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DEVELOPERS' DILEMMA

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Four months ago, developer Rob Gollahon had grand plans for the 480 acres he owns off Eskimo Hill Road.

At a community meeting at Stafford Middle School in May, he told neighbors that he envisioned a 1,500-home neighborhood called Stafford Town Station. His plans included a 40-acre commercial center, plenty of green space, easy access to Interstate 95, a shuttle bus to the commuter-rail station on Brooke Road and a proffer package to Stafford County worth more than \$20 million.

Proffers are carefully negotiated but voluntary contributions, usually of money or land, that developers give to counties. The county uses the money or land to help build new roads, schools, parks or other facilities needed to accommodate the new residents.

Stafford County quadrupled its proffer guideline amounts in 2000, and Stafford Town Station was to be the first large-scale residential development to offer the entire \$20,399 per home called for in the new guidelines.

Since the new guidelines went into effect, developers have pursued large-lot rural subdivisions that don't require rezonings or proffers.

Supervisor Kandy Hilliard, who represents the Eskimo Hill Road area, initially said Gollahon's willingness to seek a rezoning represented an opportunity for the Board of Supervisors to take back control of the county's explosive growth.

"Stafford is going to grow. We can either allow growth to come in by right [without proffers] or we can look at this and see if there is a better way to bring growth," she said in May.

Since then, three other developers have also shown a renewed interest in



[A Silver Cos. proposal for Sherwood Farm on State Route 3 is one of several large-scale rezonings being considered in Stafford.](#)

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The growth game

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rezoning agricultural land in Stafford to allow for larger, denser residential projects. Together, the four projects would add more than 12,000 homes on 4,000 acres from Widewater to White Oak.

for rezonings because supervisors have not reached consensus on growth

Hilliard has changed her mind about rezoning more land for houses. She said she heard her constituents loud and clear.

Part 3:

- New tool for managing growth draws interest, but can area taxpayers afford it?

"The input I got is that we don't want any more houses in Stafford," she said.

Without Hilliard's support, Gollahon's application to rezone the property to make way for Stafford Town Station has never gone forward.

Instead, Gollahon submitted a by-right subdivision plan last month that would carve up the same land into 145 lots of three acres each. Under that plan, there will be no commercial center, no green space, no shuttle bus, and no \$20 million proffer package.

Gollahon's attorney, Clark Leming, considers his client's plight a cautionary tale about how supervisors might lose the opportunity to channel growth and extract proffers because the board lacks a clear vision for what sort of new growth is acceptable.

"In Stafford, we seem to be in more of a holding pattern, but we're not exactly sure what we're holding," Leming said.

None of the four major projects being contemplated have submitted rezoning applications, the first official step toward getting permission to build the communities they want.

But all four have, like Gollahon, devised alternate plans that will allow them to profitably build--without proffers, traffic mitigation, open space or smart-growth concepts--even if supervisors never approve their primary plans.

Striking a balance

Supervisors say Stafford is already way behind schedule when it comes to planning for growth.

The county's comprehensive land-use plan, required by state law to be revised every five years, is more than a decade out of date. Supervisors have begun discussing hiring a consultant to help update the plan.

Utilities officials foresee more water and sewer customers tapping into county pipes than the system can handle. But supervisors fear that the only way to pay for upgrades is to hook more customers onto the water and sewer systems than the county's roads, schools and other services can handle.

New schoolchildren are pouring into the county at a rate of more than 1,000 a year. To keep up, the county will need to spend \$149 million on new schools, plus more than \$100 million on other large construction and improvement projects. Together, that's \$30 million more than the county staff thinks Stafford can afford.

County leaders vacillate between saying they can't afford to allow any new growth and saying they are powerless to stop it.

"We just need to strike a balance, but that balance can't be struck until we come up with a new comprehensive plan," Supervisor Mark Osborn said.

Other supervisors agree that updating the comprehensive plan and other planning documents--the capital improvements plan, transportation improvement plan and zoning ordinance--will go a long way toward preparing the board to consider new proposals.

But some supervisors say Stafford's failure to update its planning documents isn't the only thing responsible for the county's uncontrolled growth.

Supervisor Pete Fields blames the developers' lobby in Richmond. He said that developers who want to get his backing for new residential projects should first persuade the General Assembly to give the county more planning tools.

For example, Fields said, he wants broader authority to assess an impact fee for roads, schools and other county programs on every new residential lot--not just those that require a rezoning. He also wants authority from the General Assembly to forbid developers from building more houses if the county can prove it can't meet the added road and school burden the new houses would create.

"As long as the developers' lobby denies us the tools to make existing growth on the books pay for itself, we can't possibly allow any new growth to happen, at least not fairly," Fields said. "The answer lies in Richmond. It doesn't lie here in Stafford."

Speaking with one voice

Leming, the real-estate attorney who shepherds nearly all of the county's large-scale rezoning applications through the county's approval process, thinks he knows the main reason no developer has yet filed a rezoning application.

"There is not an existing consensus on the Board of Supervisors as to what way the county should go on growth issues, so everything is on hold," Leming said. "Until you see the county speaking with one voice I don't think you're going to see any large-scale zoning come forward. There's just no point to it."

Developers say they are still continuing to work on their rezoning applications.

"We haven't received any word from the county that they aren't accepting any rezoning applications," said Jervis Hairston, a vice president with the Silver Cos.

Hairston is working on plans for Sherwood, a 2,950-home age-restricted community in southeastern Stafford. He said the company is now regrouping based on the comments heard at three community meetings held this summer, but he couldn't say when a plan might be filed.

Ed Duafala, vice president of land acquisition for Maryland Development Co., the developer behind Leeland Station, said supervisors told him the county would not consider rezoning for his project until an updated comprehensive land-use plan is in place--a process that will probably take at least a year.

Leeland Station, the southern Stafford development centered around the Virginia Railway Express station off Leeland Road, was about a third of the way through its original plan for 740 single-family homes when the developer decided to try a new idea this summer.

The new project, 1,689 homes mingled with commercial and government space as seen in a traditional downtown, isn't exactly on hold, Duafala said.

A complete application involves months of design and engineering work anyway. And the project will require a complete overhaul of the county's zoning ordinance.

Duany Plater-Zyberk & Co., a national urban-planning firm with offices in Maryland, is working on a draft overhaul while it waits for the county to complete its new comprehensive plan.

Garrett Development Corp. is also due to announce detailed plans for nearly 6,000 homes in Widewater next month. But Marne Sherman, Garrett's planning and zoning analyst, said not to expect the zoning application immediately.

"We don't want to rush into it," she said. "We want to make sure we have information to back up what we've been saying, and we want to address as many of residents' concerns as we can."

Even Gollahon hasn't completely committed himself to building the 145-home large-lot subdivision he has submitted plans for.

"It doesn't necessarily mean the property will be developed that way," Leming said. "But it protects the owner from downzoning and gives him a viable option if rezoning doesn't materialize."

Leming said there will come a point when developers will have to decide whether the time and expense they are putting into their plans is likely to yield results in the face of a resistant Board of Supervisors.

Between the engineering and design work, application fees and legal fees, rezoning applications can cost hundreds of thousands of dollars. And even the most promising applications can be deliberated for a year or longer.

Developers are not going to tie up their time and money on applications they know supervisors won't approve, Leming said. And if no project will be approved, developers will focus on projects that don't require board approval, usually large-lot subdivisions.

That's the exact sort of development supervisors blame for gobbling up all the land and thwarting their efforts to control growth.

Some supervisors say they feel an urgency to set plans and reach a consensus on growth before developers give up and opt for more by-right subdivisions.

For example, Osborn, who represents the Leeland Station area, said his beef is with the timing of that project, not the concept.

"If we're going to have growth, this is the kind of growth we want," he said. "It will be a disappointment if it doesn't come to fruition. We'll be looking back 20, 30 years from now, saying, 'Why did we not plan around the rail station?'"

Other supervisors say the comprehensive plan is too important to rush.

"At this point there's no serious situation that warrants moving quickly," said board Chairman Jack Cavalier.

Cavalier represents the Widewater area, which has a section of its very own in the comprehensive plan. The Planning Commission has undertaken a special effort to revise that section separately from the rest, and Cavalier said a good plan is worth waiting for.

"It needs to be a well-devised, well-thought-out plan," he said. "Not a plan that basically started in 1970s, was approved in the 1990s and doesn't fit the lifestyle of either Widewater or Stafford County."

For now, supervisors are taking the first preliminary steps toward reaching a consensus on governing growth. They've scheduled a work session for Tuesday to discuss the capital-improvements plan, they've started discussions about hiring a consultant to help update the comprehensive plan and they've tasked the Planning Commission with recommending updates to other plans, including the plans for Widewater and transportation.

When the preliminary work is done, supervisors say, they will roll up their sleeves and start talking.

"We need to have the debate over what is the future of Stafford County," Fields said. "Is it high-density, highly populated urban development with loss of rural land forever and ever? Or is this a rural area on the outskirts of Washington that believes the high-density development belongs inside the Beltway?"

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