

**BOARD OF SUPERVISORS**  
**Agenda Item**

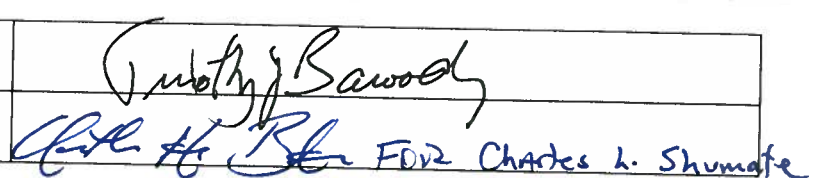
<b>Meeting Date:</b>	September 3, 2013
<b>Title:</b>	Amend Proffer Conditions at Leeland Station
<b>Department:</b>	Planning and Zoning
<b>Staff Contact:</b>	Jeffrey A. Harvey
<b>Board Committee/ Other BACC:</b>	Planning Commission
<b>Staff Recommendation:</b>	Approval
<b>Budget Impact:</b>	N/A
<b>Time Sensitivity:</b>	March 18, 2014

**ATTACHMENTS:**

1.	Background Report	8.	Resolution R13-157
2.	Land Use Action Request	9.	Letter from VRE, dtd 4/19/13
3.	Location and Zoning Map	10.	Proposed Proffers (redlined), dtd 8/16/13
4.	PC Minutes dtd 7/10/13 and 8/14/13	11.	Proposed Proffers (signed), dtd 8/16/13
5.	Application and Related Materials	12.	Proposed Ordinance O13-44
6.	Generalized Development Plan	13.	Proposed Resolution R13-226
7.	Ordinance O04-15		

<b>Consent Agenda</b>		<b>Other Business</b>		<b>Unfinished Business</b>
<b>Discussion</b>		<b>Presentation</b>		<b>Work Session</b>
<b>New Business</b>	X	<b>Public Hearing</b>		<b>Add-On</b>

**REVIEW:**

X	County Administrator	
X	County Attorney	

<b>DISTRICT:</b>	Falmouth
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## **BACKGROUND REPORT**

The Leeland Station development was rezoned in 1995 from the M-1, Light Industrial, to PD-1, Planned Development-1 Zoning District. Proffers associated with the rezoning were later amended in 2004, pursuant to Ordinance 004-15 (Attachment 7).

The undeveloped land to the west of Leeland Road is wooded with rolling terrain. The area includes a graveled parking area that is utilized as overflow parking for the Virginia Railway Express (VRE) Commuter Rail Station.

There are no structures located on the area subject to the proffer amendment. A stream with Critical Resource Protection Area (CRPA) is located along the east edge of the subject area. There are other intermittent streams with associated wetlands throughout the site.

Construction of Sections 5 and 7 of Leeland Station is underway to the east of Leeland Road. The site was rough-graded several years ago. Land to the south of the subject area is being developed with single-family detached homes. On the west side of Leeland Road is the previously developed sections of Leeland Station and Conway Elementary School. To the east and north of the site are single-family residential detached homes on a mix of smaller and larger size lots. Also to the east are undeveloped parcels of land.

Leeland Station is a partially developed mixed-use development, with a maximum of 743 single-family detached dwelling units, several commercial land bays, civic/community sites, and public facilities. The undeveloped portion of the development is subject to the proffer amendment and owned by GTIS-HOV Leeland Station LLC, except for a 3-acre parcel that is owned by the County, previously dedicated as part of the development for a possible library site.

The applicant desires to amend the proffers on the remaining undeveloped areas of Leeland Station. The remaining areas are planned to include additional single-family detached residential lots, commercial development, and recreational uses. To the east of Leeland Road, the planned development is not proposed to change, but it is included in the amendment.

The applicant is also proposing changes to the development plan on the land west of Leeland Road and north of Primmer House Road, and both sides of the CSX tracks. In Sections 6A and 6B, adjacent to the VRE station and south of the CSX tracks, the applicant is proposing to convert the planned 48 duplex and 70 congregate care age-restricted units to 61 non-age restricted single-family detached units. In Section 6D, on the north side of the CSX tracks, planned single-family detached dwelling units would increase from 34 to 57. In total, the number of dwelling units would decrease by 34.

The applicant is further proposing to reacquire the 3-acre library site, and in exchange, would dedicate 3 acres between the library site and the current VRE parking lot for use as County passive recreation and/or potential future expansion of the VRE parking lot. On May 7, 2013, the Board authorized the inclusion of the County-owned parcels to be included in the proffer amendment application, pursuant to Resolution R13-157 (Attachment 8).

Additionally, the applicant is proposing to delete a requirement to construct three 1-acre playing fields that would be located to the north of the CSX tracks.

Required commercial areas are located in this area. Requirements to phase portions of commercial development are proposed to be removed.

The proposed amendments to the existing proffers are summarized below. The proposed proffer document is included as Attachment 6:

- Reduce the maximum number of residential dwelling units in all of Leeland Station from 743 to 709, with the number of single-family detached dwelling units in sections 6A, 6C, and 6D not to exceed 118;
- Delete requirement for at least 160 age restricted units and associated unit types;
- Clarify that one inter-parcel connection will be provided between the commuter rail station and adjoining parcels;
- Add a new cash proffer which would require the applicant to contribute \$700,000 into an escrow account in two payments. The first payment of \$400,000 shall be made prior to issuance of the 500th residential building permit and may be disbursed at the County's request to support a temporary artificial turf field at Stafford High School. The second payment of \$300,000 shall be made prior to issuance of the building permit for the 50th residential unit in sections 6A, 6B, and/or 6D, and shall be disbursed at the direction of the applicant for the cost of installation of a traffic signal at the intersection of Leeland Road and Primmer House Road. If the funds are not used for the turf field, or there are unused funds after installation of the traffic signal, or if the traffic signal is not installed by issuance of the 650th residential building permit, the funds would be distributed to the County to be utilized for schools and parks and recreation in the vicinity of Leeland Station;
- Complete the 12-inch water main connection on Primmer House Road and over the CSX tracks or to the north of the CSX tracks to connect to the existing water main on Leeland Road;
- Dedicate to the County approximately three acres of land to the north of the current library site for use as County passive recreation and/or expansion of the VRE parking lot, in exchange for reacquiring Tax Parcel 46-93E from the County (subject to further action and approval by the Board of Supervisors);
- Add a requirement that 25% of the combined area within sections 6A, 6B, and 6D shall remain as open space;
- Delete requirement to construct three 1-acre playing fields;
- Prohibit vehicle fuel sales on the property;
- Delete phasing requirements for the development of commercial uses;
- Access shall be retained from Primmer House Road (Morton Road alignment) to the VRE commuter lot through the commercial site;
- Allow the County to continue to use the commercial portion of the site for VRE parking consistent with the terms of the current lease until six months after the date of submission of the final site plan for any portion of the commercial area; and
- Delete transportation, recreation, education, cash contribution, archeological survey, stormwater management, canine training area, and commuter rail parking proffers that have already been satisfied.

### *School impacts*

There would be a potential increase of 52 to 110 students to the County School system. This is based on the amendment proposing to add 84 non-age restricted dwelling units over what was previously approved. The average student per single-family dwelling unit, recently provided by the school division, ranges from 0.63 students (County-wide average) to 1.31 (new development average).

### *Removal of recreational fields*

The proposal would result in the loss of three designated one-acre playing fields, however, there are new monetary proffers in the amount of \$400,000 that could be used toward construction of a temporary artificial turf field at Stafford High School and a separate proffer that may provide passive recreation opportunities. Staff notes that the location of the fields as previously proposed is not conducive as a community recreational facility, as it is isolated from most of Leeland Station community by the CSX rail line and Leeland Road. There is no pedestrian access along Leeland Road to this location. The provision for pedestrian access or on-site parking would have been necessary.

### *Removal of commercial phasing requirement*

The proposal would remove the requirement to have the commercial/office portion of the development constructed prior to the issuance of building permits. Specifically, the proffer currently requires a minimum of 7,500 square feet of commercial space be developed prior to the 500<sup>th</sup> building permit, and the remaining commercial space be developed prior to the final building permit. The proposed proffer does not require a time frame for completion; therefore, there would be no assurance that commercial space be developed in the future.

### *Library site*

The proposal would eliminate a future library site from the development. Since the original dedication of a future library site within the development, no library has been included within the County's Capital Improvement Program (CIP). There are no plans for a library in this location. The County is currently served by two libraries – the Porter Library in the northern portion of the County, and the England Run Library in the southwestern portion of the County. In addition, the Central Rappahannock Regional Library headquarters is located within the City of Fredericksburg and serves residents in the southern portion of the County. Staff contacted Donna Cote, Executive Director of the Central Rappahannock Regional Library. She had no opposition to the proposal to remove the 3-acre future library site. She noted that they have no plans to construct a new library in the area.

### *New 3-acre site*

The proposed 3-acre site could be used as a County park for passive recreation, and/or further expansion of the VRE parking lot. The Leeland VRE station is the fourth busiest VRE station on the Fredericksburg line. As of March, 2013, the paved lot was at 97% capacity. Additional capacity is provided with a temporary overflow gravel lot to the south of the primary paved VRE lot. This temporary lot is intended for future commercial development. The applicant is proffering to allow continued use of the temporary lot. County staff and VRE staff expressed concern about increasing the parking capacity without an expansion to the VRE platform, which is currently at capacity. A copy of a letter from VRE with their most recent comments, dated August 12, 2013, is included in Attachment 9.

### *Secondary VRE access*

In response to VRE comments, the proffers ensure that secondary access to the VRE parking lot be maintained from Primmer House Road, given that the site may convert to commercial development.

### *Additional buffer between residential and railroad tracks*

The applicant has included a 50-foot buffer between the proposed residential units and the CSX tracks. This buffer includes a required 20-foot vegetated buffer, with an additional 30-foot non-vegetated buffer. The buffer is located within open space areas.

### Comprehensive Plan - Land Use

The Future Land Use Plan recommends the property for Urban Development Area use. Urban Development Areas (UDAs) are areas of the County where an urban scale of development is most appropriate. These areas will support a more intense, pedestrian-and transit-oriented form of development, located in close proximity to primary road networks, transportation hubs, and along the rail corridor. Focus is placed on the form of development, incorporating principles of traditional neighborhood design. The proposed amendments would maintain a development pattern consistent with the previously developed areas of Leeland Station, which is a lower intensity than what would be permitted under the UDA recommendations. The recommended density for single-family residential within a UDA is 4.0 dwelling units per acre. The density for the subject property would be 3.26 dwelling units per acre. Staff notes that the Planning Commission is considering removal of the Leeland Station UDA from the Comprehensive Plan, but no action has been taken to date.

### EVALUATION CRITERIA:

Section 28-206 of the Zoning Ordinance lists twelve (12) criteria to be considered at each public hearing for reclassification. A summary of each criteria are as follows:

1. Compliance of the request with the stated requirements of the district or districts involved - *The use is in compliance with the stated requirements of the PD-1 Zoning District.*
2. The existing use and character of the property and the surrounding property - *The property is currently undeveloped. The general character of the proposed development will not change as a result of the proffer amendment.*
3. The suitability of the property for various uses - *The property is suitable for high-density use based on its location within a UDA, and its proximity to high-capacity roads and infrastructure.*
4. The trend of growth and development in the surrounding area - *Development in this vicinity is a mix of single-family residential development, with neighborhood-serving commercial retail approximately one mile south of the site. Public facilities, including an elementary school, and the VRE station, are adjacent to the development. Additional commercial retail is proposed with the future development of the property.*

5. The current and future requirements of the County for land – *The Comprehensive Plan identifies the need for 200 acres for recreational facilities within the Leeland Station UDA. No other needs have been identified.*
6. The transportation requirements of the project and the County, and the impact of the proposed land use on the County transportation network - *The proposed proffer amendment should have minimal impacts to the surrounding transportation network. The proposed proffers could potentially allow for future upgrades to the commuter rail system by others. The proffered traffic signal at Leeland Road and Primmer House Road would be beneficial to this intersection, particularly during AM and PM peak hours, and during VRE departure and arrival times.*
7. Requirements for schools, parks, recreational lands and facilities, and other public services, potentially generated by the proposed classification - *The proposal would potentially generate an increase of 79-165 students in the County school system, based on the reduction of senior units.*
8. The conservation of property values in the surrounding area - *Staff believes that the proposal would not have a negative effect on any property values in the surrounding area.*
9. The preservation of natural resources and the impact of the proposed uses on the natural environment - *The proposal does not include any additional clearing or development of the property that would impact natural resources.*
10. The most appropriate use of land - *The proposed uses may be the most appropriate use of the land with regard to development of Leeland Station.*
11. The timing of the development of utilities and public facilities and the overall public costs of the development - *No changes are anticipated that would impact the installation of water and sewer improvements as originally proposed, so there would be no additional cost to the County.*
12. The consistency, or lack thereof, of the proposed rezoning with the Stafford County Comprehensive Plan as in effect at that time - *The proposal is inconsistent with the Comprehensive Plan with regard to the low development density within a UDA. The proposed density is less than the Comprehensive Plan recommends within a UDA.*

**SUMMARY OF POSITIVE AND NEGATIVE FEATURES:**

**POSITIVE:**

1. The proposal is consistent with the planned development patterns in the vicinity.
2. The proposal results in additional land for potential VRE or park improvements.
3. Additional cash contribution would go toward off-site traffic signalization and high school playing field improvements.
4. Allows for continued use of the temporary VRE parking lot and maintains secondary access to the lot.

**NEGATIVE:**

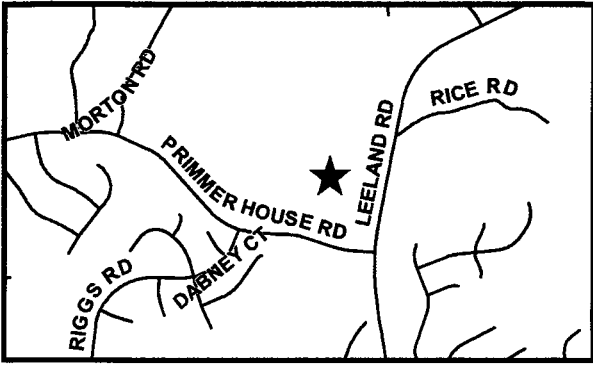
1. The proposed development density is less than recommended by the Comprehensive Plan.
2. There is a potential increase of 79-165 school-aged children, which could impact the public school system.
3. The proposal reduces parks and recreational facilities in the immediate vicinity of the community.
4. The proposal removes the commercial phasing requirement, thereby removing assurance that commercial development will occur in a timely manner.

Staff believes the positive features outweigh the negative features of the proposal. Staff recommends the applicant consider additional contributions to offset the potential increase in students as a result of the increase in single family units.

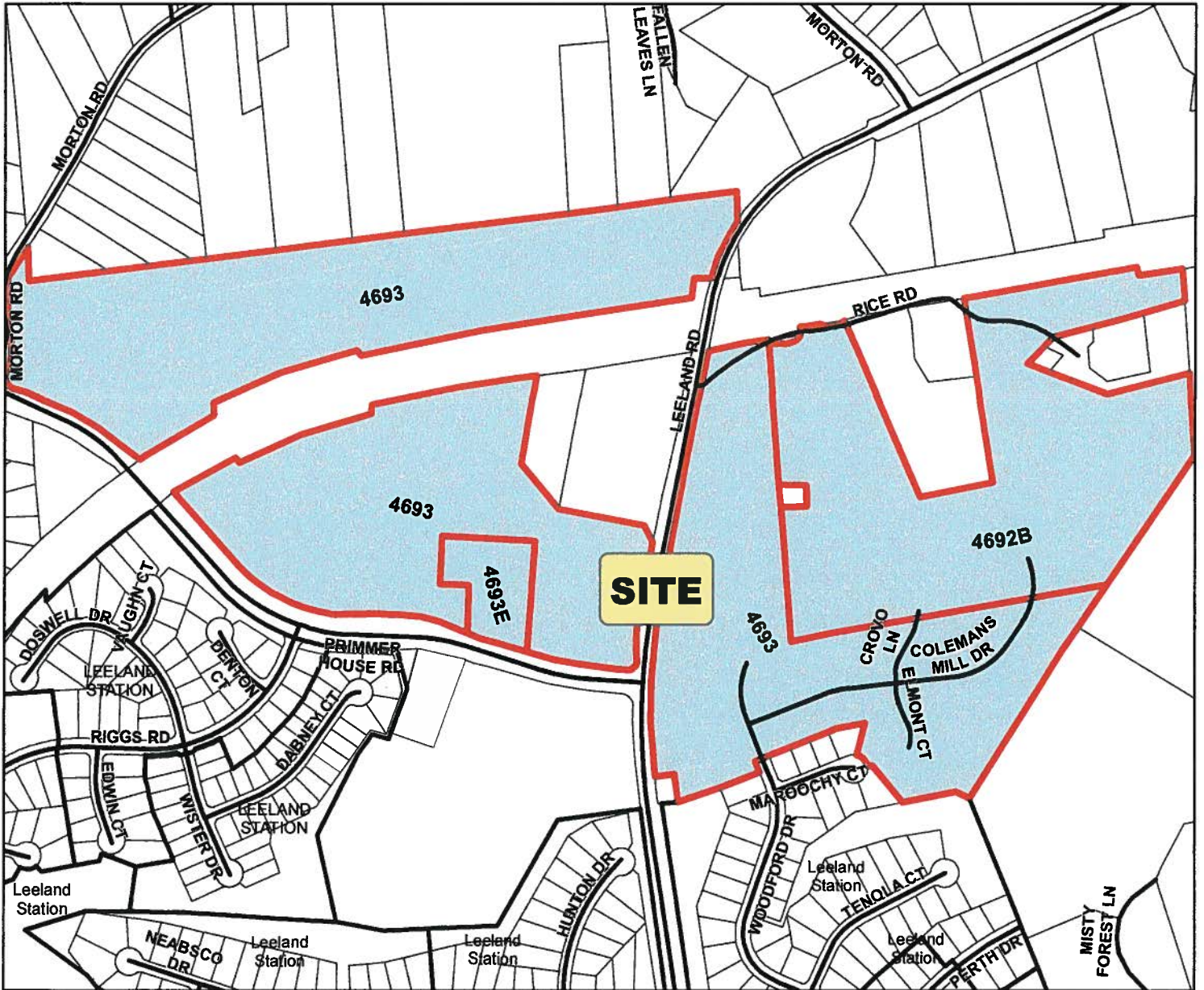
At its meeting on August 14, 2013, the Planning Commission voted 7-0 to recommend approval.



# Property & Location



## RC1300138 RECLASSIFICATION LEELAND STATION PROFFER AMENDMENT



07-10-2013

Stafford County Department of  
Planning & Zoning  
P.O. Box 339 Stafford, VA 22555  
(540) 658-8668

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1. RC1300138; Reclassification – Leeland Station Proffer Amendment - A proposal to amend proffered conditions on Assessor's Parcels 46-92B, 46-93 (portion), and 46-93E, zoned PD-1, Planned Development-1, consisting of 131.61 acres. The Property is located on the north side of Primmer House Road, and east and west sides of Leeland Road, within the Falmouth Election District. **(Time Limit: October 8, 2013)**

Mr. Harvey: Thank you Mr. Chairman. Please recognize Mike Zuraf for the presentation.

Mr. Hirons: Mike can you hold one second?

Mr. Zuraf: Sure.

Mr. Hirons: Mr. Gibbons asked me to recognize someone. I apologize Bob, for missing that, I even made a little note down here. Actually the County Administrator asked us to recognize Mr. Cody Sexton. Mr. Sexton is currently an intern with the County Administrators Office. As I understand it he is currently attending a graduate program at Virginia Tech. Mr. Sexton, can you stand up? Thank you, thank you for your service to the County. We really appreciate it. I am sure the County Administrator's office made good work out of you this summer. Alright; Mr. Zuraf.

Mr. Zuraf: Okay, good evening Mr. Chairman, members of the Planning Commission, if I can have the computer please. Item one is Reclassification RC1300138 for Leeland Station. It is a proffer amendment request. It is a request specifically to amend proffered conditions on a portion of the Leeland Station development. It is basically the parcels that make up the undeveloped portions of Leeland Station. It covers 131.61 acres, the property is zoned PD-1, Planned Development-1. The applicant is GTIS-HOV Leeland Station, LLC with the agent Clark Leming, representing the applicant. The location of the area of the proffer amendment, this request is located on the north side of Primmer House Road, which is located in this area, and on each side of Leeland Road, which is located here. The properties are highlighted in red and it is to the north of the existing sections of the Leeland Station community, which is here and then the developing portions of Leeland Station in this location. The map identifies the zoning of the property under the subject site and surrounding sites. The grey shading represents the PD-1 zoning district, which is within this area and then also the existing portions of Leeland Station are PD-1 zoning as well. Surrounding the site you also M-1, Light Industrial zoned land, that is the zoning of the existing VRE Station parking lot in this location and other properties adjacent to Leeland Station. The light green shading represents A-1, Agricultural zoning which surrounds the properties to the north and to the east and they do have some other R-1, Suburban Residential zoning to the west, in this location. So I have made quite a mess of this map. So the history of this site, the Leeland Station development was rezoned back in 1995 from M-1, Light Industrial to this PD-1, Planned Development zoning district. There are proffers that apply to the overall project. The proffers or conditions were amended back in 2004. There were some changes made at that time and some of the details of the overall project, it allows up to 743 residential dwelling units. There are commercial pad sites that are required. Several civic and community sites required to be provided, and also public facilities, existing elementary school was proffered under that original zoning and it has of course since been constructed for many years. Also there was a 3 acre parcel within the project that had been dedicated to County several years ago. This was for a potential Library site and this 3 acre site is also subject to this proffer amendment, and I will get into that. So looking at the aerial photographs kind of shows you the existing conditions, to the east of Leeland Road, the land in this area has previously been graded. This was graded several years ago, prior to the economic downturn and his now, as you can see, is starting to develop in that location. To the north of Primmer House Road...

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Mr. English: Mike.

Mr. Zuraf: Yes.

Mr. English: How many houses are going to go in that area that is starting to be developed now? Do you know?

Mr. Zuraf: I believe in this area it is approximately 200 units. I might be a little off on that, but I believe that is the case. To the north of Primmer House Road and west of Leeland Road, this area is all wooded, forest land. You of course have the CSX Rail line that bi-sects this area and the cleared areas include the existing VRE parking lot and there is a clear area also at the intersection of Primmer House and Leeland Road. Part of this property which is owned by the developer serves as a temporary overflow parking lot for the VRE Station.

Mr. Gibbons: Can you show where the station is located.

Mr. Zuraf: Yes, the VRE station is in this location.

Mr. English: So what you are saying is the property that is existing now and being used as a temporary lot will be no longer there.

Mr. Zuraf: As part of the overall original plan, it is an area that is designated as a commercial pad site. So it may eventually turn over and be developed commercially as was part of the original development plan.

Mr. English: So there is not going to be any more room for expansion for the VRE lot then? Because it looks like there is not going to be...

Mr. Zuraf: Not in that specific location but there's other locations that are part of this proposal, that may accommodate that. So looking at the specifics of the proffer amendment request, they are requesting to amend type of dwelling units that are permitted. This would include deleting existing requirements to construct age-restricted housing. In this area of the affected there was requirement for 48 duplex units and 70 congregate care units. All of those would be age restricted. Their proposal would be to convert this area to non-age restricted single-family dwelling units. Basically it would be adding 84 non-age restricted single-family units to this area. The total units overall would decrease by 34, in the overall project. Also the applicant is proposing to reacquire the County owned 3 acre library site that I mentioned and dedicate new 3 acre site north of VRE Station, which could be used, potentially, as a VRE parking lot expansion area. I will point out those areas in a moment, and also deleting the requirement to construct 3 one-acre playing fields that are proffered currently. Proffers also would contribute \$500,000 into escrow account with two disbursements. The first \$250,000 disbursement would be for a temporary artificial turf field at Stafford High School and the second would be for a traffic signal at the intersection of Primmer House Road and Leeland Road. There is language that would allow for any unused funds to be distributed back to the County for their discretion. Also the amendments were proposing to delete phasing requirements that are in place for the construction of commercial development by a certain number of residential units. So that would go away and then also other previously satisfied proffers would be deleted. So here is the concept plan that is proposed to go along with these changes. And just to kind of highlight these areas that I have referenced, the location of the age restricted unites, the duplex and congregate care units, were in this area and so this then is where conventional single-family units,

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non-age restricted units would take their place. In this location there would be 61 single-family detached units and then the remaining single-family units that I mentioned would be added to this area here. This area was always planned to include single-family detached units, but that would be increased from 34 units to 57 units. The library site I mentioned, the county owned library site, that 3 acre site is in this location and the county, by the way, the Board of Supervisors did approve a Resolution to include... to allow the applicant to include this property as part of this application. It doesn't mean that they approve it, but it provided the applicant to proceed with the application on this county owned property. The 3 acre property is here, the applicant's proposing to reacquire this 3 acre property and then dedicate a 3 acre property in this location for the potential VRE expansion.

Dr. Schwartz: Excuse me Mike.

Mr. Zuraf: Yes.

Dr. Schwartz: How are they proposing... if people do use that for the VRE they have to walk the road to get to the station?

Mr. Zuraf: Yes that is not part of the request as to how people would get from one side of the track to the other. There would need to be some sort of accommodations made for pedestrian accessibility from the one side to the other.

Dr. Schwartz: Leeland overpass overtop the tracks there is not very pedestrian friendly.

Mr. Zuraf: Right. Yes, that is... the construction of the parking lot or pedestrian accessibility is not part of this proposal. It would be done at a later date I guess, by others.

Dr. Schwartz: That sounds a little vague.

Mr. Gibbons: Mike, can you orientate us where the VRE is?

Mr. Zuraf: Yes, the VRE station is right in this location and here is the current parking lot, all of this area.

Mr. Hirons: And Mike, if I could. Has VRE requested any additional capacity there in the parking.

Mr. Zuraf: No, not to my knowledge.

Mr. Hirons: Okay and the second part to that, they are dedicating land that could be used as VRE lot, but they are not building it correct?

Mr. Zuraf: Correct.

Mr. Hirons: Okay.

Mr. Gibbons: Well they have been using the overflow though.

Mr. English: That is what I was getting ready to say, the overflow...

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Mr. Gibbons: The overflow is almost overflowing.

Mr. Hirons: Right, right.

Mr. Gibbons: I think the Doctor is right, you are going to have them cross over the bridge.

Dr. Schwartz: Is the overflow lot currently remaining an overflow lot at the corner of Primmer House and Leeland?

Mr. Zuraf: It currently is, yes.

Dr. Schwartz: And it is proposed to remain as such?

Mr. Zuraf: Well it may eventually... I guess I may defer to the applicant as to what the plans are for that because it is land owned by the developer so the applicant maybe can speak to what...

Dr. Schwartz: If you do away with that lot you are going to have a real car crunch.

Mr. Zuraf: The traffic signal reference that would be in this location at the intersection of Leeland...

Mr. English: Mike, one more question. I am sorry. When you are saying the other side, is that going to be on the other side of the tracks?

Mr. Zuraf: Yes.

Mr. English: Oh, okay.

Mr. Gibbons: When you say fly over you are actually going to fly over the tracks.

Mr. Zuraf: And I mentioned the commercial pad sites, this is one of the commercial pad sites that has always been proffered. There are other commercial pad sites in this location, in this location and then over here as well. So evaluating this proposal, staff made certain points in the staff report. This first point is a change from what was stated in your staff report. I think we referenced an additional 126 homes, and it is actually 84 homes that would be new non-age restricted and so the potential additional students is slightly less than what was estimated in the staff report. It would actually be 52 to 110 new school children resulting from this proposed change with 84 additional non age-restricted lots. And this would add some additional need and requirements for the school system with these additional students. The deletion of the 3 one-acre playing fields would be replaced with a \$250,000 offer for the funds for the temporary artificial turf field at Stafford High School. I guess it is an artificial turf field that may not...

Mr. Gibbons: The same thing is down at Smith Lake.

Mr. Boswell: I did not know because it says temporary.

Mr. Hirons: I can probably shed a little light on that. The intention on that... that was a request from Supervisor Stimpson to help alleviate some issues they have with field use at Stafford High School during the reconstruction process. It is a product that actually could remain forever and be a practice field forever to give the school more practice space.

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Mr. Boswell: (Inaudible).

Mr. Hirons: It depends.

Mr. Boswell: I was just curious what the difference in that is and the one at Smith Lake.

Mr. Hirons: Actually I was going to ask the applicant if we could remove the word temporary from that proffer.

Mr. Boswell: (Inaudible).

Mr. Hirons: Mike, while we are on the fields I think a bit of the contention or there is a little bit of contention there between the cash that they are offering there compared to what staff estimates the installation of 3 fields would actually cost. I think there was a point somewhere along the way that putting in 3 fields costs a lot more than \$250,000 on staff estimate.

Mr. Zuraf: Right.

Mr. Hirons: Do you have any information on how the County developed that cost or estimate cost of instillation of playing fields?

Mr. Zuraf: The County... I don't have information as to how that estimate came about, but the County estimate was based on recent field work and construction projects. The County estimated the cost for 3 one-acre playing fields to be approximately a million dollars.

Mr. Hirons: Each?

Mr. Zuraf: Total.

Mr. Hirons: All together. And those 3... within the proffers it does not call for those 3 fields to be irrigated or lit correct?

Mr. Zuraf: No, it does not.

Mr. Hirons: So the County's estimation for installing 3 fields is a million dollars.

Mr. Zuraf: Correct.

Mr. Hirons: And they are offering \$250,000 right now.

Mr. Zuraf: Yes. And staff did not in our report that the location proffered for these 3 one-acre playing fields is not an optimal location. It is in an area to the north of the rail road tracks.

Mr. Hirons: It is essentially where the land could be dedicated for a VRE lot.

Mr. Zuraf: Generally in that area. So it is somewhat remote and tuff to access from the majority of the rest of Leeland Station Community.

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Mr. Hirons: And those fields, those 3 fields were also going to be County owned and operated, they were not specifically for Leeland Station.

Mr. Harvey: Mr. Hirons that is correct. They were to be dedicated to the County.

Mr. Zuraf: And the last point that staff did make is if there is no commercial phasing requirement it would remove any assurance that commercial space would be developed in the future on the site.

Mr. Hirons: That is true, but if we were to approve the proposed proffer amendment the land would still be essentially commercially zoned forever unless they came back with another proffer amendment, right?

Mr. Zuraf: Right.

Mr. Hirons: So even if commercial didn't come during their build, the applicant would still own that property and they would have to market it as commercial if they ever wanted to get rid of it.

Mr. Zuraf: Correct. Some other points, as far as the 3 acre library site is concerned, staff notes there are no immediate plans for a library in this location; it is not something identified in our QIP. There are 3 existing libraries that serve county residents. Residents in this area of the county likely use the Central Library in downtown Fredericksburg.

Mr. Gibbons: Do you have any input from the library? Have you run this by them?

Mr. Zuraf: No I did not get any input from them.

Mr. Gibbons: The last time we did a library we ate up every reserve we had for about 20 years. Then the other thing is, Jeff when you had the list, what are the numbers of students at the elementary there?

Mr. Hirons: Current enrollment is about 980.

Mr. Harvey: If you give me a minute I will check that information.

Mr. Hirons: Current enrollment is about 980 at Conway Elementary. I have got 3 kids there or I have got 2 kids there now.

Mr. English: What is the (inaudible).

Mr. Hirons: Right at a thousand.

Mr. Gibbons: When the high school comes in that will be 200 more than what the current is right?

Mr. Hirons: I am not quite sure I followed that.

Mr. Gibbons: When they rebuild the high school, aren't you going to have 200 more students than you have currently?

Mr. Hirons: Capacity for, I guess, right?

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Mr. Gibbons: Yes, because right now you are almost at no capacity for high school.

Mr. Harvey: Mr. Gibbons, based on the information that we have from the County Budget, the FY14 available seats for Anthony Burns would be approximately 200. It has a design capacity of 950 and it is reported average daily membership is 750.

Mr. Hirons: We are looking at Conway.

Mr. Harvey: Oh, I am sorry, wrong school. Yes it also has a design capacity of 950 and it had a ADM of 898, so there is 52 seats available.

Mr. Gibbons: No school proffers in this at all?

Mr. Zuraf: Other than the money for the field improvement at Stafford High.

Mr. Gibbons: It sounds like another zoning that we have got here.

Mr. Zuraf: Okay, the next point about the new 3 acre site could add parking for the VRE Station. There was the existing gravel lot provides temporary storage and as I noted it is not under County ownership so the time horizon of the use of that site might be limited.

Mr. Hirons: And Mike, what is the... do you know what the current size of that gravel lot is? The size of that temporary gravel lot?

Mr. Zuraf: No, not off the top of my head no. There is concern expressed about... from VRE about expanding the parking in that area without expanding the platform. Currently the existing platform is pretty much at capacity or under capacity. It can't support additional trains. And also they expressed concern about providing pedestrian access from the other side of the tracks and VRE actually did contact me today, this afternoon and provided some additional comments. They did note that current access through the temporary storage area off of Primmer House Road provides a good secondary access and feels that maintaining some secondary access through the VRE lot would be good, so if that went away they foresee a good deal of backups at the one entrance that is located off of Leeland Road.

Mr. Gibbons: Mike, did the applicant think about switching the commercial from one side of the tracks to the other side and leave the parking lot intact that we have now.

Mr. Zuraf: I would have to defer to them if they have considered that alternative.

Mr. Gibbons: Okay.

Mr. Zuraf: And then also the proximity of the commercial parking spaces that were shown, they expressed that may lead to some issues of conflicts with VRE commuters parking in those commercial parking spaces and then of course dealing with extra enforcement of illegal parking and that is all from experience that they have seen at other stations that have commercial development nearby. And then they also expressed concern with the usability of the 3 acre site to the north of the CSX tracks. I guess there is a stream that kind of bi-sects the site and then there is topography that might be a little bit more severe on the one side of the stream and so that could either make the site less usable than envisioned or a combination of it being more costly to develop. So he wanted to pass along those additional comments

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that VRE shared with me this afternoon. The last point here is the applicant is adding a 50 foot buffer between the residential uses and CSX right-of-way, 20 feet of that buffer would be undisturbed and the remaining 30 could be impacted, but it does add an additional buffer area between the residential uses from the rail line. The Comprehensive Plan, this site is within the Leeland Station Urban Development Area and Urban Development Areas are areas where urban scale of development is most appropriate. These areas would support more intense, pedestrian and transit oriented development. The proposed amendments would maintain the kind of development pattern that is consistent with what already developed along Leeland Station, more of a Suburban development pattern. The recommended density for single-family residential within a Urban Development Areas is higher than what is proposed under this development pattern. Staff does note that the Planning Commission is considering removal of the Leeland Station Urban Development Area from the Comprehensive Plan, but no action has been taken to date on that issue.

Mr. Hirons: Mike what is the total number of dwelling units that the UDA language calls for?

Mr. Zuraf: It is...

Mr. Hirons: Over a thousand.

Mr. Zuraf: ... over a thousand, around a thousand and mix of...

Mr. Hirons: Multi-family.

Mr. Zuraf: ... multi-family and townhouses in this area. A few single-family detached, so a high density than what's previously developed. The evaluation, there are positives and negatives with this. The proposal is consistent with the planned development pattern in this area. It does provide additional land for VRE improvements in the future. There are additional contributions being provided for a traffic signal and high school playing field improvements. The negative points, staff would note it is inconsistent with Comp Plan Urban Development Area designation. There are potential school impacts with an increase of 52 to 110 school children and it does remove assurance of future commercial development.

Mr. Gibbons: Mike, what is the difference of school children from what the senior citizen is now?

Mr. Zuraf: In that area of where the age restricted homes would be, there would be no children there.

Mr. Gibbons: We hope there would not be any but you never know now days. But I mean what is the difference in numbers?

Mr. Zuraf: As far as the number of homes?

Mr. Gibbons: I mean, you are adding another 50 to 100 by swapping one out for the other, right?

Mr. Zuraf: As far as the total population? Or are you talking about dwelling units?

Mr. Gibbons: The number of students that you have now from the current zoning is projected to be what?

Mr. Zuraf: Well, in the area that I am referring to there would not be any students.

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Mr. Gibbons: No students, right?

Mr. Zuraf: No, no.

Mr. Gibbons: So we are adding 50 to 100.

Mr. Zuraf: Yes, 52 to 100, yes.

Mr. Gibbons: To a school that is almost at capacity.

Mr. Zuraf: Correct.

Mr. Gibbons: Did you see an elementary in the budget for the next 10 years.

Mr. Harvey: Yes, there is an elementary school in the CIP. If you can give me a minute I can get more detail for you.

Mr. Gibbons: Okay, thank you.

Mr. English: My question is the impact from the 200 homes that are being built now, that is already going to have an impact on Conway and then you are going to add this. How much is the impact from the 200 homes that are being built now?

Mr. Zuraf: That is going to be...

Mr. English: We have not even counted those.

Mr. Zuraf: Right, right. I will have to get my calculator out on that, but it's somewhere around a little more or less 200 additional students there.

Mr. English: You are probably talking 300 extra students if all this is built, done.

Mr. Zuraf: Yes, at the higher end of the...

Mr. English: High end, then plus you are talking about those 200 homes that are being built and what about the commuter lot, what that is going to do to the VRE lot too.

Mr. Zuraf: With the additional...

Mr. English: What is being built now in addition...

Mr. Zuraf: Well a certain percentage of the age restricted homes, those may be commuters. So it would not be as much of an additional impact on the VRE lot as there would be with the school children.

Mr. Hirons: Mike can you briefly describe how staff calculates the number of school children generated.

Mr. Zuraf: Yes, there are estimates that we received from the School Board staff. They have staff that deals with demographics and we work with them in getting their averages. We provided you a range, the

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low end of the range is the county wide average for the number of school children per single-family detached home. The high end of the range that we provided to you is based on newer developments. It is found that the newer developments in the early years will have a higher number of school children.

Mr. Hirons: To Mr. English's point, the homes that are currently under construction, the section that is currently under construction, that is a part of the zoning that was approved back in, I guess, 2004.

Mr. Zuraf: Yes.

Mr. Hirons: The PD-1. So the school children generation number for that was a part of that package which included any proffers that were given up to this point...

Mr. Zuraf: Right.

Mr. Hirons: ... of the Leeland project, right?

Mr. Zuraf: Yes and the proffers associated with those homes have all been satisfied through credits that they received from land dedication improvements that they have previously made as part of the development.

Mr. Hirons: Dr. Schwartz.

Dr. Schwartz: Just a few things. First a comment, from second grade through dental school I always got yelled at for being too noisy in a library. I love the irony of putting a library right next to the rail road tracks. That sounds like my kind of library. Second, could we get some information...

Mr. Gibbons: It doesn't come with the occupation.

Dr. Schwartz: No, no, no. There is a lot of screaming and yelling going on there too. But can we get a synopsis of what the proffers that were amended back in 2004. I mean this seems like incremental creep is going on here. I am not really in love with the new deal that they are trying to deal us. I would just like to see what was originally proffered back in 1995 that got altered in 2004 and they want to alter it again today. Was that a good deal we got in 2004 or was that a semi-raw deal? The VRE obviously is something that's... when did the VRE start?

Mr. Harvey: 1992.

Dr. Schwartz: Ninety-two, wow.

Mr. Gibbons: I was on the first train too, Doctor.

Mr. English: The coal train.

Mr. Hirons: That was steam driven then right?

Mr. Gibbons: Yes.

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Dr. Schwartz: I mean that have become a very... the lot, I understand that the developer is volunteering that temporary overflow lot and the county has gotten to the point where it is a needed thing. To do away with that overflow lot, we have got to sit down and renegotiate this whole deal somehow, but to put an overflow lot on the other side of the tracks, endangering the people who are going to attempt to use it by crossing over on that Leeland overpass over top of the rail road tracks, which is rather narrow. It is not going to work. Something needs to be done because VRE is very valuable to people in the area.

Mr. Zuraf: I would hazard to guess that any construction of the VRE lot to the north would go along with appropriate pedestrian accommodations.

Mr. Hirons: Mr. English, did you...

Mr. English: No.

Mr. Hirons: Any other questions for staff?

Mr. Zuraf: I did have one, the final slide, which was the staff recommendation. I don't think I went over that. Staff does not support the recommendation as proposed. It would suggest consideration of additional contributions to offset the school impacts and the loss of recreational amenities are not fully compensated. And I guess I took a few questions already.

Mr. Hirons: Any other questions for staff?

Mr. Harvey: Mr. Chairman, I do have an answer for Mr. Gibbons' question about the CIP and schools. The 10 year CIP shows 4 renovations or rebuilds to existing schools plus one new elementary school for our 18<sup>th</sup> elementary school. Funding would begin in year 2021 for that school and be fully funded by 2024, so that is probably when construction would commence for that new school. But the renovations occur in earlier time periods.

Mr. Hirons: Do they have a proposed location for that 18<sup>th</sup> school?

Mr. Harvey: It is not specified, no.

Mr. English: What about... you probably can't answer this one Mike, but he Grafton Elementary School, would that alleviate... would that take some away from Conway? Or do you know?

Mr. Gibbons: Jeff has got the figures there.

Mr. English: On Grafton, I am sorry...

Mr. Zuraf: Grafton Village, the numbers I have is they are at 75 percent of design capacity and 84 percent of program capacity. So they may have some... there would need to be some redistricting.

Mr. Hirons: I happen to be reading a little about schools and just so you know they are going to go through a redistricting process probably next year. So there will be some shuffling around and moving around.

Mr. Gibbons: Is that part of the...

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Mr. Hirons: Just some light reading in the evening. Anything else for staff? Would the applicant like to come forward?

Clark Leming: Good evening Mr. Chairman and members of the Planning Commission. My name is Clark Leming. I am here on behalf of the applicant. It would be helpful to have the GDP back up on the screen at some point. I do not need it right away. Let me answer Dr. Schwartz's question right off the bat. In 2004, this is in your package, those proffers in 2004 amended the commercial phasing and the same issue confronted the previous developer in that point in time and that simply was there was not a demand for commercial development at that location at that time, so the phasing was pushed back to where it is currently on the property. But that was the only change in 2004. But a little more history, some of you will remember that this was a former rail road property. It was to be developed as an industrial property, a siding property and as things evolved RF&P was absorbed into CSX and this became surplus property. RF&P owned the property and I represented RF&P at that time and in 1995 this was a pretty progressive zoning, what you would compare today to a TND or a Mixed Use Zoning. It had a number of unusual features for zonings of that day. There was the school site, there was a commercial land bay, there was the retirement housing and the idea for the retirement housing at that time was to integrate it within the community rather than having a separate segregated retirement community. There are 28 retirement units, I think, currently in Leeland Station. They are single-family detached homes. For whatever reason in 1995 their decision was made to include additional age restricted housing over next to the commuter rail station. There have been four subsequent developers of Leeland Station, K. Hovnanian is the fourth in line here, finishing up the project. I think at various stages along the way there was lament that there was retirement housing put next to the commuter rail station, but such as it was. The proposal also included a library site, which was conveyed to the County and cash proffers. The cash proffers that were requested were authorized in 1995. The cash proffers, as Mr. Zuraf indicated, have been paid for all of the units in Leeland Station. All 743 units including the age restricted units. The sum total has been paid and this is the reason, it is not the land dedication, the primary proffer commitment was construction of the new bridge across the CSX tracks, and that was an enormous undertaking, which took a number of years acquiring right-of-way over on the other side of CSX. The County actually had to get involved in some condemnation over there, purchases of those properties, acquisition of air space from CSX and then the actual construction cost for the road that is now used to access Leeland Station. So the arrangement under the original proffers was that all of the funds that went into the acquisition and the construction of that bridge would be offset from the total cash proffer package. And that is why all of the cash proffers for Leeland Station have been paid including those for the land bays over on the other side of Leeland Road that are just now getting started. Now the current proffers and the project is as you know largely built out. There is a portion that is designed and ready to go, a number of units that continue to come in on a by-right basis. There are a couple of things that are driving this proffer amendment and the timing of this proffer amendment. The first is the requirement that the playing fields be constructed, under the proffers, over on the north side of the tracks in the area designated for... that now is shown for a possible commuter parking lot. We will talk about that issue some more in a moment. But the playing fields, this was the site originally designated for the playing fields, it has been reviewed by the prior Zoning Administrator and three playing fields at this location satisfies the proffer and that's what the current developer is prepared to go ahead with. The problem is that they have got to do that, they have got to put those playing fields in place in time for the occupancy permit for the 500<sup>th</sup> unit. And that comes up relatively soon in the overall development scheme here. So they need to start construction on that this fall, on those playing fields. Once that opportunity passes there is no interest in doing away with that proffer because they are already under construction. As far as the price, whatever they think they can build them for, they are going to have to pay to build them.

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Mr. Gibbons: Can you get more specific instead of general... when do you think a drop dead date is? And why can't you modify that one proffer?

Mr. Leming: April of 2014 that the playing fields would have to be in place.

Mr. Gibbons: In place by this spring, right?

Mr. Leming: That is right.

Mr. Gibbons: So you've got 6 months in which the Board could modify that proffer.

Mr. Leming: No, because what they cannot risk is the possibility that the playing fields are not going to be built in time for that 501<sup>st</sup> permit.

Mr. Gibbons: Okay, when is that going to be, Clark?

Mr. Leming: Well that permit comes in April, but they can't start the playing fields next year. They have got to start the playing fields this fall.

Mr. Gibbons: I understand.

Mr. Leming: October.

Mr. Gibbons: I am familiar with the zoning, I did the zoning. So I understand, I just want to know when is the 500<sup>th</sup> unit... is it due in April?

Mr. Leming: It comes up in April.

Mr. Gibbons: Thank you.

Mr. Leming: They have got to start the fields in October.

Mr. English: Can you show me where fields are going to be on the lot?

Mr. Leming: I can if I can work this thing. They are in this same area here. Am I doing anything?

Mr. Harvey: Mike can you erase...

Mr. Leming: Oh okay, they are in that area right there, a little further west over this way. Good, thank you Mike. They are in that approximate location. That is where they are under the preliminary plan. That is where by the 500<sup>th</sup> unit they have to be constructed as things stand right now. Now the other thing that is driving the need for this particular proffer amendment is the commercial phasing proffer again. This is the one that was amended in 2004 to back things up. The problem has been that there is no demand for commercial at that location. Somebody mentioned the possibility of moving the commercial over across the tracks. They want the commercial to be as viable as possible and having it at this location on Leeland Road close to the commuter rail station certainly makes sense, ultimately from a market standpoint for the commercial. But if they could sell the commercial property, believe me, they would do

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it. The problem is that the demand has simply not materialized. And under the proffers they have got to start construction on something by the 500<sup>th</sup> unit again. So once again we have a...

Mr. Gibbons: Yes, but didn't they understand that when they bought this property? I mean you are coming in...

Mr. Leming: I am sure they read the proffers, Mr. Gibbons. I am sure they read the proffers and knew what they were up against.

Mr. Gibbons: And it was a business decision to go forward with it, right?

Mr. Leming: It was a business decision to go forward, yes.

Dr. Schwartz: Mr. Leming.

Mr. Leming: Yes.

Dr. Schwartz: When you and I talked last year about Walgreens, the one reason Walgreens wanted to be... they wanted to be as close to Leeland Station as they could get and now... which is what you told me last year. And now you are telling me you can't get commercial at Leeland Station. But Walgreens wanted to be as close to Leeland Station as they could get.

Mr. Leming: I was not aware of the use of the word Leeland Station. I think Walgreens chose to be where they could get a good deal. If Walgreens wanted to be at that location they should have contacted Mr. DeMarco. I am not aware that any such contact occurred.

Dr. Schwartz: That was the gist of the conversation, last year that I had. And I asked them why that location as opposed to a location available at the Chatham Bridge, where they would be able to get business coming across from Fredericksburg. And they told me they wanted to be as close as they could get to Leeland Station.

Mr. Leming: Well the market... the property has been on the market. It has been available. Actually the County Economic Development Department has tried to market the property. So it is not as if efforts haven't been made to market the property. I don't get involved with contractual negotiations between any of my clients, so that I can represent them in land use matters. What goes on behind the scenes between my clients is up to them. So whether somebody was interested in this site, whether they got or whether they inquired about it, I don't know.

Dr. Schwartz: So the Economic Department has been pushing this site?

Mr. Leming: That is right.

Dr. Schwartz: Alright, thank you.

Mr. Leming: So that is what is driving the particular need for the proffer amendment from the standpoint of the developer. They have these two deadlines coming up, can they comply with them? Yes they can comply with them. Does it make sense for the county to have these three playing fields over on the other side of the tracks at this location? Probably not. This is not an area where I think there is any great

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interest in having these playing fields. But this is where they are under the plans and this is where something has to get moving sooner rather than later. As far as the commercial is concerned, some of you, Mr. Gibbons, will remember the Amyclae example. Where we get to a certain point in the development where commercial is expected to be commenced on the ground. It does not happen. We go through this kind of exercise trying to make adjustments. Amyclae now has a shopping center. There is demand for it now. It is almost all completely built out, but the midpoint of that development was not the timing. The timing was not right at that time. And so far as we know the timing is not right at this point. If somebody comes in next week and wants to buy the commercial property, there will be nobody happier than K. Hovnanian. So what we have are those two things that are going to move forward. We have the retirement housing which is not going to happen overnight. The work on the next phase of development is over on the other side of Leeland Road. We have the retirement housing that is next to the commuter rail station. A congregate care center active adult living center right next to the commuter rail station that does not make a whole lot of sense. There is a land bay that is shown right here. This is an area, if I do this right now. This is an area that is available for future commuter parking. If the County is interested, it is simply designated as parkland, but it is something that could be utilized for parking. The commuter rail is an interesting issue because as much as this county is committed to commuter rail and as important as Leeland Station is to all of that, there is the problem of expanding these parking lots and actually drawing other commuters from other locations to this areas, which is not something I think that either the developer or the residents of Leeland Station are particularly interested in occurring. As far as we are concerned that is a county issue. Where and whether there needs to be additional commuter parking, K. Hovnanian has and the prior developers of Leeland Station have always cooperated with the County in terms of making space available for temporary parking. They continue to lease at no cost to the County or low cost to the County, there is another land bay right next to that, that could be utilized for that. So that is an issue, I think, that can get worked out if indeed that is where the County wants to go with this. I would point out also that in a prior iteration of this particular application, we had an option for the commuter parking over here and a bridge. Basically we had this set up so there were several options the County could choose one of them being the development of that commuter parking lot and the access across the tracks. The current application as it stands right now is the result of additional discussion with the home district Supervisor and Mr. Hiron. So we may not be there yet, but there has been a lot of flexibility that has been exhibited as to how this can be accomplished. Obviously from the standpoint of the applicant, the marketability of non-age restricted homes is greater than marketability of age restricted homes. So one of the incentives in addition to these proffers that are coming due and have to be dealt with sooner rather than later, one of the incentives of the developer here is to have some additional single-family detached non-age restricted units. And I believe Mike did finally, I know the staff report was not right, but what this does is to cut the overall number of units from 743 to 709, but it increased your single-family detached units by 84 units. That is not a magic number but that is the number that could engineer on the property right now. I think what I want to emphasize is that there are several variables here. There are several moving parts and there are a number of ways that the developer can go on some of these things. We have tried to put together something that we thought we were asked to look at, number one. But we thought worked from the standpoint of addressing the issues that are coming up, the fact that we are not sure that anybody is interested in these three playing fields that we have to start construction on this fall. That I don't think anybody wants to see a building simply put up that there is not a user for in the commercial land bay and that the age restricted units don't really make sense next to the commuter rail station. So we are trying to fix those particular problems. There is also the library site and whether or not... that was something that was promptly conveyed as the proffers called for. It's in a good location; it could be used to enhance the commercial. The library site could make that commercial site more attractive and more marketable because it would allow for more square footage and greater flexibility in how the commercial is built out. So that was another thought that we had in bringing the library site back

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into the commercial bay, that it would actually help with the salability of that property. That is where we stand on this. As I say we are not absolutely wed to anything. We have been through a number of variations of this, iterations of it and I have talked to you about the four moving parts and what's driving this. And where Leeland Station is, why it is, where it is now. If nothing happens then we go for... I think this is what happens, we go forward with the playing fields, there is some kind of commercial structure put there that may or may not be utilized. Some of the retirement housing will go forward, over across the street. I don't think you are going to get a congregate care center next to the commuter rail station. So you lose... you eliminate... you don't have some of the school impact that you are concerned about. The school property incidentally, that was part of the original proffer package. But you eliminate some of that concern, but you don't have a community that really has a completion to it. You don't have the ability to complete the community with the proffers, at least in that land bay where the commuter rail station is right now under the current proffers. And you end up with some things that the County would probably rather have somewhere else or rather have something else. So that is where we stand. Mr. DeMarco is here from K. Hovnanian, our engineer is here. We are happy to answer any questions that you may have.

Mr. Hirons: Mr. Leming, I am going to ask you to go back just a second and elaborate a little bit on something that you said. In particular you were referencing the potential for a walkover from that possible VRE lot. And you said through discussion with the current Supervisor and myself...

Mr. Leming: Yep.

Mr. Hirons: You presented it as it was one of the options. But that was never an option within this current plan. That plan, when we were talking about even the potential for that was significantly different than what is not being presented to us, right?

Mr. Leming: I may have misstated your involvement in it Mr. Hirons. But in our... in an earlier iteration of this proffer package, what we did was to come up with several options that the County could choose from which included the light, playing fields, commuter parking lot with a bridge across.

Mr. Hirons: Okay.

Mr. Leming: And that was the actual first iteration of the proffers. Now we eliminated that collection of options because of the information that was brought to us regarding the turf field and the need for that. In fact in the first version of the redraft of the proffers I kept all that in there and I was told by my client that was way too confusing. Let's just go with the turf field.

Mr. Hirons: Okay.

Mr. Leming: So that was in it originally, when it was first submitted it was there.

Mr. Hirons: Okay. Going back to the question I asked Mike as well, one of the issue is the difference between you are estimating the fields to cost and what the County estimates the fields to cost to install these three fields. Can you describe why your estimation is much lower than what the County's is?

Mr. Leming: Well it is not my estimate, but...

Mr. Hirons: The applicant's.

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Mr. Leming: But keep in mind that if the proffer doesn't get changed, whatever it costs they are going to have to build it. But do you want to talk about the estimates? They have done the work and they are set to go as I understand things. Although David is not personally responsible for that.

David DeMarco: My name is David DeMarco and I am with K. Hovnanian Homes. I don't have any more detail of... but I can get that detail for you. Our development guys have bid out the fields. I don't know what the County... I don't know what size fields...

Mr. Leming: We have not seen those estimates.

Mr. DeMarco: ...the County's estimates are or whether it included irrigation and lights. So I don't know what theirs are but I am happy to share mine. I just don't have it tonight.

Mr. Hirons: Yes I think it is going to be helpful for your guys and the County to get together on those numbers. I know we have been through a couple iterations with this.

Mr. Leming: I think our conversation yesterday was the first we had heard that figure. But you know we do have to build up to the County specs.

Mr. Hirons: Right.

Mr. Leming: Under the proffer.

Mr. Hirons: Right.

Mr. De Marco: Due to the timing restrictions we have actually designed the fields. And they are designed and I believe they are submitted. If they are not they are going to be submitted any day because we have said... I think originally we had to concurrently do both because if we don't do something we are going to have to start those in October. So that is why the plans had to be prepared.

Mr. Boswell: What was the down side of putting three fields here? Was it the location? What is the reason... Mr. Leming you said...

Mr. Leming: Yes.

Mr. Boswell: ... there was no interest in putting these fields here. Obviously it was back in 1995.

Mr. Leming: Well the feedback that we have gotten, again we are sort of in a responsive mode here. The feedback we have gotten is that number one a conclave of three playing fields doesn't do a whole lot for anybody. The location of the playing fields, which goes way back historically in the development is not the best for access and it is not something that County Parks and Recs... I think there are actually some written comments on this that Jeff may be able to assist you with, is not particularly interested in this location or having these playing fields come into the County system. So basically we are in a situation where we have a proffer that required that we do it, but just not a lot of interest in our doing so. So that is why we are reacting in that fact to that.

Mr. Boswell: (Inaudible) fields in the County. Is it the location is that...

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Mr. Harvey: Yes Mr. Boswell. Mr. Leming is correct. In the previous years the Parks and Rec Department had looked at this site and felt that access was a concern and also it is not very well integrated with the overall community. So there is a limited number of people who could walk to the park and there are other physical constraints with the property that if the County had a choice of where we would put it we would probably look at a different location.

Mr. Hirons: Clark, do you have any estimates on... I know we had talked about this probably almost a year ago. You were trying to do some surveys on how many people within Leeland Station currently use the VRE lot and how many people... I think you may have gotten to the point of trying to find out how many people walked to the station.

Mr. Gibbons: (Inaudible).

Mr. Hirons: Is there any numbers, any even guesses that how many people would use the VRE that would come into... that would actually live in these new homes.

Mr. Leming: Do you... I recall the conversation Mr. Hirons, but do you... did you all actually collect some numbers or take some surveys to that effect?

Mr. DeMarco: No I actually think there were some estimates provided, but I am not sure who provided them.

Mr. Gibbons: VRE has that.

Mr. Leming: Was it the HOA?

Mr. Gibbons: No, VRE has that.

Mr. Hirons: This was specifically out of Leeland Station. I don't even know if VRE would...

Mr. Gibbons: Yes they do. They do a survey at every commuter lot.

Mr. Hirons: Frankly some of the feedback from my neighbors is... if you build more lot you just bring in more traffic. People are going to come. But if there is enough people from Leeland Station, that these homes would generate using the VRE, then that is why there is... a lot of folks that don't really want the VRE lot.

Mr. Leming: And I do want to emphasize that the parcel that identified here, this area right here, is probably the most viable for additional VRE parking. The temporary parking lot, you know, I mean it's not like there... as you all know it's not like there is a commercial developer ready to move forward with something so that the County loses its access to that...

Mr. Hirons: On that point Mr. Leming, is it a part of the proffers the lease of that property...

Mr. Leming: No. That is something that K. Hov has done and previous Ted Smart did the same thing.

Mr. Hirons: Right.

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Mr. Leming: That was completely on their own, that is not something that is required.

Mr. Hirons: Is there anything that we could possibly do within the proffer to add that? To add an indefinite lease until the sale of the commercial property or something along those lines?

Mr. Leming: You would not have a problem with that would you? No.

Mr. De Marco: No, that has been our intent Scott, as we have discussed. It is kind of like what is more important. We really would like and I think the County would really like a commercial center there.

Mr. Hirons: What made me, and honestly I just kind of thought of it here. Is the marketability of that property... I don't know how people buy commercial property. I don't know if people go out and drive it and see, oh there is a parking lot there, why would I want to buy that? I don't know. Does that play into that at all?

Mr. DeMarco: I would say not. The people that we... We are not commercial developers either but we have taken it to people that develop commercial centers to try to entice to even do a joint venture.

Mr. Hirons: So that is why I am concerned.

Mr. DeMarco: It is known, people know it is out there. I personally met with the Economic Development people to try to see what users are out there and what type of user may be attracted to this site.

Mr. Hirons: Right.

Mr. DeMarco: But we would certainly... that has been our intent, that is what we said. If it came down reducing it to a proffer we would retain that lease until a commercial user stepped forward and purchased the property.

Mr. Hirons: Okay.

Mr. Gibbons: Mr. Chairman.

Mr. Hirons: Yes Mr. Gibbons.

Mr. Gibbons: Clark I want to give you credit for being a great attorney, but it seems to me this is kind of ironic that within the last month your brought in two applications to remove age restricted. So I know that you are getting along in age yourself, and I don't know if you...

Mr. Leming: I technically did not bring the other one before. That was the Board of Supervisors that brought the other one to you.

Mr. Gibbons: Yes, but at your encouragement is what I was told. Your fingerprints are all over it. So the last two you have taken the age restricted apart and I don't agree with that. And from the beginning I have been a proponent of trying to integrate all types within it. The thing that bothers me is you are coming in and asking for a lot from the County to accommodate and I know the business climate has been rough, but you are grown people. You went out and bought this development and you knew everything that was required from it. I can understand maybe delaying the commercial and I am like Scott, I would

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say maybe a 10 year or 8 year and let the County have 8 years or 7 years of use of the commuter lot until we can find out how to relocate. And the other thing is that there is a difference between age restricted proffers and school generators. And to come up with no proffers for the school for those additional children Clark, it is just hard to swallow. And then you come up with \$250,000 for one field that is going to replace three one acre field lots. I don't know where the rational came from. But my concern is I can't see that the proffers balance here. And the other thing is I don't understand why age restricted... I mean every community needs age restricted people. You have got to integrate everybody.

Mr. Leming: Well there's...

Mr. Gibbons: And if you say it has got to go up on 17 where Del Webb is well that is fine but maybe you could transfer some proffer money up there to help it too. But I am concerned about that every time we come in there we go up almost a 100 children I don't see nothing for the schools except \$250,000 for an artificial turf and I know that is going to be more than that when you get done with the grading and everything. Because we are at a half a million dollars at Smith Lake, both fields up there are over a million dollars.

Mr. Leming: Well you have raised...

Mr. Gibbons: When you put an artificial turf in it is expensive Scott. It is no \$250,000. You put a high school field in with grass and turf and everything that is a million dollars. So I mean Scott, I will just be honest with you, I can't... I can understand delaying the commercial, that happens. And I can understand maybe moving the library, they are getting a choice three acre and putting the library down in the corner. It's almost like you should get air rights and put the library over the rail road track and put the commuter lot on the other side so everybody gains...

Mr. Hirons: Mr. Gibbons, I think we can get there during discussion period. Are there any other questions for the applicant?

Mr. Leming: Was that a question? Did you want me to say anything in response Mr. Gibbons?

Mr. Gibbons: Well I just appreciate your being here.

Mr. Hirons: I did want one last thing. You started your presentation with proffers for this property have been paid.

Mr. Leming: Yes.

Mr. Hirons: But obviously those proffers back in 1995 took into account that the age restriction...

Mr. Leming: Yes.

Mr. Hirons: So what we are talking about here is the mitigation factors are to mitigate the school children that are going to be generated because we are potentially removing the age restriction.

Mr. Leming: Yes. Now mathematically you are correct. The proffers that were calculated in 1995 did include cash proffers for the age restricted units but they would not have included a school component and for part of the... the proffers actually indicate on their face that for the congregate care center there

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were no cash proffers. The duplex... that is where the line was drawn, the duplex units even though they were age restricted, had the proffers, but the congregate care center did not have the proffers. So they were 1995 dollars and 1995 proffer guidelines. But they were paid for all of the units except the congregate care which were the last 70 units, I believe, under the calculations.

Mr. DeMarco: Scott, I would like to address Mr. Gibbon if I may.

Mr. Hiron: Sure.

Mr. DeMarco: Because you bring up a lot of excellent points Sir. I don't want you to think that we don't know what we are doing. We are builders of active adult housing. We have a model and a current section in the community that has active adult housing. We are happy and we went in with the full understanding that we were going to develop that site with more active adult housing. And I am happy to do so, okay. What the genesis of what we did, we said we essentially have two issues here. The market has not been going crazy for the active adult housing in that location. We don't really think it is an appropriate use. So we said what is the opportunity? We know there is a need, and we believe strongly that there is a need for a light at Primmer House Road and Leeland Station Road. So we essentially said hey, we are going to come forward, this is going to be... the goal was a win win. Frankly when we first started this it was we had \$200,000 and we didn't care whether it got used for fields or for schools or for parks. Since then it has gone to \$400,000, now it is at \$500,000. And we still really don't... we are happy to work with the County to best apply that \$500,000. The artificial turf field for the high school was an important use and we felt the light was an important use, okay. But don't get me wrong, we are willing to live with the proffers, we just don't think it is the highest and best use and we don't think it is in everybody's best interest. But we are only here because it should be a win/win. We are happy to let that interim parking continue. If I have a commercial phasing requirement that requires me to start a commercial development, whatever that proffer reads, that interim parking goes away. I don't think that's what everybody wants either. So we are really here to talk about it and to try to work out something that works for both of us. And if not, if that \$500,000 that we have on the table, because that is a lot of money, I know it may not seem like a lot, but it's a lot of money. The fields... that included the \$250,000 for the fields and we believe... I trust my development guys. They develop these fields all the time. These fields are planned and approved and they do... they bid them out and have grading analysis and I will share with the staff. We need to make sure we are comparing apples to apples. But we can go either way, we just thought it was an opportunity to do something that the County would benefit from and we would benefit from. But we are happy to live with the plans that are approved today and the uses that are approved today.

Mr. Gibbons: I want to thank you very much.

Mr. Hiron: Any other questions for the applicant? Not seeing anyone, we can open the public hearing now. This is the opportunity for members of public to come forward and speak on this particular issue. Again this is reclassification, the Leeland Station proffer amendment. As you come forward, please state your name and address, there is a little light system on the podium there, you have three minutes. When you start speaking the green light will come on, yellow light will come on with about a minute left, start wrapping up your comments and when red comes up we ask you to please cease your comments.

Cindy Shelton: Hi I am Cindy Shelton and I represent the commuters. My concern is listening to this proposal, I absolutely love the idea of an active community near Leeland Station because we need an ability to get to Quantico, to the Pentagon and D.C. easily. Right now, as you have already heard, we

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have no parking. The overflow parking lot is even not enough. We have people going from Leeland to Brooke and other places, simply because there is not enough room. I respect the fact that you don't want VRE here, but we as commuters, the people that are actually doing that distance really want to have an ability to be able to park. The idea of going across the road and coming across in the rain, I can't even imagine how you could build something that would make it nice for us. That is my only point. Thank you.

Mr. Hirons: Thank you. Anyone else wishing to speak on this application, please come forward. Again state your name and address at the beginning.

Mike Quick: My name is Mike Quick. I have this page typed up, but probably will just have to hit the important stuff right now. First of all I am not trying to insult anybody, but it is sort of like there is so many overwhelming problems with this amendment. I studied it for hours, believe me. I spent many hours studying it. There is just so much wrong with it. Y'all know a lot of it but the closer you look at it the more you will see. It is bad, very bad. I only have three minutes to talk. I don't want to insult anybody or hurt anybody's feelings okay, but a used car salesman will usually try to find a price to hit you with and once you get that price for a used car then they can negotiate with you. They will tell you I am going to help, I know you don't have good credit, I am going to help you. We will help you out with a loan and all these things, promises. First of all I don't think a light is going to solve the problem, the light... 97 per cent of the time that light is not going to do anything for us. Y'all think it's going to solve the problem with traffic coming from Leeland Station, the train station, but it is not going to solve the problem. If you read the report from the train people, they said people in the parking lot are spending at least 10 minutes to get out of the parking lot already. If you put a light out there they are going to spend at least 30 minutes trying to get out of the parking lot. At least 30 if you put a light at Primmer House and Leeland Road. If you had a Starbuck's on that 3 acres, it is prime real estate. Why would you trade prime real estate on Primmer House Road, close to the train station, trade it for a property on the other side of the track, literally on the wrong side of the train track, almost inaccessible. It does not make any sense. That is only one part of the whole thing. So I am just saying, you find a solution not a light. A light is not going to be a solution. A solution would be if you had a Starbuck's or a little library, people could have a Wi-Fi connection, come early. That is what you want them to do. Come early to go to work and stay a little bit... half an hour. Starbuck's half price latta or whatever they call that fancy drink. Half price coffee a half an hour maybe. You know when a train comes in, whatever time, 5 o'clock till 5:30 you get coffee half price at Starbuck's. Or free coffee if it is a library. Libraries are changing now, its Wi-Fi, it's... I have friends that can't afford to buy DVDs, they can't afford to go on the internet. They could go there and use the service. I don't know how much more time. But a 70 unit building to help senior citizens, it creates jobs and we need jobs. We are talking about 70 units, not 70 houses. They play tricks with numbers. Oh, we are going to build fewer houses, it looks like houses but it's not its units. Beds in a unit... you know a 70 unit building for senior citizens, 48 duplex for senior citizens. Well you need to help senior citizens. We need to create jobs. You know we don't need to help the profit for a builder, they make plenty of profits. Thank you very much.

Mr. Hirons: Thank you. Anybody else wishing to speak on this application?

Ernest Lee: Yes my name is Ernest Lee and I am right behind the area that was going to be the ball field. Although on the chart as it was shown, it shows the ball field, I guess it would be more to the west. It is really back towards Leeland Road a bit, which is fine. But I have two concerns. One, the light, you can have a light if you want. A light is not going to do anything but backup traffic in Leeland Station parking. So, it's really no need for a light. I have lived there 40 years. No need for a light, I go by there all the

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time. As far as using the train station, I recognize what the lady said. Everything that she says is true about the commuters. I use the lot, I also was on the first train and the train business is a business I have been in and hopefully I am getting my chance to retire out of it finally. So with that being said, that's two things that I think are a concern. One, the \$250,000 proffer for a light, put it on the ball fields. You are going to need it on the ball field at Stafford. I am also a sports fan. And the second thing is I am a bit concerned about how this plan is going to affect the drainage. The drainage off of this property and off of Leeland Station goes through my two properties and back on to Sullivan's, which is down the street from me. So all I would ask is whatever you do with your decisions, just keep us informed. And I don't know if it's through another public hearing, usually that is not the way. Usually it's a session you guys do and you do your settlement, but just keep me informed of what is happening with the drainage, that is my only concern. Other than that, I really don't have too much of a problem with the whole amendment to the proffer. Thanks.

Mr. Hiron: Thank you. Anybody else from the public wishing to come forward to speak on this application? Seeing... yes ma'am. Again, please state your name and address at the beginning of your comments.

Marie Tate: My name is Marie Tate. I have used the VRE, I enjoy using the VRE going into Crystal City. Yes it is very crowded. You have to get there early. I still work, I still commute. That is why I was late getting here today. About the senior citizens home, I have looked at the homes that they have built over in Leeland Station and I was considering it myself. My property backs right up against this. My next question is, are these... I didn't catch whether these are to be single-family homes or... I came in a little late because of 95, sorry. Whether these are to be single-family homes or townhomes. Another thing I have is I noticed with the new construction over on the other side of the road. I live right on top of the hill, is my bank in the back of my property going to be chopped off like the house that site by the church? So I was just wondering about how that is going to be all constructed and so forth. But I was interested, and I am still interested because I like the area, in senior homes, single-family or the senior homes for the older folks. Thank you.

Mr. Hiron: Thank you. Anybody else wishing... yes sir. Again, state your name and address at the beginning of your comments.

Rob Hansgen: My name is Rob Hansgen. I just want to reinforce the concept of making sure that there is walkability over the Leeland overpass. I know that was part of the initial proffer. I watch every day as people walk in the dark, they run in the dark and it's a matter of time before somebody gets hit on that road. And you want to make the community walkable, I think that would solve some of the parking issues. The more walkable the community is to walk to the train station, the less parking you will need in the long run. So I just really hope the Commission considers that. Thank you.

Mr. Hiron: Anybody else wishing to address the Commission? Yes sir.

Douglas Richey: How are you doing? Douglas Richey. Thinking about the ball parks that y'all was thinking about bringing in. Have anybody considered the light, time of day, that is going to be on these people's property. Like when the lights... you turn on the lights for the ball park. You know is that going to be a problem to people... like older people that live in that area trying to go to sleep and anything like that? Have anybody really thought about that? Plus my property butts right against it too and I was just wondering how are y'all... are y'all just butting it up to our property or are y'all taking part of our property or what is the whole scheme of, you know, the way y'all are butting up the property. Thank you.

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Mr. Hirons: There were a lot of questions there. We will have the applicant address those. Anyone else want to address... yes sir.

Tony Roberson: Hello, how are you doing? My name is Tony Roberson. Our house... my wife and I house butts up... the back yard is to the track. The left side is actually right there at the bridge. So I live right there at the corner. The first house as you cross over the bridge. My concern is, along with everybody else, the amount of traffic that is going to be coming in. But I think one other issue... is there a way I can get this up on the...

Mr. Harvey: Computer please.

Mr. Hirons: Mike if you want to help him with the pointer.

Mr. Roberson: Okay. Understanding lights being put in at Morton and Leeland Station Road, but also... let's see. My home is actually right here, that is my yard right there. So as the road goes across, this is Riggs Road... what is going to happen with the traffic that comes here with the properties being built. Traffic coming out, what about there? Is traffic going to be backed up there, will there be some type of plat that is going to ease that traffic that is going to be congested there? Also the amount of children that my wife and I watch on a daily basis going over the bridge on bikes, running and playing around. It's going to increase, so are there any type of plans that is going to help ease that pedestrian traffic that is going to be out on that road as well? So that's pretty much what my concerns are.

Mr. Hirons: Thank you.

Mr. Roberson: Thank you.

Mr. Hirons: Anybody else wishing to address the Commission? Seeing no one else coming forward, I will ask the applicant if they would like to address any of the issues. In particular I would like to make sure you answer the young ladies question about single-family or townhomes. I think that is an easy one.

Mr. Leming: Yes.

Mr. Hirons: Lights on ball fields and if you could explain a little bit Clark or David or your engineer on the traffic light situation. The whole transportation situation, particularly the transportation study that was done.

Mr. Leming: Okay, we will cover all of those. These all would be single-family detached homes. There is no lighting required for the playing fields if they go in, which is probably another negative where the fields are concerned because that significantly limits the time that you can use the playing fields particularly in the fall months. I am going to ask Mr. Pyle...

Mr. Hirons: And Clark, that would include... there's nothing that calls for any lights on the fields or any lights in the parking that might (inaudible), right.

Mr. Leming: That's correct, that is absolutely correct.

Mr. Hirons: So essentially...

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Mr. Leming: And no land, no additional necessary that would be taken. There would be buffers that would be... if these constructed the playing fields actually are centered in a much larger area.

Mr. Hirons: That is one of the big negatives for the fields. It does not call for lights, does not call for lights in the parking.

Mr. Leming: No, they would be probably quiet under-utilized fields. I am going to ask Mr. Pyle to address the traffic situation in just a minute. I just... I wanted to talk for just a moment about the units here and be sure everybody understands about the way the calculations have been made here. Under the original proffers, I went back and checked them. All but the 70 congregate care units paid full proffers in 1995, or at least based on 1995 proffer guidelines.

Mr. Gibbons: That is correct.

Mr. Leming: What we are doing therefore, the number of additional units over and above that number, which comes down from 743 to 673. That is the number of units in Leeland Station that have paid proffers. The new total for Leeland Station would be 709, so that's what we are talking... we are talking about the difference. 673 have paid proffers, you may not like what they paid in 1995 but that is what they were assigned to pay in 1995, and they paid them. We are talking about an increase then, that is units that wouldn't have paid proffers previously, that don't have a credit for proffers. We are talking about a difference of 36 units.

Mr. Gibbons: No, no, no, no. You are good with your math. There is a difference of aged housing proffers and then number of school children.

Mr. Leming: No they are not Mr. Gibbons. Under the proffers we paid the full amount for the age restricted units under the 1995 proffers.

Mr. Gibbons: The same as...

Mr. Leming: The same amount.

Mr. Gibbons: ... as single-family?

Mr. Leming: What we did, the consideration... this is what I thought I remembered...

Mr. Gibbons: No, no. I will go back.

Mr. Leming: You can't.

Mr. Gibbons: I will dig it up.

Mr. Leming: The arrangement made back then is there would be no proffers at all in the congregate care units. So the tradeoff for that was there would be full proffers paid on the age restricted units. And that is what the proffers say, the only thing that's offset were the congregate care units, those 70. So back to my math, what that means is there in an increase, or there are 36 essentially un-proffered units. What they are offering is \$500,000, at current proffer guidelines you are getting awfully close to covering the education amount for those units. Not the full proffer amount, but the education amount. So 36 units are what we

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are talking about un-proffered here. I just wanted to be sure that everybody realized that the proffers were paid for the 673 units. And the Zoning Administrator signed off on everything saying yes, those proffers have been met and paid for. All over and done with. Not this Zoning Administrator, the prior one. Now to be sure everybody understands about the traffic, Bill could you talk about the light? The traffic study indicates to us that it would help, that it would help. I understand what people are saying about the commuter parking, the AM/PM peak times and backing up then. But I want Mr. Pyle to address and also the gentleman that raised the issue about the new, the parking... the development in the bay that would be adjacent to the commuter rail station. There is not going to be an increase in units there, it's an actual decrease although they are not age restricted. But I am going to let Bill give you more information on that.

Bill Pyle: Good evening, Bill Pyle with Bowman Consulting. First off, to address the gentleman with the question about the units across from Riggs Road. There were 48 duplex units and 70 congregate care units proposed in that bay. If you want to bring up the computer I will highlight it in blue directly across from Riggs Road, generally in here. Those units are being replaced with 61 single-family units. The traffic generation numbers are not the same for single-family as for the duplex active adult or the congregate care. I don't know what those are off the top of my head but chances are it is either relatively close to or a decrease in overall traffic at that intersection with Riggs Road. I don't have a copy of the traffic report, the traffic impact analysis in front of me. There were definite increases if I remember correctly, in levels of service at the intersections in the general vicinity of the light that was going to be installed here at Primmer House Road and Leeland Road, but I don't have the report in front of me. I believe that's in... staff at least has the report, I don't know if that was in your mail out.

Mr. Leming: Was there one other issue Scott, that you wanted us to...

Mr. Hirons: If you want to address it all, if you can, at all, for the folks who have the adjacent properties and their concerns about drainage and slopes.

Mr. Leming: Can you talk about that Bill?

Mr. Hirons: I know it might be fairly early in the process but I most certainly hope and I know K. Hov has been pretty good with neighbors. I hope throughout the construction process we will keep everyone informed. But if you can address anything now, that would be great.

Mr. Leming: We will be happy to and maybe this will help the Commission. If anybody wants to meet with Mr. DeMarco or Mr. Pyle after the hearing for more information they are happy to do that. Do you want to say anything generally about drainage?

Mr. Pyle: Yes.

Mr. Leming: Or cliffs?

Mr. Pyle: Generally both state requirements and county requirements are such that drainage leaving any of the property being developed here will either be at existing or reduced to below existing levels. So there should be no increase in runoff to any adjoining properties. This is accomplished by stormwater management techniques, either detention ponds, low impact development, bio-retention facilities and things like that. As far as grading cliffs on to adjacent properties, the adjacent properties do not belong to

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the developer. We can't do that, we will not be impacting your properties directly unless you grant an easement for us to do so. Was there anything else? I think that was...

Mr. Hirons: If you could make sure, if anyone asks... If you have any cards with you, if you could...

Mr. Leming: Yeah.

Mr. Hirons: ... make sure (inaudible).

Mr. Leming: After the hearing we would be happy to address any of these questions in more detail. The final point I want to make is, with regard to the money we are not wedded to it going to any particular source.

Mr. Hirons: Right.

Mr. Leming: They have been willing to put a pot out there and...

Mr. Hirons: And the language of the proffers addresses that, correct? If it is not used for what it is being kind of directed towards, the County can still spend it as needs arise.

Mr. Leming: That is absolutely correct. Thank you all.

Mr. Gibbons: Mr. Chairman, if we go out tomorrow night and we see this rainbow, I was kinda hoping there would be a pot or something at the end of the rainbow that would help this application.

Mr. Hirons: Yes, perhaps... and I think we did come up with a few things that both staff and the applicant need to come back with us. I don't remember if you actually provided those immediately, but he parks and rec comments on the fields and the needs of the fields, their comments. I would like to see staff and the applicant get together on cost of the installation of the fields and try to figure out what the delta is, or why there is a delta. I think someone asked for kind of a table or something of proffer changes that have occurred from the original application in 1995 through...

Mr. Leming: Dr. Schwartz asked for that and they are in the package, those proffers.

Mr. Hirons: Okay. I can't read my bottom note so I don't know what the last one was.

Dr. Schwartz: Scott.

Mr. Hirons: We will close the public hearing at this point. Dr. Schwartz.

Dr. Schwartz: Going down this whole thing, the ball fields, there is no parking, there is no lights. Parks and Recs does not want them, they are going to be underused. This is not build it and they will come, type of philosophy. Nobody wants to waste money, it is just a precious resource that whole area being close to the Leeland train station is a very valuable stretch of Stafford County. The library is not really wanted, there is no demand for commercial according to the applicant. On the other side you have got the VRE crunch that is going on and I know the people in Leeland do not want a bigger parking lot, but unfortunately that lot services all of Stafford County, the commuters. By taking people off of 95 it services all the Commonwealth. Everybody benefits by having a larger lot there even if we have to

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increase the platform. VRE has been very successful since 1992 and the days of the steam engine according to Mr. Gibbons. The number of school children are increased and the proffers were adjusted back in 2004. Well a lot of things have gone up in cost since 2004. If you are going to throw another hundred children at us because we are doing away with senior citizen homes, something is going to have to give. Some money is going to have to give here. That traffic light, I live around the corner from there, the only time there is any trouble with traffic there is when the train lets people out at the end of the day. The traffic into that lot, there is no problem. The weekends, there is no problem. There is just four hours out of five days there is a problem, 24/7 there is no problem. There is no need for that traffic light there. It's a waste of money, just like the ball parks are, just like the library is. It is just such a valuable piece of property for the County, the Commonwealth. My opinion is the whole thing needs to be... the whole deal needs to be reshuffled and make it a win/win situation for everybody.

Mr. English: Addressing the traffic light, what about the impact during school time? Because I know that sometimes the busses (inaudible) a lot of traffic during school times. I am like you, during the day there is no traffic. There is not a traffic issue. That would be the only concern that I would have too, it would be during the school hours. I think they have... most of them go right, I don't think any of them go really left.

Dr. Schwartz: It doesn't really back up traffic that much, there aren't that many... since school buses are large vehicles the number of vehicles is not that great. It is when the people getting off of the train are trying to get home is the only time we really have any backup. Like you said if you put a traffic light there all you are going to do is backup traffic into the lot.

Mr. English: You are going to cause more problem than you are good.

Mr. Hirons: (Inaudible) make comments specifically about that light and whether that's needed or not. What it was, the traffic analysis indicated that would improve it, but traffic is pretty bad right there and knowing... living right there especially during school because there are a lot of parents, not only school busses but a lot of parents drive and pick up their kids from the school. Which really does increase traffic and most of the kids to Conway... I am sorry, all of Leeland Station now walk to Conway, so you have a lot of kids out there on the road as well or near the roads, walking to the school. My preference with the lights would actually be to have one that comes out from Walnut Farms... the intersection with Walnut Farms, Leeland Road and the road that services the new area that is currently being built. Which kind of addresses the same issue that the gentleman spoke to of the new bay that is being built and it is right across from Riggs Road. Just my comments (inaudible) I would think that would actually improve traffic, but their traffic analysis says it wouldn't. The light where they are suggesting would improve it more. But that is all for probably discussion down the road and see where this goes. Is there any other particular discussion points? I think we have asked staff and the applicant for some more information. So we are probably at a point where we need to make a motion to defer this. Now for deferral, we had talked about and there has been some discussion, we don't currently have a meeting scheduled for August 14<sup>th</sup>, but we may have another issue that comes up so part of my motion will kind of address that. I am not going to specify a date, but at this point I will turn the gavel over to Mr. English to chair.

Mr. English: Alright.

Mr. Hirons: My motion is to defer this applicant for, I can defer it without specifying a date at this point, correct?

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Ms. McClendon: That is correct. You can defer it to the next meeting.

Mr. Hirons: Okay, so my motion will be to defer RC1300138, Reclassification, Leeland Station proffers amendment to the next meeting of the Stafford County Planning Commission.

Mr. English: Mr. Hirons made a motion. Does anybody second?

Dr. Schwartz: Second.

Mr. English: Seconded by Mr. Schwartz. Any discussion? Anything Mr. Hirons?

Mr. Gibbons: Rysheda, doesn't... would you say the next regular meeting because the other one would be a special meeting.

Mr. Hirons: That is why I said the next meeting.

Mr. English: He did not (inaudible - microphone not on).

Ms. McClendon: That is correct. Basically when the special meeting is scheduled, at that time the topics that are going to be covered will have to be disclosed. So it is fine to say the next meeting now and when that motion is taken for a special meeting to add those topics to the list.

Mr. Hirons: Okay. So remind me if and when we get there.

Mr. English: Any other discussion? Mr. Hirons, any discussion?

Mr. Hirons: No, I think staff and the applicant have their marching orders. I am sure we will be discussing this.

Mr. English: Dr. Schwartz, anything?

Dr. Schwartz: Is it 10 o'clock yet?

Mr. English: Is it 10... call for the questions. All in favor of the motion signify by saying aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. English: Aye. Any opposed? Any abstain? Motion carries.

Mr. Hirons: Thank you.

Mr. Gibbons: Two absent.

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Mr. English: And two absent, yes sir.

Mr. Hirons: Five - nothing with two absent.

DRAFT

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3. RC1300138; Reclassification – Leeland Station Proffer Amendment - A proposal to amend proffered conditions on Assessor's Parcels 46-92B, 46-93 (portion), and 46-93E, zoned PD-1, Planned Development-1, consisting of 131.61 acres. The Property is located on the north side of Primmer House Road, and east and west sides of Leeland Road, within the Falmouth Election District. (Time Limit: October 8, 2013) (History: Deferred on July 10, 2013 to August 14, 2013)

Mr. Harvey: Mr. Chairman, Mike Zuraf will give the case update.

Mr. Rhodes: I think we had a lot of brewers.

Mr. English: Scott's still here, isn't he?

Mr. Gibbons: It could be tasters.

Mr. Rhodes: Where are the samples? Okay, very good. Okay, Mr. Zuraf.

Mr. Zuraf: Okay. This item is a proposal to amend proffered conditions in the Leeland Station subdivision. This property, the area of the amendment, covers 131 acres of Leeland Station development, mainly the undeveloped areas. The Planning Commission held a public hearing on July 10<sup>th</sup> and deferred the request to obtain additional information. I've provided a memo which summarizes some of the requests and additional information that has been submitted by the applicant for this request. The applicant submitted a revised proffer package and, to kind of summarize those changes, the applicant is increasing in proffer 3 the cash contribution that would be offered from \$500,000 to \$700,000. With some of the details, the first payment would increase from \$250,000 to \$400,000 and the second payment increasing from \$250,000 to \$300,000. Within that proffer they would add some language that would clarify that if the funds are not utilized for artificial turf fields or if there are any remaining funds following the installation of a traffic signal, the remaining funds may be used by the County for schools and/or parks and recreation in the vicinity of Leeland Station. On the next proffer... could I have the computer please? So, the next change would remove language that was previously proposed that would have dedicated 3 acres of land to the north of the Leeland Station VRE stop. That area had been designated for this location here. So that's no longer in the proffers. Instead of that, in proffer 8 the applicant is dedicating 3 acres of land to the north side of the existing library site for use as either a County passive park or expansion of the VRE commuter parking lot. That 3 acre area that is being offered in this latest option is right in this location. The 3 acre library site that then would be deleted in these proffers is in this location here. So that would go away and this would be the dedication area.

Mr. Gibbons: Can you go over that one more time?

Mr. Zuraf: Okay. So, basically instead of proffering this 3 acre area for a VRE lot, the applicant would be dedicating this 3 acre area for either a passive park or expansion of the VRE lot.

Mr. Gibbons: And the parcel below it?

Mr. Zuraf: And this parcel below it goes back to the developer.

Mr. Apicella: Mike, is that generally where the paved... not paved... the gravel extension is currently for the VRE station?

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Mr. Zuraf: No it is not. The gravel parking area is in this location, where it's planned for future commercial.

Mr. Apicella: So, if you're riding on the VRE at Leeland Station, how would you get to this new 3 acre site?

Mr. Zuraf: The VRE station is right around here, and also the existing paved parking area is basically this whole location here so they would just have to walk through the parking lot. And it would be an extension of that existing parking lot.

Mr. Apicella: But it would be somewhat more intrusive into the actual development, if I'm seeing this correctly.

Mr. Zuraf: It does get closer to the proposed residential.

Mr. Apicella: Okay. And does staff have a perspective on just this part of the change? Do you think it's viable?

Mr. Zuraf: I mean, it does take away the concerns of getting access and the costs of getting pedestrian access across the rail line which currently is not adequate to handle. And it would be an extension of an existing lot. There would be the potential buffer concerns maybe between the parking lot and these homes here and here. This area here maybe we could retain... it could possibly retain some landscaping but likely some enhanced landscaping might improve the situation that's being offered.

Mr. English: Where's Leeland Road in conjunction to this? That's Leeland?

Mr. Zuraf: Yeah.

Mr. Apicella: And so the south end would be Primmer?

Mr. Zuraf: Yes.

Mr. Hirons: Mike, I'm going to ask you to find one more feature and you may end up having to get (inaudible).

Mr. Rhodes: What other colors do you have?

Mr. Hirons: Does this configuration... I just saw this... the cell tower that's there and there's a facility there and it's fenced around. Does this cause any issue, whether staff or the engineer might think that? I don't know if that came into the thought of this property at all.

Mr. Zuraf: I believe the cell tower is here and I think they've already...

Mr. Hirons: Is it that far up?

Mr. Zuraf: Yes. And I believe they've already kind of built the parking spaces... the existing expansion is already around it.

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Mr. Hirons: It is, but there's also the required facility and it's fenced around. It's kind of right near the edge. Okay.

Mr. Apicella: So, as a person who goes to that station... so I get into the parking lot by Primmer House Road. It already backs up both in the morning just trying to get into the lot from Primmer House Road, but I expect when you exit in the afternoon it's really going to be problematic because people use the Primmer House Road exit as an alternative than going out to Leeland Road. So, you're adding more cars but you're not necessarily adding more ingress and egress. Do you see that as a potential problem? I mean, how many cars currently...

Mr. Hirons: Can I help this question out a little bit? Because this expansion, number one it's not planned by VRE or the County to happen. But it's basically a replacement for that existing gravel. So the egress would come through the commercial, assuming that the commercial is eventually developed straight out to Primmer House Road.

Mr. Apicella: So that secondary exit and entry would still, from your vantage point, exist?

Mr. Zuraf: Assuming the commercial area develops out as shown. Well, the commercial would likely have an access point out to Primmer House and comments we had received from VRE actually, they really prefer to have that second access to Primmer House as opposed to all the traffic going out at one point onto Leeland Road.

Dr. Schwartz: So the applicant is committed to... there's no Highway Corridor where they're committed to have connecting parking lots in this situation, so the applicant is willing to commit on paper that they'll have access through that parking lot on the new commercial site.

Mr. Zuraf: That I would have to defer to them as to whether they... because that's not specifically written into the... Well, there is within the proffers the requirement that they do provide a connection through the commercial site to the current VRE lot. Now, there's nothing in writing saying an entrance has to be out onto Primmer House but I'm assuming that they would want to have that. We may want to have the applicant address that issue.

Dr. Schwartz: Thank you.

Mr. Zuraf: So the...

Mr. Gibbons: Well, Mike, following up on the VRE, in their letter they requested a proffer to expand the platform. Has that been addressed?

Mr. Zuraf: No, no. That was a comment that VRE had made previously and they're just reiterating that desire.

Mr. Gibbons: Well, we didn't hear anything from the applicant, no cheerleader.

Mr. Zuraf: No. That's not something that's been offered up by the applicant.

Mr. Gibbons: Okay.

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Mr. Zuraf: So, also, the other changes, the applicant is adding a proffer to require construction of a 12 inch water main along Primmer House Road and connecting over to a water main that's on Leeland Road. That's something that the Utilities Department has requested and the applicant is conforming with that request by Utilities. And proffer 16, the applicant is proffering to allow the continued use of the temporary VRE parking until 4 months after the date of submission of a final site plan on any portion of the commercial area on this property.

Mr. Gibbons: Legally, can we change that to include that the access would come out of there? That we'd have an access by the commercial that goes into Primmer? Is that where we would include that?

Mr. Zuraf: I think that would be a reasonable request to see if the applicant could proffer to...

Mr. Gibbons: No, I mean, but is that the right where to put it?

Mr. Zuraf: I would say to specify that an entrance to the commercial site go through Primmer House Road... connect directly to Primmer House.

Mr. Apicella: Again, I would also be concerned about the timing of that replacement acreage. Would it be ready to go once the 4 month period had expired? Because, again, we still have a thousand plus vehicles parking in the main lot itself. The Primmer lot is already over capacity, so what happens with the 300 plus folks who park there if they don't have a place to go?

Mr. English: I guess that should be addressed then saying that that has to be ready before.

Mr. Apicella: Well, that's kind of what I'm (inaudible).

Mr. Hirons: Mr. Harvey, do you happen to be able to provide any insight on how long it takes VRE to actually to a ribbon cutting on a parking lot from the time it's suggested or proposed?

Mr. Harvey: I can't give you specifics but, in general terms, it will probably take several months for engineering design and going through the various permitting processes. If there are wetlands involved, it has to involve the Corps of Engineers and a wetlands delineation and confirmation. There may be other permitting processes that could be involved. So, the best case scenario would be that if there ever was contemplating the parking lot onto that property, engineering funds would be used to go ahead and proceed in that manner so it could start once the need arose and the funding was available. It will take several months just physically to build the lot.

Mr. Gibbons: Well, do we know that this property, that acreage, is acceptable for parking? I think it's a good proffer but if it's wetlands, what guarantee do we have?

Mr. Zuraf: In the General Development Plan, no wetlands are identified in that area. It's like generally along a slope. VRE didn't express any concern with that specific site.

Mr. Gibbons: Because they don't make up the difference, the County makes up the difference. So, it's nice to be the king of the railroad and not the kind of the land.

Mr. Zuraf: Okay, on the next page of the summary provided, the Planning Commission had several requests. They requested that the staff and the applicant look to see what the difference is in the playing

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field cost estimates between the County and the applicant. We noted that the applicant's cost estimate for the proffered playing fields to the north of the rail line from the applicant was around \$450,000; the County estimate \$1.3 million. The difference is, the main difference is that I could see from the two different estimates is that the applicant estimate was basically for gravel parking and access way. The County estimate included asphaltting of the surface for the access road and parking area. Also, the transitional buffer and parking lot landscaping requirements were extra estimates that the County included in their estimation, and we had higher numbers for professional services and design work and construction contingencies. And a lot of those numbers were based on percentages of the overall budget, since we included extra aspects of the job; that's why the overall estimation ended up being higher. So, you have the two estimates; you received those. And also, staff will note that the applicant has submitted a separate site plan to the County for the playing fields that are required under the current proffers. So we included that in your package to see where the location of those playing fields would be and access and parking that was proposed under the site plan that they submitted to the County.

Mr. Apicella: Mike, so if I'm to understand what you've just put in front in us, or discussed, the original proffer was to provide us 3 I'll call it turnkey playing fields with parking lot with landscaping, etcetera, etcetera. And if we were to do this on our own, the delta between the applicant's estimate and our estimate is about a little over \$800,000 if we were to do this somewhere else?

Mr. Zuraf: Right. Well, that would be if it was done here...

Mr. Apicella: Here.

Mr. Zuraf: ... by the County.

Mr. Apicella: Right. But presumably if we were to acquire land somewhere else, it would cost us \$1.3 million versus \$450,000.

Mr. Zuraf: That's if the County also had the land. It does not include acquiring land either.

Mr. Apicella: So, as an alternative, has the applicant thought about finding us 3 playing fields somewhere else and giving us those playing fields turnkey?

Mr. Zuraf: That's not something that's being offered, but I don't know if they've thought about that.

Mr. Apicella: Okay, thanks.

Mr. Hirons: Mike, one of the biggest differences in cost, I think, between the County and the applicant is asphalt parking lot. I think we're going to hear from the applicant they have some sort of documentation, letters, that basically say a gravel lot is okay, an asphalt wasn't ever required. I don't mean to say this to necessarily let them off the hook but, if the County said we're okay with a gravel lot, we're okay with a gravel lot. Do you know anything...? Can you expand on that at all?

Mr. Zuraf: I have a memo that I might...

Mr. Hirons: Maybe we'll wait and see what the applicant has?

Mr. Zuraf: Yes.

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Mr. Hirons: And also, did we have any design specifications for the fields?

Mr. Zuraf: There was some, through the applicant talking to Parks and Rec, they did receive and provide some design specifications for those fields.

Mr. Hirons: And both the County's estimate and their design and estimate fit those needs that the Park Director requested?

Mr. Zuraf: I believe so.

Mr. Hirons: Thank you.

Mr. Zuraf: And then also we did provide a summary of the previous changes that occurred to the proffers and back in 2004 there was a proffer amendment. So I provided the summary of what changed back in the 2004 amendment; that was one of the requests. Also, staff did reach out to the libraries, the Central Rappahannock Regional Library, and spoke to the Executive Director, Donna Cote, and she had no opposition to the proposal that's being made to remove the 3-acre future library site. She noted that they have no plans to construct a library in this area of the County. And, as mentioned, you did receive, you should have tonight in front of you, comments from VRE on the follow-up changes. They did note the desire to maintain, as mentioned, a secondary access through to Primmer House Road from the existing parking lot or any expansion of the parking lot that might occur. They mentioned that they appreciate the new proffer to extend the use of the existing gravel temporary parking area and they reiterated a previous comment that they would like a full length fence across the railway right-of-way to prevent people from cutting across the tracks to get to the VRE station. Those are the summary of their comments.

Mr. Gibbons: But the one I had had the platform in it.

Mr. Zuraf: And that too. Yes, the request to...

Mr. Gibbons: That's very important.

Mr. Zuraf: ... expand the platform.

Mr. Gibbons: The problem being, when we expand it, you cannot unload the train in an orderly manner when you get that number of people. So, that's important for them to get that platform.

Mr. Apicella: Mr. Chairman.

Mr. Rhodes: Yes, please.

Mr. Apicella: I'm looking at the first page of our package and I didn't hear, and I apologize if I missed it, the swapping of the library site for a County passive park or expansion of the VRE commuter parking lot. So, is that... would that be an additional 3 acres besides the 3 acres that are being moved?

Mr. Zuraf: No, it's just a swap of the 3-acre site.

Mr. Rhodes: That was the scribbling from the top to the middle.

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Mr. Zuraf: So the library site here that currently is owned by the County goes back to the developer, and this 3-acre site goes to the County.

Mr. Apicella: So they're one and the same. So there wasn't a separate proffer for a 3-acre VRE lot...

Mr. Zuraf: That was the previous proposal would have offered up a 3-acre site up here. And that is going away up here.

Mr. Gibbons: So we lost 3 acres.

Mr. Apicella: Right. And so the current alternative lot... what's the size of that lot? The one that's scabbled at the moment.

Mr. Zuraf: I'm not certain what the size of that is.

Mr. Apicella: I'm just trying to understand. Do we need 3 acres? Do we need 2 acres? My concern is, the specificity that the proffer says, either a County passive park or an expansion of the VRE commuter parking lot... why not provide the County some flexibility to use the 3-acre parcel as it best deems appropriate, including a passive park and/or VRE lot, or any other public purpose the County deems appropriate.

Mr. Zuraf: You may want to put that request to the applicant. They may be okay with adding an and/or in between.

Mr. Apicella: Okay.

Mr. Gibbons: Mr. Chairman, can I follow-up?

Mr. Rhodes: Yes, please Mr. Gibbons.

Mr. Gibbons: I'm confused on numbers here. The way it is now, you've got 3 acres for the library site, correct?

Mr. Zuraf: Yes.

Mr. Gibbons: We've got 3 acres for the library site currently. We've got 3 acres for the VRE parking lot currently. Right? But we end up with only 3 acres for the expansion of the VRE lot.

Mr. Rhodes: In this version, yes.

Mr. Apicella: Yeah. That's what I was trying to get to. So now we lose something and we're not gaining something. Is that kind of what you're saying?

Mr. Rhodes: Yes.

Mr. Gibbons: Well, my math is wrong I guess, but...

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Mr. Rhodes: Well, one is one set of options that would have given the 2 lots, the other one is giving 1. You're exactly right. That is correct on the way it's currently structured. Other questions?

Mr. Zuraf: Any questions?

Mr. Rhodes: Other questions for staff before we have the applicant come forward? Okay, thank you Mike. Applicant please?

Clark Leming: Good evening Mr. Chairman, members of the Planning Commission, I'm Clark Leming. I'm here on behalf of the applicant. Let me answer some of the easy questions first, at least those that I consider to be easy. We're happy to amend the proffer to indicate that there would be access through the commercial portion of the lot of the property to Primmer House for both access for the commercial and commuter parking. There is a proffer that comes fairly close to this. Now, when the commercial site was first developed, it was anticipated there would be no curb cuts on Leeland and that access would be obtained through the commuter rail parking facility to what we called then the Morton Road alignment, which is now Primmer House Road. So, no problem with that. As far as other uses that the County could make of the 3-acre site, I'm not sure that the developer is willing to just say anything the County wants to do. But if there are other specific things that you would like to add to this litany, we don't have any problem with that. I think our concerns is going to be next to what hopefully is going to be viable commercial at some point and also a residential land bay. The purpose of the library swap, and that's the easiest way to conceptualize this... when this was originally rezoned in 1995, there was some real consideration to there being another library site in this part of the County. And so this site was dedicated for the library, where that has not materialized. And the idea with the library is clear from the GDP here with that 3-acre site is to add that to the commercial bay. That's viable commercial property. So, at such time as the commercial develops, our thought was that that best fit with that and the 3-acre site to the rear of that is the swamp that's closer to the commuter parking. What you have right now, the interim parking is on the existing commercial site and comprises of... 180 spaces approximately? About 180 spaces which we estimate to be... it's not the entire commercial site, it's about 2 acres that taking up that. And, of course, we've heard things... we got lots of feedback about the commuter parking. Don't give us any more commuter parking. Give us more commuter parking. We don't want it on the other side of the tracks. So, trying to pull all these things together, we came up with this parcel which is collocated with the existing commuter rail parking, and is viable for commuter. Of course, it would take pretty bad land that could not be used for parking and this is certainly viable for parking, as Mr. Zuraf indicated there are no wetlands or particular impediments here for the parking. I think in terms of the transition, what we have done here since 2006, the landowner, both the present developer and the prior developer, have leased to the County for no cost this approximately 2-acre interim parking location on the present commercial site, the one that is graveled. And that's been done year after year after year after year. And we estimate the value of that, there's no charge to the County, but the value of that is about \$75,000 a year. Now, what the proffer now says is that that interim use would continue. There would not be the need to go through the lease provisions every year again, but would continue in such time that the commercial is ready to go. And specifically, the trigger that we established was 4 months after the date of submission of a final site plan for any portion of the commercial development. So, when the commercial is ready to go, there would be a plan submitted; 4 months after that the interim parking arrangement would be terminated. I think that Mr. Harvey probably had the best idea; that is, with regard to the transition to the new area, simply get the engineering done up front so that when that time comes... and it's a good thing that the commercial eventually comes here... when that time comes the transition doesn't take a significant amount of time. We thought that the 4-month period was a reasonable time (inaudible).

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Mr. Gibbons: Would you be willing to modify that?

Mr. Leming: To what?

Mr. Gibbons: I think 4 months is awful aggressive.

Mr. Leming: What would you suggest?

Mr. Gibbons: Well, I mean, the last ones we built takes 10 or 12 months. If we do the engineering ahead of time then I would say 10 months.

Mr. Leming: How do you feel about that?

David DeMarco: David DeMarco with K. Hovnanian. That's a considerable amount of time, 10 months. I mean, I understand the issue and there may be... maybe the submittal of our plan isn't the right starting trigger. Maybe we could give notice and it could be maybe 8 months from the time we give you notice. All we were trying to say is, when there's a commercial user ready to build here then we're going to submit a plan. And we figured 4 months would be about as long as we could keep them waiting before they wanted to start construction of the building.

Mr. Leming: Now, the advantage of the way it's set up right now is that there's got to be a real plan going forward, so that you actually have something submitted and you know that a commercial user is coming. What David is suggesting is that out in front of that, at some point, we would just say here's your 8 month notice and then that's the end of it.

Mr. Gibbons: Well, what about 8 months? I mean, we've got to come up...

Mr. DeMarco: That's what I'm suggesting.

Mr. Leming: He's happy to give you 8 months but it would not be tied to the submission of a site plan, which is what it is now.

Mr. Gibbons: It would be a notification that you are coming in with a plan, it doesn't mean the date of the plan, but the notice.

Mr. DeMarco: Right.

Mr. Leming: That's right.

Mr. Gibbons: Then I think that in exchange for that, I can only speak for myself, I would say that engineering should be done on that property as soon as we can get VRE to do it... get it ready.

Dr. Schwartz: With this rezoning request, we have the right to build that parking lot well before you start your commercial development on the corner. So, if we kick the can down the road far enough, we'd only have ourselves to blame.

Mr. Leming: So, is your preference for the 8 month notice?

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Mr. Rhodes: Is there a reaction to that? Members of the Planning Commission? To just a general 8 month notice versus 4 months from site plan?

Mr. Hirons: My only concern with that is it could be just that, a general notice and then the plans fall through and we either commit the County and/or the State and VRE to expanding this parking before we're ready. And then we expand... one of the things I want to avoid is expanding that parking lot onto that new space and still having that gravel lot, and then taking that gravel lot away. Because that's going to cause problems, kind of what Mr. Apicella had deluded to earlier is you're going to have 300 people... oh, I'm sorry... 180 people parking and then the next day, those 180 people aren't going to have a place to park. Ideally, and this is rolling dice any way we play this, ideally the new lot will come online pretty much as the commercial is coming off. So, I'm really concerned about that 8 month because it is an 8 month notice of, yeah, I might have someone buying the property and building there, and then 2 months down the road as we ask VRE, hey, start paving this thing and building this parking lot, David comes to us and says, oh, yeah, those plans fell through, you can continue using the lot until my next opportunity comes up.

Mr. DeMarco: Perhaps... because I think that's a valid point... perhaps the solution is just changing the 4 month date to 6 months.

Mr. Leming: With the way it's situated right now, 6 months (inaudible).

Mr. DeMarco: And then at least you know from the time somebody submits plans, which is going to be an indicator.

Mr. English: I think we need to come up with a solution that we don't have an issue at all with that. I mean, because if you do that, like he said, if you come up with an 8 month and something happens or doesn't happen, you get this lot and then if something falls through, I think we need to have something in place right now that the lot's there and that's it and you don't have no 8 month in anything. Try to inconvenience anybody because it looks like this could be a big mess if we look into it like that. I mean, I think we should work it out differently; I don't think it should be any 8 month or 4 month or anything at all with that. I think the lot should be there, and it's there, and the commercial lot's there, when you need to build it's there to build.

Mr. Hirons: If that's the case, we'll terminate the lease and not let VRE riders park in that gravel lot as soon as the hardtop comes online.

Mr. DeMarco: I think what I'm hearing and what I would like to see just as a part of the community here, the parking lot that's being used now is an interim parking lot only. So this solution, if it's going to get solved, has to come sooner rather than later. If the worst thing that happens is you start and you have the interim parking continuing with the completed parking lot, I don't know that that's the end of the world. That's not the worst thing that I think could happen. So, I'm willing to give as much flexibility as possible, but I think we all don't want to restrict this site from developing as a viable commercial center.

Mr. Rhodes: So, for the flexibility, there was the offer there of proffer 16 modifying to 6 months after the date of submission of a site plan?

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Mr. Apicella: Mr. Chairman, before we go there I have a question about the paving of that 3 acre lot. Does VRE have the money to do it? Can they snap their fingers after (inaudible) and start paving? What's the timeframe that it's going to take for VRE to come up with the money and do the job?

Mr. Gibbons: Well, it's a Capital Improvement Program just like we do in Stafford. So, it's going to take like 18 months to 2 years down the road. So, if we can get the engineering done now, you're still going to need 8 to 10 months.

Mr. Apicella: But we still have this problem. With all due respect to the applicant, if you found a commercial tenant, 6 months from now we'd be outside that window and we wouldn't have a lot for the 180 people. Again, I'm not saying you're going to do that but that puts some risk on the County and certainly on the people who are riders who depend on that extra lot... which we appreciate your providing. So, I don't know what the solution is; my concern is funding is always an issue. It may not be VRE's highest priority to pave that lot on the timeframe that we want them to.

Mr. Leming: Based on the demand for the commercial portion of the property to date, that's probably the most unlikely scenario.

Mr. Apicella: I understand.

Mr. Rhodes: And there's a bit of work on this spot; I think it's about a 20 foot slope across there that you've got to fill in and a good bit of stuff needs to be done.

Mr. Hirons: I think it's on the burden of the County to apply pressure and make the request to VRE that this is an issue. I mean, really, it's VRE's lack of vision because to not already be thinking and addressing it because this gravel lot has always been temporary. And, if I'm not mistaken, it was actually the previous developer who came to the County and offered it to the County; the County didn't ask for it up front.

Mr. Leming: Or using it informally anyway.

Mr. Hirons: Yeah, that's going to happen until you put a fence up, which is going to cause a whole other challenge when you get commercial. But we don't need to really go there, that's your problem.

Mr. DeMarco: And Scott, the only other thing I'd like to clear up is this proffer will have to be worded... you'll have to come up with language, because there is a lease. I think the lease goes to December. But what we're saying is the term of the lease will be modified.

Mr. Hirons: Right.

Mr. DeMarco: There's indemnification, there's maintenance, there's other components that I don't know that we can all address in the proffers. But I want to make sure that everybody knows... all those same agreements that are in place in the lease will just continue to roll over.

Mr. Hirons: And the lease is essentially indefinite until 6 months out from, or 6 months after you receive.

Mr. DeMarco: We'll essentially redo the lease and make the language mirror the proffer. I think that's probably the best way to handle it.

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Mr. Hirons: My preference would be the 6 month timeframe.

Mr. Gibbons: From the date of the filing?

Mr. Leming: From the date of the...

Mr. Rhodes: Of the final site plan.

Mr. Leming: ... of the final site plan?

Mr. Gibbons: That's better than 4.

Mr. DeMarco: And we'll certainly keep you guys... we're working with your Economic Development people too. If something's happening, you guys will know sooner rather than later.

Mr. Hirons: And make sure those folks are in contact with VRE as well.

Mr. DeMarco: Okay.

Mr. Hirons: Maybe they can get gears in motion.

Mr. Leming: Okay. Now, with regard to the soccer fields, the letter that Mr. Hirons was referring to is a April 9, 2007 letter from the Director of Parks and Recs following a proffer interpretation that we went through, an exercise we went through with the Zoning Administrator. The original proffer simply said there were going to be 3 1-acre playing fields and the issue became current to County standards and where they were going to be located. So the ruling of the Zoning Administrator was that indeed there would be 3 1-acre fields and it was designated where they would be. And we had offered up a couple of plans for those playing fields, as far as the location of them and the actual size of them and access to them. And the County elected what is referred to in the letter as Option B, Plan B... optional Plan B. And so that is what the design follows and that is what the County is reviewing now. The one that Mike showed you earlier is the actual design of that Option B. From the standpoint of the applicant, it's not our intent to shortchange anyone. But, from the standpoint of the economics of this development, we're not in the position to go out and buy other land and buy playing fields somewhere else. The best option for us is to build the playing fields where they've been designated and where we have the ability to build them and where there's already a budget for them. So, what we have done is to essentially say we've spent about \$50,000 on them so far on the design and engineering. What we've done is to say, this is our budget, this is what it's going to cost to complete these fields as they've been designated by the County, and we're happy for you to have that money and we don't build the fields. So that's what the proffers call for at this point. Now, the difference...

Mr. Apicella: I'm just curious whether, from the County's perspective, at least counsel's perspective, whether the Director of Parks and Rec would make that determination about whether it's a gravel road or a gravel parking lot versus some other standard.

Mr. Leming: He didn't. The Zoning Administrator did.

Mr. Apicella: I didn't hear that in...

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Mr. Leming: This was a proffer determination that was made by the Zoning Administrator. We offered the Zoning Administrator two options; she permitted... this was Rachel Hudson at the time... permitted Parks and Rec to choose which option that they wished to go with. So the letter is the one that elects the option and gives the specifications for the fields which was the delegation of the Zoning Administrator had given to the department.

Mr. Apicella: But where does it say a gravel parking lot?

Mr. Leming: On the letter from the Zoning... or from the Director of Parks and Recs talks about, it is the expectation of the department that the access road and parking lot area feature 6 feet of compacted 21A stone and gravel.

Mr. Apicella: Okay. I didn't hear you say that so I appreciate it.

Mr. Leming: Okay. So, that's the posture that we're in. We have the ability... I think everybody agrees this is not a great place to build them, but we're not in position to incur the additional cost of doing something at another location and make this whole thing work. So, I think that those... now, if you want to know what the other differences are, there are some... it may be worth it, and Mr. Pyle can go through this in detail, but let me start and we'll see how far you're interested in getting into this.

Mr. Gibbons: Could I get in a general question before you get into detail?

Mr. Leming: Sure.

Mr. Gibbons: Okay. The rationale of going from 6 acres to 3 acres... what's the rationale on that?

Mr. Leming: Well, we were okay giving the... there was not much interest in this land on the other side of the tracks for any purpose. You don't want the playing fields there. In previous iterations, this land has been offered up to the County on the side of the tracks for commuter parking, for playing fields, the issue has always been access. So, that's why it has been deleted because there has been no interest in the land that's on the north side of the tracks.

Mr. Rhodes: So, you're giving money instead of the land.

Mr. Leming: Yeah.

Mr. Rhodes: Money to develop instead of the land.

Mr. Leming: That's right. And we would put the soccer fields there but we're giving you the money instead of putting the soccer fields there. So that's the quid pro quo (inaudible).

Mr. Gibbons: And my last question is, before you get into the other detail, what about the request from VRE about the expansion of the loading area?

Mr. Rhodes: Platform.

Mr. Leming: If the question is are we willing to do this, no. We're not in the position to add to that. We put our best offer on the table.

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Mr. Gibbons: But, I mean, you answered it. You're saying no.

Mr. Leming: No. We can't afford that.

Mr. Gibbons: Okay.

Mr. Apicella: I'm sorry; I apologize for my confusion. The proffer package prior to this one in front of us included a VRE lot somewhere?

Mr. Leming: The original proffer...

Mr. Gibbons: It's on the other side of the track.

Mr. Apicella: So, were there two 3-acre parcels and the soccer fields?

Mr. Hirons: No.

Mr. Leming: No.

Mr. Hirons: But also don't get confused between the existing proffer and the proposed proffers from the last one.

Mr. Leming: Right.

Mr. Hirons: The last meeting the proposed proffer had that 3 acres which was the library site over on the north side of the tracks.

Mr. Apicella: Which is becoming a VRE lot.

Mr. Hirons: Right.

Mr. Apicella: Okay.

Mr. Hirons: Or whatever the County wants to use it for.

Mr. Apicella: Gotcha.

Mr. Hirons: And then now, because of the problems of having a parking lot on the opposite side of the tracks, they're bringing it back to, you know, they found 3 acres on the other side.

Mr. Apicella: Got it. Thanks.

Mr. Gibbons: Wait a minute... I want to go back to one more statement. Follow me now. The package has 6 acres to the County.

Mr. Hirons: The additional 3 acres that you're missing...

Mr. Rhodes: Three acres for the library site.

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Mr. Hiron: ... were the soccer fields. There's 3 acres soccer fields, 3 acres library in the existing proffers now.

Mr. Gibbons: Right.

Mr. Hiron: And what they're proposing is the 3 acres of soccer field - cash proffers. Three acres for the library site - the VRE lot.

Mr. Gibbons: Well, if you take 3 acres and you multiply it by the valuation, it doesn't come out even.

Mr. Hiron: Yeah, I mean, that's why they're still in front of us.

Mr. Gibbons: Okay, thank you.

Mr. Hiron: That was kind of the general reason for deferment last time.

Mr. Leming: The difference in the estimates, and I'm going to give you the broad numbers here then depending on how much detail you want to get into, Mr. Pyle can get into more detail. There are two major areas where the differential is account for. And this is for informational purposes only. The point here is that we can build the playing fields for \$450,000. But, to help understand what the difference is, there is the gravel issue - gravel versus asphalt. Irrigation and landscaping is a big part of the County's budget. In fact, the irrigation is probably the most significant thing. The fields that we put in will not be irrigated. The rest of it has to do with... now that alone, just those construction costs, amount to over \$500,000 of the differential. Beyond that, there are significant differences in overhead, management, design. We have our own manager. We have our own contractors. The County has an enormous contingency that is built in that we don't have. Insurance, contractors, bonds, in all of those areas, the County figures exceed ours by about \$340,000. So, those are what accounts for the difference; the \$800 plus differential between these two. The actual construction costs over \$500,000 - that's asphalt, irrigation, landscaping - and then the actual way that the contract is managed and the difference between the way the County would manage something like this, including acquisition of the land, and the way the applicant would actually put these playing fields in. Now, if you want more detail, Mr. Pyle has all of these things broken down line item by line item. So you can see what our budget is and you can see what the County's budget is. That's at your pleasure if you would like to get into that. I think the differences between this and the last time we were here are that we have increased the actual dollars that are coming here. Last time through, if you added up what we thought the playing fields were going to cost plus what we had added to the package, we were at a total of \$500,000 cash, we're now at a total of \$700,000 cash. That's \$400,000 for the playing fields and an additional \$300,000 cash. We've also added the extension of the commuter parking lot. The water main connection is not something that is a regional connection. The cost of that is about \$160,000. So, between all of these things... and, of course, we don't know how long the actual commuter parking lease, the extension, is going to extend to. Based on what has occurred to date, we think the value of that has been about \$600-700,000. It all depends on how far it goes. So, that's where we are in our proffer package. All of those changes have been made. The things that I've heard tonight and the notations that I've made and actually penciled in some changes have to do with the access to Primmer House Road from the new 3-acre lot plus the old commuter parking lot, that plus the 6 months rather than the 4 months from the date that a final site plan has been filed to give the County the notice that would constitute the notice for the termination of the interim parking arrangement. (Inaudible.)

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

Mr. Apicella: The other items that VRE asked for, would you be willing to add those as well? I think there was some additional, I wasn't sure if it was an easement or actual property for an extension of the platform?

Mr. Gibbons: He said no.

Mr. Leming: Am I correct? Yeah, we thought we were talking about your extending the platform.

Mr. DeMarco: I'd have to reread the comment, but I thought what they were saying was if you did provide additional parking over what was there today, including the interim parking that is temporary, if you did more parking than that then the platform would need to be expanded. I mean, I may not be remembering it correctly, but I didn't think the platform needed to be expanded today. But we couldn't do that anyhow... that's a very expensive (inaudible).

Mr. Apicella: Were they asking for the applicant to extend the platform or just the property to do it?

Mr. Rhodes: A proffer contribution from the Leeland Station developer as a local match to construct a 400 foot extension of the existing station platform.

Mr. Leming: That's what I (inaudible); we're talking about actual construction.

Mr. Hirons: But to Mr. Apicella's point, who owns the land on either side of the platform? So, CSX? They already...?

Mr. Leming: Yeah, I think they already have the land.

Mr. DeMarco: Maybe I'm reading... the way it reads is it says the current platform is at capacity.

Mr. Hirons: That gets to my point of... I hate to say this, it's not probably publicly favorable... but we don't really want more parking there because of the level of usage and the amount of traffic that it's just going to bring to that area. So, that's kind of how, when I initially read it as well, if you bring more parking, expand this thing. Or don't bring more parking.

Mr. Apicella: Mike, were there any other requests from VRE that had not yet been accommodated?

Mr. Zuraf: There was that one comment about requesting a fence along the right-of-way.

Mr. Apicella: So, would the applicant be willing to provide that?

Mr. DeMarco: I haven't seen that letter. I don't know... I can't imagine how much foot traffic is trying to cross that railroad track. I just don't know what's over there. But we haven't had a chance to review that. I'd have to take it under advisement. I don't know that it's our responsibility if they need a fence along the track. I just don't want to set a bad precedent nor do I have an idea what it might cost or the accessibility of it. So, I'm not prepared to answer that.

Mr. Apicella: Okay.

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Mr. DeMarco: If we did do it, what we are prepared to do is provide \$300,000 in cash and \$400,000 additional dollars, giving you cash in lieu of building the ball fields. So, whatever comes out of that \$700,000, you know, we're willing to let it be divided up at your leisure.

Mr. Apicella: Well, the VRE is larger than just Stafford County, so whatever impacts there are extends beyond I think our locality. The other issue that I mentioned was the flexibility of the dedication of the library site. What do you define as a County passive park? What is that?

Mr. Leming: Well, I think it doesn't mean playing fields, it means something less active than that. So I think what we're talking about is a meeting area, picnic facilities, walking trails, or passive activity. Now, if there are specific other public uses that you have in mind, we're perfectly willing to consider those. I think that Mr. DeMarco is reluctant to simply open it up and say any public purpose.

Mr. Apicella: Well, does the County have a definition of a passive park so that we're on the same page?

Mr. Harvey: I don't believe we do have a definition of passive park at this point in time. I can verify that in a minute.

Mr. Leming: You would know better than I, Jeff, but I thought you did.

Mr. Apicella: Why not just park, County park, exclusive of playing fields?

Mr. Leming: Yeah. I don't that would be a problem.

Mr. DeMarco: That's fine.

Mr. Rhodes: Okay, thank you.

Mr. Hirons: Mr. Chairman?

Mr. Rhodes: Mr. Apicella... I mean Hirons.

Mr. Hirons: Are there uses that you would want to exclude? A public use. Rather than saying what we can, can you say what we can't.

Mr. Leming: Yeah, we could look at it. That was certainly active playing fields, anything that is lighted. This is going to be next to a residential area. Anything that would tend to create substantial noise. Paintball. I mean, there are some uses out there that probably the County would never consider that we wouldn't want there, that's why we were approaching it from our standpoint?

Mr. Hirons: How about a waste energy facility? Wouldn't that be great.

Mr. Gibbons: Would the same rules apply to your parcel that you're taking back down by the commercial? Would you buffer from the apartments?

Mr. Leming: Yes, because that's going to be commercial next to residential. Can you address what's kind of going to be expected between the commercial land bay and the residential here?

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Mr. DeMarco: I can tell you we would fence those rear yards.

Mr. Gibbons: What's that?

Mr. DeMarco: We would put a fence around the rear yards of those lots that back up to the commercial.

Mr. Gibbons: A little bit more than that. You've got to make sure your light shed and view shed... so you're saying that the parcel, our parcel, you're concerned about lights in the neighborhood but then your parcel... different rules?

Mr. DeMarco: No different rules.

Mr. Gibbons: Okay.

Mr. DeMarco: I mean, we're happy for both. We would have to come back to you with our plans for the commercial and they'd go through your review. And if you wanted to incorporate language, because we're really not trying to restrict... it's just the unknown that I'm trying to protect against. If you want to say, you know... we're open for any reasonable passive use that isn't going to be a disturbance...

Mr. Hirons: Oh, you mean for the parks?

Mr. DeMarco: Yeah. We're open to anything, just subject to our reasonable review and discussion.

Mr. Harvey: Mr. Chairman?

Mr. Rhodes: Yes, please.

Mr. Harvey: The Code does not define passive park, but it does define passive recreation. They are: recreational uses, areas, or activities oriented to non-competitive activities which require no special equipment. Examples of passive recreation uses are natural and/or scenic areas for hiking, sitting, walking, bicycling, equestrian activities, bird watching, and picnics.

Mr. Leming: So how about if we said passive recreation? Would that work?

Mr. Apicella: That works for me.

Mr. Gibbons: Mr. Chairman, can I ask the representative from that area?

Mr. Rhodes: Yes, please.

Mr. Gibbons: Do you feel that you have like a best you can do right now?

Mr. Hirons: Yeah, and this has gone through... we have held a couple meetings, community meetings, and in general there's general support for the project. Or I should say there's no real outcry of significant opposition. There are certainly some concerns but, in general, I think it's fairly favorable. Most people would prefer to move forward here rather than what the existing proffers say, because it doesn't give anyone really anything. And Clark, the one thing I am going to ask for also is to proffer out a gas station. I believe the proper term is gas station.

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Mr. Leming: Okay, sure.

Mr. Hirons: And any of the commercial within the project.

Mr. Leming: Okay. Under the commercial proffer...

Mr. Hirons: That was one thing we heard from the community meetings is they don't... someone brought up, oh, they could put a Wawa there and most people were not too excited about that.

Mr. Leming: So we will proffer out, and I would do this I think in the general section, 9.a., and Mr. Harvey, what I would proffer out would be fuel sales.

Mr. Harvey: Vehicle fuel sales, yes.

Mr. Rhodes: Where would you make the modification on the access to Primmer House Road?

Mr. Leming: I was going to do that, Mr. Rhodes, at 9.c. and what I was proposing to say there, it already says, any proposed pad site shall utilize an internal traffic flow system. There shall be no curb cuts onto Leeland Road, and I went on to say, I struck some of that, and access shall be obtained through the Morton Road alignment to include the commercial lot access. And I'll be more specific than that; I will say, described at Proffer 8 above.

Mr. Rhodes: Okay. Alright. Very good. Any other questions for the applicant or for staff? Mr. Hirons?

Mr. Hirons: No, I don't have any further questions. Mr. Leming, I know you're making some edits so what's the best (inaudible)?

Mr. Rhodes: Well, we would need to have it in writing, the modified language if we were ready to go forward.

Mr. Gibbons: Why don't we defer it and discuss the next item and then come back to it?

Mr. Rhodes: Yep, we can certainly do that.

Mr. Leming: I think the next item is mine too (inaudible).

Mr. Rhodes: Yeah, it is. You're just going to have to write one way or another.

Mr. Gibbons: I think we can take care of that real quick.

Mr. Leming: I've written some things down. Why don't I let Mr. DeMarco look at these; I'll point them out to him quickly here and then we can go onto the next item or come back to this.

Mr. Gibbons: It's going to be quick on the next item.

Mr. Rhodes: How about we defer this for a moment; set it aside and move onto the next item. Is there a motion to do that? To come back to this and move on to item number 4? Is that acceptable?

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Ms. McClendon: That's acceptable; you don't need a motion.

Mr. Rhodes: Motion?

Mr. Hiron: You just said we don't need a motion?

Mr. Rhodes: Oh, okay. Well let's go on. We'll move onto item number 4, Mr. Harvey, and we'll come back and close out 3 a little bit later.

3. *RC1300138: Reclassification – Leeland Station Proffer Amendment - Continued*

Mr. Leming: What I'd like to do Mr. Chairman, if you give us a moment, we'll get the original proffers from Mr. Zuraf here and we'll write these in (inaudible).

Mr. Rhodes: If you can pen and ink them then I will read them out to make sure everybody's heard them the same way and we will confirm that we're all on.

Mr. Leming: In the meantime, I can go ahead and give you my presentation I had prepared for the next item.

Mr. Rhodes: That'd be fine... no. But thank you very much for the offer; you're very kind.

Mr. Leming: Excuse us for just a moment.

Mr. Rhodes: Please. We will stand at rest or something. What's one of those terms Parliamentarian?

Ms. McClendon: If you stand at rest, we will currently stay in session, but if you recess then it will go to recess and then you can reconvene.

Mr. Rhodes: Okay, we will recess for 5 minutes.

Mr. Gibbons: This is our last action tonight, right?

Mr. Rhodes: Yes.

3. *RC1300138: Reclassification – Leeland Station Proffer Amendment - Continued*

Mr. Leming: Mr. Zuraf has the changes; they've been initialed by Mr. DeMarco and he can review them with you if you'd like.

Mr. Rhodes: So these would be modifications to, if we vote to accept them, modifications to our attachment 1 starting at, I believe, page 5 of 7.

Ms. McClendon: Mr. Chairman, even though the Planning Commission didn't actually go away, we did recess so you need to bring it back.

Mr. Rhodes: No, I kind of sort of brought us back when you started talking about non-deliberative information on the update.

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Ms. McClendon: Okay.

Mr. Rhodes: I unrecensed. Is that the technical term? Okay, thank you Ms. McClendon.

Mr. Zuraf: Okay, their changes to the kind of final which is not showing the strikethrough and underline so I'm just going to have to lead you through by the proffer number. It may not be the same page numbers.

Mr. Rhodes: Okay.

Mr. Zuraf: The very first beginning of the Proffer Statement, third line after 46-93E (3.001 acres)...

Mr. Rhodes: Oh, is this on page 1... I mean on the beginning...?

Mr. Zuraf: This is on page 1 at the very beginning.

Mr. Rhodes: Okay, sorry.

Mr. Zuraf: The third line at the very beginning. After 3.001 acres, they added in a notation in parenthesis "The Property" because that's referred to throughout. Then...

Mr. Rhodes: So just at the end of that first sentence.

Mr. Zuraf: Yes.

Mr. Rhodes: Okay, got it.

Mr. Zuraf: Then going down to proffer 8, it would say, and I'll just read the sentence as it's going to end up after the changes, "Applicant shall dedicate an additional 3.0 acres, more or less, subdivided from a portion of the commercial site to the north of the existing Library site, as shown on the GDP, for use", and delete a., so it's "for use as County passive recreation", delete park. So, "County passive recreation, or potential future expansion of VRE commuter parking lot,".

Mr. Apicella: Again, my point was "and", not "or."

Mr. Zuraf: They're going to add "and" so it's "and/or".

Mr. Apicella: It can be "and-slash-or"?

Mr. Rhodes: Okay, "and-slash-or" I think would be most appropriate.

Mr. Zuraf: Okay. Then, the next change is proffer 9, subset a., General, "Applicant shall construct or cause to be constructed a minimum of 45,000 square feet of commercial space on a minimum of six (6) acres." And then a new sentence added onto the end, "Vehicle fuel sales shall not be permitted on the Property."

Mr. Rhodes: Okay.

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Mr. Zuraf: Then the next change would be to proffer 9.e., Site Configuration. So it will say "Any proposed pad site shall utilize an internal traffic flow system. There shall be no curb cuts onto Leeland Road and access shall be obtained through", so you're deleting "provided that" and "can". So it's saying, let me read it again, "There shall be no curb cuts onto Leeland Road and access shall be obtained through the Morton Road alignment" so it's deleting "commuter rail parking facility and". And then after "Morton Road alignment" comma, and then they're adding in "to include the commuter lot areas, as described in Proffer 8 above." So, reading that sentence again, "There shall be no curb cuts onto Leeland Road and access shall be obtained through the Morton Road alignment, to include the commuter lot areas, as described in Proffer 8 above."

Mr. Hirons: Mike, if I could pause right there, is Morton Road the proper reference point? Or should it read Primmer House Road now?

Mr. Leming: (Inaudible - no microphone.)

Mr. Hirons: Okay, right. I would love for that road to be one name all the way through.

Mr. Zuraf: And then the last change, proffer 16, it would read "The Applicant agrees that the County may continue to utilize the commercial portion of the site for VRE parking" adding in "consistent with the terms of the current lease until six (6) months after the date of the submission of the final site plan for any portion of the commercial area." Deleting 4 and adding 6 months.

Mr. Rhodes: Alright. Any other comments to the modified proffers? We need to entertain a motion to accept the new information since it's being presented tonight.

Mr. Hirons: Mr. Chairman, I move to accept the proffers as they were just edited and presented to us.

Mr. Rhodes: Accept the new information that's just been handed tonight. Is there a second?

Mr. Gibbons: Second.

Mr. Rhodes: Second by Mr. Gibbons. Any further comment Mr. Apicella... I mean Mr. Hirons? I'm going to rename you. Any further comments Mr. Gibbons? Any other member? All those in favor of accepting the new information being presented to night so we can act on it signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. Okay, now I'll entertain a motion for the item.

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Mr. Hirons: Mr. Chairman, I would move the Planning Commission recommend RC1300138, Reclassification, Leeland Station Proffer Amendment.

Mr. Rhodes: With the amended proffers as discussed tonight.

Mr. Hirons: Yeah.

Mr. Gibbons: Second.

Mr. Rhodes: Okay, motioned and seconded. Any further comment Mr. Hirons?

Mr. Hirons: The only thing I want to say, I do appreciate the applicant having worked with us throughout this process. I know it's been kind of a long process, both from your standpoint of what you wanted to do with the project and where we are tonight, and working with not only the elected representative from the area, also myself and the community. You guys have really... one thing I will say, you stepped up to the plate and have been good neighbors to the community. So, I think the residents of Leeland Station, and certainly those of us that represent folks there, do appreciate that so thank you. I know the County position and the applicant's position on some of the costs and some of the proffer cash amounts are still an item of some debate. It's something that I think will probably continue to be discussed and negotiated through the Board process. I hope that you'll continue to work with the County and work with staff and the elected officials to make sure everyone gets to the best point possible. I don't recommend this with complete enthusiasm but we do want to get this moving along because, as I told Mr. Gibbons when he asked, this project does have a sense of favorability within the community as opposed to what the current proffers are. So, with the restrictions that are existing in the current proffers, I think it's in the best interest of everyone to keep this process, this application, moving forward. So I look forward to hopefully getting this moving forward and onto the Board and you guys can deal with those folks.

Mr. Rhodes: Any other comment Mr. Gibbons? Any other member? All those in favor of the motion which is to recommend approval of RC1300138, Reclassification, Leeland Station Proffer Amendment, with the modified proffers as were accepted tonight signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. That passes 7-0.

STAFFORD COUNTY  
Department of Planning and Zoning

**Project Information & Primary Contacts**

<b><u>PROJECT INFORMATION</u></b>		<b><u>PROJECT #</u></b> 1300138	
<u>The Residence at Leeland Station</u>		SECTION	
PROJECT NAME		131.609	
<u>46-93, portion, 46-93E, and 46-92B</u>		TOTAL SITE AC REAGE	
ADDRESS (IF AVAILABLE)		PD-1	
TAX MAP / PARCEL(S)		ZONING DISTRICT	
<u>Generally located on the northwest &amp; east sides of the intersection of Primmer House Rd. &amp; Leeland Rd.</u>			
LOCATION OF PROJECT			

<b><u>APPLICANT/AGENT</u></b> (Provide attachment if Applicant and Agent differ)		Primary Contact Person <input checked="" type="checkbox"/>	
<u>H. Clark Leming, Esquire</u>		<u>Leming and Healy, P.C.</u>	
NAME		COMPANY	
<u>233 Garrisonville Road, Suite 204</u>	<u>Stafford</u>	<u>VA</u>	<u>22554</u>
ADDRESS	CITY	STATE	ZIP
<u>540-659-5155</u>	<u>540-659-1651</u>	<u>lemingandhealy1@msn.com</u>	
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	

<b><u>OWNER</u></b> (Provide attachments if multiple owners)		Primary Contact Person <input type="checkbox"/>	
		<u>GTIS-HOV Leeland Station LLC</u>	
NAME		COMPANY	
<u>4090 Lafayette Center Dr., Suite A</u>	<u>Chantilly</u>	<u>VA</u>	<u>20151-1244</u>
ADDRESS	CITY	STATE	ZIP
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	

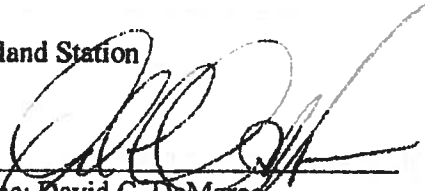
<b><u>PROFESSIONAL</u></b> (Engineer, Surveyor, etc.)		Primary Contact Person <input type="checkbox"/>	
<u>Bill Pyle</u>		<u>Bowman Consulting Group</u>	
NAME		COMPANY	
<u>650A Nelms Circle</u>	<u>Fredericksburg</u>	<u>VA</u>	<u>22406</u>
ADDRESS	CITY	STATE	ZIP
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	



OWNER'S CONSENT FORM

I, David C. DeMarco hereby authorize Leming and Healy P.C.. to apply for a rezoning of Assessor's Parcels 46-93, portion, 46-93E, and 46-92B as shown on the records of the Commissioner of the Revenue for Stafford County, Virginia.

Leeland Station

By:   
Name: David C. DeMarco  
Title: Owner/VP

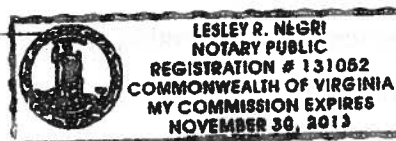
COMMONWEALTH / STATE OF Virginia  
CITY / COUNTY OF Stafford to wit:

I the undersigned, a Notary Public in and for the county and state aforesaid. do hereby certify that David D. DeMarco, whose name is signed to the foregoing document, has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 23<sup>rd</sup> day of January, 2013.

  
Notary Public

My Commission Expires: 11 30 - 2013



STAFFORD COUNTY  
Department of Planning and Zoning

**General Information**

Clearly indicate all information that applies to this project:

**DETAILED DESCRIPTION OF PROJECT**

Proffer Amendment for 131.609 portion of Leeland Station Subdivision

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**INFORMATION FOR FEE CALCULATIONS**

131.609 # of Acres

Type of Rezoning:

- Standard Rezoning
- Planned Development
- Proffer Amendment
- Minor Proffer Amendment

**INFORMATIONAL**

Previous Ordinance # 004-15

Previous Resolution # \_\_\_\_\_

# of Lots (if rezoning to residential) \_\_\_\_\_

Original Zoning PD-1

Proposed Zoning PD-1

Proposed Use(s) Reduction of 54 lots from a total of 743 dwelling units to 689 dwelling units. Removal of 48 duplex and 70 congregate care dwelling units and add 64 single family detached units.

Impact Statement – The Residence at Leeland Station  
Proffer Amendment (Tax Map Parcels 46-92B, 46-93, and 46-93e)  
March 8/June 21, 2013

The Applicant has submitted a proffer amendment for a portion of the existing Leeland Station subdivision, with a total of 743 approved dwelling units. The proffer amendment reduces the number of approved dwelling units from 743 to ~~689~~ 709 dwelling units (a reduction of ~~54~~ 34 dwelling units) and also amends proffers related to infrastructure improvements and phasing of commercial uses. The proffer amendment deals with an approximate 131-acre portion of the entire Leeland subdivision and is named The Residence at Leeland Station. The 131 acres includes the area where infrastructure proffers have been added as well as the area where changes in the unit types are proposed.

The Applicant has also submitted a GDP showing the proposed changes in unit types, and therefore, of interior lot lines. The GDP covers an area of ~~30.455~~ 65.520 acres. Based on consultation with Jeff Harvey and Mike Zuraf, no GDP was furnished for the areas where no physical changes are proposed.

1. Capacity Impact

A.) Highway - The ~~64~~ 118 single family dwelling units will be accessed by one site entrance off of Primmer House Road directly across from Riggs Road. Primmer House Road is a four-lane undivided roadway at this point and according to the most recent VDOT data (2011) carries approximately 8,400 vehicles per day in the vicinity of the site. The ~~64~~ 118 single family dwelling units produce ~~697~~ 11,800 vehicle trips per day. The existing section of Primmer House Road is adequately sized to handle the additional traffic. Also, the Primmer House Road/Riggs Road intersection currently operates at acceptable levels of service in the AM and PM peak hours and will continue to do so with the addition of a fourth leg to the intersection and the trips generated by the ~~64~~ 118 single family units.

B.) Utility Impact - This project shall be served by public water and sewer. There is sufficient pressure and capacity to serve the proposed project. Fire protection will also be provided for the project along with the domestic demand.

Water: This project will tie into the existing 12' water line on Primmer House Road. The anticipated water demand for the Property is as follows:

Residential for ~~64~~ 118 D.U @ 240 gpd/lot = ~~15,360~~ 28,320 gpd

Development under the current proffers allows forty-eight duplexes and 70 congregate care facilities. The water demand for the forty-eight duplexes alone project would be as follows:

Residential 48 D.U. @ 240 gpd/lot = 11,520 gpd

Sewer: This project will be served by a 8" gravity sewer across Primmer House Road in Section 6C that has adequate capacity for this project. The anticipated sewage demands for the project are as follows:

| Residential ~~64~~ 118 D.U. @ 300 gpd/lot = ~~19,200~~ 35,400

Development of forty eight duplexes as currently approved would generate sewer demand for the total project as follows:

Residential 48 D.U. @ 300 gpd = 14,460 gpd

B.) Schools/Recreational Facilities –

| Proposed: This Property would generate demand for ~~64~~ 118 households' worth of school and recreational services; i.e. ~~52~~ 78 students and ~~4~~ 7 acres of parkland.

Current: Development for the forty nine duplexes as currently approved would generate two households' worth of demand for school and recreational services, i.e., 39 students and 3 acres of parkland. (No demand has been calculated for the congregate care facility.)

C.) Storm Drainage – The Property will utilize BMPs.

2. Environmental Impacts – No RPA or wetlands exist on the site.
3. Historic Sites - This site has no known cemeteries or historically significant sites other than the previously identified Primmer House. Accordingly, there is no impact to historically significant resources.

| 4. Fiscal Impacts - Continuing Annual Revenues – Proposed Development pursuant to the proffer amendment with ~~sixty-four~~ one hundred eighteen single family detached dwellings valued at \$325,000.00 each, with two cars per house valued at \$15,000 each, would generate the following continuing revenues.

Real Estate Tax	<u>\$325,000 x 64</u> <u>118 x \$1.08</u>	
	\$100.00	=
		<del>\$222,560</del> <u>\$410,345</u>
	\$100.00	<u>\$15,000 x 4 x \$6.89 * .40</u>
		= \$ 1,653.60



~~\$400,000: (1) playing fields, as described in paragraph 5(a) of the 2004 proffers provided for the Leeland Station development, north of the CSX railroad tracks; (2) a VRE parking lot north of the CSX railroad tracks and a pedestrian bridge over the tracks to the commuter station; (3) a traffic signal at the intersection of Leeland Road and Primmer House Road; and/or (4) restriping of Leeland Road along the Property's frontage to create a center lane for turning movements, provide a contribution toward the cost of a temporary artificial turf field for Stafford High School. The Applicant will also dedicate approximately 3 acres of land for a future public facility north of the railroad tracks.~~

**6. Cash Proffers –**

Cash proffers for Leeland Station have been satisfied by transportation improvements constructed and/or paid for by the Applicant pursuant to previous proffers on the property for a maximum of 743 dwelling units. The Applicant is not increasing the total number of dwelling units. The County has verified that transportation credits equivalent to the required cash proffers for a maximum of 743 dwelling units have been received, which will cover the ~~4620~~ new units. The proposed maximum number of units has been reduced to a maximum of ~~689~~ 709 units.

7. **Adjacent Properties** - This project is located on either side of Leeland Road, and is adjacent to the Leeland VRE station and the CXX rail line. Adjacent development includes an elementary school and other single family detached dwelling units. The proposed changes in the types of units maintain the same design scheme as the existing Leeland station subdivision. At least 25% open space will be provided in the areas on the GDP.

8. **Noise, Dust and Smoke Impacts** – This project will not provide any adverse impacts to users or adjacent property owners from noise, dust, and smoke.

STAFFORD COUNTY  
Department of Planning and Zoning

**RECLASSIFICATION  
TRANSPORTATION IMPACT  
ANALYSIS DETERMINATION**

Name of development Leeland Station  
Type of development Residential  
Parcel # portions of 46-93E and 46-93

RECEIVED BUT NOT OFFICIALLY SUBMITTED.  DATE: _____ INITIALS _____  OFFICIALLY SUBMITTED:  DATE: _____ INITIALS _____
--

**Traffic Volume Calculations**

This site generates:

- 70 VPH (highest VPH)
- 697 VPD on state controlled highways (highest)
- 55 VPH Peak AM
- 70 VPH Peak PM
- 66 VPH Peak Saturday
- 697 VPD highest intensity\*

\*\*\*Attach a page showing the calculations and the ITE trip generation codes to this form.\*\*\*

**Minimum Thresholds to submit a TIA**

County: Any proposals generating 1,000 or more VPD.  
VDOT: See "VDOT Traffic Impact Analysis Requirements" table on next page.

**Trip Generation Calculation Guidelines**

- Traffic volumes shall be based on the rates or equations published in the latest edition of the Institute of Transportation Engineers Trip Generation.
- If a site has multiple entrances to highways, volumes on all entrances shall be combined for the purposes of this determination.
- If the site does not have direct access to a state maintained road, the site's connection is where the site connects to the state highway system.
- Traffic volumes shall NOT be reduced through internal capture rates, pass by rates, or any other reduction methods.
- For redevelopment sites only: when the existing use is to be redeveloped as a higher intensity use, trips currently generated by the existing development that will be removed may be deducted from the total trips that will be generated by the proposed land use.
- When rezoning, use the highest possible traffic generating use unless development is limited by proffer to less than the possible highest traffic generation.

For development proposals that generate 1000 or more vehicle trips per peak hour the applicant shall request a scope of work meeting with VDOT and Stafford County Office of Transportation to discuss the required elements of a traffic impact analysis.

\*The highest intensity use is the highest possible use allowable under the zoning requirements for the entire property should it be developed to its fullest extent possible under the current building guidelines. The only exception is if proffers limit the area and type of uses.

**Table 1 - Leeland Station ITE Site Trip Generation Analysis**

Land Use	Size	Units	Land Use Code	AM Peak Hour			Weekday PM Peak Hour			Daily Trips	SAT Peak Hour		
				In	Out	Total	In	Out	Total		In	Out	Total
<b>Proposed Leeland Station Development<sup>(1)</sup></b>													
<b>Residential</b>													
Single-Family Detached		64 D.U.	210	14	41	55	44	26	70	697	36	30	66

Notes (1) Based on the Institute of Transportation Engineers Trip Generation, 9th Edition

STAFFORD COUNTY  
Department of Planning and Zoning

**Application Affidavit**

This form to be filed with:

STAFFORD COUNTY  
BOARD OF SUPERVISORS

1300 COURTHOUSE ROAD  
STAFFORD, VIRGINIA 22555

Internal Use Only
Project Name: _____
A/P #: _____
Date: _____


All applicants for a special exception, a special use permit, conditional use permit, amendment to the zoning ordinance or variance shall make complete disclosure of the equitable ownership of the real estate involved in the application, including in the case of corporate ownership, limited liability company ownership or similar business ownership, the name of stockholders, officers, managing partners, general partners, owners and members, and in any case the names and addresses of all of the real parties in interest. The requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. In the event the ownership of the involved real estate changes in any respect during the time the application is pending, the applicant shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein. If the applicant is a contract purchaser, the ownership information required herein shall be provided for the contract purchaser in addition to the owner of the real estate involved in the application. This section applies to applications before the board of supervisors, planning commission and board of zoning appeals.

See Section 15.2-2289 for State Enabling Authority

**1. Applicant information**

Name of Applicant David DeMarco  
Name of Company GTIS-HOV Leeland Station LLC

Applicant Address 4090 Lafayette Center Dr., Suite A  
Chantilly, VA 20151-1244

Applicant's Signature 

Name of Agent \_\_\_\_\_

Address of Agent \_\_\_\_\_

**2. Type of Application**

- Conditional Use Permit
- Rezoning
- Variance
- Proffer Amendment
- Special Exception

STAFFORD COUNTY  
Department of Planning and Zoning

Application Affidavit  
Page 2  
Applicant: The Residence at Leeland Station

Project Name:	_____
A/P #:	_____
Date:	_____

**3. Property Information**

Assessors Parcel(s) 46-93, portion, 46-93E and 46-92B

Address 4090 Lafayette Center Dr., Suite A  
Chantilly, VA 20151-1244

**4. Unless the equitable ownership is a corporation, limited liability company or similar business ownership, list all equitable owners of the property.**

<u>Name of owners</u>	<u>Address</u>
N/A	_____
_____	_____
_____	_____
_____	_____

**5. If the equitable ownership of the property is a corporation, limited liability company or similar business ownership, list all officers, managing partners, general partners, share holders, owners and members. This provision shall not apply if the corporation is listed on a national or local stock exchange and has more than 500 share holders.**

<u>Name of Members</u>	<u>Address</u>
N/A	_____
_____	_____
_____	_____
_____	_____

**6. Unless the applicant is a contract purchaser and is a corporation, limited liability company or similar business ownership, list all individuals involved with the purchase of the property.**

<u>Name of Members</u>	<u>Address</u>
N/A	_____
_____	_____
_____	_____
_____	_____

STAFFORD COUNTY  
Department of Planning and Zoning

**Application Affidavit**

Page 3

Applicant: The Residence at Leeland Station

Project Name:	_____
A/P #:	_____
Date:	_____

7. If the applicant is a contract purchaser and is a corporation, limited liability company or similar business ownership, list all officers, managing partners, general partners, share holders, owners and members. This provision shall not apply if the corporation is listed on a national or local stock exchange and has more than 500 share holders

Name of Members

N/A	_____
_____	_____
_____	_____
_____	_____
_____	_____

8. Have all individuals listed on this affidavit been notified of the purpose of the application?

Yes       No

9. If #8 is No, list all individuals who have not been notified about this application plus submit the cost required for the Department of Planning and Zoning or Code Administration to send certified letters notifying those listed below of this application prior to the public hearing.

<u>Name</u>	<u>Address, including zip code, no P.O. Box please</u>
N/A	_____
_____	_____
_____	_____
_____	_____
_____	_____

Number of owners to be notified: 67 X  
 Cost for certified letters      \$ 434.16 (cost as of the day of submittal)  
 Total due:      \$ 434.16 (Make checks payable to County of Stafford)

Please submit a check in the amount due with this application to cover the cost of serving the individuals listed in this section.







March 26, 2013

**METES AND BOUNDS DESCRIPTION**

On a portion of the lands of

***GTIS-HOV Leeland Station LLC***

LR 110007504

Leeland Magisterial District  
Stafford County, Virginia

**Tax Map 46, Parcel 93 (East of Leeland Road)**

Beginning at a point, said point being, said point being in the Easterly Right of Way line of Leeland Road ~ Virginia State Route 626 (Variable width Right of Way) and a corner to the Southerly Right of Way line of CSX Railroad; thence, with said Southerly Right of Way line of CSX Railroad

North 80°49'25" East, 207.00 feet to a point, said point being in said Southerly Right of Way line of CSX Railroad and a corner to other lands of GTIS-HOV Leeland Station, LLC (Tax Map 46, Parcel 92B); thence, with said other lands of GTIS-HOV Leeland Station, LLC (Tax Map 46, Parcel 92B), in part, the Gallahan Cemetery (Tax Map 46, Parcel 92D), in part, and again with said other lands of GTIS-HOV Leeland Station, LLC (Tax Map 46, Parcel 92B), in part,

South 04°03'25" East, 1187.78 feet to a point; thence, continuing with said other lands of GTIS-HOV Leeland Station, LLC (Tax Map 46, Parcel 92B)

North 82°32'46" East, 1286.89 feet to a point, said point being a corner to said other lands of GTIS-HOV Leeland Station, LLC (Tax Map 46, Parcel 92B) and still other lands of GTIS-HOV Leeland Station, LLC (Tax Map 46, Parcel 90); thence, with said still other lands of GTIS-HOV Leeland Station, LLC (Tax Map 46, Parcel 90), in part, and Lot 5 of Misty Forest (Tax Map 46Q, Parcel 5), in part,

South 34°07'29" West, 951.54 feet to a point; thence, continuing with said Lot 5 of Misty Forest (Tax Map 46Q, Parcel 5)

South 22°06'24" East, 37.30 feet to a point, said point being in the line of said Lot 5 of Misty Forest (Tax Map 46Q, Parcel 5) and a corner to the remainder of the parent parcel of the tract described herein (Portion of Tax Map 46, Parcel 93); thence, with said remainder of the parent parcel of the tract described herein (Portion of Tax Map 46, Parcel 93) eleven (11) courses as follow:

North 62°46'58" West, 61.20 feet to a point; thence,  
South 78°56'19" West, 218.85 feet to a point; thence,  
North 39°26'15" West, 190.35 feet to a point; thence,  
South 80°36'08" West, 20.00 feet to a point; thence,

66.51 feet along the arc of a curve deflecting to the left (non-tangent to previous course) having a radius of 57.00 feet, a delta angle of  $66^{\circ}51'22''$ , a tangent distance of 37.62 feet and a chord bearing and distance of North  $42^{\circ}49'32''$  West, 62.80 feet, respectively, to a point; thence,

North  $14^{\circ}56'48''$  East, 133.21 feet (non-tangent to previous course) to a point; thence,

South  $78^{\circ}27'12''$  West, 120.16 feet to a point; thence,

South  $68^{\circ}17'11''$  West, 348.57 feet to a point; thence,

South  $21^{\circ}30'38''$  East, 46.46 feet to a point; thence,

South  $68^{\circ}29'22''$  West, 170.00 feet to a point; thence,

South  $71^{\circ}30'04''$  West, 179.35 feet to a point, said point being a corner to said remainder of GTIS-HOV Leeland Station, L.L.C. (Residue of Tax Map 46, Parcel 93) and a Cemetery Parcel; thence, with said Cemetery Parcel two (2) courses as follow:

North  $13^{\circ}11'49''$  West, 106.39 feet to a point; thence,

South  $89^{\circ}50'24''$  West, 72.64 feet to a point, said point being a corner to said cemetery in the aforementioned Easterly Right of Way line of Leeland Road ~ Virginia State Route 626 (Variable width Right of Way), thence, with said Easterly Right of Way line of Leeland Road ~ Virginia State Route 626 (Variable width Right of Way) eleven (11) courses as follow:

North  $02^{\circ}33'18''$  West, 139.29 feet to a point; thence,

North  $04^{\circ}11'53''$  East, 98.97 feet to a point; thence,

North  $01^{\circ}31'31''$  East, 147.36 feet to a point; thence,

North  $01^{\circ}08'51''$  West, 98.97 feet to a point; thence,

North  $10^{\circ}03'13''$  East, 98.70 feet to a point; thence,

North  $09^{\circ}34'27''$  East, 92.48 feet to a point; thence,

North  $10^{\circ}44'54''$  East, 306.08 feet to a point; thence,

North  $08^{\circ}27'27''$  East, 250.20 feet to a point; thence,

North  $13^{\circ}36'39''$  East, 200.25 feet to a point; thence,

North  $10^{\circ}44'54''$  East, 200.00 feet to a point; thence,

North  $05^{\circ}12'10''$  East, 103.31 feet to the Point of Beginning and containing 30.262 Acres, more or less.



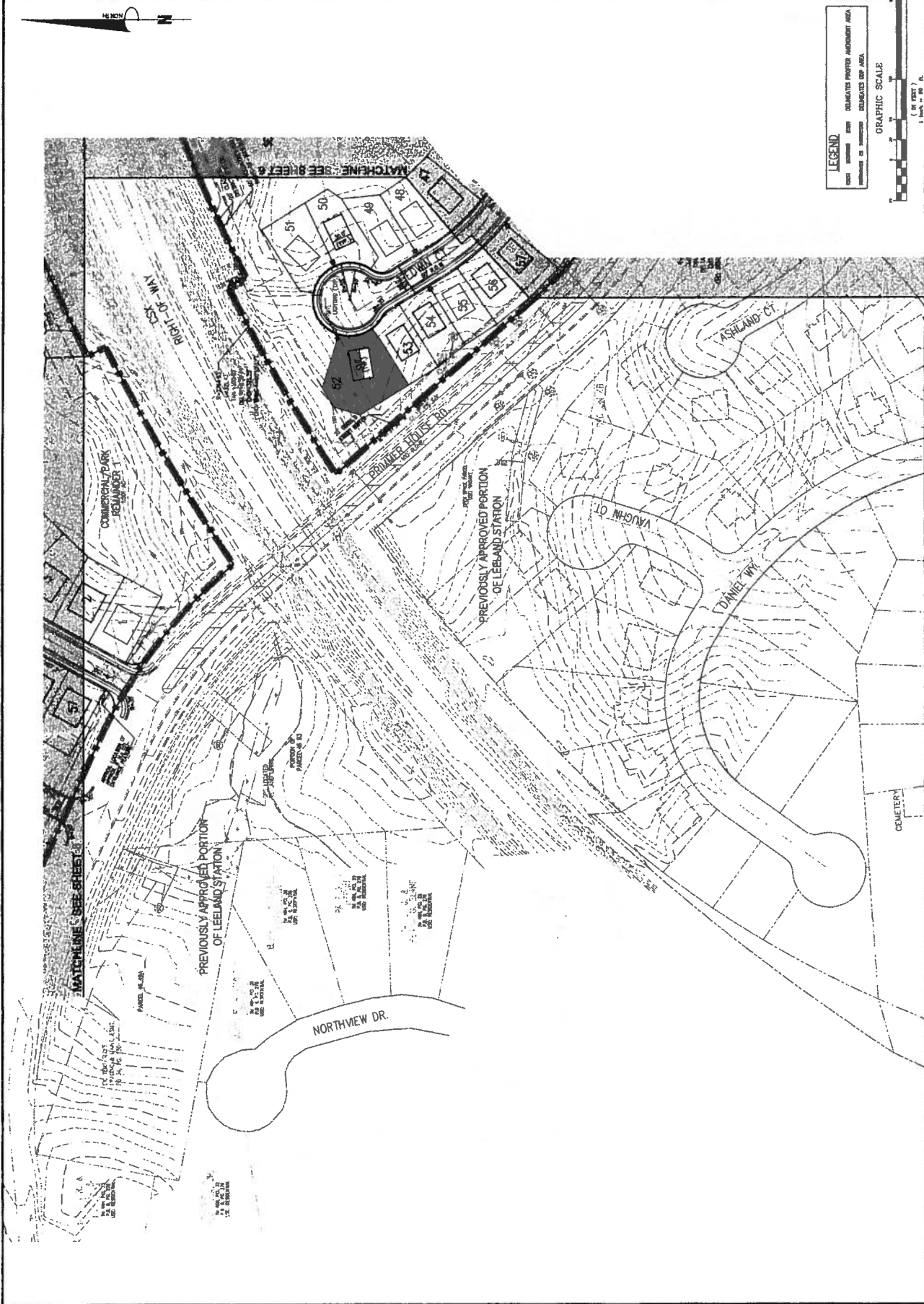












**LEGEND**

- DEVELOPER PROPOSED IMPROVEMENT AREA
- EXISTING IMPROVEMENTS
- UNIMPROVED TO BE IMPROVED
- UNIMPROVED TO REMAIN

**GRAPHIC SCALE**

1" = 100' (AS SHOWN)

Call to name: P:\2017 - Leeland (2017-0178) (BAG) - Leeland (2017-0178) Proffer Amendment\GIS\Map\2017-0178-007.dwg







004-15  
095-64(R)

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 2nd day of March, 2004:

<u>MEMBERS:</u>	<u>VOTE:</u>
Jack R. Cavalier, Chairman	Yes
Gary D. Pash, Vice Chairman	Yes
Peter J. Fields	No
Robert C. Gibbons	Yes
Kandy A. Hilliard	Yes
Mark W. Osborn	Yes
Gary F. Snellings	Yes

On motion of Mr. Osborn, seconded by Mr. Snellings, which carried by a vote of 6 to 1, the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY, WITH PROFFERS, FROM ~~M-1, LIGHT INDUSTRIAL~~, R-1, SUBURBAN RESIDENTIAL, AND AN UN-ZONED DESIGNATION, TO PD-1, PLANNED DEVELOPMENT, AND AN AMENDMENT TO PROFFERED CONDITIONS ON PROPERTY IDENTIFIED AS ASSESSOR'S PARCELS 46-93, 46-48, 49A AND 46-92B, FALMOUTH ELECTION DISTRICT

WHEREAS, ~~RF&P Properties, Inc.~~ Leeland Station LLC, applicant, has submitted application ~~RC94-09~~ RC230516 requesting reclassification, with proffers, from ~~M-1, Light Industrial~~, R-1, Suburban Residential, and an un-zoned designation, to PD-1, Planned Development, of property consisting of approximately ~~440.23~~ 7.03 acres, and amendments to proffered conditions of property consisting of approximately 297 acres located on the east and west sides of Leeland Road, south of the CSX railroad line, Falmouth Election District; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

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O95-64(R)  
Page 2

WHEREAS, the Board has determined that the requested zoning is compatible with the surrounding land uses and zoning;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the ~~3rd~~ 2nd day of ~~October, 1995~~ March, 2004, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the Zoning District Map to reclassify, with proffers, the parcels of land, as shown on the plat of survey by Greenhome & O'Mara, Inc., dated July 21, 1994, from ~~M-1, Light Industrial R-1, Suburban Residential and an un-zoned designation~~, to PD-1, Planned Development, with the following proffers:

1. GENERALIZED DEVELOPMENT PLAN. The property will be developed generally in accordance with that plan identified as "Generalized Development Plan - Walnut Farms" prepared by Land Planning and Design Group and dated July 15, 1994, ~~and revised March 14, 1995~~, and revised by Bagby, Caldwell and Associates, P.C., dated June 2003; subject however, to modifications to street and lot locations and unit numbers within pods, as dictated by topographical considerations, sound engineering practice, location or development considerations. The maximum number of units in the development shall not exceed seven hundred forty-three (743) units; 583 units shall be non-age restricted single family dwelling units; 160 units shall be age restricted units (55 years and older), including 42 single family dwelling units, 48 duplex units, and 70 congregate care apartments. Congregate care is defined as assisted or unassisted residential living facilities that feature central dining and/or group recreational programs and activities. Applicant shall record appropriate restrictions designating the age restricted units simultaneously with the recordation of subdivision plats for the age restricted units.
2. TRANSPORTATION.
  - a. Morton Road Realignment. Applicant shall build a two (2) lane road to rural collector standards, including a two (2) lane bridge with separated pedestrian travelway (acceptable to VDOT) for public use across the CSX railroad tracks connecting Leeland Road with Morton Road, in the approximate location shown on the Generalized Development Plan. In connection therewith, applicant shall make good faith efforts to purchase the necessary land needed to connect to Morton Road from the boundary of applicant's property and to obtain an appropriate easement to cross the CSX tracks and shall make a good faith offer to purchase parcels 46-49A and 46-49B within ninety (90) days of the date of rezoning. In the event applicant and the landowners are able to reach agreement on a purchase price, applicant shall proceed to settlement as soon as may be practicable and shall advance sufficient funding for settlement if proffer funds are unavailable. In the event the parties are unable to reach agreement on a reasonable purchase price, it is the

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Page 3

understanding of the County and applicant that the County will proceed promptly to exercise its power of eminent domain to obtain the necessary right-of-way. Applicant shall notify the County in writing at any point applicant believes its further attempts to negotiate would be unsuccessful. If applicant fails to make good faith efforts to purchase the parcels referenced above no additional building permit shall be issued by the County after the 200th residential unit. The costs of obtaining any right-of-way or easement, including such eminent domain proceedings as may be necessary, shall be borne by applicant, subject to the provisions of Paragraph 9. The aforesaid bridge shall be completed prior to the issuance of the building permit for the 495th residential unit. Performance of applicant's obligations under this proffer are contingent on the success of applicant's good faith efforts to obtain the aforesaid land needed to connect to Morton Road and an appropriate easement from CSX. In the event that such efforts are unsuccessful, applicant's obligation under this proffer shall be triggered by the County's successful exercise of its power of eminent domain to obtain the aforesaid right-of-way or easement.

- b. Right-of-Way Dedication. Applicant shall identify and convey its land located within forty-five feet (45') of right-of-way from the centerline along Leeland Road bordering applicant's parcel and south of the intersection with the new Morton Road connection. In addition, applicant shall identify and convey ninety (90) feet of right-of-way beginning at the intersection of Leeland Road and the Morton Road connection and extending westerly along the Morton Road connection across the CSX tracks to Morton Road, as shown on the GDP. Such conveyance shall occur no later than July 31, 1998 and shall be free and clear of any liens or encumbrances. Applicant retains the right to maintain or improve the unimproved right-of-way, at applicant's discretion, as may be necessary for the development of the subdivision. Such conveyance shall be subject to reservations for utility and other infrastructure easements which do not unreasonably encumber the property for its intended purpose.
- c. Leeland/Deacon Intersection. Applicant shall contribute one-half of the cost for improvements to the intersection of Leeland Road and Deacon Road for participation in the matching fund program consisting of a left turn lane and a traffic signal as referenced in the Traffic Impact Study, dated July 29, 1994, submitted by applicant and incorporated herein by reference. Payment under this proffer shall be made no later than the issuance of a building permit for the 50th single family dwelling unit.

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- d. **Route 1 Signal.** Applicant shall contribute one-half of the cost of a traffic signal at the intersection of U.S. Route 1 and Layhill Road for participation in the matching fund program. Payment under this proffer shall be made prior to the issuance of the building permit for the 50th residential unit.
  - e. **Woodlawn Left Turn Lane.** Applicant shall construct or cause to be constructed a left turn lane at the main entrance to the Woodlawn subdivision at the intersection of Deacon Road and Woodlawn Terrace. This improvement shall be completed prior to the issuance of the building permit for the 150th residential unit. Should state revenue sharing or matching funds be available for this improvement, applicant shall pay for one-half of the cost of the turn lane. **This proffer may be satisfied by the payment to the County of the cost of the foregoing, which has been determined to be \$27,038.75.**
  - f. **Interparcel Connection.** Applicant shall develop its parcel in such a fashion so as to provide for interparcel connections to facilitate access to the commuter rail station between adjoining parcels. Applicant shall take no step to abandon Rice Road without the consent of the homeowners along Rice Road.
3. **PUBLIC UTILITIES.** The site shall be served by public water and sewer. Costs relating to the construction of utility lines will be borne by applicant in accordance with the County's pro rata policy for utility lines. If any residential portion of the property cannot be gravity sewered, applicant shall construct a lift station for that portion of the property. At such time the lift station is placed in service, applicant shall pay to the County the sum of \$65,040.00.
  4. **OPEN SPACE.** Applicant agrees that at least twenty percent (20%) of the parcel, or approximately ninety (90) acres shall not be developed and shall remain as open space in its natural, undisturbed state as much as practicable. This acreage shall be exclusive of any land dedicated for recreational purposes described in Paragraph 5 below.
  5. **RECREATION.** Applicant shall develop four (4) separate recreational components: (a) a fifteen (15) acre nature park, including an approximately three (3) acre lake, nature trails, picnic areas and overlooks as shown on the GDP, and at least two (2) tot lots, to be completed prior to the issuance of a building permit for the 250th residential unit; (b) a recreational/athletic complex, featuring swimming pool, exercise areas, and two (2) tennis courts, to be completed prior to the issuance of a building permit for the 500th residential unit; (c) three (3) one (1) acre playing fields, the specific type and design to be coordinated with Stafford County Department of Parks and Recreation, to be completed prior to the issuance of a building permit for the 500th residential unit and shall be conveyed forthwith to the Board of

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Supervisors free and clear of any liens or encumbrances; such conveyance shall be subject to reservations for utility and other infrastructure easements which do not unreasonably encumber the property for its intended purpose; and (d) bike/jogging trails connecting the commercial areas and existing commuter rail station to the residential areas on the property, to be completed prior to the issuance of a building permit for the 500th residential unit. Such trails shall also accommodate interparcel connections to adjacent subdivisions and properties. Applicant shall form a homeowners association(s), which shall have the responsibility for maintaining the park, lake, and nature trails. Applicant or assigns shall retain responsibility for all stormwater maintenance requirements for the subject lake.

6. EDUCATION. In the event that applicant and the Stafford County School Board reach mutually acceptable terms on a lease agreement, applicant agrees to construct a public elementary school on a twenty (20) acre site, including at least fifteen (15) buildable acres, within the subdivision, subject to School Board standards, subject to utility easements which do not unreasonably encumber the property. In the event that applicant and the School Board do not reach such agreement, the same site shall be conveyed to the County for use as a public school site free and clear of any liens or encumbrances. Applicant may also reach agreement with the School Board for applicant to clear and grade a school site and then convey said site to the County for use as a school site free and clear of any liens or encumbrances. In the event that no agreement is reached between applicant and the School Board by December 31, 1996, a deed conveying the aforesaid school site shall be delivered to the County by January 31, 1997. Prior to such conveyance, applicant may use or improve the site for recreational purposes.
7. LIBRARY SITE. Applicant shall dedicate a three (3) acre site for use as a public library or other similar County or public facility use in the approximate location shown on the GDP. Conveyance shall be made no later than July 31, 1997. Prior to such time, applicant may use the property in any manner that will not detract from the intended use of the site. Applicant shall have the opportunity to comment on the architectural design of the library.
8. COMMERCIAL. The following proffers shall apply to the commercial site shown on the GDP adjacent to the commuter rail station:
  - a. General/Phasing. Applicant shall construct or cause to be constructed a minimum of 45,000 square feet of commercial space on a minimum of six (6) acres, as shown on the Generalized Development Plan. At least 7,500 square feet of the commercial space shall be developed for office use by the time of issuance of the building permit for the 373rd residential unit. An additional 7,500 square feet of the commercial space shall be developed for commercial use by the time of the issuance of the building permit for the 500th

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Page 6

~~residential unit. The remaining 30,000 square feet shall be developed as general commercial space by the time of the issuance of the building permit for the 743rd residential unit. At least 7,500 square feet of the commercial space shall be developed for office or commercial use, including day care, by the time of the issuance of the building permit for the 500th residential unit. The remaining minimum commercial space shall be developed as general commercial space by the time of the issuance of the building permit for the 743rd residential unit.~~

- b. Architecture and Building Materials. The principal exterior building materials utilized in all structures constructed within the commercial portions of the property shall be brick, glass, architecturally textured masonry, precast or job-cast concrete, stucco type material, or comparable material or a combination of such materials. No building having metal siding or non-textured cinderblock as a principal exterior building material shall be constructed on the property.
  - c. Signage. All permanent, free-standing signs located on those portions of the property along Leeland Road shall be of a monument style type and shall be constructed of materials which are compatible with the materials used in construction of the buildings on the site.
  - d. Aesthetics. All mechanical systems, including those located on rooftops, shall be screened from view at public street level.
  - e. Site Configuration. ~~The commercial portion of the property shall be limited to no more than eight (8) free-standing pad sites of no less than 7,500 square feet in size.~~ Any proposed pad site shall utilize an internal traffic flow system. There shall be no curb cuts onto Leeland Road provided that access can be obtained through the commuter rail parking facility and the Morton Road realignment.
9. CASH CONTRIBUTION. Applicant shall proffer the sum of three thousand two hundred dollars (\$3,200.00) per unit, payable at issuance of the building permit for each individual unit. There shall be no per unit proffer for the 70 congregate care units. The per unit contribution shall be allocated based on the following categories and subcategories:

Roads	\$ 1,924.00	
Route 1 light	\$ 20,000.00	(1/2 est. cost)
Leeland/Deacon intersection	\$ 37,500.00	(1/2 est. cost)
Morton Road realignment	\$1,600,000.00	(total est. cost)

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Page 7

Library	\$	63.00
Parks	\$	28.00
Government Center	\$	182.00
Schools	\$	1,003.00

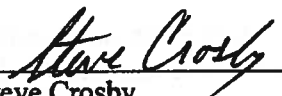
Applicant may deduct from the total per unit proffer any costs related to the construction of the bridge crossing the CSX tracks and any related improvement, including the cost of bridge approaches, road and right-of-way costs beyond what is necessary to accommodate the subdivision traffic, as referenced in the cost estimate prepared by Greenhorne & O'Mara, dated January 24, 1995, and incorporated herein by reference, and the cost of purchasing, including carrying costs if payment is advanced under Paragraph 2, (or obtaining through condemnation) any additional land needed for the connection to Morton Road. ~~It is the understanding of applicant and the County that the foregoing improvements are eligible for state revenue sharing or matching funds as referenced in a letter from VDOT to applicant dated June 6, 1995. Applicant and the County further understand that the County will use its best efforts to obtain the State matching funds and shall give the foregoing improvements the highest priority for purposes of obtaining the matching funds. To obtain the County's match share, the entire cash proffer (\$3,200.00) shall be placed in escrow until sufficient funding has accrued for the state match share (268 units) or any appropriate phase of the improvements.~~ Subsequent proffer payments shall be used in accordance with County proffer guidelines and shall be adjusted to ensure that all proffer categories are fully funded.

10. ARCHAEOLOGICAL SURVEY. Applicant shall conduct a Phase 1 archaeological survey of the property and provide the County with a report documenting the findings of the Phase 1 survey. The survey shall be conducted within 180 days of approval of the rezoning of the property in accordance with the Historical Resource Guidelines.
11. CEMETERIES. Any existing cemeteries on the property shall be relocated according to state law or preserved and perpetually maintained by applicant, property owners, and any subsequent homeowners association. Applicant agrees that only existing cemeteries located within a proposed roadway or right-of-way shall be subject to relocation.
12. STORMWATER MANAGEMENT.
  - a. All stormwater management shall be designed and constructed in accordance with County and state ordinances. Applicant shall comply with the existing Stafford County Stormwater Management Plan and ordinances adopted pursuant thereto. Such facility shall be maintained by applicant, property owners, or any subsequent homeowners association.

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O95-64(R)  
Page 8

- b. Applicant further proffers that upon completion of development of the property, peak drainage flows into Clairborne Run shall be reduced by twenty-five percent (25%) of current peak flows, as estimated by Greenhorne & O'Mara.
  - c. In recognition of the County's concern about drainage problems in the Clairborne Run watershed, applicant proffers to conduct a stormwater management study, the design of which shall be coordinated with the County and shall not exceed a cost of seven thousand dollars (\$7,000.00), to be commenced within one hundred eighty (180) days of the date of rezoning by the County.
  - d. In the event the study referenced in 12c identifies offsite improvements that would more effectively curtail stormwater run-off than the measures proposed at 12b, applicant agrees to contribute the sum of thirty thousand dollars (\$30,000.00) toward such improvements.
13. DEVELOPMENT PLAN. Applicant agrees that it shall complete no more than 150 single family units in any given calendar year, commencing with 1996. Units not completed in any given calendar year may be carried over into the following year in addition to the units per year permitted herein.
14. CANINE TRAINING. Applicant shall provide a ten (10), plus or minus, acre site within the twenty (20), plus or minus, acre parcel it owns on State Route 601 at the Dahlgren Railroad spur as a site for the relocation of the existing canine training area. The new site shall be available to the Stafford County Sheriff's Department to conduct such training for so long as applicant owns the property, provided that the activities do not constitute a nuisance to the neighborhood or result in any direct or indirect cost to applicant, or loss of revenue.
15. COMMUTER RAIL PARKING. Applicant shall convey to the County two (2) acres for use as additional commuter rail parking, free and clear of any encumbrances, and in the general location as shown on the GDP. Conveyance shall be made no later than July 31, 1996. Prior to such time, applicant may use the property in any manner that will not detract from the intended use of the site.

A Copy, teste:

  
Steve Crosby  
County Administrator

R13-157

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 7<sup>th</sup> day of May, 2013:

<u>MEMBERS:</u>	<u>VOTE:</u>
Susan B. Stimpson, Chairman	Yes
Robert "Bob" Thomas, Jr., Vice Chairman	Yes
Jack R. Cavalier	Yes
Paul V. Milde III	Yes
Ty A. Schieber	Yes
Gary F. Snellings	Yes
Cord A. Sterling	Yes

On motion of Mr. Thomas, seconded by Mr. Milde, which carried by a vote of 7 to 0, the following was adopted:

A RESOLUTION TO AUTHORIZE A PROFFER AMENDMENT  
APPLICATION ON ASSESSOR'S PARCEL 46-93E FOR THE  
LEELAND STATION DEVELOPMENT LOCATED WITHIN THE  
FALMOUTH ELECTION DISTRICT

WHEREAS, H. Clark Leming, on behalf of GTIS-HOV Leeland Station LLC, submitted a reclassification application (RC1300138) to amend proffered conditions on Assessor's Parcels 46-92B, 46-93 (Portion), and 46-93E, located within the Falmouth Election District; and

WHEREAS, Assessor's Parcel 46-93E, 3 acres, is owned by the County; and

WHEREAS, in 1997, pursuant to Ordinance O95-64R (subsequently amended by O04-15), the original developer of Leeland Station conveyed Assessor's Parcel 46-93E to the County for use as a public library; and

WHEREAS, the County does not plan to construct a library on Assessor's Parcel 46-93E; and


WHEREAS, the current developer of Leeland Station desires to use Assessor's Parcel 46-93E for its own purposes and to amend the proffers on that parcel to reconfigure the development plans for the neighborhood; and

R13-157  
Page 2

WHEREAS, the Board is willing to consider a proffer amendment on Assessor's Parcel 46-93E;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of May, 2013, that it be and hereby does authorize Assessor's Parcel 46-93E to be included in the reclassification application (RC1300138) for the purposes of amending proffers on the parcel.

A Copy, teste:



---

Anthony J. Romanello, ICMA-CM  
County Administrator

AJR:JAH:sjs

**VIRGINIA RAILWAY EXPRESS**

1500 King Street, Suite 202

Alexandria, VA 22314

P: (703) 684-1001

F: (703) 684-1313

www.vre.org

August 12, 2013

Mr. Mike Zuraf  
Stafford County  
Department of Planning and Zoning  
1300 Courthouse Road, 1st Floor  
Stafford, VA 22554

Dear Mr. Zuraf:

I am writing to offer comments from the Virginia Railway Express (VRE) on the revised Proffer Amendment for The Residence at Leeland Station, Stafford County Project Number 1300138. Thank you for all your efforts in keeping me up to date with information regarding this application as the County review has progressed.

As noted in prior comments regarding this Proffer Amendment, the Leeland Rd. station is one of VRE's most heavily used stations, the 4<sup>th</sup> busiest station behind Fredericksburg, Broad Run and Burke Centre. The paved parking lots contain approximately 830 spaces. The leased gravel lot accommodates approximately 180 additional cars for a total parking capacity of about 1,010 spaces. As of July 2013, parking utilization was at 83% of total parking capacity with all of the paved parking spaces in use on a typical day. Access to the station is via an entrance on Leeland Rd. and from Primmer House Rd., through the gravel lot.

Due to the heavy passenger loads using Leeland Rd. station, the existing 400 foot long platform is at capacity. Evening train dwell times have been increasing and are beginning to create a bottleneck on the Fredericksburg Line at the station due to the extended time it takes passengers to exit the train. As has been noted previously (see attachment), *lengthening the Leeland Rd. platform and providing an additional platform access/egress point from the parking lot is critical to ensuring rider comfort and safety and should be addressed by the County before additional parking is provided at the station.* To address this need, VRE reiterates prior requests that consideration be given to a proffer contribution from the Leeland Station developer as the local match to construct a 400 foot extension of the existing station platform.

Regarding the revised Proffer Amendment, dated August 1, 2013, I offer the following comments:

- Page 2, Section 2, Transportation, Interparcel Connection: Provision of a permanent, direct vehicular connection between the existing VRE station parking lot as well as any future VRE parking located on the 3.0 acre Replacement Public Facility Site and Primmer House Road to maintain a second means of access/egress to the VRE station is requested.
- VRE appreciates the added clause (page 7, Section 16, Commuter Rail Parking) to allow the existing gravel lot to be used for VRE commuter parking until the time the developer submits a site plan for the development of that area for commercial uses.

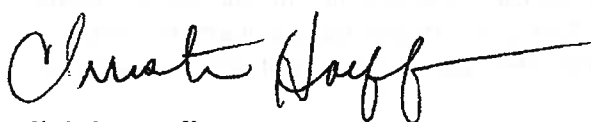


Mr. Michael Zuraf  
Page 2  
August 12, 2013

- The provision of a landscaped buffer along the CSX right-of-way (ROW) through the development, as indicated on the General Development Plan Generalized Landscape Plan is appreciated. However, VRE reiterates a preference that the full length of the ROW be fenced to prevent persons from trespassing in the ROW and crossing the railroad tracks to access the VRE station.

Thank you for the opportunity to comment on this application.

Sincerely,



Christine Hoeffner  
VRE Planning Manager

#### Attachments

cc: Anthony Romanello, Stafford County Administrator  
Joey Hess, Stafford County, Department of Public Works, Transportation Division

**VIRGINIA RAILWAY EXPRESS**

1500 King Street, Suite 202

Alexandria, VA 22314

P: (703) 684-1001

F: (703) 684-1313

www.vre.org

April 19, 2013

Mr. Mike Zuraf  
Stafford County  
Department of Planning and Zoning  
1300 Courthouse Road, 1st Floor  
Stafford, VA 22554

Dear Mr. Zuraf:

I am writing to offer comments from the Virginia Railway Express (VRE) on Stafford County Project Number 1300138, Proffer Amendment for The Residence at Leeland Station. As the proposed development is immediately adjacent to the VRE Leeland Rd. station, I would like to provide the following information about station facilities and future VRE plans for the station as background to my comments.

The Leeland Rd. station is one of VRE's most heavily used stations. Approximately 910 people use the station on an average day, ranking it the 4<sup>th</sup> busiest station behind Fredericksburg, Broad Run and Burke Centre. The paved parking lots contain 845 spaces. The leased gravel lot accommodates approximately 175 additional cars for a total parking capacity of 1,020 spaces. As of March 2013, parking utilization was 820 spaces/day or 97% of paved parking capacity. That utilization rate is an average for the month. VRE ridership is heaviest on Tuesday-Thursday. On those days all paved spaces are typically full and riders overflow to the gravel parking lot. The long-term parking demand for Leeland Station as estimated in the VRE Strategic Plan is 1,100 spaces, although that projection will be revisited as part of VRE's upcoming System Plan development. Access to the station is via an entrance on Leeland Rd. and from Primmer House Rd., through the gravel lot. The existing Leeland Rd. entrance is at capacity. A queue of vehicles forms in the parking lot in the evening forcing riders to wait up to 10 minutes to exit the station at Leeland Rd.

The existing station platform is 400 feet long and will accommodate 5 passenger coaches at the platform. As most VRE trains serving the station are 6-8 coaches long, the additional coaches extend beyond the end of the platform requiring riders to walk through the train to exit via one of the coaches at the platform. This practice increases the station dwell time or the amount of time the train must stay at the station to board/alight passengers. Due to the Leeland Rd. passenger loads, evening dwell times have been increasing and are beginning to create a bottleneck on the Fredericksburg Line at the station. As VRE train lengths grow, this problem will become more pronounced. In addition, the platform area is not sufficient to accommodate passenger waiting and circulation or fully address emergency evacuation requirements given the large passenger loads that board/alight at the Leeland Rd. station. *Lengthening the Leeland Rd. platform and providing an additional platform access/egress point is critical to addressing this situation and ensuring rider comfort and safety.*



Mr. Michael Zuraf  
Page 2  
April 19, 2013

VRE's current policy places the responsibility for funding station-related improvements, including platform extensions and second platforms as well as parking expansions, with the jurisdiction where the station is located. The VRE station-related needs for Leeland Rd. described above are unfunded. Therefore, I recommend the county consider requesting the applicant provide funding for the following station improvement(s) in lieu of the VRE-related provisions in the Proffer Amendment.

- 400 foot extension of the existing station platform, including additional access between the platform and the existing parking lot.
- Construction of a dedicated left turn lane on Leeland Rd. at the VRE station entrance for northbound traffic entering the station.
- Provision of a direct vehicular connection between the existing VRE station parking lot and Primmer House Road to maintain a second means of access/egress to the VRE station and/or dedication of the land encompassing the existing gravel lot for VRE parking use.
- Construction of an 800 foot long second platform on the north side of the CSX ROW and pedestrian bridge connection to the existing south side platform.

Please note that expansion of parking at the station without expanding the existing platform *is not recommended*.

My comments specific to the Proffer Amendment and Generalized Development Plans (GDP) are provided in the attachment. I would be happy to meet with Stafford County staff to discuss VRE plans for the Leeland Rd. station, these comments or any other information you may desire regarding VRE operations in Stafford County. Please contact Christine Hoeffner, VRE Planning Manager, at 703-838-5442 or [choeffner@vre.org](mailto:choeffner@vre.org) to arrange a meeting or with questions regarding these comments.

Thank you for the opportunity to comment on this application.

Sincerely,



Doug Allen  
Chief Executive Officer

DA:cmh

Attachment

cc: Joey Hess, Stafford County, Department of Public Works, Transportation Division

Mr. Michael Zuraf  
Page 3  
April 19, 2013

## **ATTACHMENT**

VRE Comments on Stafford County Project Number 1300138, The Residence at Leeland Station

### Impact Statement – The Residence at Leeland Station

#### 1. Capacity Impact, A. Highway, page 1

It is indicated the existing section of Primmer House Road is adequately sized to handle the additional traffic associated with the proposed dwelling units. Does this analysis consider the cumulative traffic impact of existing and future VRE-related traffic on Primmer House Road in addition to the traffic generated by the additional dwelling units?

### Proffer Amendment

#### General comment

VRE recommends the county consider requesting the applicant provide funding for the following station improvement in lieu of the VRE-related provisions in the Proffer Amendment.

- 400 foot extension of the existing station platform, including additional access between the platform and the existing parking lot.
- Construction of a dedicated left turn lane on Leeland Rd. at the VRE station entrance for northbound traffic entering the station.
- Provision of a direct vehicular connection between the existing VRE station parking lot and Primmer House Road to maintain a second means of access/egress to the VRE station and/or dedication of the land encompassing the existing gravel lot for VRE parking use.
- Construction of an 800 foot long second platform on the north side of the CSX ROW and pedestrian bridge connection to the existing south side platform.

The full length of the CSX ROW through the development, including any parcels conveyed to Stafford County should be fenced to prevent persons from trespassing in the ROW and crossing the railroad tracks to access the VRE station or other public facilities adjacent to the ROW.

#### 2. Transportation, a. Interparcel Connection, page 4

A direct vehicular connection between the existing VRE parking lot and Primmer House Road is needed to retain a second means of access/egress to the VRE station rather than routing traffic through the proposed commercial development as indicated on the Overall Key Plan GDP. Dedication of the land encompassing the existing gravel parking lot, as recommended above, will retain a Primmer House Road entrance to the station under County/VRE control.

If the interparcel connection as shown on the GDP is retained, VRE riders will likely use the route through the commercial development to enter and exit the station. They are also likely to park in the development's parking area if the VRE lot is full.

Mr. Michael Zuraf  
Page 4  
April 19, 2013

3. Additional Cash Proffer, page 5

If VRE parking is constructed on the parcel on the north side of the CSX ROW proposed for dedication as a replacement public facility site, will VDOT allow a driveway/curb cut from Leeland Rd. to access the site? The combination of the bridge to the south of the site and the curve of Leeland Rd. to the north appear to provide limited sight distance for cars entering/exiting the proposed parking site. Please provide a confirmation from VDOT that approval can be obtained for vehicular access to the site from Leeland Rd. or information regarding alternative means that will be provided to access the site. Please also provide an estimate of the number of parking spaces that can be accommodated on the site. A pedestrian bridge and fencing of the CSX ROW must be provided to serve the proposed VRE parking lot and to prevent riders from attempting to cross the CSX ROW at grade to access the VRE platform. Before any additional VRE parking is provided for the Leeland Rd. station, the existing platform must be lengthened.

The proposed replacement public facility site is indicated in this section of the Proffer Amendment as approximately 5 acres. In section 8 of the Proffer Amendment it is indicated as 3 acres. Please confirm the size of the parcel.

8. Dedication of Replacement Public Facility Site, page 8

See comments above for Section 3 of the Proffer Amendment.

9. Commercial

See comments above for Section 2 of the Proffer Amendment.

Overall Key Plan, Generalized Development Plan

The proposed replacement public facility site located north of the CSX ROW is partially obscured on this plan. Please revise the plan to depict the entire site including Leeland Rd. frontage.

See also comments above for the Proffer Amendment.

Proffer Amendment Area Exhibit, Generalized Development Plan

The full length of the CSX ROW through the development, including any parcels conveyed to Stafford County should be fenced to prevent persons from trespassing in the ROW and crossing the railroad tracks to access the VRE station or other public facilities adjacent to the ROW.

See also comments above for the Proffer Amendment.

DRAFT  
004-15

~~March 8, June 21, August 16, 2013~~

**PROFFER AMENDMENT**

GTIS-HOV Leeland Station, LLC ("the Applicant") has applied for a proffer amendment for Tax Map Parcels 46-92B (35-827 acres), 46-93 (92.781 acre portion of 121.47 acres), and 46-93 (92.781 acre portion of 121.47 acres), and 46-03E (3.01 acres) ("the Property"). In the event the proffer amendment is not approved as applied for by the Applicant, or as the Applicant may modify the application, the below described Proffers shall be automatically withdrawn and are null and void and of no further force and effect regarding the subject parcel. In the event the Proffer Amendment is approved, it shall take effect and shall thereafter apply to the portions of the subject parcels identified above. The Proffers shall be deemed accepted by the Board upon approval of the Proffer Amendment as applied for by the Applicant, the expiration of the 30-day appeal period following the Board's approval, and confirmation that no litigation has been filed challenging the Proffer Amendment. Whenever the terms of the Proffer Amendment refer to the affirmative obligations of the Applicant to make improvements to the Property, the Term Applicant shall refer to the owner(s) of the Property at the time of the initial development of the Property, their successors and assigns.

1. **GENERALIZED DEVELOPMENT PLAN.** ~~The property~~ Property will be developed generally in accordance with that plan identified as "Generalized Development Plan – ~~Walnut Farms~~ Residence at Leeland Station" prepared by ~~Land Planning and Design Group and dated July 15, 1994~~ Bowman Consulting Group, Ltd., dated March 8, 2013, and revised March 14, 1995, and revised by Bagby, Caldwell and Associates, P.C., dated June 2003 as revised on June 21, 2013 and on August 1 and 2, 2013; subject however, to modifications to street and lot locations and unit numbers within pods, as dictated by topographical considerations, sound engineering practice, location or development considerations. The maximum number of units in the development shall not exceed seven hundred ~~forty-three~~ nine (70943) units; ~~the maximum number of~~

~~units in Sections 6A, 6B, and 6D shall not exceed one hundred eighteen (118) single family detached dwelling units. 583 units shall be non-age restricted single family dwelling units; 160 units shall be age restricted units (55 years and older), including 42 single family dwelling units, 48 duplex units, and 70 congregate care apartments. Congregate care is defined as assisted or unassisted residential living facilities that feature central dining and/or group recreational programs and activities. Applicant shall record appropriate restrictions designating the age restricted units simultaneously with the recordation of subdivision plats for the age restricted units.~~

2. TRANSPORTATION. ~~(Portions of the proffer that have been satisfied are deleted).~~

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a. Morton Road Realignment. Applicant shall build a two (2) lane road to rural collector standards, including a two (2) lane bridge with separated pedestrian travelway (acceptable to VDOT) for public use across the CSX railroad tracts connecting Leeland Road with Morton Road, in the approximate location shown on the Generalized Development Plan. In connection therewith, applicant shall make good faith efforts to purchase the necessary land needed to connect to Morton Road from the boundary of applicant's property and to obtain an appropriate easement to cross the CSX tracts and shall make a good faith offer to purchase parcels 45-49A and 46-49B within ninety (90) days of the date of rezoning. In the event the applicant and the landowners are able to reach agreement on a purchase price, applicant shall proceed to settlement as soon as may be practicable and shall advance sufficient funding for settlement if proffer funds are unavailable. In the event the parties are unable to reach agreement on a reasonable purchase price, it is the understanding of the County and applicant that the County will proceed promptly to exercise its power of eminent domain to obtain the necessary right-of-way. Applicant shall notify the County in writing at any point applicant believes its further attempts to negotiate would be unsuccessful. If applicant fails to make good faith efforts to purchase the parcels referenced above no additional building permit shall be issued by the County after the 200<sup>th</sup> residential unit. The cost of obtaining any right-of-way or easement, including such eminent domain proceedings as may be necessary, shall be borne by applicant, subject to the provisions of Paragraph 9. The aforesaid bridge shall be completed prior to the issuance of the building permit for the 495<sup>th</sup> residential unit. Performance of applicant's obligations under this proffer are contingent on the success of applicant's good faith efforts to obtain the aforesaid land needed to connect to Morton Road and an appropriate easement from CSX. In the event that such efforts are unsuccessful, applicant's obligation under this proffer shall be triggered by the County's successful exercise of its power of eminent domain to obtain the aforesaid right-of-way or easement.

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b. Right of Way Dedication. Applicant shall identify and convey its land located within forty five feet (45') of right-of-way from the centerline along Leeland Road bordering Applicant's parcels and south of the intersection with the new Morton Road connection. In addition, applicant shall identify and convey ninety (90) feet of right-of-way beginning at the intersection of Leeland Road and the Morton Road connection and extending westerly along the Morton Road connection across the CSX tracks to Morton Road, as shown on the GDP. Such conveyance shall occur no later than July 31, 1998 and shall be free and clear of any liens or encumbrances. Applicant retains the right to maintain or improve the unimproved right-of-way, at applicant's discretion, as may be necessary for the development of the subdivision. Such conveyance shall be subject to reservations for utility and other infrastructure easements which do not unreasonably encumber the property for its intended purpose.

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e. ~~Leeland/Deacon Intersection.~~ Applicant shall contribute one half of the cost for improvements to the intersection of Leeland Road and Deacon Road for participation in the matching fund program consisting of a left turn lane and a traffic signal as referenced in the Traffic Impact Study, dated July 29, 1994, submitted by applicant and incorporated herein by reference. Payment under this proffer shall be made no later than the issuance of a building permit for the 50<sup>th</sup> single family dwelling unit.

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d. ~~Route 1 Signal.~~ Applicant shall contribute one half of the cost of a traffic signal at the intersection of U.S. Route 1 and Layhill Road for participation in the matching fund program. Payment under this proffer shall be made prior to the issuance of the building permit for the 50<sup>th</sup> residential unit.

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e. ~~Woodlawn Left Turn Lane.~~ Applicant shall construct or cause to be constructed a left turn lane at the main entrance to the Woodlawn subdivision at the intersection of Deacon Road and Woodlawn Terrace. This improvement shall be completed prior to the issuance of the building permit for the 150<sup>th</sup> residential unit. Should state revenue sharing or matching funds be available for this improvement, applicant shall pay for one half of the cost of the turn lane. This proffer may be satisfied by the payment to the County of the cost of the foregoing, which has been determined to be \$27,038.75.

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f. ~~Interparcel Connection.~~ Applicant shall develop its parcel in such a fashion so as to provide for one interparcel connections to facilitate access to the commuter rail station between adjoining parcels. Applicant shall take no step to abandon Rice Road without the consent of the homeowners ~~along Rice~~ along Rice Road.

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3. ~~ADDITIONAL CASH PROFFER AND LAND DEDICATION.~~ The Applicant agrees to pay to the County the sum of ~~\$250,000~~ \$400,000 prior to the issuance of a building permit for the 500<sup>th</sup> residential unit, which sum shall be placed in an escrow account with an agent mutually agreeable to the parties. In addition, the Applicant shall pay to the County an additional sum of ~~\$250,000~~ \$300,000 payable upon the issuance of a building permit for the 50<sup>th</sup> residential unit in Sections 6A, 6B, and/or 6D, which sum shall also be placed in an escrow account. The Applicant agrees that the first payment of ~~\$250,000~~ 400,000 into the escrow account may be disbursed at the County's request to support a temporary artificial turf field for Stafford High School. If such funds are not utilized for the turf field they may be utilized by the County for schools or parks and recreation in the vicinity of Leeland Station. The second payment of ~~\$250,000~~ 300,000 into the escrow account shall be disbursed at the direction of the Applicant for the cost of installation of a traffic signal at the intersection of Leeland Road and Primmer House Road, which traffic signal will be installed by the Applicant, provided VDOT and County approvals are obtained, and provided further, that if the ~~\$250,000~~ 300,000 in the escrow account for the installation of the traffic signal is not sufficient to meet the full cost of installation of the traffic signal, the County shall pay the balance of the cost not paid from the escrow account, upon the request of the Applicant. Any funds remaining in the escrow account after the traffic signal is installed will be disbursed by the Escrow Account to the County

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~~to be utilized for schools or parks and recreation in the vicinity of Leeland Station. The proffer shall be deemed fully satisfied at the time full payment of \$500,000 700,000 is has been deposited by the Applicant in the escrow account. If the Applicant does not install the above referenced traffic signal by the issuance of a building permit for the 650<sup>th</sup> residential unit, the unused funds may be disbursed at the County's request to the County for use at the by the County's discretion. for schools or parks and recreation in the vicinity of Leeland Station. The Applicant also agrees to dedicate to the County the land (3 acres, more or less) north of the railroad tracts that is shown on the GDP to be the possible location for a Public Use/VRE Parking for construction by others. The Applicant shall also convey to the County any necessary sewer, water, or other construction or utility easements necessary to construct the Public Use/VRE Parking Lot.~~

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4. **PUBLIC UTILITIES.** The site shall be served by public water and sewer. Costs relating to the construction of utility lines will be borne by Applicant in accordance with the County's pro rata policy for utility lines. If any residential portion[s] of the property cannot be gravity sewer, applicant shall construct a lift station for that portion of the property. At such time the a lift station is placed in service, Applicant shall pay to the County the sum of \$65,040.00.

~~In addition the applicant shall complete the 12-inch water main connection on Primmer House Road at the CSX Railroad tracks. At applicants sole discretion, the waterline may be connected by constructing a 12-inch ductile iron water main aerial crossing over the CSX tracks or by constructing a new 12-inch ductile iron water main on Primmer House Road on the west side of the CSX tracks, along the north side of the tracks, to the existing 12-inch water main on Leeland Road. This connection shall be completed within 18 months of the issuance of a grading permit for land development in Section 6D.~~

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45. **OPEN SPACE.** Applicant agrees that at least twenty percent (20%) of the parcel, or approximately ninety (90) acres shall not be developed and shall remain as open space in its natural, undisturbed state as much as practicable. ~~The Applicant further agrees that at least twenty-five percent (25%) of the area within combined Sections 6A, 6B and 6D shall remain as open space in its natural, undisturbed state as much as practicable. This Open space acreage shall be exclusive inclusive of any land dedicated for recreational purposes described in Paragraph 5 below in the 2004 proffers for the Leeland Station development. .~~

65. **RECREATION.** ~~(Portions of the proffer that have been satisfied have been deleted). Applicant shall develop: four (4) separate recreational components: (a) a fifteen (15) acre nature park, including an approximately three (3) acre lake, nature trails, picnic areas and overlooks as shown on the GDP, and at least two (2) tot lots, to be completed prior to the issuance of a building permit for the 250<sup>th</sup> residential unit; (b) a recreational/athletic complex, featuring swimming pool, exercise areas, and two (2) tennis courts, to be completed prior to the issuance of a building permit for the 500<sup>th</sup> residential unit; (c) three (3) one (1) acre playing fields, the specific type and design to be coordinated with Stafford County~~

Department of Parks and Recreation, to be completed prior to the issuance of a building permit for the 500<sup>th</sup> residential unit and shall be conveyed forthwith to the Board of Supervisors free and clear of any liens or encumbrances; such conveyance shall be subject to reservations for utility and other infrastructure easements which do not unreasonably encumber the property for its intended purpose, and (d)

a. Bike/jogging trails: The Applicant shall develop bike/jogging trails connecting the commercial areas and existing commuter rail station to the residential areas on the Property, to be completed prior to the issuance of a building permit for the 500<sup>th</sup> residential unit. Such trails shall also accommodate interparcel connections to adjacent subdivisions and properties. Applicant shall form a home owners association(s), which shall have the responsibility for maintaining the park, lake, and nature trails. Applicant or assigns shall retain responsibility for all stormwater maintenance requirements for the subject lake.

67. EDUCATION. ~~(The proffer has been satisfied and has been deleted). In the event that applicant and the Stafford County School Board reach mutually acceptable terms on a lease agreement, applicant agrees to construct a public elementary school on a twenty (20) acre site, including at least fifteen (15) buildable acres, within the subdivision, subject to School Board standards, subject to utility easements which do not unreasonably encumber the property. In the event that Applicant and the School Board do not reach such agreement, the same site shall be conveyed to the County for use as a public school site free and clear of any liens or encumbrances. Applicant may also reach agreement with the School Board for Applicant to clear and grade a school site and then convey said site to the County for use as a school site free and clear of any liens or encumbrances. In the event that no agreement is reached between applicant and the School Board by December 31, 1996, a deed conveying the aforesaid school site shall be delivered to the County by January 31, 1997. Prior to such conveyance, applicant may use or improve the site for recreational purposes.~~

78. DEDICATION OF REPLACEMENT PUBLIC FACILITY LIBRARY SITE. Applicant shall dedicate ~~a 3 acre site for use as a public library or other similar County or public facility use in the appropriate location shown on the GDP. Conveyance shall be made no later than July 31, 1997. an additional approximate 3 3.0 acres, more or less, subdivided from a portion of the commercial site to the north of the CSX tracts, in the approximate location the existing Library site, as shown on the GDP, for use as a County passive park recreation; and/or potential future expansion of VRE commuter parking lot, in order to provide a replacement site for the less accessible 3 acre site identified on the GDP as Parcel 46-93E and previously dedicated to the County for use as a Library. The Applicant and the County agree that the two properties will be exchanged, and to execute deeds to that effect, within 60 days of the approval of the Proffer Amendment. Conveyance shall be made no later than July 31, 1997. Prior to dedication of the Public Facility s~~Site such time, applicant may use the Pproperty for in any manner

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that will not detract from the intended use of the site. Applicant shall have the opportunity to comment on the architectural design of the ~~Library Public Facility.~~

89. COMMERCIAL. The following proffers shall apply to the commercial site shown on the GDP adjacent to the commuter rail station:
- a. General. Applicant shall construct or cause to be constructed a minimum of 45,000 square feet of commercial space on a minimum of six acres. ~~Vehicle fuel sales shall not be permitted on the Property. At least 7,500 square feet of the commercial space shall be developed for office or commercial use, including day care, by the time of the issuance of the building permit for the 500<sup>th</sup> residential unit. The remaining 30,000 square feet shall be developed as general commercial space by the time of the issuance of the building permit for the 743<sup>th</sup> residential unit.~~
  - b. Architecture and Building Materials. The principal exterior building materials utilized in all structures constructed within the commercial portions of the property shall be brick, glass, architecturally textured masonry, precast or job-cast concrete, stucco type material, or comparable material or a combination of such materials. No building having metal siding or non-textured cinderblock as a principal exterior building material shall be constructed on the property.
  - c. Signage. All permanent, free-standing signs located on those portions of the property along Leeland Road shall be of a monument style type and shall be constructed of materials which are compatible with the materials used in construction of the buildings on the site.
  - d. ~~Aesthetics.~~ All mechanical systems, including those located on rooftops, shall be screened from view at public street level.
  - e. Site Configuration. Any proposed pad site shall utilize an internal traffic flow system. There shall be no curb cuts onto Leeland Road ~~provided that~~ and access shall be obtained through the commuter rail parking facility and the Morton Road alignment to include the commuter lot areas, as described in Proffer 8, above.

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~~810. CASH CONTRIBUTION. (The proffer has been satisfied and therefore deleted).~~

~~Applicant shall proffer the sum of three thousand two hundred dollars (\$3,200.00) per unit, payable at issuance of the building permit for each individual unit. There shall be no per unit proffer for the 70 congregate care units. The per unit contribution shall be allocated based on the following categories and subcategories:~~

<del>Roads</del>	<del>\$</del>	<del>1,924.00</del>	
<del>Route 1 light</del>	<del>\$</del>	<del>20,000.00</del>	<del>(1/2 est. cost)</del>
<del>Leeland/Denoon intersection</del>	<del>\$</del>	<del>37,500.00</del>	<del>(1/2 est. cost)</del>
<del>Morton Road realignment</del>	<del>\$</del>	<del>1,600,000.00</del>	<del>(total est. cost)</del>
<del>Library</del>	<del>\$</del>	<del>63.00</del>	
<del>Parks</del>	<del>\$</del>	<del>28.00</del>	
<del>Government Center</del>	<del>\$</del>	<del>182.00</del>	
<del>Schools</del>	<del>\$</del>	<del>1,003.00</del>	

~~Applicant may deduct from the per unit proffers any costs related to the construction of the bridge crossing the CSX tracts and any related improvement, including the cost of bridge approaches, road and right-of-way costs beyond what is necessary to accommodate the subdivision traffic, as referenced in the cost estimate prepared by Greenhorne & O'Mara, dated January 24, 1995, and incorporated herein by reference, and the cost of purchasing, including carrying costs if payment is advanced under Paragraph 2, (or obtaining through condemnation) any additional land needed for the connection to Morton Road. Subsequent proffer payments shall be used in accordance with County proffer guidelines and shall be adjusted to ensure that all proffer categories are fully funded.~~

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~~911. ARCHAEOLOGICAL SURVEY. (The proffer has been satisfied and therefore deleted.) Applicant shall conduct a Phase I archaeological survey of the property and provide the County with a report documenting the findings of the Phase I survey. The survey shall be conducted within 180 days of the approval of the rezoning of the property in accordance with the Historical Resource Guidelines.~~

~~10.12. CEMETERIES. Any existing cemeteries on the property shall be relocated according to state law or preserved and perpetually maintained by applicant, property owners, and any subsequent homeowners association. Applicant agrees that only existing cemeteries located within a proposed roadway or right-of-way shall be subject to relocation.~~

~~11.13. STORMWATER MANAGEMENT. (The proffer has been satisfied and therefore deleted).~~

~~a. All stormwater management shall be designed and constructed in accordance with County and state ordinances. Applicant shall comply with the existing Stafford County Stormwater Management Plan and ordinances adopted pursuant~~

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thereto. Such facility shall be maintained by applicant, property owners, or any subsequent homeowners association.

b. Applicant further proffers that upon completion of development of the Property, peak drainage flows into Claiborne Run shall be reduced by twenty five percent (25%) of current peak flows, as estimated by Greenhorne & O'Mara.

e. In recognition of the County's concern about drainage problems in the Claiborne Run watershed, applicant proffers to conduct a stormwater management study, the design of which shall be coordinated with the County and shall not exceed a cost of seven thousand dollars (\$7,000.00), to be commenced within one hundred eighty (180) days of the date of rezoning by the County.

d. In the event the study referenced in 12e identifies offsite improvements that would more effectively curtail stormwater run-off than the measures proposed at 12b, applicant agrees to contribute the sum of thirty thousand dollars (\$30,000.00) toward such improvements.

~~12~~14. **DEVELOPMENT PLAN.** Applicant agrees that it shall complete no more than 150 single family units on the Property in any given calendar year, commencing with 1996. Units not completed in any given calendar year may be carried over into the following year in addition to the units per year permitted herein.

~~15.~~ **CANINE TRAINING.** ~~(The proffer has been satisfied and therefore deleted.) Applicant shall provide a ten (10), plus or minus, acre site within the twenty (20) plus or minus, acre parcel it owns on State Route 601 at the Dahlgren Railroad spur as a site for the relocation of the existing canine training area. The new site shall be available to the Stafford County Sheriff's Department to conduct such training for so long as applicant owns the property, provided that the activities do not constitute a nuisance to the neighborhood or result in any direct or indirect cost to applicant, or loss of revenue.~~

~~13~~16. **COMMUTER RAIL PARKING.** ~~(The proffer has been satisfied and therefore deleted). Applicant shall convey to the County two (2) acres for use as additional commuter rail parking, free and clear of any encumbrances, and in the general location as shown on the GDP. Conveyance shall be made no later than July 31, 1996. Prior to such time, Applicant may use the Property in any manner that will not detract from the intended use of the site. The Applicant agrees that the County may continue to utilize the commercial portion of the site for VRE parking consistent with the terms of the current lease until four (4) months six (6) months after the date of the submission of the final site plan for any portion of the commercial area.~~

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GTIS-HOV LEELAND STATION, LLC

\_\_\_\_\_  
By:  
Title:

Commonwealth/State of \_\_\_\_\_  
County/City of \_\_\_\_\_, to-wit:

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that David C. DeMarco, signed to the foregoing document, has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

August 16, 2013

**PROFFER AMENDMENT**

GTIS – HOV Leeland Station, LLC (“the Applicant”) has applied for a proffer amendment for Tax Map Parcels 46-92B (35.827 acres), 46-93 (92.781 acre portion of 121.47 acres), and 46-93E (3.001 acres) (“the Property”). In the event the proffer amendment is not approved as applied for by the Applicant, or as the Applicant may modify the application, the below described Proffers shall be automatically withdrawn and are null and void and of no further force and effect regarding the subject parcel. In the event the Proffer Amendment is approved, it shall take effect and shall thereafter apply to the portions of the subject parcels identified above. The Proffers shall be deemed accepted by the Board upon approval of the Proffer Amendment as applied for by the Applicant, the expiration of the 30-day appeal period following the Board’s approval, and confirmation that no litigation has been filed challenging the Proffer Amendment. Whenever the terms of the Proffer Amendment refer to the affirmative obligations of the Applicant to make improvements to the Property, the term Applicant shall refer to the owner(s) of the Property at the time of the initial development of the Property, their successors and assigns.

1. **GENERALIZED DEVELOPMENT PLAN.** The Property shall be developed generally in accordance with that plan identified as “Generalized Development Plan – Residence at Leeland Station” prepared by Bowman Consulting Group, Ltd., dated March 8, 2013, as revised on June 21, 2013 and on August 1, 2013; subject however, to modifications to street and lot locations and unit numbers within pods, as dictated by topographical considerations, sound engineering practice, location or development considerations. The maximum number of units in the overall Residence at Leeland

Station development shall not exceed seven hundred nine (709) units; the maximum number of units in Sections 6A, 6B, and 6D shall not exceed one hundred eighteen (118) single family detached dwelling units.

2. TRANSPORTATION. (Portions of the proffer that have been satisfied are deleted.)

Interparcel Connection. Applicant shall develop its parcel in such a fashion so as to provide for one interparcel connection to facilitate access to the commuter rail station between adjoining parcels. Applicant shall take no step to abandon Rice Road without the consent of the homeowners along Rice Road.

3. ADDITIONAL CASH PROFFER AND LAND DEDICATION. The Applicant agrees to pay to the County the sum of \$400,000 prior to the issuance of a building permit for the 500th residential unit, which sum shall be placed in an escrow account with an agent mutually agreeable to the parties. In addition, the Applicant shall pay to the County an additional sum of \$300,000 payable upon the issuance of a building permit for the 50<sup>th</sup> residential unit in Sections 6A, 6B and/or 6D, which sum shall also be placed in the escrow account. The Applicant agrees that the first payment of \$400,000 into the escrow account may be disbursed at the County's request to support a temporary artificial turf field for Stafford High School. If such funds are not utilized for the turf field they may be utilized by the County for schools or parks and recreation in the vicinity of Leeland Station. The second payment of \$300,000 in the escrow account shall be disbursed at the direction of the Applicant for the cost of installation of a traffic signal at the intersection of Leeland Road and the Primmer House Road, which traffic signal will be installed by the Applicant, provided VDOT and County approvals are obtained and, provided further, that if the \$300,000 in the escrow account for the installation of the

traffic signal is not sufficient to meet the full cost of installation of the traffic signal, the County shall pay the balance of the cost not paid from the escrow account, upon the request of the Applicant. Any funds remaining in the escrow account after the traffic signal is installed will be disbursed by the Escrow Agent to the County to be utilized for schools or parks and recreation in the vicinity of Leeland Station. The proffer shall be deemed fully satisfied at the time payment of \$700,000.00 has been deposited by the Applicant in the escrow account. If the Applicant does not install the above referenced traffic signal by the issuance of a building permit for the 650<sup>th</sup> residential unit, the unused funds may be disbursed at the County's request to the County for use by the County for schools or parks and recreation in the vicinity of Leeland Station.

4. PUBLIC UTILITIES. The site shall be served by public water and sewer. Costs relating to the construction of utility lines will be borne by Applicant in accordance with the County's pro rata policy for utility lines. If any portion[s] of the Property cannot be gravity sewer, Applicant shall construct a lift station for that portion of the Property. At such time a lift station is placed in service, Applicant shall pay to the County the sum of \$65,040.

In addition the Applicant shall complete the 12-inch water main connection on Primmer House Road at the CSX Railroad tracks as requested in the staff report. At applicants sole discretion, the waterline may be connected by constructing a 12-inch ductile iron water main aerial crossing over the CSX tracks or by constructing a new 12-inch ductile iron water on Primmer House Road on the west side of the CSX tracks, along the north side of the tracks, to the existing 12-inch water main on Leeland Road. This connection shall be completed within 18 months of the issuance of a grading permit for land development in Section 6D.

5. OPEN SPACE. Applicant agrees that at least twenty percent (20%) of the parcel, or approximately ninety (90) acres shall not be developed within the overall Leeland Station development and shall remain as open space in its natural, undisturbed state as much as practicable. The Applicant further agrees that at least twenty-five percent (25%) of the area within combined Sections 6A, 6B and 6D shall remain as open space in its natural, undisturbed state as much as practicable. Open space acreage shall be inclusive of any land dedicated for recreational purposes as described in Paragraph 5 in the 2004 proffers for the Leeland Station development.

6. RECREATION. (Portions of the proffer that have been satisfied have been deleted). Applicant shall develop:

a. Bike/jogging trails: The Applicant shall develop bike/jogging trails connecting the commercial areas and existing commuter rail station to the residential areas on the Property, to be completed prior to the issuance of a building permit for the 500<sup>th</sup> residential unit. Such trails shall also accommodate interparcel connections to adjacent subdivisions and properties. Applicant shall form a home owners association(s), which shall have the responsibility for maintaining the park, lake, and nature trails. Applicant or assigns shall retain responsibility for all stormwater maintenance requirements for the subject lake.

7. EDUCATION. (The proffer has been satisfied and has been deleted.)

8. DEDICATION OF REPLACEMENT PUBLIC FACILITY SITE. Applicant shall dedicate an additional 3.0 acres, more or less, subdivided from a portion of the commercial site to the north of the existing Library site, as shown on the GDP, for use as County passive recreation and/or potential future expansion of VRE commuter parking lot, in order to provide a replacement site for the 3 acre site identified on the GDP as

Parcel 46-93E and previously dedicated to the County for use as a Library. The Applicant and the County agree that the two properties will be exchanged, and to execute deeds to that effect, within 60 days of the approval of the Proffer Amendment. Prior to dedication of the Public Facility Site, Applicant may use the Property in any manner that will not detract from the intended use of the site. Applicant shall have the opportunity to comment on the architectural design of the Public Facility.

9. COMMERCIAL. The following proffers shall apply to the commercial site shown on the GDP adjacent to the commuter rail station:

a. General. Applicant shall construct or cause to be constructed a minimum of 45,000 square feet of commercial space on a minimum of six (6) acres. Vehicle fuel sales shall not be permitted on the Property.

b. Architectural and Building Materials. The principal exterior building materials utilized in all structures constructed within the commercial portions of the Property shall be brick, glass, architecturally textured masonry, precast or job-cast concrete, stucco type material, or comparable material or a combination of such materials. No building having metal siding or non-textured cinderblock as a principal exterior building material shall be constructed on the Property.

c. Signage. All permanent, free-standing signs located on those portions of the Property along Leeland Road shall be of a monument style type and shall be constructed of materials which are compatible with the materials used in construction of the buildings on the site.

d. Aesthetics. All mechanical systems, including those located on rooftops, shall be screened from view at public street level.

e. Site Configuration. Any proposed pad site shall utilize an internal traffic flow

system. There shall be no curb cuts onto Leeland Road and access shall be obtained through the Morton Road alignment, to include the commuter lot areas, as described in Proffer 8 above.

10. CASH CONTRIBUTION. (The proffer has been satisfied and therefore deleted.)

11. ARCHAEOLOGICAL SURVEY. (The proffer has been satisfied and therefore deleted.)

12. CEMETERIES. Any existing cemeteries on the Property shall be relocated according to state law or preserved and perpetually maintained by Applicant, property owners, and any subsequent homeowners association. Applicant agrees that only existing cemeteries located within a proposed roadway or right-of-way shall be subject to relocation.


13. STORMWATER MANAGEMENT. (The proffer has been satisfied and therefore deleted.)

14. DEVELOPMENT PLAN. Applicant agrees that it shall complete no more than 150 single family units on the Property in any given calendar year, commencing with 1996. Units not completed in any given calendar year may be carried over into the following year in addition to the units per year permitted herein.

15. CANINE TRAINING. (The proffer has been satisfied and therefore deleted.)

16. COMMUTER RAIL PARKING. The Applicant agrees that the County may continue to utilize the commercial portion of the site for VRE parking consistent with the terms of the current lease until six (6) months after the date of the submission of the final site plan for any portion of the commercial area.


GTIS – HOV Leeland Station, LLC

  
By: DAVID C. DEMARCO  
Title: MANAGER

Commonwealth/State of Virginia  
County/City of Stafford, to-wit;

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that David C. DeMarco, signed to the foregoing document, has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 16<sup>th</sup> day of August 2013.

  
Notary Public

My Commission Expires: 11-30-2013



PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 3<sup>rd</sup> day of September, 2013:

MEMBERS:

- Susan B. Stimpson, Chairman
- Robert "Bob" Thomas, Jr., Vice Chairman
- Jack R. Cavalier
- Paul V. Milde III
- Ty A. Schieber
- Gary F. Snellings
- Cord A. Sterling

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE PROFFERED CONDITIONS ON ASSESSOR'S PARCELS 46-92B, 46-93 (PORTION), AND 46-93E ZONED PD-1 PLANNED DEVELOPMENT 1 ZONING DISTRICT, WITHIN THE FALMOUTH ELECTION DISTRICT

WHEREAS, GTIS-HOV Leeland Station, LLC, applicant, submitted application RC1300138 requesting an amendment to proffered conditions on Assessor's Parcels 46-92B, 46-93 (portion), and 46-93E, zoned PD-1 Planned Development 1 Zoning District located within the Falmouth Election District; and

WHEREAS, Assessor's Parcels 46-92B, 46-93 (portion), and 46-93E, zoned PD-1 Planned Development 1 Zoning District, are subject to proffered conditions pursuant to Ordinance O04-15, adopted by the Board on March 2, 2004; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, at the public hearing; and

WHEREAS, the Board determined that the requested amendment to proffered conditions is compatible with the surrounding land uses and zoning; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of such an Ordinance to amend the proffered conditions;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 3<sup>rd</sup> day of September, 2013, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the proffered conditions on Assessor's Parcels 46-92B, 46-93 (portion), and 46-93E, zoned PD-1 Planned Development 1 Zoning District, as specified in the proffer statement entitled, "Proffer Amendment," dated August 16, 2013.

AJR:JAH:mz

PROPOSED  
BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 3<sup>rd</sup> day of September, 2013:

-----  
MEMBERS:

Susan B. Stimpson, Chairman  
Robert "Bob" Thomas, Jr., Vice Chairman  
Jack R. Cavalier  
Paul V. Milde III  
Ty A. Schieber  
Gary F. Snellings  
Cord A. Sterling

VOTE:

-----  
On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO DENY A REQUEST TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE PROFFERED CONDITIONS ON ASSESSOR'S PARCELS 46-92B, 46-93 (PORTION), AND 46-93E ZONED PD-1 PLANNED DEVELOPMENT 1 ZONING DISTRICT, WITHIN THE FALMOUTH ELECTION DISTRICT

WHEREAS, GTIS-HOV Leeland Station, LLC, applicant, submitted application RC1300138 requesting an amendment to proffered conditions on Assessor's Parcels 46-92B, 46-93 (portion), and 46-93E, zoned PD-1 Planned Development 1 Zoning District located within the Falmouth Election District; and

WHEREAS, Assessor's Parcels 46-92B, 46-93 (portion), and 46-93E, zoned PD-1 Planned Development 1 Zoning District, are subject to proffered conditions pursuant to Ordinance O04-15, adopted by the Board on March 2, 2004; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, at the public hearing; and

WHEREAS, the Board determined that the requested amendment to proffered conditions is incompatible with the surrounding land uses and zoning; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3<sup>rd</sup> day of September, 2013, that application RC1300138 be and it hereby is denied.

AJR:JAH:mz