan language and whether I concurred, although he noted my concurrence wasn't a requirement and he was right. We have no objections, Mr. Chairman, to the substituted changes. I will note however that, you know, there's been some inquiry on fiscal impact. It was only last night that I saw this language and my immediate thought was I can't turn around within 24 hours and obtain a fiscal study, even though I did talk to an economist last night about it. And the major difficulty in getting it in 24 hours is using the most recent up-to-date year, 2015, to get the most accurate information. If this case continues, we will look into providing additional information to you. Having said that, we believe that this proposal carries, um, is fiscally positive. Bottom line, when we looked at 2013 data, the program would be fiscally positive as long as the residential units sold for \$300,000 roughly or above. But we would quantify that to 2015 standards. The other... well, there's two other issues on the table. One is a very small issue, so we'll get that out of the way. One of the negatives that the staff reports is that there's a strategy in the Comprehensive Plan that says that TND developments should not be built when natural resources are disturbed, such as slopes over 25%. And we have provided a sensitive plan but it, by necessity, utilizes grading, utilizes retaining walls, there's no way we believe this property can be developed either under the P-TND zoning district or any other district without disturbing. And I submit to you that some disturbance is preferable than using more land. And the compact nature of a P-TND development within the Urban Development... the Urban Settlement Area is a desirable thing if it is well done, which I believe it is. Finally, this is the big issue. The main goals of the Comprehensive Plan as I've understood it since I began being familiar with Stafford County planning in about 2001, is funneling development outside of the rural area into the development area -- that's number 1. Encouraging mixed used development, that's number 2. And number 3 is finding a way to preserve the sensitive ecological features of Crow's Nest. Approval of this project as proffered funnels the development where you want it and it protects a large amount of the Crow's Nest property. And there's been some talk about the TDR Ordinance, you know, which is a transfer of development rights from one spot to another. But we're going above and beyond that. We're actually dedicating the property to Stafford County, or whomever it may designate. When development rights are transferred or extinguished, the owner still has the use of the property for rather limited uses; no development of commercial, no residential, but there are still some development possibilities out there -- campgrounds, that kind of thing. That keeps the property broken up. Dedication of 113 lots plus another 30 acres gives the County a substantial mass of land, combined with the land already dedicated to public use out there. It's a real start of preserving Crow's Nest Harbour. And it is a win-win opportunity for the County moving development rights back into the Urban area. The question came up, how does it translate? How does, what, 117 lots plus another 30 acres translate to the proffer amount, which Mike estimated at \$4.8 million... I really thought it was \$4.9 million. But you get the... okay. So, first of all, I'm going to let you know, I can't give you a dollar for dollar equivalent because there's something intangible about the value of Crow's Nest Harbour. You know, the most singular valuable ecological resource in Stafford that we can't quantify. But let me give you something to think about. Okay. Now, there are several realtors out there that have Crow's Nest lots sold under contract, really potentially to be used for transfer of development. They are saying the contracts are now reflecting a value of \$22 - 25,000 per lot. So, now, since there's never been any official exchange, the market hasn't been validated. But that's what it's looking like so far. If we figure \$20,000 per lot, for 117 lots, and I don't swear my math is exactly right, but I compute that as \$2.3 million. Then I add \$750,000 for the transportation improvements, another \$250,000 for signal modifications, that kind of thing, I come up with \$3.3 million. Um, so, let's look at it another way. One hundred seventeen lots,

*Planning Commission Minutes*  
*June 8, 2016*

maybe the additional 30 acres, translates to another 10 lots, just for argument, okay; that is, what, 117 and 10 is 127 lots that would not be built, that would not produce kids. The developer is proposing 139 households. Now, the developer can already build 10 lots by-right without the rezoning. So that's therefore 129 new lots the developer is proposing, or households, you know, in the case of the apartments. So, conceptually we're talking 127 lots at Crow's Nest versus 129 lots or households net for Old Dominion. And my question is this -- how much is the additional value to the County to receive control of this land in Crow's Nest given the express goals of the Comprehensive Plan? I think it's a little later in the evening at this point, Mr. Chairman.

Mr. Apicella: It's not morning yet though.

Ms. Karnes: I think I have stated most of the points. As was noted by staff, even though the Comprehensive Plan discourages increase of density, the effect of the Comprehensive Plan Amendment will not be widespread because this does involve a unique case -- the dedication of land at Crow's Nest and therefore as part of it the extinguishment of the development rights. I have my team of experts here. They'd be more than willing to answer any questions about the transportation structure, the GDP. If staff has other things they want to pursue with us, we'd be glad to meet with them. So I await your comments. Thank you.

Mr. Apicella: Questions? Mr. English? Okay. Mrs. Bailey? I'm a remiss, and I'm going to ask Mike to step up and give you a chance to respond, because you sort of brought it up about the value of the transferable lots from Crow's Nest. So Mike, my question to you is, this is sort of a hybrid of TDR, if we were to apply Section 28-359, which is the calculation of development rights to the specific lots, the 117 lots that are being proposed from that sending area to go to this pseudo receiving area, do we have a sense of whether it's really going to be 117 development units? Or is that something we can look into? Because that calculation makes some exclusions based on the set of circumstances on the ground on each and every one of the lots.

Mr. Zuraf: I believe the single 117 lots, if they're over 2 acres then they would be... all those would be considered acceptable.

Mr. Apicella: Mike, I need you to take a look at the criteria because it takes into account soil, steep slopes, and some other issues and factors. I think there's also a decrement for roads. So, is that something if this gets deferred that you can look into? Are we really talking about 117 development units or some portion thereof?

Mr. Zuraf: Okay.

Mr. Apicella: And my second question is, what if any number... under again, under the County's TDR Ordinance, what number, if any, development units would be provided for the specific 25-acre I think that's the commercial site or I've got it mixed up... one is a school site and one is a commercial site. What number of development units would the TDR Ordinance provide in this specific set of circumstances?

Mr. Zuraf: Okay.

Mr. Harvey: Mr. Chairman, I would note to you that since that is... this property is in the sending area, staff could possibly give you an estimate. But we would not give you a firm number because that's something that's stipulated in the Code that must be requested by the property owner for determination of the number of development rights. Also, for your information, the property where they're proposing

*Planning Commission Minutes  
June 8, 2016*

to send these development rights from is zoned A-2, Rural Residential, and in that zoning category the minimum lot size is 1 acre. So, some of those existing parcels may be entitled to more than one development right, as well as the larger piece of property. The Code actually allows us to, in the case of area designated for park land in the Comp Plan, to count properties that have exclusions like a plat limitation for a school site and plat limitation for a commercial site. So, therefore, those restrictions don't affect the calculation; we would follow the normal process for calculating on those parcels. So they could potentially count towards the total number of development rights that could be achieved on the offered property.

Mr. Apicella: Mr. Harvey, that's fine. I'm just saying, again, if this were a TDR and this were an approved sending area and an approved receiving area and you, as the administrator of that program, were trying to determine what number of development rights would be transferable, that's what I'm asking -- under these specific set of circumstances.

Mr. Harvey: Yes, and we can provide an estimate; however, it won't be a firm determination because we would be required to have detailed surveys of the property and other information.

Mr. Apicella: I understand. And just to give you a chance to respond if you feel like you need to.

Ms. Karnes: I'm just going to very shortly repeat my earlier point that we're talking more than transfer of development rights; we're talking dedication of land. That's all.

Mr. Apicella: Okay. Any other questions? Seeing none, I'll open up the... we're going to do the public hearing on both items at the same time or each item individually?

Mr. Harvey: It's your call, Mr. Chairman. You can do them together or separately.

Mr. Apicella: Okay, I'm going to do them together. So, I hereby open the public hearing on this matter. This is an opportunity for the public to comment on these two items. Please direct your comments to the Commission as a whole. You have up to 3 minutes to speak. Would anyone like to come forward?

Mr. Palmer: Good evening Mr. Chairman, members of the Planning Commission. Hamilton Palmer, here as Chairman of the Stafford Airport Authority. And Ms. Karnes is right; this was and is a pretty TND. However, Stafford Airport does not support the increase in the residential density to 139 dwelling units. The residential component is not compatible with our flight operations, and it's close if not in our left-turn path for our northern traffic pattern. We are in favor of TDRs and transferable... and transferring these rights outside of our airport operations, but we're not in favor of transferring these rights in our operations zone. This project is not compatible with the Airport Land Use Plan we worked on last year. Please do not increase the residential density for this parcel or these parcels. This is not a by-right rezoning. It will have long term impact on the development and the operations of the airport. And the difference in this project and other projects rezoned for TNDs that were mentioned this evening is this project is in the Airport Overlay District. Also, this project is not within a receiving area nor is, that I know of, any area within the Airport Overlay zone is within that receiving area for TDRs. I like TDRs; I think it's a good idea to go ahead and take these density credits out of Crow's Nest, just not in the Airport Overlay District. Thank you very much.

Mr. Apicella: Thank you. Anyone else? Okay, seeing no one else, I'm going to close the public hearing and bring it back to the Commission. Mrs. Bailey, this is in your district but I do have a recommendation on number 3. I don't know if it's appropriate to do that now or...?

***Planning Commission Minutes  
June 8, 2016***

Ms. McClendon: Mr. Chairman, as part of the public hearing process, the applicant has a rebuttal time if they so choose.

Mr. Apicella: You're right. My apologies.

Ms. Karnes: Mr. Chairman, for the reasons I've already stated, we ask that this... these two applications be considered favorably. We are willing to agree to a deferral to work through some of the other issues. But we believe on balance this is a good application. Thank you.

Mrs. Bailey: Mr. Apicella, I would like to make a motion to defer the COM14150427, the text amendment to the Comprehensive Plan.

Mr. Apicella: Before you do that, can I... I'd like to make a motion to amend the language.

Mrs. Bailey: Okay, well I thought maybe you could add that on? I'm not sure about the protocol for that.

Mr. Apicella: Would it be more appropriate to make the change to the language and then do a deferral or vice versa?

Ms. McClendon: Mr. Chairman, because if the will of the Commission is to bring this back at the next meeting, having the applicant agree to the language and having it submitted as part of the Planning Commission's consideration at the next meeting will be fine. I don't think you necessarily need a recommendation or a motion on this specifically, if the language comes back as the Commission desires at the next meeting. If, however, the applicant is not willing to change the language, then that's when you would need a motion to incorporate your language and your recommendation to the Board.

Mr. Apicella: Okay, so what I heard is that the applicant is willing to modify the language. So, I'll not make my motion. Apologies.

Mrs. Bailey: I do have a question. If we make the... have the discussion about the change, do we need to have the public hearing held open for that?

Ms. McClendon: No Commissioner Bailey, I do not believe so. Those changes should be within the scope of the advertisement.

Mrs. Bailey: Okay. So then the motion stands?

Mr. Apicella: Okay, there's a motion to defer item 3 to the next meeting.

Mr. Rhodes: Second.

Mr. Apicella: Seconded by Mr. Rhodes. Any further comment Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: No sir Mr. Chairman.

***Planning Commission Minutes  
June 8, 2016***

Mr. Apicella: Anyone else? Okay, all those in favor of the motion to defer item 3 to the next meeting signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. Opposed? The motion carries 6-0. Mrs. Bailey?

Mrs. Bailey: Mr. Apicella, in regards to the reclassification for Old Dominion Village, RC14150428, I would also like to make a motion to defer.

Mr. Rhodes: Second.

Mr. Apicella: Is that to defer to the next meeting?

Mrs. Bailey: If that is enough time for staff and the applicant to work on some of the items that are outstanding. Otherwise, our next meeting would be in July, July 13<sup>th</sup> I think.

Mr. Apicella: Right, and just for point of information, we'll have 3 meetings between now and September 7<sup>th</sup>, and September 7<sup>th</sup> won't actually be a meeting because it'll be before our actual scheduled meeting in September. Okay, so there's a motion to defer item 4 to the next meeting. All those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries. Thank you. Mrs. Bailey, I'm transferring the gavel to you.

Mrs. Bailey: So, the next item that's on the agenda is the Brooke Point Construction Plan.

**UNFINISHED BUSINESS**

NONE

**NEW BUSINESS**

*Planning Commission Minutes*  
*June 8, 2016*

5. WAI16151299; Brooke Point Subdivision Waiver - A waiver request from Stafford County Code, Section 22-143, Shape and Elongations, and Section 22-146, Side Lot Lines. The Brooke Point Subdivision Plan is a construction plan creating 23 single-family residential cluster lots, on Tax Map Parcel Nos. 39-81 and 39-95, zoned A-1, Agricultural Zoning District, approximately 73.3412 acres, located on the north side of Courthouse Road across from Brooke Point High School, within the Aquia Election District. **(Time Limit: August 7, 2016)**

Mr. Harvey: Mrs. Bailey, please recognize Mr. Sugg for the presentation.

Mr. Sugg: Alright, good evening Mr. Chairman and members of the Commission. Item 5 is a waiver request for shape and elongation and side lot line for the Brooke Point Subdivision.

Mr. Harvey: Computer please.

Mr. Sugg: It's located on Assessor's Parcel 39-81 and 39-95, 73.34 acres, and it's zoned A-1 in the Aquia Election District. The location is north side of Courthouse Road across from Brooke Point High School. This map shows the current configuration of the parcels which will be consolidated with another plat. Brooke Point is a cluster subdivision proposing 23 single-family dwellings. The applicant is seeking two waivers to create a separate parcel for the existing English Family Cemetery. Creating boundary lines for the cemetery would result in non-conformities of Section 22-143(b), Elongation, and 22-146, Side Lot Lines, of the Subdivision Ordinance. According to Section 28-39(o) of the Zoning Ordinance, cemeteries must be fenced and surrounded by a 35-foot buffer and located on a separate lot or easement. Layout A shows that the cemetery buffer easement encumbers on Lot 4, as permitted, and would not require any waivers of the Subdivision Ordinance. And this layout is shown for Layout A in the map here. At the request of the Stafford County Historical Commission and Cemetery Committee, the developer is seeking a waiver of the Subdivision Ordinance to allow a separate lot to incorporate the required buffer around the cemetery. Layout B, which is on the former slide, would create a non-conformity with the shape of the lot and side lot line proposed on Lot 4. A separate parcel is more desirable by the Historical Commission rather than an easement that would not encompass the entire cemetery area and buffer. Section 28-39(o)(5) of the Stafford County Zoning Ordinance states that "The cemetery and associated buffer area shall be indicated as an easement or as a separate cemetery parcel on the development plan, subdivision plan, or subdivision plat." The applicant formally requests that the Stafford County Planning Commission consider the waiver requests from Sections 22-143(b), Elongation, and 22-146, Side Lot Lines, of the Subdivision Ordinance per Section 22-241(a), Authority To Grant of the Stafford County Subdivision Ordinance which states "Where permitted, one or more of the minimum requirements established under this chapter may be waived by the planning commission, upon assurance of the subdivider that each of the following have been met: (1) The minimum requirement, if applied to the proposed subdivision, would impose an unreasonable burden upon the subdivider. (2) The granting of such a waiver will have no substantially adverse effect on the future resident of the proposed subdivision, nor upon any property adjoining such proposed subdivision." And I just wanted to let you know that the applicant and Mrs. Dodd are present if there are any specific questions.

Mrs. Bailey: Mr. Sugg, just to talk just briefly for a second, if the lot 4 were to be developed in compliance with the Ordinance, then that would mean that there would be an easement for that cemetery on the homeowner of lot 4.

Mr. Sugg: Correct.

*Planning Commission Minutes*  
*June 8, 2016*

Mrs. Bailey: With what is proposed, the easement... there will not be an easement on lot number 4 because the boundary line will have the adjustment.

Mr. Sugg: Correct.

Mrs. Bailey: Okay. Thank you. Any other questions for Mr. Sugg?

Mr. English: Ms. Dodd, what is your opinion on the proposal? I see you sent us a letter... what he's proposing.

Ms. Dodd: Anita Dodd and I'm here representing both the Historical Commission and the Cemetery Committee. And I know that a letter was written for you all, I assume you have received it and read it. So I'll just briefly kind of restate our position on that. We would like to recommend that the Planning Commission accept the proposed cemetery plot that would allow the entire cemetery and its buffer to be contained within its own parcel. Although this creates an L-shaped lot next to the cemetery, the proposed plan adheres to the intent of the Cemetery Ordinance. It provides the protection intended by the Ordinance for the cemetery. If a straight boundary line is maintained along the cemetery, it would compromise the cemetery as it would fall within the cemetery's boundary. This makes a situation where the cemetery and its buffer would extend into the lot next to it. At the very least, this is awkward. More importantly, the cemetery is at risk. The proposed plan provides a better long term protection and preservation of the cemetery. And we would also like to say that we appreciate Mr. McAllister's willingness to accommodate the entire cemetery and its buffer on its own parcel. This is really the preferred treatment for the cemetery that is within a development. I don't know if you have any questions.

Mrs. Vanuch: How big is the cemetery?

Ms. Dodd: Let's see, I've got that here somewhere. Approximately 24 feet by 44 feet.

Mrs. Vanuch: Okay.

Ms. Dodd: And that doesn't include the buffer, so then you're going to add a 35-foot buffer onto that.

Mrs. Vanuch: So it's relatively small.

Mr. English: Yeah. Thank you, that's all I have.

Mrs. Bailey: Ms. Dodd, thank you. Do we need to hear from the applicant?

Ms. Karnes: I will be very brief Madam Chairman. The applicant has a right to develop the parcel with the cemetery on an easement. But he went ahead and requested the waiver at the express request of the Historical Commission representative. I think it's fair to say staff feels that having the cemetery on its own lot is better planning, as the applicant does. Someone asked me, of the Subdivision Ordinance provisions that require specific lot lines and the Zoning Ordinance provision encouraging preservation of cemeteries, which ordinance superseded the other? And I think the answer is neither supersede the other, but the Zoning Ordinance has the authority under the waiver process to approve the cemetery being on its own lot upon defining of hardship and a non-adverse effect. And we suggest to you that these circumstances justify approval of the waiver. Granted he can have this lot either way, it's a better lot and a better value with the cemetery on its own lot. Thank you.

*Planning Commission Minutes*  
*June 8, 2016*

Mrs. Bailey: Okay, any further questions?

Mr. Rhodes: Madam Chairman, I know this is in your district, but given that you are the last officer standing and holding the gavel, if there's no objection I would make a motion to recommend approval of WAI16151299, the Brooke Point Subdivision Waiver.

Mr. Boswell: Second.

Mrs. Bailey: Any further discussion, any further comments?

Mr. Rhodes: No ma'am.

Mrs. Bailey: Okay, all those in favor?

Mr. Rhodes: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mrs. Bailey: Aye. Any opposed? The motion carries. Thank you. Okay, onto number 6.

6. WAI16151300; Spartan Oaks Overlook Subdivision Waiver - A waiver request from Stafford County Code, Section 22-5(b)(9), Family and Minor Subdivisions, and 22-176, Private Access Easements. The Spartan Oaks Overlook Subdivision is a Minor Subdivision and Boundary Line Adjustment Plat creating 4 single-family residential lots on Tax Map Parcel Nos. 39-71, 39-76A, and 39-53, zoned A-1, Agricultural Zoning District, on approximately 114.07 acres, located at the end of Spartan Drive off Courthouse Road, within the Aquia Election District. **(Time Limit: August 7, 2016)**

Mr. Harvey: Again, Madam Chairman, please recognize Mr. Sugg for the presentation.

Mr. Sugg: Mr. Chairman and members of the Commission, item 6 is a request for a Private Access Easement waiver for Spartan Oaks Overlook. Computer please. It's located on Assessor's Parcel 39-53, 39-71, and 39-76A. It's approximately 114.06 acres, zoned A-1, in the Aquia Election District, located at the end of Spartan Drive off Courthouse Road. The applicant is seeking a waiver of the Subdivision Ordinance, Section 22-176(a), Private Access Easements, to serve one additional lot for a proposed subdivision of Spartan Oaks Overlook. The applicant is proposing to subdivide one lot and boundary line adjust on 3 lots, at the end of Spartan Lane. Three parcels are currently served by an existing 30-foot ingress/egress easement, as shown in yellow in the map below. The existing access easement, shown in yellow, was approved prior to the Subdivision Ordinance requirement of PAEs. A PAE... excuse me... a new PAE could be created for the proposed lot, as shown in red, but significant topography and impacts to the RPA is not desirable. To eliminate impact to the environmentally sensitive area, staff requested the applicant to seek a waiver from the Planning Commission for the number of lots served and to upgrade the existing 30-foot ingress/egress easement to 50 feet and not create an additional easement to serve the new lot. And this map shows the proposed 50-foot Private Access Easement overlapping the existing 30-foot ingress/egress easement. The applicant formally requests that the Stafford County Planning Commission consider the waiver request from Section 22-



***Planning Commission Minutes  
June 8, 2016***

176(a), Private Access Easements, to serve one additional lot for the proposed subdivision of Spartan Oaks Overlook, per Section 22-241(a), Authority To Grant of the Stafford County Subdivision Ordinance which states “Where permitted, one or more of the minimum requirements established under this chapter may be waived by the planning commission, upon assurance of the subdivider that each of the following have been met: (1) The minimum requirement, if applied to the proposed subdivision, would impose an unreasonable burden upon the subdivider. (2) The granting of such a waiver will have no substantially adverse effect on the future resident of the proposed subdivision, nor upon any property adjoining such proposed subdivision.” Again, the applicant is available for any specific questions.

Mrs. Bailey: Thank you Mr. Sugg. Do any of the members have any questions of Mr. Sugg? Okay, would you like to hear from the applicant?

Ms. Karnes: Good evening again, I am Debrarae Karnes of Leming and Healy. Could you show the two slides I submitted, which are much the same thing. The background of this is one additional lot has been created by a boundary line adjustment. This lot could be served by-right by creation of a PAE. Next slide. Development of this lot would be allowed by a PAE shown in red. However, it doesn't make planning sense to create a new road of approximately 3,000 feet in length through topography and wetlands when an existing ingress/egress shown in yellow already exists. This existing, we're going to call it the yellow ingress/egress easement reaches all the way to the new parcel. The only disturbance would be required would be enlarging the yellow easement from 30 feet in width to 50 feet in width. It makes more sense to use the existing easement enlarged. The standards for a waiver once again is hardship to the applicant and no adverse effects to the community. In this case, the hardship would be building a road that really is unnecessary through wetlands and topography. And in addition, and probably more importantly, the disturbance to the environment that is unnecessary. I'd like to point out that the applicant isn't gaining an additional lot; this request is simply for the existing ingress/egress approved before the current County ordinance to serve this additional lot. And we therefore ask for your approval.

Mrs. Bailey: Okay, any questions for the applicant? Okay.

Mr. Rhodes: Madam Chairman, if you have no objection, I would make a motion on your behalf to approve the Spartan Oaks Overlook Subdivision Waiver, WAI16151300.

Mrs. Bailey: Is there a second?

Mr. Boswell: Second.

Mrs. Bailey: Okay, any discussion?

Mr. Rhodes: No further comment.

Mrs. Bailey: No further comment? No further comment? All those in favor?

Mr. Rhodes: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

*Planning Commission Minutes*  
*June 8, 2016*

Mrs. Bailey: Aye. Any opposed? The motion carries. Thank you.

Mr. Apicella: Mr. Harvey, item 7.

PLANNING DIRECTOR'S REPORT

7. Exit 140 Street Name Change

Mr. Harvey: Thank you Mr. Chairman. I briefly mentioned this at the last Planning Commission meeting that the Board of Supervisors had referred a proposed Street Name Change due to the reconstruction of the Exit 140 interchange. And I have a few slides to help the Commission visualize what the differences are. If I could have the computer please. The image in front of you is the current road network we have in the area. We have Courthouse Road, which traverses through the area and crosses Interstate 95. We also have Route 1, Jefferson Davis Highway, in this area, and Hospital Center Boulevard which comes off of Route 1 going to the hospital. This road here is Wyche Road which serves a number of industrial properties on the east side of the Interstate. And this road is known as Florida Rock Road; it serves an existing concrete manufacturing plant. We also have Austin Ridge Drive located in this vicinity, which is across from the existing commuter parking lot. This was a concept that was proposed by VDOT to upgrade the interchange, and in 2014 the Board of Supervisors, in anticipation of this road project, went and renamed a number of street segments. That design has changed which forces us to reconsider some of the street segments. In particular, with this design as you can see there would be two crossings across Interstate 95. In addition, there would be an extension of a roadway between Courthouse Road and the new extension of Courthouse Road. There would be a number of street segments that would have to be renamed as well as additional names. And they were approved with the adopted Ordinance that the Board took up in 2014. And these are the highlighted segments showing up on this graphic. And there are corresponding names with each one of these segments. Moving on to the current design which VDOT is in the process of design bid build, in September of this year they anticipate narrowing down a contractor to actually construct the facility. So that correlates to our timeline which we have for trying to get the street names done. We'd like to have them set in September so whoever the contractor is that's assigned to build the project will already have it programmed and be able to build the streets... put in the street signs with the project without any hiccups or problems with the motoring public. Sections A, B, and D would be the realigned Courthouse Road as it crosses the Interstate. These are the diverging diamond parts of the interchange that would come with new ramps off and on to the Interstate, east and west of the Interstate. Segment B and C would be a relocation of Austin Ridge Drive. Those who factors aren't changing for the purpose of the street names. However, segment D and E is a new change; it would extend a road from this new road... new part of Courthouse Road over to Wyche Road and create through E and F Wyche Court. Wyche Road will be cut off from Courthouse Road. You can kind of see the old alignment of Wyche Road in this area. Looking further to segment D and H, this would also be named Courthouse Road. And it's similar to but different location than the previous diagram. The previous diagram had Courthouse Road going this way; VDOT has now moved it closer to the interchange. So, in discussing this with the staff and knowing how now everyone has GPS in their cars and in their phones and getting directions, we're keeping Courthouse Road to be one contiguous throughway. However, you're going to take multiple turns. Also, that negates the need for us to readdress one whole section of Courthouse Road and affect hundreds of property owners. So, most people would think logically it would go straight to Route 1, but given the current situation with addressing, we do need to make this adjustment as we're showing here.

Mr. Rhodes: Mr. Chairman, if I could...

Mr. Apicella: Mr. Rhodes?

*Planning Commission Minutes*  
*June 8, 2016*

Mr. Rhodes: Where is H, Mr. Harvey? Where is that H located... where would that be connecting at?

Mr. Harvey: H is on existing Courthouse Road between the Public Safety building and the... I'm trying to remember... St. Peter's Church; roughly in that area. I believe this building right here is St. Peter's Church.

Mr. Rhodes: So that section at H through D would just be all new road.

Mr. Harvey: Yes.

Mr. Rhodes: Okay, thank you.

Mr. Harvey: And D to J would be renamed Hospital Center Boulevard and it'd be essentially an extension of it across Route 1 from the existing Hospital Center Boulevard. As I mentioned, E and F would be Wyche Court. G and H would become Old Courthouse Road. And H to I would be the existing Courthouse Road.

Mr. Rhodes: If I could ask one other question, so the portion of Courthouse Road that is west of G, that is no longer used, does that just get dug up?

Mr. Harvey: Yes, the underpass underneath Interstate 95 will be closed.

Mr. Rhodes: And so would the other portion of Austin Ridge?

Mr. Harvey: Correct.

Mr. Rhodes: Gotcha; okay, thank you.

Mr. Harvey: So this is the new configuration. As I mentioned, there will be some needed changes. Wyche Court had not been previously designated; neither had Old Courthouse Road. Flipping back to the old design, we had in this area K through L was John Sullivan Drive and M and N, which was accessing a commuter parking lot was Israel Rodriguez Court. Those street segments are no longer being built with this project, and those names will not be necessary in the future. At one point in time we were looking at naming E through D Jason Mooney Drive. That road name currently exists next to the Fire Station Number 2 just down the street; that would end up being retained in its current location based on the new design, located in this vicinity right here. So those are the substantive changes is taking off those two street names, adding Wyche Court, and designating the reconfiguration of how the street names would apply. And staff would request the Commission authorize us to advertise a public hearing for your July meeting.

Mr. Apicella: Any questions for staff? Is there a motion?

Mr. Rhodes: So moved.

Mr. Apicella: Okay, a motion to refer the proposed Ordinance to public hearing.

Mrs. Bailey: Second.

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

***Planning Commission Minutes  
June 8, 2016***

Mr. Rhodes: No sir.

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

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. The motion carries 6-0. Anything else under Planning Director's Report?

Mr. Harvey: Thank you Mr. Chairman. That concludes my report for this evening.

Mr. Apicella: Thank you Mr. Harvey. County Attorney's Report.

**COUNTY ATTORNEY'S REPORT**

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

Mr. Apicella: No Committee Reports. No Chairman Report. Other Business. Everyone's got their TRC information. Approval of Minutes -- we have none. Adjournment. Motion?

**COMMITTEE REPORTS**

**CHAIRMAN'S REPORT**

**OTHER BUSINESS**

8. TRC Information - June 22, 2016
  - Telecom Milestone Comm at Mountain View Road - Rock Hill Election District
  - Dels Auto - Rock Hill Election District

**APPROVAL OF MINUTES**

NONE

**ADJOURNMENT**

Mr. Rhodes: Woohoo!

Mr. Apicella: Alright, we're adjourned.

With no further business to discuss, the meeting was adjourned at 9:38 p.m.