

***STAFFORD COUNTY PLANNING COMMISSION MINUTES***  
***March 7, 2012***

The meeting of the Stafford County Planning Commission of Wednesday, March 7, 2012, was called to order at 6:30 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Rhodes, Hirons, Apicella, Schwartz, Hazard, Boswell, and Gibbons

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Blackburn, Hornung, Knighting, Magwood, and Ansong

Mr. Rhodes: I would note for all we have a new member of the Planning Commission. Last night Mr. Gibbons was voted in to become a member of the Planning Commission from Rock Hill District. And Mr. Howard who has served us tremendously, two years as Chairman, is now I believe on the Utilities Commission, if I remember correctly. Okay, so welcome Mr. Gibbons. I know you are a bit of a novice to the governance here in Stafford County, having had such a long tenure with the Board of Supervisors as Chair and many other roles. We just thank you for continuing to serve and welcome you joining us tonight.

Mr. Gibbons: Thank you Mr. Chairman.

Mr. Rhodes: With that I would like to ask for roll call please.

Mrs. Hazard: Mr. Apicella.

Mr. Apicella: Here.

Mrs. Hazard: Dr. Schwartz.

Dr. Schwartz: Here.

Mrs. Hazard: Mr. Hirons.

Mr. Hirons: Here.

Mrs. Hazard: Mr. Rhodes.

Mr. Rhodes: Here.

Mrs. Hazard: Mrs. Hazard is here. Mr. Boswell.

Mr. Boswell: Here.

Mrs. Hazard: And welcoming Mr. Gibbons.

Mr. Gibbons: Here. Thank you ma'am

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Mrs. Hazard: We have seven of seven and a full quorum.

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Very good. Are there any declarations of disqualification for items on the agenda tonight? I do note that we have a speaker here from VDOT. We had asked them to come to do a presentation on Courthouse Road. I'd like to thank them for joining us tonight and ask for possibly a motion to modify the agenda to move item 3 up to item 1 to allow them to give the presentation and be able to depart.

Mr. Apicella: So moved, Mr. Chairman.

Mr. Rhodes: Motion. Is there a second?

Mrs. Hazard: Second.

Mr. Rhodes: Any discussion? Hearing none, all those in favor signify by saying aye.

Mr. Hirons: Aye.

Mrs. Hazard: Aye.

Mr. Apicella: Aye.

Mr. Boswell: Aye.

Dr. Schwartz: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. Okay, it is thus modified. So... Mr. Harvey.

1. VDOT Presentation - Courthouse Road Interchange

Mr. Harvey: Thank you Mr. Chairman, Planning Commissioners. If you would, please recognize Kevin Northridge from Virginia Department of Transportation.

Mr. Northridge: Thank you very much.

Mr. Rhodes: Thank you.

Mr. Northridge: This is on?

Mr. Rhodes: Yes.

Mr. Northridge: Okay, thank you.

Mr. Harvey: Computer please.

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Mr. Northridge: So, first of all, thank you for the opportunity to come before the board. VDOT is always looking to reach out to its constituency and the counties and cities that we help serve the public with. So, first of all, let me thank you for this opportunity. As you know, the I-95/630 interchange has been studied for a number of years and we're now in the process of actually making this a reality; so I really just wanted to give you a very brief update of where we are. For those of you that are not familiar with the proposed design, I'll walk you through the design and really I'm here for your input and your questions and whatever I can do to facilitate the exchange of information between VDOT and Stafford County; that's what I'm here to do.

Mr. Rhodes: Thank you.

Mr. Northridge: See if I can get this working correctly. Tried this out before... okay as they said.

Mr. Rhodes: I can't help you either...

Mr. Northridge: There you go. I had it synched for a second.

Mr. Harvey: I'll try to do it manually.

Mr. Rhodes: Technology.

Mr. Harvey: That's locked up too.

Ms. Ansong: Yes. Let me see. Oh here, okay.

Mr. Rhodes: We're on a race over there... here we go.

Ms. Ansong: Do slideshow...

Mr. Northridge: Alright I got it.

Ms. Ansong: Okay.

Mr. Northridge: My clicker all of a sudden synched in. Okay... whatever happened. Just very quickly I just wanted to go over the timeline basically for the past year I'd been involved. The highlights of this is basically literally less than a year ago FHWA approved the Intersection Modification Report, basically the summary of all the different studies and analysis that we had done, and within that past year basically we've now come to... into contract with CH2M Hill, is the consultant, he actually has a number of engineering firms that's part of the design team, but they're now under contract and we're now moving forward. While they were getting them under contract, VDOT went out and initiated the survey on its own and has completed the survey and has delineated the wetlands as well. So, all that information is now with the consultant. As you can tell, by this timeline that basically, they literally had it just less than a month. So the design beyond the report stage, the concept in the report, really hasn't progressed. I did not put on this slide, but I do want to tell you that the current schedule, it hasn't been official yet, but we're looking to have our first public hearing in October of this year. That's our game plan to get the plans to a point where they are 30% complete and we can basically identify all the utility and right-of-way impacts. So, we're looking to do that about October of this year. We're looking to require right-of-way

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beginning in November of 2013, and we're looking to start utility relocations late summer of 2015, with construction beginning in 2016. So, that's the timeline that we're looking at. Did want to... one of the more important things we do before we even start off on a project is actually define the purpose and need, and the reason I put this in here is, a couple of points that you can pick out in mid-slide. Stafford County Comprehensive Plan targets the area around the interchange for concentrated development over the next decade, with Urban Development Areas in both the east and west sides of the interchange. I've... I got a copy of one. I know there's probably another one on the west side and I didn't get a copy of that. I will be reaching out to your staff for a copy of that, but I do see what you currently are considering for the Courthouse Urban Development Area and again it's important that VDOT and this Board work together going forward. Majority of my conversation I'd like to focus basically on this slide, so I don't know if you can... how well it presents on the slide, I also gave you a nice 11 x 17. I heard them called "placemats" that might be easier to read, and I'd like to walk you through the design if you're somewhat unfamiliar with it. It's called a split-diamond. As you can see, basically we've taken the ramps and split it out as opposed to trying to condense it, so that's why it's called a split diamond. Route 630 as it exists today will become one way westbound. That's a key consideration. Basically between Mooney Drive and... well I call it the Mooney Drive extended right where it's going to hit, and the relocated Austin Ridge Road. So, that'll be one way westbound. Likewise there's going to be a new alignment and a new roadway. Route 630 eastbound beginning obviously at that divergent point at Austin Ridge and will basically hook up at Mooney Drive, and then extend down to Route 1 opposite Hospital Drive. So, that's your Route 630 alignment. The... well I'll walk you through a typical... if you were coming from Route 1 and you wanted to head northbound, you would turn left onto 630. See where it splits, you're going to... obviously you're forced to stay on the north ramp there, and then if you wanted to go northbound... let me see if I can remember how... and then it splits. The area that I just circled is the ramp, so as you come up from 630 you would hit that ramp and then you'd go into 95 northbound that way. To go to 95 southbound, you would continue around, you get over in the left lane, and you would come on down and you'd head southbound on 95. For 630 heading eastbound, a little bit more direct obviously coming in this direction, you just get onto the ramp and head straight down. To head north, you would head north that way. The exiting ramps coming off, basically if you're coming down 95 south, you would be coming down and the ramp splits and to go maybe somewhat counter into it at first, it'd be well signed. If you want to go right, and actually head 630 westbound, you're going to actually stay, the ramp splits into two lanes, you're actually going to stay left to go right, and then if you want to go 630 east, you actually stay right to go left. If you're coming from the south, basically you're going to come up, Heading 630 east is fairly easy; 630 westbound, there's going to be a U-turn ramp that brings you back around. So, those are your movements. There's the Park and Ride facility that's existing today. We are currently looking at an area let's go to this... inside the jug handle, not the jug handle, the ramps, for the Park and Ride. As part of our value engineering, we're going to be looking at other alternative locations for that, but a requirement of this Interchange design is to replace the parking at a minimum, at the very... at the same number of spaces. If we can maximize and increase the number of spaces, obviously that's a benefit for all of us. There's the mirror image on the other side, whether or not we can fit parking in that side as well. So, we will be looking at that as well. So, there's... that's just the basics of the layout of the interchange and how the movements work. You can see Mooney Drive being extended out to Route 630 relocated. One of the consequences of this project is that 630 will be, guess I'm running out of colors, 630 today will be basically dead ended past your firehouse, basically where that ramp comes in. So, that portion of 630 will end up being dead ended and will have a U-turn movement there. Basically, you got to

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come down, and I know you have a couple of businesses in that location that basically you'll still have access to, it's just that the...

Mr. Gibbons: Are we allowed to ask questions?

Mr. Rhodes: Yes please. Go ahead and ask as we go.

Mr. Northridge: Surely.

Mr. Rhodes: Please Mr. Gibbons.

Mr. Gibbons: The original design had it so we could... on 630, you know we got the Fire Department right next...

Mr. Northridge: Yes.

Mr. Gibbons: ... so where is the Fire Department going to get access to?

Mr. Northridge: The Fire Department still has access on 630 and...

Mr. Gibbons: So, you're going to keep...

Mr. Northridge: In most cases they will be... I'll use red again because their fire trucks are red.

Mr. Gibbons: Okay the green...

Mr. Northridge: Fire trucks can access Mooney Drive basically they can get full access...

Mr. Gibbons: So, you're going to make them go all the way back...

Mr. Northridge: ... all the way around to all movements off of Mooney Drive.

Mr. Gibbons: Well...

Mr. Rhodes: Okay. Is the portion of where Courthouse Road used to go under 95, what is... the current Courthouse Road, is that new road network there, is that going over 95 or using the area under?

Mr. Northridge: Good question. We are going to maintain the existing portion of 630 from where these ramps basically merge and tie in, so that that portion of 630 will remain, so that's going under 95. The new alignment 630 eastbound will be over 95.

Mr. Rhodes: So, the westbound portion of those ramps will be two to three lanes, but only going one way underneath 95.

Mr. Northridge: Correct.

Mr. Rhodes: Okay.

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Mr. Northridge: One of the initial value engineering tasks that the consultant has is to look at the vertical clearance. Right now it is substandard, it's at 14 feet. If we can, you know, lower that road six inches or a foot without any major impacts to utilities, we'll look to see whether or not we can make that happen. So...

Mr. Gibbons: And the other question I have Mr. Chairman, why would we make two loops instead of just one? You see where you're making the green loop, when you come eastbound, then you take your traffic off of 95 coming northbound and if you move the green one up a little bit, couldn't you combine both of them just making one arch instead of two arches?

Mr. Northridge: Well, again because of the number of vehicles making that movement it's actually if we can get that traffic out, you can make that weave distance a lot... that weave movement cleaner. It's almost... it's actually from a traffic operations perspective to get that volume of traffic out of the way prior to that merging. It cleans up that merge and that weave, where the 95 comes into 630 eastbound.

Mrs. Hazard: Mr. Chairman?

Mr. Rhodes: Yes, Mrs. Hazard.

Mrs. Hazard: Can you highlight to me the relocated Austin Ridge Drive? I think that I have found it, but if...

Mr. Northridge: No problem.

Mrs. Hazard: That would be helpful.

Mr. Northridge: Yes, it doesn't really come out. We're moving it approximately 500 feet west.

Mrs. Hazard: I'm sorry, could you point to it again? I looked down quickly.

Mr. Northridge: Sorry.

Mr. Rhodes: Maybe go ahead and use a green or...

Mr. Northridge: You want me to use the green?

Mr. Rhodes: Yes.

Mr. Northridge: Okay, here's the green. And again the reason to do that is you need enough distance to merge this traffic in, so you need to move that intersection further to the west.

Mr. Rhodes: So, I think the... where you're proposing to dead end Courthouse Road, just past Wyche.

Mr. Northridge: Correct.

Mr. Rhodes: Then will there be access to Wyche Road?

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Mr. Northridge: No. Wyche Road again will... guess I'll...

Mr. Rhodes: Only be access from Venture Drive.

Mr. Northridge: Correct.

Mr. Rhodes: Can... I'm trying to think what's in between those sections. I think now there's the McDonalds there, there's the brand new car wash that will be thrilled, the... what is that, the Fraternal Order of Eagles. Will that be then cut off? I'm guessing.

Mr. Northridge: I'd have to see exactly what parcel you're talking about.

Mr. Rhodes: It is the one that is parallel closest to 95 on the... just on the east side and south of the new eastbound loop.

Mr. Gibbons: If you look at the Sunoco and you look up on the hill, that's what he's talking about.

Mr. Northridge: Okay.

Mr. Rhodes: Yes, so it's right where you put the blue arrow when you were going from 95 south to go east on Courthouse Road, just slightly to the right of that is a little orange box.

Mr. Northridge: Right.

Mr. Rhodes: So, it looks like that one just gets completely cut off...

Mr. Northridge: Correct.

Mr. Rhodes: ... in this configuration.

Mr. Northridge: I think anything in orange boxes, is a take at this point.

Mr. Rhodes: So, the McDonalds goes too?

Mr. Northridge: Correct. One of the... again one of the value engineering things that we're going to do initially again we're looking at the neighborhoods, to see how many of those homes we can... see if we can't merge faster to Route 95 without impacting those residences, especially...

Mr. Rhodes: Yes, those will be homes...

Mr. Northridge: As you go further north, you have greater opportunity obviously to move into the mainline of 95 without impacting those homes.

Mr. Rhodes: Right there is where they built the new car wash?

Mrs. Hazard: Yes.

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Mr. Rhodes: Interesting. So, just so I understand. How locked in is this design? Is this... this is what your... this is what it will be?

Mr. Northridge: This is what it will be. Again, with the caveat that with through value engineering, you know, these ramps can move, you know, 20, 30, 40 feet, you know in one direction or another, you know, so you can miss a home. If you can save a business, you save a business, but the general layout and configuration of the interchange and all the analysis that we did for the weaving and why we have one loop or as opposed to two loops, or two loops as opposed to one... that's fairly well said.

Mr. Rhodes: Okay. Other questions for Mr. Northridge? Dr. Schwartz.

Dr. Schwartz: Why are we dead ending old Courthouse Road? Why can't that be a yield if you're heading west on that?

Mr. Northridge: Again, just from a traffic operations perspective... we're trying to get everyone down Mooney and then move in, it's a lot cleaner from our traffic operations, rather than trying to... it's a rather short distance to try to get them to merge in and then turn off into the northbound ramp, if that's where they're headed. Again, you see that loop coming in...

Dr. Schwartz: You've got businesses down there that are going to be displaced and it just... the fire trucks, if they have to get out to Colonial Forge or down that way, you're asking a large vehicle to make three or four quick turns.

Mr. Northridge: We are going to... again as one of the value engineering's we are looking at the potential for an emergency, you know, for the Fire Department or whatever, but I mean it wouldn't be an open roadway... emergency access point that they could go through.

Mr. Rhodes: Straight west of the fire station possibly? That would be a nice little...

Mr. Northridge: But the intent obviously is not to have the traveling public, to continue to go... to utilize Route 630 the way it is today. Try to merge with all that traffic that's coming around that loop and then that traffic is trying to get onto 95 northbound.

Dr. Schwartz: Right, so you put like a blinking emergency light for the Sheriff and the Fire Department.

Mr. Rhodes: Okay.

Dr. Schwartz: Thank you.

Mr. Northridge: Okay.

Mr. Rhodes: Mr. Apicella?

Mr. Apicella: What's the total estimated cost of the project?

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Mr. Northridge: The total estimated cost, thought we brought that with me. The engineering design with the consultant, VDOT, is approximately, I'm going to use round numbers because I forgot to bring it with me. I'll say about \$10 million, right-of-way costs are about \$20 to \$25 million, and the construction costs are approximately, I think it was \$120 million the last time I saw.

Mr. Apicella: And has the money been set aside? Is it a federal, state, local partnership?

Mr. Northridge: Again, we have... we don't have all money set aside, but we do have obviously the moneys for the engineering, obviously I couldn't get an engineer onboard without having all that, you know, the \$10 million in place for that, and we do have a portion of the right-of-way funds allocated. We're in the process of finding additional sources of funding through the feds and state funds for the remaining of the right-of-way and construction.

Mr. Apicella: Do you know if there's any money allocated in the Federal Highway Bill that's currently under consideration? You said that construction starts in 2016, what's the length of time from start to finish?

Mr. Northridge: Most likely 18 months to two years. A lot of it's on new alignment, which is very helpful.

Mr. Apicella: And so what kind of issues could lead to delays in that timeline?

Mr. Northridge: In that timeline. Again, we're in the process of going through our environmental documents, you know, your environmental permitting could or could not impact schedule. Right of way acquisition again typically is an issue for us to keep our right-of-way acquisitions on schedule, so that we can move to, you know, construction ad. I'll say, the bigger the project and the longer the timeframe going into them, you actually have a better chance of... again we'll have additional public hearings. We'll be able to talk to these property owners way before 2015, 2016, so that... it's not like something I'm trying to get acquired this year so I can go to construction next year. So, in some ways it's almost easier on a larger scale project as it is... in a smaller scale project, but those... your big risks are always right-of-way acquisitions environmental. In this case, there's really not any unknown subsurface, you know, potential risks that are really going to, I mean yes you have a gas station, you're going to have to remove the gas tanks, but there are no real major risks that we see at this time.

Mr. Apicella: Now I've heard talk that they might bring the hot lanes all the way down to Spotsy. How would that impact this project?

Mr. Northridge: The bridges are actually designed, I don't know if I can go back to this or not... nope, okay.

Mr. Rhodes: Computer... there you go.

Mr. Northridge: Okay. No... yes, maybe. Okay. I was so impressed with technology before I had to use it. Okay, let's try this again. I'm trying to go to the next slide.

Mr. Rhodes: He closed that layer to... get to the baselines. There you go.

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Ms. Ansong: Let's see. Why don't we just do slideshow and then...

Mr. Northridge: Okay, it's fine. Okay.

Ms. Ansong: We'll flip through it real quick; is that okay?

Mr. Northridge: That's fine.

Mr. Northridge: On current slide, okay

Ms. Ansong: Let's see if that'll do it.

Mr. Rhodes: There we go.

Ms. Ansong: That one?

Mr. Northridge: Okay. I did want to touch base about lane configurations. Obviously Route 1 today is four lanes, two lanes in either direction, one of the outcomes of the analysis is that eventually Route 1 will be six lanes in order to make the intersection of Route 630 and Route 1, you know, to be above level with service so it works out fine. I can work from, I'll say west to east. You're going to have a double lane, double left coming out of Austin Ridge much like you have today. You'll have a double left going into Austin Ridge, which you don't have today. Maybe you do, I'm not too sure. You would have, essentially three lanes in either direction with basically add-on drop-off lanes as you go through the interchange itself, and then as you approach Route 1, 630 eastbound picks up a right turn lane there as well, so at 630 eastbound you'll have a right turn lane, you'll have two throughs and two lefts.

Mr. Rhodes: And then the red lanes there are what would be for a hot lane, if were ever extended?

Mr. Northridge: I'm sorry. The question was the hot lane, so I was trying to remember lane configure... I was trying to remember your question. Yes, so the bottom line... to answer the question, is the proposed bridge that's going to go over has been, will be set up to accommodate the hot lanes that come through. So, there's nothing in this design and there's already concepts out there of what the hot lanes will look like, and you can see that you could make that move over, if in fact they ever come down this far south that, you know, you'd have to move from the hot lanes to the outside lanes to exit.

Mr. Rhodes: Any other questions?

Mr. Hirons: I have one I think.

Mr. Rhodes: Yes Mr. Hirons.

Mr. Hirons: What does the far west end of Courthouse Road end up looking like? It looks like here it's going to be fairly well improved beyond Austin Ridge Drive, then that road is a fairly narrow two lane road.

Mr. Northridge: Right.

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Mr. Hirons: Is there any improvement the rest of the way down?

Mr. Northridge: There is, alright. Great question. I have a second project that I'm working on. I can bring in at another time, we literally have kicked that off approximately, I'll say four to six months ago, and that's being done in-house, that's basically to widen out 630 from Austin Ridge out to, okay, Ramoth Church.

Mr. Rhodes: Shelton Shop.

Mr. Northridge: Yes, so...

Mr. Rhodes: Of Ramoth Church, its two sections right?

Mr. Northridge: Yes.

Mr. Rhodes: I think one portion of it goes to Ramoth Church and the other portion goes to Shelton Shop.

Mr. Northridge: And that's currently under design as well.

Mr. Rhodes: Great.

Mr. Hirons: My second question, you started the presentation saying part of the... what was driving this redesign was our target growth areas and when that things are UDAs there's some talk and I guess legislation have actually been passed, but possibly not yet signed to make UDAs optional and there's some talk of us really looking at UDAs. If we were to end up making them optional and removing UDAs from our Comp Plan, would that change your design at all? I don't...

Mr. Northridge: Not significantly.

Mr. Hirons: ... don't mean to lead the witness but I don't think it changes this area too much.

Mr. Northridge: Not significantly, no. The reason I brought up the UDAs is I know that you're in the process of probably stepping that to the next step and the next step, and really what I want to do is open the dialogue with your planners, your engineers as you start developing that plan, you know, to talk to VDOT, to work with VDOT, to understand how whatever street network that you're proposing in there, and I see a street network in this document. It's rather conceptual, but as you start developing that street network within existing 630, the proposed 630, Route 1, and Mooney Drive, as you start figuring out how that all works, there needs to be a lot of dialogue, that's just one of the reasons I brought that issue up.

Mr. Hirons: One final question. The... I'm glad, Steven, Commissioner Apicella... sorry, totally forgot your name there... asked the hot lanes question. You have the markings for the potential for the hot lanes to be able to be on there, but are you working with the hot lanes project at all outside of just getting their concepts and...?

Mr. Northridge: Only to the extent of making sure that their concepts, that there's nothing in this design that precludes the hot lanes coming through.

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Mr. Hirons: Okay, so one of the things I think I remember from part of the hot lanes discussion was, one of the issues they wanted to try to avoid is merging from the hot lanes into the regular 95 traffic on what would be the travel lanes, the main roads, and left side. They want to do flyovers or some kind of craziness.

Mr. Northridge: And this...

Mr. Hirons: Would that have to be accommodated further north if this were to be a useable interchange for the hot lanes?

Mr. Northridge: Right. I lost my picture again, but obviously...

Mr. Harvey: Computer please.

Mr. Northridge: Thank you. I don't know if you can read on the slide, but this is 2... Sorry, was doing so well. Okay, need my red. Okay, that's 2.7 miles, this is 3.2 miles. We have a distance between, so to answer your question simply is yes we know we have a sufficient distance between these merge points to get any flyovers if that's beyond the realm of this particular design, but if the hot lanes do decide, and that's one of the things that they're trying to meet, you know, wherever possible, is to take that merging lane and move it to the right side of the road, and so if they can make that happen then. We certainly have sufficient room to make that happen.

Mr. Rhodes: Good. Mr. Gibbons?

Mr. Gibbons: I guess I got a couple of quick questions. The original design of the interchange was to have everything up on top of the hill and a new interchange, and 630 would be going under the interstate as it currently is now, and it would be east or west, it wouldn't have any access to the interstate at all. At what point in time in the engineering of the design did you change it to this? It seems like somebody had a nightmare one evening and you came up with this. This doesn't seem to be very practical when you're doing interchanges off of 95. I mean you're going to bring all of our traffic on Route 1, we got a lot of subdivisions on Route 1, you're going to bring them all south to go north, and people don't go opposite direction to go in the direction they're going in, so all of the traffic up in this area is going to have to go down and utilize Route 1 at the Aquia exit, so you're going to add a lot of traffic to that interchange, tremendous amount, and then...

Mr. Northridge: I'm trying to... I'm sorry, I'm trying to understand your question but you'll still have access just as you do today, northbound, southbound, off of Route 1.

Mr. Gibbons: No you have access... the old Courthouse Road, now you're going to bring them all the way down to the hospital to go north.

Mr. Rhodes: How long has this concept been in design?

Mr. Northridge: Again, I've been involved with it for the past year, I don't know how long the actual studies have been around, but I know this particular alignment...

Mr. Gibbons: I know that the Board...

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Mr. Northridge: ... and actually I've gone through all the different alternatives that have been in this document, and I don't think I've saw one there that basically had a direct connection.

Mr. Gibbons: But the Board really wanted the current Courthouse to still be connected east, west underneath the interstate and everything moved up on top of the hill. Now you come back... this now becomes part of the evolved plan, and a modern land you're taking to move traffic is just amazing to me, but you know, you all have a habit of doing that anyways, I guess that's what you call value engineering. I'm only pulling your leg on it, but you take a look at the interchange that you made down at the airport and the modern land you took just to put that interchange in, it's almost duplicated here, and the land becomes very, very precious, but I was just wondering if you could get back to us sometime, somewhere in the history file. You changed the original concept when we originally got briefed on the Board in Falmouth, to be on top of the hill now to utilize both the existence which you have, and on top of the hill, and it must have been a reason why you're doing that, so it just... there's got to be some, you know, message to the madness in why you did that.

Mr. Northridge: I'm just making an assumption here, and I'm trying to understand the concept that you were looking at. Did it replace the bridges on 95?

Mr. Gibbons: What's that?

Mr. Northridge: Do you recall whether or not the concept that you're talking about, did it replace the bridges on 95 so that you could have sufficient capacity on 630?

Mr. Rhodes: No, I think it was the singular east/west configuration; along to your east only configuration, but I think at one time there was a conceptualization that, that would be an east/west route and would all be reconfigured down a little further south.

Mr. Northridge: Okay.

Mr. Rhodes: I think that's what he's referring to.

Mr. Gibbons: Right.

Mr. Rhodes: But...

Mr. Gibbons: So, if you could, you know, take and consider your files, somebody somewhere along the line changed it.

Mr. Northridge: Okay.

Mr. Rhodes: Okay. Any other questions for Mr. Northridge? Mrs. Hazard?

Mrs. Hazard: Just one sort of, I guess wrap up. I share the concerns of Mr. Gibbons and actually raised by Dr. Schwartz about the Fire Station and because that Fire Station is used actually for 95, Route 1, I mean I think going forward I would like for, I don't know how much we can ask for this, the consultant to look at... that Fire Station right now serves that population and under this particular drawing, how does it impact that because we would need to know if other Fire Stations

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are going to have to be taking up the slack because they can't get there in the sufficient amount of time because of this configuration. And I don't know how to artfully ask that, but I think that would be something I would want the consultant to reach out, not just in a public hearing but maybe even sit down with our Fire Rescue or that group...

Mr. Northridge: Sure.

Mrs. Hazard: ... just, you know, being near 95...

Mr. Rhodes: Yes, I certainly think the commentary, well we're being a bit, you know, we're reacting to first time seeing this, but I think the commentary towards the possibility of an emergency vehicle only on ramp to go westbound would be a wonderful concept here. Okay. Anyone else? Sir, thank you for bringing this to us. We hadn't... none of us had seen where it had ended up, we'd heard concepts as Mr. Gibbons was articulating, we knew there was something new coming, something new happening, but seeing where it and how, is very informative. I know it surprises some, but... the scope... but at least knowing what it is that we're pursuing is very helpful to have that awareness, so we appreciate you coming here in the evening and presenting this to us.

Mr. Northridge: Again, I thank you for all your attention and again, I'll extend out that invitation that I do want an open dialogue...

Mr. Rhodes: Wonderful.

Mr. Northridge: ... between you know this Board, the Board of Supervisors and VDOT, to come up with the ultimate design that best serves, you know, the traveling public in this area.

Mr. Rhodes: And some of that in-house project, gets materialized further out on Courthouse Road, that information if just being shared with Mr. Harvey or others so that we could have that, that'd be helpful as well.

Mr. Northridge: Okay.

Mr. Rhodes: Thank you.

Mr. Northridge: Thank you very much.

Mr. Rhodes: Thank you. Now, I think we're to item 2, which was item 1, and we'd like to certainly thank the applicants and others who are here for that, for your indulging us. We had asked the VDOT presenter kind of on short notice to come here to us, and so we appreciate your patience with allowing us to get that presentation out, so with that, Mr. Harvey.

UNFINISHED BUSINESS

2. RC1100314; Reclassification - Electrifiers, Inc. - A proposed reclassification from A-1, Agricultural to M-1, Light Industrial Zoning District to allow flex office uses on Assessor's Parcels 44-93B and 44-94, consisting of 6.77 acres. The property is located on the east side of Powell Lane, approximately 2,500 feet south of its intersection with Warrenton Road

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within the Hartwood Election District. **(Time Limit: May 15, 2012) (History - Deferred at February 15, 2012 to March 7, 2012)**

Mr. Harvey: Thank you Mr. Chairman. Amy Ansong will give the Planning Commission an update on this application.

Ms. Ansong: Good evening Mr. Chairman and members of the Planning Commission. On February 15, 2012, I stood before you and presented the Reclassification case, RC1100314, Electrifiers Incorporated. During that presentation, actually as a result of that presentation, several members of the Planning Commission had questions regarding that case, so therefore I stand before you tonight to address any concerns and issues you may have had regarding the Electrifiers Incorporated case. I hope everyone has received the memo.

Mr. Rhodes: Yes.

Ms. Ansong: I'm going to go over the memo very briefly.

Mr. Rhodes: Thank you.

Ms. Ansong: Some of the questions that were raised during the February 15<sup>th</sup> meeting dealt with the issue of public streets for the Electrifier project, and so one of the questions asked was you requested that the applicant supply a cost estimate for the road, and you will see that the applicant has submitted a cost estimate from SDI. And in that letter, the letter shows that in terms of providing a private road, it'll cost approximately \$58,000, whereas a VDOT road would cost approximately \$200,800. A second request was to provide a list of pros and cons regarding the ownership of the road, the pros and cons regarding public road versus private road, so that is in your memo as well.

Mr. Apicella: Ms. Ansong...

Mr. Rhodes: Yes, Mr. Apicella.

Mr. Apicella: ... and Mr. Harvey, again this is a continuing, lingering issue for me and I apologize for belaboring the point. Just to reconfirm that in this particular situation, a VDOT standard road is not required?

Mr. Harvey: That is correct Mr. Apicella, it's not required.

Mr. Apicella: Okay, and if you could just help me, the rest of the members of the Planning Commission and the public better understand when VDOT standard roads are required across the zoning categories and when they're not.

Ms. Ansong: What we passed out was another memo, well another sheet today, and that actually goes through when public roads are required for the different types of uses. So in terms of shopping centers, most of their roads are private, their drive aisles are private, their streets are private, and their streets are maintained by a property owners association. And then in terms of an industrial site, their main access road is public. Well, it's up to the developer; they have the option of whether or not they make that road public or private, but their side streets are usually private, in terms of

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industrial sites. In townhouse developments, the streets are private, and apartment complexes, the streets are considered private, and in single-family detached neighborhoods, all streets are public roads.

Mr. Apicella: So the only circumstance where a VDOT standard road is required is when it involves single-family detached homes?

Mr. Harvey: That is correct. One issue staff would note with this particular case, if the public road was extended, VDOT has a policy that they'll only accept the road over for maintenance if there's three uses along that segmented road. Right now, there are a number of other parcels on that segmented road, but the applicant's use would probably be considered as one use, so there would need to be other properties that developed along that segmented road. Also, currently the owner does not control the right-of-way in fee simple purposes; they have an easement.

Mr. Apicella: Again, I'm just trying to understand the broader policy context here. Again, for the vast majority of zoning categories and uses, private roads are acceptable. That's not true for single-family detached homes. Can you again help me understand the rationale as to why that's a different perspective or different requirement in that particular case?

Mr. Harvey: Yes. A significant note for townhomes and apartments and shopping centers are that often times they have parking lots and parking bays, and parking spaces may back directly into the travel lane, which is not a permitted activity for a VDOT type of road. Also, in the case of single-family detached neighborhoods, they do have individual driveways for the homes; however, they do meet the minimum of VDOT spacing requirement between the driveway and the adjacent lot line. Our Ordinance is set up to require the public streets parlay as an attempt to minimize the number of requests to the County to have the County and the State improve the streets to have them taken over for State maintenance. That's been an ongoing issue in the County for decades as far as older roads that were maybe not built to VDOT standards, but now have residents on them and they want to have them upgraded. So, your homeowner's association doesn't need to maintain them anymore or the collective group of homeowners would need to maintain them.

Mr. Apicella: So, this is not a State requirement, it's not a VDOT requirement for single-family detached homes? It's a County driven requirement?

Mr. Harvey: That's correct. It's mainly a County requirement, but the State, in reviewing our Ordinance, had also recommended we adopt that measure because of the concerns about petitions to have private roads be improved at County and State expense.

Mr. Apicella: And how do we compare to some of our sister jurisdictions in this area, in that regard?

Mr. Harvey: Every locality has got a little bit different type of regulations. I know some of the localities in the nearby areas have resort communities, where they may have private roads, and some of those resort communities may eventually revert to fulltime resident status. We do have some large projects within the County; they have private streets, some of which appear to have single-family homes, but maybe a different unit type, for instance, something of Widewater Village. Those units are modular units technically, but they look like single-family homes. But by that

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zoning category they're allowed to have private streets, but the regulations can vary from jurisdiction to jurisdiction.

Mr. Apicella: And it's the same requirement in Stafford, whether it's a minor subdivision or a major subdivision?

Mr. Harvey: That is correct. There are two exceptions. One is for use of a private easement, and that would be for a single lot that's created through a subdivision or with a family subdivision, they have the opportunity to utilize a private access easement by-right.

Mr. Apicella: Thank you Mr. Harvey.

Mr. Rhodes: Thank you.

Mr. Harvey: You're welcome.

Ms. Ansong: Okay, during the February 15<sup>th</sup> meeting staff also requested an increase in the evergreen coverage, and that has been changed. The increase in the evergreen tree coverage in the screening area has increased from 10% to 25% now. Members of the Planning Commission also requested proof of the letter from Luck Stone granting permission to the applicant, regarding the offsite directional sign, and that has been provided to you as well. The letter from Luck Stone is in your package in your memo. And lastly staff... the Planning Commission members also requested an example of other properties that kind of resembled this one, this Electrifiers Incorporated case, and staff did find an example which was located at Tax Map 38-25G. And if you look in your memo you will see that property is located... it's marked with an X, and you can see how the road, Perchwood Drive, kind of comes down and then there's a perpendicular drive off of that, Hazel Park Drive, which leads to the building in the back, which is marked by the X. Are there any other questions?

Mr. Rhodes: Thank you. Other questions for staff? Yes, Mr. Gibbons. Is the mic on?

Mr. Gibbons: Are you going to extend the cul-de-sac and Powell Lane down?

Ms. Ansong: Yes, it's going to be extended to the site, with a private road.

Mr. Gibbons: You mean to the end of the site or in the middle of the site or what? I couldn't figure out the footage here.

Ms. Ansong: Just to the site. It's going to be about 560 feet from the end of that cul-de-sac.

Mr. Gibbons: That it is right now, right?

Ms. Ansong: Yes.

Mr. Gibbons: Okay, what's the zoning on Wilson and the rest of them?

Ms. Ansong: Say that again, what's the zoning on?

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Mr. Gibbons: What is the zoning along Powell Drive, I know...

Ms. Ansong: Most of it is M-1, and I think the top two properties at the top are actually A-1, and then below Powell it's M-1.

Mr. Harvey: If we could have the computer please.

Ms. Ansong: Perfect. Let me see if I have it here. And I think I have to get out of this presentation, but actually maybe I can show you. Basically, these...

Mr. Rhodes: Is it that first slide?

Ms. Ansong: Okay. I believe these in the red are A-1, and then down here is M-1.

Mr. Gibbons: I'm talking about the ones up towards the front. You got Wilson Trucking, Titan, and the rest of them. They're all in one...

Ms. Ansong: Towards the front like, this way?

Mr. Gibbons: Yes.

Ms. Ansong: Yes, I believe they are.

Mr. Gibbons: It makes a difference. Are they or are they not? Are they all M-1?

Ms. Ansong: I believe they are. I'm trying to find my GDP.

Mr. Gibbons: So, the applicant's just asking for the same thing that's already in existence.

Ms. Ansong: Exactly, yes.

Mr. Gibbons: Okay. Thank you.

Mr. Rhodes: Thank you. Mr. Apicella?

Mr. Apicella: I just have one last question about the road. Mr. Harvey, did you have a chance, or Ms. Ansong, did you have a chance to check with the Public Safety community to see if they're okay with again a private road in this particular instance?

Ms. Ansong: Yes we did. I checked with Fire and the Sheriff's Office. The Sheriff's Office is fine with it, as long as there isn't anything blocking their entrance, like no gates or things like that, so they're fine with it. And I spoke with Fire and they were okay with it as well.

Mr. Rhodes: Any other questions for staff before we have the applicant come up? Okay, would the applicant like to come forward please? Again, thank you for your patience while we changed the agenda.

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Ms. Karnes: Good evening Planning Commissioners and staff, and welcome Commissioner Gibbons. We attempted to fully answer all the questions posed at the last meeting, just to refresh the public memory, this is a relocation of an existing business in Stafford County, in an area that is developed with industrial uses, and we feel this is a great economic opportunity for a small business and although I'll be glad to answer any questions, we ask for your vote of support tonight.

Mr. Rhodes: Thank you. Questions for the applicant? Mrs. Hazard?

Mrs. Hazard: Ms. Karnes, could you just go over the signage again, just for the record of what we moved forward from there... how we changed the signage based on our last meeting.

Ms. Karnes: Yes, Commissioner Hazard. The concern that we originally heard was that the existing road ends in a cul-de-sac and will be extended some 500 feet, and there was concern that rescue vehicles would have difficulty finding the site. In discussion with the Planning staff, originally they'd asked for an offsite directional sign, but the applicant did not own land that abutted the cul-de-sac, and so that could not legally be done under the Zoning Ordinance. But the Zoning Administrator and the Planning staff worked with us to determine that the appropriate sign would be an offsite directional sign. We have accordingly changed the proffer...

Mr. Rhodes: 12B.

Ms. Karnes: ... to provide for the offsite directional sign, which basically will be a small sign that gives the site address and a directional arrow, and the adjacent property owner has agreed as documented to provide an easement to allow the construction of that sign.

Mr. Rhodes: Okay. Other questions for the applicant? Mr. Hirons?

Mr. Hirons: And this is to follow Commissioner Apicella's question about Fire and Rescue to staff. Their response was, as long as there's no gate and no fence blocking the road, there's no plan for that, correct, at that use for a privacy gate?

Ms. Karnes: Absolutely none. No.

Mr. Hirons: But it's not proffered anywhere. Would it be appropriate to proffer that there shall be no gate on that private road?

Ms. Karnes: We'd absolutely be willing to do that.

Mr. Hirons: I'll leave it to Commissioner Hazard, considering it's in her district, whether or not that would be a good idea or not.

Mrs. Hazard: If that was the concern raised by Fire and Rescue, it doesn't seem like that's going to be a problem. Perhaps that would be good, in case that property was ever sold or there would not be any clearance, could you... we would add that.

Ms. Karnes: We will hand write right now on the proffers.

Mrs. Hazard: Yes.

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Ms. Karnes: Okay.

Mr. Rhodes: So, that'd simply be a 13 for gates, and there shall be no gate installed that precludes access to the property, vehicular.

Mr. Gibbons: Do you know what the daily traffic count is?

Ms. Karnes: I can ask our engineer...

Mr. Rhodes: It's right there.

Ms. Karnes: ... who will get that as I write the proffer.

Mr. Rhodes: Okay. Other questions for the applicant as we look up the daily vehicle count for the property? Okay. And here he comes.

Ms. Karnes: At full build-out there will be 396 vehicles per day.

Mr. Gibbons: Per day?

Mr. Rhodes: Per day, correct.

Ms. Karnes: Per day, yes.

Mr. Gibbons: Now explain the saying, there's no light at Warrenton Road either is there?

Ms. Karnes: That's my understanding. That's correct.

Mr. Rhodes: Any other questions for the applicant? Okay, very good.

Ms. Karnes: And so what I have written is proffer number 13, there shall be no gate installed on Powell Lane extended that impedes access to the property.

Mr. Hirons: Sounds good to me.

Mr. Rhodes: Just one second. Any concerns with that from counsel perspective, that we adopt the modification to add that language to the conditions?

Ms. McClendon: In according to the By-laws, without a two-thirds majority vote, you can't consider anything presented to you for the first time tonight, so I would advise the Commission to take a vote on whether or not they would like to accept that, to vote on tonight if the Commission would like to vote.

Mr. Rhodes: So, first is voting on if we want to accept new information tonight, and then we would work to accept the new information we were positively disposing of it.

Ms. McClendon: That's correct Mr. Chairman.

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Mr. Rhodes: Thank you. Thank you very much.

Mrs. Hazard: Then Mr. Chair...

Mr. Rhodes: Please.

Mrs. Hazard: Mr. Chairman, I would move that the... I make a motion that the Planning Commission accepts the information concerning the gate and the addition of proffer number 13, that there shall be no gate installed or fence blocking the entrance to this site.

Mr. Rhodes: But just to confirm, before we take that motion, we're not taking a motion on the actual added language, but just the willingness to accept new information tonight, is that the first motion?

Ms. McClendon: That's correct.

Mr. Rhodes: So, we'll need a motion to accept new information that is just received tonight and get a two-thirds vote on that. Once we have that, then we can actually dispose of the language.

Mrs. Hazard: Alright, then I will modify the motion to say that, asking the Commission to accept the new information as presented this evening.

Mr. Rhodes: Is there a second?

Mr. Hirons: Second.

Mr. Rhodes: Moved and seconded. Is there any discussion? All those in favor of accepting new information just received tonight signify by saying aye.

Mr. Gibbons: Aye.

Mr. Boswell: Aye.

Mrs. Hazard: Aye.

Mr. Hirons: Aye.

Dr. Schwartz: Aye.

Mr. Apicella: Aye.

Mr. Rhodes: Aye. Any opposed? No one opposed; 7-0. So we have accepted, we will accept new information now Mrs. Hazard.

Mrs. Hazard: Then can we vote on the packet or can we vote on...?

Mr. Rhodes: I think... can't we take a motion... do we have to add, modify our... the conditions now first or just a motion with that modified language as discussed?

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Ms. McClendon: I would have the motion to make sure it includes the new information presented tonight.

Mr. Rhodes: So, specifically address the new information?

Ms. McClendon: That's correct.

Mr. Rhodes: Okay, and then move on the packet. Okay.

Mrs. Hazard: Then I would make a motion that we accept a proffer number 13 added to our package, page 3 of 4, concerning that there shall be no gate installed or fence blocking the entrance to this site.

Mr. Rhodes: As was verbalized briefly by the applicant.

Mrs. Hazard: And as agreed to by the applicant.

Ms. Karnes: Yes.

Mr. Apicella: I'll second that.

Mr. Rhodes: Motion and seconded. Is there any further discussion? All those in favor of adding the item number 13 to the conditions there as discussed signify by saying aye.

Mr. Boswell: Aye.

Dr. Schwartz: Aye.

Mrs. Hazard: Aye.

Mr. Hirons: Aye.

Mr. Gibbons: Aye.

Mr. Apicella: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed. Okay, we now have 13 items on the proffers.  
Mrs. Hazard?

Mr. Gibbons: If we add a 14<sup>th</sup> you think that they'll give us a traffic light there?

Mr. Rhodes: We can certainly ask about that. I don't know with 396 vehicles, that they would...

Mr. Gibbons: What I'm concerned about Mr. Chairman is, 17 is being widened now, there issuing a contract and want to make sure that somebody gives this traffic count note, so we don't get widening and all of a sudden we don't have it done right.

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Mr. Rhodes: Alright, very good making sure that we have this included in the consideration of the planning for that, sir.

Mrs. Hazard: Mr. Chairman, I would make a motion that we move for approval and recommendation to the Board, RC1100314, Reclassification for Electrifiers Inc.

Mr. Rhodes: Is there a second?

Mr. Hirons: Motion and seconded. Any further discussion Mrs. Hazard?

Mrs. Hazard: No. I think that the applicant has worked very hard to relay and respond to our concerns. A small business owner that wants to stay in Stafford, I'm certainly willing to work with them and I wish them the best of luck on this site.

Mr. Rhodes: Thank you. Mr. Hirons?

Mr. Hirons: It's always good to see businesses grow here in Stafford County. I hope this is a fruitful process they are going through and it'll be a productive business here in Stafford for a long time.

Mr. Rhodes: Any other discussion? Mr. Apicella?

Mr. Apicella: Mr. Chairman, I agree with my colleagues about promoting small businesses in Stafford County. I appreciate the assistance of staff and alleviating my concerns about whether or not a public road would've been required in this particular instance and the information and the efforts that the applicant went through to provide the additional information to this body.

Mr. Rhodes: Yes, sir. Any other comments? And certainly we'll make sure staff ensures that all planning for the Route 17 includes the additional numbers here of the vehicle traffic count. I do appreciate the efforts of the applicant and of staff to allow us to work through to make sure we were comfortable with some other details here and we have some good information that helped inform us for future efforts as well. With that I'll call for the vote. All those in favor of RC, of recommending approval to the Board on RC1100314, Reclassification of Electrifiers Incorporated, signify by saying aye.

Dr. Schwartz: Aye.

Mrs. Hazard: Aye.

Mr. Hirons: Aye.

Mr. Gibbons: Aye.

Mr. Apicella: Aye.

Mr. Boswell: Aye

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Mr. Rhodes: Aye. Any opposed? None opposed, passes 7 to 0. Now, onto item number 2, which is now number 3... 7:30, now, if you'll excuse me for just one moment, sorry. We have come to the point in the agenda that we set aside and advertise for any public presentations. This is an opportunity for the public to present anything to the public that is in their mind. Since there are no public hearings tonight it can be on any topic whatsoever. Any member of the public who would like to come forward to present has three minutes. You would just need to state your name and your address, and then you have three minutes to present anything to the Planning Commission. It is not an interactive dialogue, there are not answers that are typically provided; if we can assist with that, we might through the staff, but that's not typically the dialogue. But certainly at this time we do have public presentations. If there's anyone that would like to come forward with a presentation to the Planning Commission, you may do so at this time. Yes sir, please again just state your name and your address. Once you start speaking, after that the green light will come on, that'll mean you have three minutes, the yellow light means a minute, and red light if you could try and wrap up. Thank you sir.

3. Amendment to Zoning and Subdivision Ordinance - A proposed Ordinance O12-30 to repeal Stafford County Code, Chapter 22, Article IX, Sections 22-266 through 22-271; entitled "Cluster Subdivisions," Chapter 28, Article V, Sections 28-71 through 28-80; entitled "Residential Cluster Provisions," and Chapter 28, Article V, Table 5.1, entitled "Cluster Option." This amendment is to repeal these sections of the respective ordinances due to inconsistencies with the Virginia Code 15.2-2286.1, A-D. **(Time Limit: May 28, 2012)**  
**(History - Deferred at February 15, 2012 to March 7, 2012)**

*Discussed after public presentations.*

NEW BUSINESS

4. Amendment to Zoning Ordinance - Proposed Ordinance O12-02 would amend the Stafford County Code by, among other things, creating new definitions, modifying permitted uses and creating new zoning regulations to establish a Transfer of Development Rights (TDR) program. The purpose of the TDR program is to provide a mechanism by which a property owner can voluntarily transfer residential density from sending areas to receiving areas and/or to a transferee without relation to any particular property through a process intended to permanently conserve agricultural and forestry uses of lands, reduce development densities on those and other lands, and preserve rural open spaces and natural and scenic resources. The TDR program is intended to complement and supplement County land use regulations, resource protection efforts, and open space acquisition programs. The TDR program is also intended to encourage increased densities in two designated receiving areas that can better accommodate this growth. **(Time Limit: June 2012)**

*Discussed after public presentations.*

5. Amendment to the Stafford County Comprehensive Plan ("Plan") - A proposal to amend the Plan dated January 17, 2012 in accordance with Virginia Code Section 15.2-2229 regarding Transfer of Development Rights (TDR). The proposed amendment would modify Chapter 3 of the Plan to incorporate amendments to the textual document and adopt a new map entitled Figure 3.8, Transfer of Development Rights Sending and Receiving Areas. The map generally depicts the area south of Aquia Creek, east of the CSX Rail Line and north of

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Potomac Creek that are designated as Agricultural/Rural and Park on the Plan Land Use Map as a sending area for Transfer of Development Rights and the lands designated as the Brooke Station Urban Development Area and Courthouse Urban Development Area as receiving areas for Transfer of Development Rights. **(Time Limit: June 2012)**

*Discussed after public presentations.*

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**7:30 P.M.**

PUBLIC PRESENTATIONS

Mr. Samaha: Thank you Mr. Chairman, appreciate it. My name is Joseph Samaha. My residence is Centerville, Virginia. My place of business is in Stafford. I'm also, for full disclosure, a licensed real estate broker in the State of Virginia. I've had an opportunity to communicate with some of you, whether by email or by phone, about a problem I've encountered in my 20 years in Stafford County. And I've had... just like to present an issue to you that I think some of you are aware of, and there are few around here that have the historical knowledge of the history of a 343 lot subdivision called Crow's Nest Harbour, which adjoins the Crow's Nest State Park. So, I've taken the liberty over several weeks to help educate and recite a chronology of events that began in 1973. Crow's Nest Harbour is a 39 year old platted and recorded problem that needs to be resolved. There are reasonable solutions for all parties involved and I have enumerated those solutions in the form of a petition signed by the owners of approximately 290 lots, and I've given that to Mr. Harvey to share with you. Stafford County is also an owner of three or four of those lots in the Crow's Nest Harbour Subdivision, though my lot which has state road access, was approved by the Health Department for septic field and well, my building plan was not processed. The response that I needed... the response was that I needed to have water and sewer to develop my lot, and of course the standard response by the Zoning Department is that the County has no plans for water and sewer to Crow's Nest Harbour. Well, we say you can't have it both ways by denying both well and septic, and water and sewer uses. According to a court order in which Stafford County participated, the County began... became obligated in 1995, to bring water and sewer to Crow's Nest Harbour by the year of 2015. March 15, 2013, is the date that triggers that obligation. The County has \$2.2 million in an escrow account to make that happen, or to begin making that happen. In fact, in quotations from the County's own court briefs back in 1995 with the Virginia Supreme Court to secure the bond from the surety company, actually supports our grievance. One quote that stands out to us is, "One of the reasons the property"... and this is the County's argument... "One of the reasons the property was rezoned in June 1978 was to permit well and septic systems to be utilized, instead of central water and sewer as required under the previous zoning." Also, in the present case, the County has not suffered monetary loss because none of its money has been spent as a result of the developer's default. However, the purchasers of the lots and the development have suffered a loss. Unless roads are built their lots cannot be developed, and they will be denied an intended use of their property. It is appropriate in these circumstances to allow the County to act as the trustee for the property owners and to allow the County to collect the amount of the bond and apply it to the benefit of the lot owners. The County cannot remain silent, and has to be held accountable for property rights, a strong right in Virginia; otherwise we can only assume that the County has been knowingly or unknowingly quietly engaged in a taking. Thank you. Mr. Chairman, thank you and members of the Planning Commission.

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Mr. Rhodes: Thank you sir. Is there anyone else who would like to come forward with a public presentation?

Mr. Waldowski: Paul Waldowski. Since I have three minutes, I'll use three bullets, life, liberty, and the pursuit of property. Have you ever watched *Sharks* and seen Kevin O'Leary? He has this love for money or has this love for property. I only play the lottery so I can buy as much property as I can, so I can donate it so we can get some soccer fields in here that are lighted in the 21<sup>st</sup> century because yesterday's Board of Supervisors meeting made me change my whole speech. It was very interesting; if you watched the beginning of it on Channel 23 on Comcast I think you'll be moved. You don't want to watch the whole public hearing though; you'll be there for four hours. Leading off of property, the County Administrator provided a really good speech in his report on the leadership, and one of his visions with stormwater management, and it's been my vision for a long time. I think you've heard me over and over again. Commuter parking, vertical commuter parking with sports complexes, none of these horizontal 500 spaces where the south uses us, and the whole reason I'm here today is about UDAs. And I see we have some new members here, and I'm glad to see Dr. Schwartz here. Dr. Misdose, my dentist, and he knows I have toothaches, well this has been a big toothache for a long time for several years, but I want to inform all of you that House Bill 869 which is identical to Senate Bill 274, was signed 02/23/2012, and here's what the bill says, "Urban development areas make designation optional rather than mandatory to all localities with signed on 02/23 waiting the Governor's signature, so let me conclude by giving you a little bit of history about UDAs which I name them, Urban Downtown Areas, they're named Urban Density Areas, and I'm glad to see that the General Assembly has taken on what the voters want, and put this in place, and I see you're amending the Comp Plan, which is now out of date, and if you remember on November 17, 2010, the vote was 5 to 2 for eight UDAs, and I said at that time, you put us behind the eight ball. Those two Planning Commissioners who were here at that time obviously had some vision for 2020 and beyond, and the Board of Supervisors went through a whole mess of areas, but they concluded with seven UDAs, which is in the Comp Plan and approved it on 06/07/2011, by the vote of 5 to 2. Thank you.

Mr. Rhodes: Thank you. Anyone else who would like to come forward for public presentation?

Mr. King: Hi, my name is Donald King. I'm here in regards to the repeal of the Cluster Ordinance; very much in opposition to anything with clustering in that area. At the meeting last week, looking at the map it's R-1 right around Harrell Road area, and that's the only area at least in the middle of Stafford or Falmouth area that's labeled for cluster, and there's been no road improvement to accommodate any clustering. I mean, Olden Neighborhood, Spring Valley, Fairy Farm, Grafton, and Mount Pleasant, everyone's a thoroughfare from one artery to another, except for Mount Pleasant. Deacon Road is the only thing that's been improved in the last 10 years. I'm a life-long resident here. I live in the house I was raised in, and there's just no room for clusters in Mount Pleasant. It's out of the character of the neighborhood or any of the other neighborhoods. I would ask you all to consider if any older neighborhoods, 25, 30, 40 years old, it's out of the character no matter where it's at in Stafford. It can't handle the roads, I mean, the traffic... my neighbor spoke to someone with VDOT the other day, it was 283 cars would be additional with Mount Pleasant Subdivision with what's on the table right now with these clusters. Again, it's out of character, the stormwater issue, Mr. and Mrs. Cooper sitting back here, I represent them or at least in part of their plate, 43 years they've had this stormwater issue, they live in the bottom of the neighborhood, and has basically be ignored for 40 something years, and during heavy rain events, water in there it goes through their yard; it's five feet deep, it's over Mrs. Cooper's head, and all this water ultimately

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goes down to Harrell Road, which, you know, if you all ever use Harrell Road it closes when it gets heavy fog. Pretty much one-third of Mount Pleasant drains down through their yard. It goes through a 36 inch culvert underneath Jim Scott's driveway, which that's pretty much deteriorated, and it goes down to RFMP, and it goes through a 12 inch concrete pipe, under the railroad tracks. Mrs. Cooper told me that she spoke to someone from J. Gerald Properties, they stop by and they were told that their responsibility would end at the tracks. So, I can't see any... the railroad accommodating a builder to put a new drain under the tracks and everything because everything ultimately, again goes down to Harrell Road and that road closes at least at the minimum twice a month, and any addition to that it's be a real bad error, 14 houses are approved for this 10 acres right now, that's acceptable and it was not without controversy because this property, this 10 acres has been a headache since the 70s or 60s and 70s, many people have owned it, many people have tried to develop it with town houses they've all been shot down and now clusters are in the picture. When that word even came into the language, I don't know, but please vote down any clustering around that area. Thank you.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to make a public presentation tonight? Seeing no one else coming forward, we will close the public presentation portion, and head back to the item number 2, which will be our third item for the evening on the agenda. Mr. Harvey?

3. *Amendment to Zoning and Subdivision Ordinance - A proposed Ordinance O12-30 to repeal Stafford County Code, Chapter 22, Article IX, Sections 22-266 through 22-271; entitled "Cluster Subdivisions," Chapter 28, Article V, Sections 28-71 through 28-80; entitled "Residential Cluster Provisions," and Chapter 28, Article V, Table 5.1, entitled "Cluster Option." This amendment is to repeal these sections of the respective ordinances due to inconsistencies with the Virginia Code 15.2-2286.1, A-D. (Time Limit: May 28, 2012) (History - Deferred at February 15, 2012 to March 7, 2012)*

Mr. Harvey: Thank you Mr. Chairman. That is dealing with Ordinance O12-30, which is the proposed repeal of the cluster regulations. Mrs. Blackburn is available to give the Planning Commission an update.

Mr. Rhodes: Thank you.

Mrs. Blackburn: Good evening Mr. Chairman, Planning Commissioners. At your last meeting on February 15<sup>th</sup> there were several citizens who came to the public hearing concerning this ordinance amendment and they had voiced several concerns over what was going to happen with the repeal of this ordinance... with the Zoning and Subdivision Ordinances. And you had voted to defer this action until tonight so that the citizens would be able to come to the Cluster Committee Meeting, which was held on the 22<sup>nd</sup> of February, and have their concerns addressed, and this was done. We had a good showing and the very items that you have in your packets were discussed. Do you want them to be discussed for the record?

Mr. Apicella: Mr. Chairman, I think it would be helpful since there were significant concerns raised.

Mrs. Blackburn: Alright.

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Mr. Rhodes: Thank you.

Mrs. Blackburn: There were 6 items; the first one, is the current cluster ordinance grandfathered under the Virginia Code? The Chair told the citizens that the Planning Commission had been advised that the existing cluster ordinance was not grandfathered. The next item was will the cluster densities revert back to standards from the year 2000 if the current ordinance is repealed? And the answer to that was no. If the provisions were repealed, the previous densities would not be in effect. The next item, will the Virginia Code provisions for cluster development be in effect as the County's cluster ordinance if the repeal is approved? And the answer to that was no. The cluster provisions of the Virginia Code would not take effect as the County's cluster ordinance. Number 4, will the applicants for cluster subdivisions be able to do whatever they want if the ordinance is repealed? The applicants would not be able to do whatever they wanted; subdivision plans would have to comply with the rest of the County Code. The 5<sup>th</sup> item, is the County exposing itself to legal challenges if it does not have a cluster ordinance? The answer was the County Code would be inconsistent with State Code if the existing cluster ordinance is repealed and a new ordinance is not adopted because the State Code requires the County to adopt cluster provisions. The remedy for this problem is to expeditiously adopt a new cluster ordinance that meets the requirements of the Virginia Code. And last but not least, can pipe stem lots be removed from the cluster ordinance? And the answer to that was that they do not have to remain in the ordinance. And the time limit for the Planning Commission to act on this entire action is May 28<sup>th</sup>. And do we have any further questions?

Mr. Rhodes: Any questions for staff on these items or any other item? Mr. Apicella?

Mr. Apicella: Mr. Chairman, just to reiterate, we did have a public hearing on this matter at the last Planning Commission meeting.

Mrs. Blackburn: Yes.

Mr. Apicella: And the vast majority of speakers were not so much concerned about the repeal itself but what consequences there might be as a result of the repeal, if I recall correctly.

Mrs. Blackburn: Yes.

Mr. Apicella: Has the Board taken any action on this? I thought I saw in the paper that they themselves scheduled a public hearing, I think for March 20<sup>th</sup> on this.

Mrs. Blackburn: Yes, they have.

Mr. Harvey: That is correct. However, if the Commission does not take action with regard to this matter the advertisement will be cancelled.

Mr. Apicella: Okay, thank you.

Mr. Rhodes: Mr. Harvey, I am trying to grossly over simplify it possibly, so hopefully not too much, but fundamentally if we repeal our current Cluster Ordinance, any that have not been approved then just go into abeyance or are no longer eligible to proceed because there is no cluster ordinance for them... any other applications to proceed with. We will be out of compliance with

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State Code, because we are supposed to have one. But we are out of compliance now as well and that is why we are entertaining this consideration.

Mr. Harvey: Yes Mr. Chairman, for the 4 applications currently in the process, should the Board repeal the ordinance we would ask the applicants what option they would want to consider. Would they want keep their applications on hold with the County or request that they be withdrawn and the County would refund their application fee.

Mr. Rhodes: Okay.

Mr. Harvey: Because if they are held in abeyance they could be reinstated once a new ordinance is in place.

Mr. Rhodes: Okay.

Mr. Apicella: Mr. Chairman, I recall from a conversation that we had a couple of meeting ago, this question of grandfathering was asked and the bottom line of which is, those applicants who have their applications in the queue, if they happen to get their packages complete and fully vetted by staff prior to the Board repealing the ordinance then they effectively would be grandfathered under the existing rules of play.

Mr. Harvey: Correct, any application that is approved is considered to receive an affirmative governmental act which would be a vesting action to allow them to proceed under the rules and regulations in which they were originally approved.

Mr. Rhodes: Okay. Anyone else, any other questions? Okay if... I know we have the Committee Reports that are later, but I think it is germane to this discussion to possibly get an update from the Committee that has been looking into this.

Mrs. Hazard: Yes, Mr. Chairman, we did have a good meeting that night. We did begin the meeting by going into closed session to talk about, since some of this was legal advice, so we... Ms. McClendon was there and so we did have that. We came out, we did provide the answers that we provided tonight into the record and we made some significant work on the ordinance. We had maps, we looked at some ideas going forward and really I think mapped out a pretty good response. We will be meeting on the 14<sup>th</sup>, correct?

Mrs. Blackburn: Yes ma'am.

Mrs. Hazard: At 6:30 again, so that will be next Wednesday and I can't say we will have it then but I believe we are working pretty closely to completing something to bring forward to the Planning Commission.

Mr. Rhodes: If I might ask, from the items of the public hearing and in further clarification that came out to address some of those concerns tonight and I know you all... I am sure you all discussed it then... from the Committee's perspective, was there any concern with proceeding on the action that we have before us to repeal the current cluster ordinance?

Mrs. Hazard: Not from my perspective.

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Mr. Apicella: Not from mine either. I would just want to reiterate too... I am sorry to jump in Mr. Chairman.

Mr. Rhodes: Please.

Mr. Apicella: That it is our goal to expeditiously try to come up with a revised ordinance that meets... that complies with the State Code. Again as Mrs. Hazard indicated, I can't promise it is going to happen in the next couple of weeks but we will try to work it as quickly as possible. Again our overriding concern happens to be that we are woefully out of compliance and it is therefore difficult for us to continue on with cluster subdivisions as a result of that. I did ask Mrs... since we seem to have gone into the Committee report, I beg your indulgence.

Mr. Rhodes: Please.

Mr. Apicella: I asked Mrs. Blackburn, who is greatly assisting us in this matter, to provide an additional handout to the Planning Commissioners that she provided to us at the last meeting and it is particularly informative because it really identifies, I will call it the art of the possible, in terms of how much vacant land there is in the various zoning categories and you will find as you go down to A-2 to R-2 to R-3 to R-4, that it becomes increasingly smaller universe of vacant land that there is to work with. So I just wanted to make sure Planning Commissioners understood that, as we attempt to try to come up with a good approach. One of the things that we are not in compliance with at the current time is we are not including agricultural parcels as required by the State, in our current cluster ordinance.

Mr. Rhodes: Okay, very good. Are there other questions for staff on this topic or is there anything else pertinent to highlight from staff, Mr. Harvey, or anyone else?

Mrs. Blackburn: No.

Mr. Rhodes: I know the... again the issue is the... we are so far out of compliance with State Code and trying to find the best way to proceed. I appreciate the efforts of the Committee to quickly get something developed that we might be able to present back to the Board. But we do have the current item in front of us that we had the public hearing on and that would be to repeal the current ordinances pertaining to this that is before us.

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Yes Mr. Apicella.

Mr. Apicella: I would move that the Commission approve O12-30, which recommends the Board of Supervisors' repeal Stafford's Cluster Ordinances.

Mr. Rhodes: Is there a second?

Mr. Hirons: Second.

Mr. Rhodes: Hearing a motion and a couple of seconds, I think the first one slightly in was Mr. Hirons, is there any further discussion Mr. Apicella?

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Mr. Apicella: Again, I just want to reiterate that we have noted over the past several months that the current cluster ordinance is woefully out of alignment with the State Code and it is so much so that the Planning Director recommended first repealing and then replacing the respective ordinances. This Commission voted to delay repealing the ordinances during the last meeting on this topic to research some legal and other issues that were raised by the public. And I believe those issues were significantly addressed by our legal counsel to the point I don't really have any concerns that the County is in jeopardy, especially since our goal is to try and get a revised ordinance to the Planning Commission as soon as possible. And I would just again reiterate that our goal for the next meeting is to actually have a first draft provided by staff based on the major issues that we discussed at the last meeting. I believe the Board of Supervisors also wants to promptly repeal and replace our cluster subdivision ordinances and as a result has scheduled the March 20<sup>th</sup> public hearing on this matter. So I think and I hope that we can be in alignment with the Board of Supervisors and do the right and the best thing for Stafford County and repeal this out of compliance ordinance as soon as possible.

Mr. Rhodes: Thank you. Mr. Hirons?

Mr. Hirons: I just wanted to say that this vote and this action should not be construed as being taking action about any one single plan that is either existing or coming to us in the future. I know we have had some speakers from a particular neighborhood that is going to be affected by our vote. While they do point out some issues that are very specific to their individual location and potential developments near them, this action is about repealing an ordinance that is out of compliance with State Code and that's, I believe, why we are taking this action now to ensure that we don't approve something or move forward on something that is out of balance with the State Code. So, like I said, this is related to the County as a whole and not any single one individual project.

Mr. Rhodes: Great. Are there any other comments? Hearing none I will now call for the vote on the... to send forward to the Board of Supervisors proposed Ordinance O12-30, recommending that we repeal the provisions associated with the Cluster Subdivisions. All those in favor signify by saying aye.

Mr. Gibbons: Aye.

Mr. Boswell: Aye.

Mrs. Hazard: Aye.

Mr. Hirons: Aye.

Dr. Schwartz: Aye.

Mr. Apicella: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed, 7-0, it has passed and it will go forward. With that we are moving into the new business. We have covered the VDOT presentation so we are to item listed as number 4, the amendment to the Zoning Ordinance, proposed Ordinance O12-02. Mr. Harvey?

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4. *Amendment to Zoning Ordinance - Proposed Ordinance O12-02 would amend the Stafford County Code by, among other things, creating new definitions, modifying permitted uses and creating new zoning regulations to establish a Transfer of Development Rights (TDR) program. The purpose of the TDR program is to provide a mechanism by which a property owner can voluntarily transfer residential density from sending areas to receiving areas and/or to a transferee without relation to any particular property through a process intended to permanently conserve agricultural and forestry uses of lands, reduce development densities on those and other lands, and preserve rural open spaces and natural and scenic resources. The TDR program is intended to complement and supplement County land use regulations, resource protection efforts, and open space acquisition programs. The TDR program is also intended to encourage increased densities in two designated receiving areas that can better accommodate this growth. (Time Limit: June 2012)*
  
5. *Amendment to the Stafford County Comprehensive Plan ("Plan") - A proposal to amend the Plan dated January 17, 2012 in accordance with Virginia Code Section 15.2-2229 regarding Transfer of Development Rights (TDR). The proposed amendment would modify Chapter 3 of the Plan to incorporate amendments to the textual document and adopt a new map entitled Figure 3.8, Transfer of Development Rights Sending and Receiving Areas. The map generally depicts the area south of Aquia Creek, east of the CSX Rail Line and north of Potomac Creek that are designated as Agricultural/Rural and Park on the Plan Land Use Map as a sending area for Transfer of Development Rights and the lands designated as the Brooke Station Urban Development Area and Courthouse Urban Development Area as receiving areas for Transfer of Development Rights. (Time Limit: June 2012)*

Mr. Harvey: Yes Mr. Chairman, items 4 and 5 are related. They deal with the issue of Transfer of Development Rights. The Board of Supervisors had a work session on Transfer of Development Rights and referred it back to the Planning Commission for the Commission to either recommend in the affirmative or the negative whether the County should proceed with the Transfer of Development Rights and, if so in the affirmative, develop an ordinance in which the Commission could support. As you may recall there were two alternatives previously proposed, one by the Board initially and also a similar but modified version by the Planning Commission. The Planning Commission, when it made its final recommendation, did not support either version. So the Board was asking the Commission to come up with an alternative that it could support. Ms. Ansong is here tonight to give a refresher on what the two options were, since we have three new members of the Commission and staff looks forward to direction from the Commission as how to proceed.

Mr. Rhodes: Very good. Thank you.

Ms. Ansong: Good evening Mr. Chairman and members of the Planning Commission. I stand before you tonight to go over the concept of TDRs, Transfer of Development Rights.

Mr. Rhodes: Computer please.

Mr. Harvey: Please excuse us Mr. Chairman, we are having technical difficulties here.

Ms. Ansong: Yes we are. I can't get this box to disappear. Okay someone has. It's moving. Are you controlling it? Okay.

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Mr. Harvey: If we could have the computer again please.

Ms. Ansong: I wonder why it is not going... someone may have to do it manually.

Mr. Harvey: Let me try to change the modes here, maybe it will help.

Ms. Ansong: You can just go through the slides.

Mr. Harvey: There we go.

Ms. Ansong: Okay. So TDRs. TDR stands for Transfer of Development Rights. In terms of the definition of TDR, what is a TDR? A TDR is the process in which an owner of a parcel of land in an ascending area may convey developments right, which is the ability to build homes on the property and ascending area to another party such that the development rights so conveyed are severed and extinguished from the sending property and may be exercised on a receiving property in addition to the development rights already in existence on the receiving property. Next. Okay, so as Mr. Harvey was telling the Planning Commission a couple of minutes ago, there were two ordinances, two proposed ordinances. We have the proposed ordinance by the Board of Supervisors and we also have the proposed ordinance by the Planning Commission. And in essence the proposed ordinance for the TDR O12-02 would amend the Stafford County Code by among other things creating new definitions and modifying permitted uses and creating new zoning regulations to establish a TDR, Transfer of Development Rights Program for Stafford County. So, in terms of having a TDR program in Stafford County, there are different steps that would need to be followed in order for it to work successfully. And the first step starts with the landowner, the person who has the property rights. So up here we have a flow chart and I'm going to go through it just so everyone can hear in case you can't read it. So the first step in the TDR process would be for the landowner to file an application to determine the number of the development rights of the sending property. The next up would be the Director issues determination of development rights documents to establish the potential number of available development rights. Next, the landowner files covenant restrictions and requests the director to issue transfer of development rights certificate for a specified number of development rights. Next, the Director issues TDR certificates to the landowner and records certificate and covenant restrictions to sever development rights from the sending property. After that the landowner agrees to sell severed development rights to the speculator. The Director approves the transfer to the speculator and records new TDR certificates in land records. Next, the speculator agrees to sell development rights to a developer and the director approves the transfer and records... the develop... the Director approves the transfer and records the new TDR certificate and land records. After that the developer files plans with the County acknowledging use of development rights covered by the TDR certificate. Next, a letter from the Director approving the plat or plan based on the TDR certificate is sent out approved. After that the Director records subdivision plat or site plan with the deed to invalidate in perpetuity, the development rights covered by the TDR certificate, and also the Commissioner of the Revenue will assess taxes on the TDR certificates. So, that is our TDR flow chart. Next slide please.

Mrs. Hazard: Mr. Chairman, I have a question.

Mr. Rhodes: Yes.

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Mrs. Hazard: This may be more directed to Ms. McClendon or to Mr. Harvey, but Ms. Ansong, on the fourth step down when it says the Director issues the TDR certificate and the covenant restrictions, how does that impact if there are current deed or covenant restrictions on the property that's in the sending area? Does that extinguish them or do you recreate new ones?

Ms. McClendon: Basically, all of the restrictions would go together. If I remember correctly, Mr. Harvey might have to see more into that, but when they're looking at the receiving property, if there's already so many covenants or restrictions on it so that it would not be effective to have an additional restriction, then it wouldn't be used as ascending property. But if you could have all the different covenants on there and it's still considered to be a good sending property, then it would just be added. You can't extinguish a covenant that's on the land by a new covenant, without the approval of the prior covenants.

Mrs. Hazard: Okay. I'm just trying to sort of incorporate some of what we had a speaker speak about, so I'm just trying to figure out how that works there. Thank you.

Mr. Gibbons: (Inaudible).

Mr. Rhodes: Yes, please Mr. Gibbons.

Mr. Gibbons: Holly, I think you got a good question. If you got proffers on another restriction zone, the receiving end, what does it do there?

Mrs. Hazard: Receiving or sending?

Mr. Gibbons: Yes.

Mrs. Hazard: Receiving or sending... actually I mean sending if there's restrictions. I guess I'm... I know we're in the weeds, but I'm just trying to understand how does a TDR...

Mr. Rhodes: Does a TDR override existing proffers or conditions that exist?

Mr. Harvey: Mr. Chairman and Mrs. Hazard, with regard to sending properties, the ordinance stipulates that if you have a deed restriction that restricts the amount of growth and development on a piece of property, that restricted area has to be excluded from your calculate-able density. So if someone has say a hundred acres and they have a deed restriction on 30 of it that they will continue to farm it and can't develop it, well then we would have to look at the 70 acres left over as potential for TDR. In the case of a receiving property, if it has proffers with a dwelling unit cap on it, those proffers run with the zoning of the property, so they could not add more TDR units onto that property in that specific case. Now, if there was another piece of property that had no zoning restrictions as far as the number of dwelling units or concept plan or those types of things, then they could add the sending units to that property.

Mrs. Hazard: Which would be something, of course, UDAs or somewhat influx, but if we had thought we were going to create new zoning categories for UDAs that would be something we would need to examine going forward, just as food for thought.

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Ms. Ansong: Computer please. Here we have a map of the sending and receiving area. The sending area is outlined in the blue. It looks like a blue triangle towards the right side of the screen. And then we have 2 receiving areas outlined in red. We have the Courthouse receiving area, the Courthouse UDA receiving area and Brooke Station receiving area. In terms of the TDR and the TDR process and how long it has been around, it first started with the Board of Supervisors in September 2011. On September 6, 2011, the Board of Supervisors adopted R11-194 which referred their version of the TDR Ordinance and Comp Plan amendments to the Planning Commission for review and requested the PC to prepare, develop and consider any additional ordinance and plan amendments necessary for the adoption of the TDR program. On November 2, 2011, the Planning Commission prepared changes to the proposed TDR Ordinance and forwarded the proposal and the Board's ordinance to public hearing. By December 5, 2011, the Planning Commission held a public hearing concerning the proposal... the proposed ordinance for the TDR. At that meeting the PC voted to recommend denial of the Board and the PC versions of TDR Ordinance and proposed Comprehensive Plan amendments. On February 7, 2012, the Board received a status briefing on the topic of TDR and it was at that meeting that they asked the Planning Commission to make their recommendations or to state their thoughts concerning the TDR and whether or not they wanted the TDR to move forward; and if they did, to make their recommendations known by June 2012. So in terms of the TDR we have the sending areas and we have the receiving areas. This is a definition for the sending areas; sending areas are defined as those areas from which development rights are authorized to be severed and transferred to a receiving area or transferee without relation to any particular property. The sending area is land located east of the CSX line, north of Potomac Creek, and south of Aquia Creek. Once again, the sending area is where the arrow is pointing to, it is that big triangular portion outlined in the blue.

Mr. Rhodes: And this was the sending area that was in the Board's recommendation to us?

Ms. Ansong: Yes, that is correct.

Mr. Rhodes: Thank you.

Ms. Ansong: So on this slide, this slide will show the differences between the Board's proposal for the TDR for O12-02 and then on the right side is the Planning Commission's recommendation, their proposal, their proposed ordinance for the TDR. So looking at the slide, the first three suggestions were the same in terms of designation of the land for the sending area. It was proposed that the designated areas be designated for agricultural, rural, or parkland uses. It was also suggested that for the sending areas the land be located in the area that I just showed you, that big triangle outlined in the blue. Also that the sending areas be zoned A-1 or A-2, and in terms of the last proposal which is part D, much of it was the same apart from the issue regarding the acreage in terms of the parkland. You can see the Planning Commission added something to it; let me just read the whole thing... a separate parcel or contiguous parcels that are comprised of at least 20 acres or are designated as Park on the Land Use Map in the Comprehensive Plan comprised of at least two acres, and in existence on the effective date of the ordinance. So that was the section that the Planning Commission added to the proposed ordinance for the TDR. So we have one sending area and we have two receiving areas. In terms of receiving areas, receiving areas are defined as areas authorized to receive development rights transferred from a sending area. The receiving areas are the Courthouse and Brooke Station UDAs, Urban Development Areas.

Mrs. Hazard: Mr. Chairman?

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Mr. Rhodes: Yes Mrs. Hazard.

Mrs. Hazard: Mr. Harvey, has the Board acted upon the Courthouse Small Area Plan UDA? I believe that is what it was called, is that correct?

Mr. Harvey: That is correct Mrs. Hazard. Yes, they have taken action on that and I will speak to that a little bit in my Planning Director's Report tonight.

Mr. Rhodes: Please.

Ms. Ansong: Okay, so in looking at the TDR, Transfer of Development Rights area, we have two receiving areas. One area is the Courthouse UDA which is number 1, I don't know how well you can see it, but it is the top section in purple. And then the second receiving area is the Brooke Station receiving area, the lower portion in purple, outlined in red. Once again this slide shows the Board's recommendations regarding the TDR and then on the right side it shows the Planning Commission's recommendations regarding the Transfer of Development Rights Ordinance. As you can see, the Planning Commission suggested that the receiving area be located in one of the following zoning districts; A-1 or R-1 and/or PD-1, PD-2 and P-TND, Planned Traditional Neighborhood Development. So the Planning Commission recommended that three more zoning districts be added to the receiving areas.

Mr. Apicella: Can you remind us why we did that? Why we added that change?

Ms. Ansong: If I can remember, yes.

Mr. Apicella: Mr. Harvey?

Mr. Harvey: Yes, the Commission felt that was important to add these additional zoning districts so people could have the opportunity to rezone, and as whereas some of the project could be partly through TDR dwelling units but also could be through units that are rezoned with proffers. The TDR legislation stipulates that a receiving area must be able to accommodate the potential number of units sent and that's based on the existing zoning today. So under that, the strict interpretation would be the Board's version. A-1 and R-1 zones exist in both receiving areas and those receiving zones based on the density thresholds that we had proposed previously could accommodate that future growth. But again the Commission felt at that time that it was important to include these other zoning districts that may be compatible with the UDA concept but also may give some opportunity to look at rezonings where infrastructure improvements could be negotiated.

Mr. Apicella: Thank you.

Ms. Ansong: In order to qualify as a receiving area, property shall also be located within a receiving area (inaudible) in the receiving area maps, which I showed you, the two areas in purple outlined in red. Also in order to qualify as a receiving area, property shall be located within the USA by the Comprehensive Plan. And lastly, in order to qualify as a receiving area, the property shall be designated as a part of a UDA by the... I already said that, but let me say it again, shall be designated as a part of a UDA by the Comprehensive Plan. But also the Planning Commission added one more addition to this, that in order to qualify as a receiving area property shall be included in an assessment of the infrastructure in the receiving area that identifies the ability of the

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area to accept increases in density and its plans to provide necessary utility services within any designated receiving area. Two more additional recommendations that the Planning Commission made regarding the receiving area are the commercial development rights and the 50% rule. The first one, the commercial development rights, this basically says that if the owner of the receiving property wishes to convert residential development rights to commercial development rights, each such residential development right shall be deemed the equivalent of the right to construct 4,000 square feet of commercial space on the receiving property. The second suggestion that the Planning Commission made regarding the receiving areas dealt with the 50% rule. And the 50% rule states that no more than 50% of the total development rights in any development project shall be comprised of development rights transferred.

Mr. Apicella: And as I recall, the reason why that was proposed and added was to try and pursue proffers on any given project that would not otherwise occur if we did not have this rule in place.

Ms. Ansong: That is correct.

Mr. Apicella: Thank you.

Ms. Ansong: Also, in the proposed ordinance for the TDR, there was a section regarding the calculation of development rights. And as you can see again both the Board's suggestions and the Planning Commission suggestions, they were relatively close. But in terms of the gross acreage, the Planning Commission also suggested the portion, if any, of the sending property that is comprised of easements or rights-of-way for public roads, and for those sending properties that do not abut any public road, 5% of the gross acreage of such sending property to determine the initial calculation. Basically, what this is, in the ordinance you have your land but you will also have parts of the land that should be subtracted out of the calculation. So this was showing how you determine what will be subtracted out of the calculation, out of that final calculation. So you are already going to be subtracting out your hydric soils and your steep slopes but then also this additional portion that the Planning Commission suggested. The Planning Commission also suggested two more recommendations regarding the TDR Ordinance. The first recommendation was the right to use property for agricultural uses or forestal uses with reforestation plans. And what this basically says is that after the property owner sends their rights to the receiving area, this allows the person in the sending area to still be able to farm their land. That is what A says. It gives them the ability to continue using their land in an agricultural type of use. Any new buildings to be constructed on such property shall be limited to no more than 6,000 square feet in size and shall be in support of such agricultural or forestal uses. There is also the issue of tax abatement. And this will allow the owner of severed development rights to enter into an agreement with the Commissioner of the Revenue for a real estate tax abatement for a period of up to 25 years in exchange for retiring all or a part of the development rights on a sending property.

Mr. Apicella: Can counsel help with this one, or Mr. Harvey? This was not in the Board's proposal but was added because it is authorized under the State Code.

Ms. McClendon: That is correct Mr. Apicella, it is authorized under the Virginia Code Section.

Mr. Apicella: Thank you.

Ms. Ansong: Another...

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Mr. Rhodes: Yes Mr. Gibbons, please.

Mr. Gibbons: Was there a financial analysis on that?

Mr. Apicella: We did have the Commissioner of the Revenue come forward and he indicated he did not have concerns with that provision.

Mr. Rhodes: Please.

Ms. Ansong: Another option that the Planning Commission suggested which was not suggested by the Board of Supervisors was to include a definition for the term retire. Here, retire is defined as the process by which development rights are extinguished.

Mr. Rhodes: That was a fun one.

Ms. Ansong: Next we have density allocation. In terms of the receiving areas, the Board's version stated that the receiving areas would be located in one of the following zoning districts, A-1 or R-1. The Planning Commission's version stated that receiving areas could be A-1, R-1, PD-1, PD-2, or P-TND. Here we have the different zoning districts and the allocated density and the maximum density with TDR. So A-1 and R-1, they were both recommended by the Board and the Planning Commission. But then PD-1, PD-2, and P-TND was a new recommendation recommended by the Planning Commission. So you have your allocated density and you have your maximum density with TDR in the far right column. And then just again going along with the PD-1, PD-2, there were other items regarding that that we would have to establish a yard, minimum lot size, maximum height, and minimum lot width requirements, maximum floor area ratios, minimum open space ratios, for TDR developments. And with P-TND we would have to reduce minimum gross tract area and decrease open space ratio. This is just a summary of the proposed Ordinance O12-02 TDRs. Basically the TDR Ordinance will establish new zoning definitions. It will establish new minimum lot size and yard requirements. It will require the establishment of new tables that detail the standards for the TDRs and set forth the uses and standards for all development utilizing TDRs for each zoning district in Stafford County that is permitted to serve as a receiving area. The TDR Ordinance also details the process to certify the severance of development rights and it also details legal instruments such as certificates and the deeds required. The proposed TDR Ordinance O12-02 also details general provisions for eligibility, and as I showed earlier it defines sending and receiving areas and the requirements for those different designations. The proposed ordinance also details the process to certify the severance of development rights. It also details the transfer process and it also details development approval procedures, fixing development rights to a site plan or subdivision plan.

Mr. Hirons: Mr. Chairman?

Mr. Rhodes: Yes Mr. Hirons.

Mr. Hirons: If I could ask real quick, your second bullet there defines sending and receiving area property requirements... never mind. Thank you.

Ms. Ansong: Okay, great. No problem.

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Mr. Rhodes: He answered his own question.

Mr. Hirons: I did.

Ms. Ansong: That is my kind of question. And here this slide just outlines what would be required if the proposed TDR Ordinance was adopted, whether it be the Board version or the Planning Commission version that we had as of December 2011. The text amendments would reflect the proposed addition of the TDR Ordinance in the Comp Plan and basically would affect Chapter 3 of the Comprehensive Plan. There would be an addition of a section defining the TDR Program and the criteria for sending and receiving areas. It would also address the recommendation that any development in a receiving area shall be made up of no more than 50% of TDR. This is going based off of the Planning Commission's recommendations for the proposed TDR Ordinance. The Comp Plan would also have a new map which I showed you, which would show the sending and receiving areas. And it would also detail Brooke Station. It would show the different... it would show which areas were preferable and the different... how much... how many property rights Brooke Station could accompany based on the TDR Ordinance. It would also address the recommendation that one residential development right severed from a sending area is equivalent to the right to construct up to 4,000 square feet of commercial space in a receiving area. And the Comp Plan would also show that sending areas could send approximately 904 development rights to the receiving areas. Out of those 904 development rights, 469 of those rights could come from Courthouse and 435 of those rights could come from Brooke Station. The Board is simply asking the Planning Commission to review the TDR concept and make recommendations regarding the TDRs, whether or not they would like the TDR concept to go forward; if so to perhaps make their recommendations to the Board by June 2012. Or if not they can decide that as well and give their reasons.

Mr. Rhodes: If I could clarify, Ms. Ansong or Mr. Harvey, they have given us no limitations or structure; it is simply to look and make a recommendation for it. If we were inclined to want to develop an ordinance associated with this we would need to provide that recommendation to the Board and then they would need to take an affirmative action to direct us to send something to public hearing?

Mr. Harvey: No Sir.

Mr. Rhodes: Or their actions, does it allow us to fully go to public hearing and do whatever is necessary?

Mr. Harvey: That is how I understand the Board's directive is that the Planning Commission essentially has a clean slate and you can develop a new TDR Ordinance and Comp Plan amendment, keeping in mind that the State Code has certain parameters in which the ordinance mechanically has to operate. But as far as where the sending and receiving areas are that could be up to the Commission to make modifications.

Mr. Rhodes: And there was recent action in the General Assembly that modified some of the conditions that we were working with before, correct?

Mr. Harvey: That is correct. There is pending legislation to be signed by the Governor which would expand the uses that are allowed on a sending property, once the development rights have

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been severed. That would include... in addition to agriculture and forestry, it would include campgrounds and parkland.

Mr. Rhodes: Could be a use from the sending area for the property after TDRs are sent?

Mr. Harvey: Yes.

Mr. Rhodes: Okay. Very good. Anything else from staff on this? I know you want some direction from the Planning Commission to go forward, but are there any other elements to present at this point?

Mr. Harvey: Mr. Chairman, I just would like to comment on the 50% rule.

Mr. Rhodes: Please.

Mr. Harvey: There was a discussion at the work session with the Board and it didn't come up until that issue was raised that I realized we have a slight problem with the 50% rule when you apply it to the zoning aspect. With the Comprehensive Plan aspect it works fine because the number of dwelling units proposed in both the Brooke and the Courthouse receiving areas, from a planning perspective, more than can accommodate the sending properties and also with using the 50% rule, i.e., 50% of the development would only be attributed to TDR. However, when you look at the zoning aspect, the way we set the zoning districts up with the allowable density increases the number of potential units that can be sent from the sending area is 904. The receiving zones in their total could accommodate about 1,300 units. So in order to meet the 50% rule you would have to have capacity for about 1,800 units. So we would either have to increase the number of dwelling units allowed in the receiving zones or maybe reduce the sending area by approximately 600 dwelling units.

Mr. Rhodes: To align them one way or the other.

Mr. Harvey: Yes. That is if the Commission is inclined to keep that same model with the same proposed sending and receiving areas. That could be adjusted to include different areas if the Commission so desires.

Mr. Rhodes: Got ya.

Mr. Apicella: Mr. Harvey, are there any other aspects of the, I will call it the Planning Commission version, based on what you know or Miss Rysheda, that will not work other than the 50% rule (inaudible) currently be applied?

Mr. Harvey: That was the only issue that we foresaw that had some concern. Again, it can work; it may need some adjustment.

Mr. Rhodes: If we wanted to continue that limitation and that characteristic we just need to adjust something on one area or the other...

Mr. Harvey: Yes.

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Mr. Rhodes: ... to accommodate numbers. Okay.

Mr. Harvey: Again the State Statute requires that your receiving zones have enough by-right capacity to absorb the potential of by-right units being sent from the sending area.

Mr. Rhodes: Okay. Mr. Apicella, please.

Mr. Apicella: Can I ask a theoretical question? If this Commission decided to go with the... start with the Planning Commission's modified version and we tweaked it, what kind of tweaks would cause it to have to go back to a public hearing? If we... again if we tried to fix the 50% rule by changing either by increasing the density or by reducing the sending area, would that be something that would cause us to have to go back to a public hearing?

Mr. Harvey: I would have to defer to counsel on that.

Mr. Rhodes: I think it is a new action, isn't it?

Ms. McClendon: Generally, that's hard to speak in hypotheticals. We would have to look at particular situations, but a general rule of thumb is anything that increases the intensity, there would be a problem with the public hearing added in minimum.

Mr. Apicella: Okay. Thank you.

Mr. Rhodes: I would just... recalling the enjoyable evening in December when we made all the modifications and didn't send anything forward, didn't recommend anything forward. The one other item I would highlight from my recollection of the evening and my positioning was, I had a significant comfort with the receiving area that was the Courthouse Road and my difficulty was with the receiving area that would have been Brooke... no, what is it? Whatever it is, I can't...

Mr. Apicella: Brooke Station.

Mr. Rhodes: Yes, sorry I lost... Brooke Station, thank you. And I know looking at this that will be something I would take into it, if we use our last Planning Commission version that we didn't ultimately send forward as a starting point. That would be one element I would want to look at real closely. Mr. Hirons?

Mr. Hirons: Mr. Chair, I'm not sure if we are at the point of kind of just discussing where we might end up going with this, but one thing and the reason I kind of stop there and wanted to read that bullet was, and you know, it is having it with our agenda. This is item number 4 and number 5, the ordinance and then defining the send and receive area are two different elements. Correct? Two different things. We can have an ordinance without necessarily defining a sending and receiving area, correct?

Mr. Harvey: Mr. Hirons, I believe the ordinance would have to include the sending and receiving area in it as well as the mechanics of how the ordinance works.

Mr. Hirons: Does it actually define the actual sending area?

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Mr. Harvey: It refers to the map in our Comprehensive Plan, and it speaks to it in general term.

Mr. Hirons: And then that map could be altered without altering the ordinance, correct?

Mr. Harvey: That is a possibility. We will have the map also adopted as a part of the Comprehensive Plan so...

Mr. Hirons: Which actually is a separate item, right?

Mr. Harvey: Yes, so if we amended the Comprehensive Plan and referred to the map in the ordinance as the one in the plan, if the plan got changed then in essence the Zoning Ordinance would not necessarily have to be updated but it in effect have changed.

Mr. Rhodes: That's why... I think what I am hearing, along the lines then is, again this was an attempt to make our first effort at it with a couple of areas identified and what it, if we were to proceed with something and it were to pass and then the County found that it was a very valuable and desired tool and we wanted to expand the areas. It would there is a significant amount of action that would be necessary because you would have to change the sending and receiving areas in the ordinance, change the maps, etcetera. All those would be subsequent affirmative actions that would have to occur.

Mr. Harvey: Yes, they would have to occur. I guess the question would be the extent if you adjusted the map slightly, you know, a few hundred feet here or there...

Mr. Rhodes: Yet a whole new area though.

Mr. Harvey: ... maybe that would not be a big deal, but a whole new area certainly you would have to go back through the public hearing process to make your ordinance and your plan.

Mr. Hirons: Right, but you would only be adjusting the map, correct? The Comp Plan Amendment.

Mr. Harvey: It depends on what the extent of the changes to the ordinance are if you want to look at adjusting the densities in the receiving zones or...

Mr. Hirons: Right, but that's kind of a separate issue, that's not my point. The ordinance kind of lays out all the requirements and how it is actually executed and the density etc. and it references the sending and receiving map, whatever the maps actually titled, but the ordinance itself does not say Crow's Nest Harbour area, is the sending area.

Mr. Harvey: That is correct.

Mr. Hirons: Right, and that's where I'm kind of getting at; I think it might be useful to talk about it in two different conversations. Let's talk about the tool itself and then discuss where we actually apply it. I think that's where we might get muddled up in a lot of things. I certainly do because you know, certain areas are not desirable such as Brooke UDA as a receiving area in some of our opinions, but I think like I said that night, you know, TDRs can be a good tool an effective tool for conservation and preservation here in the County that is arguably deeded, but I think a lot of

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discussion and thought process ends up wrapping itself around of where this is actually ended up being applied which some of us had some great concern. So, that's my three cents worth in four minutes.

Mr. Rhodes: Mr. Apicella?

Mr. Apicella: Just to comment on Mr. Hirons' points. I think, you know, as I was certainly working on this it was my understanding that the TDR legislation was attempting to be a pilot program, so it certainly did not envision a countywide TDR program. It picked a location, just to basically test out the concept to see if it worked, and to modify as necessary, so I think what you're suggesting in a broader context makes sense that as we move forward there may be the potential of either enlarging the sending and receiving areas or making them smaller as we go forward, but again the broader notion was that this is a pilot program and that we just wanted to make sure the legislation was effective and achieved at its desired annex.

Mr. Hirons: I think that is kind of the purpose of the map, and you know, the way to change a sending and receiving area is just to adjust the map and adjust the Comp Plan. We need the tool to begin with. You need a hammer to build a wall. You might be just testing out, to how to build the wall, but you still need the hammer. The actual ordinance itself, in this case, is the hammer. So, we need the tool. I don't see how the ordinance is quote unquote going to be a pilot itself unless we put some sort of sunset on it, and you know, say this is only valid, this ordinance is only valid for you know, a few years or something.

Mr. Rhodes: I think it would be with regard to the application of the ordinance being in the limited area that would be defined...

Mr. Hirons: Right, so...

Mr. Rhodes: ... and so in that regard. I would just submit that this, that we have so few tools at our disposal this is an opportunity and I think it would be in the best interest of the County for us to try and develop something that could be workable to recommend forward to the Board. I think what the committee that worked on it last year developed even I voted against some of the modifications, but even with the modifications, was still a decent starting point and staff has already indicated some areas that they have looked at a little bit and thought a little further about that would need some tweaking. So, my comment earlier about just the areas as if we were looking on scoping my scoping would be looking at certainly... I'm more inclined towards the Courthouse Road from the plan that we had at that time, versus the Brooke Station, but I think that would be a good starting point for staff and then having staff work through any areas where they had concerns or felt subsequently in hindsight needed a little further clarification and reinforcement, but I know we could either, if we want to proceed, we could either develop another committee to work on it some or we could have staff bring back the package with the few refinements if we have some guidance for them now. Again, I thought the committee last time had done a pretty good job and had identified some good ads and additional items that we're needed.

Mr. Apicella: Mr. Chairman, if I may, I don't know whether it takes a motion or just a recommendation, so I'll try it as a motion if that is the threshold that needs to be. I would recommend that the Planning Commission take up the modified Planning Commission version O12-02 as advertised for the December 5<sup>th</sup> Planning Commission meeting that that version serve as a

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starting point for the Commissions' further review and consideration of the TDR Ordinance and that we hold one or more work sessions on that framework starting on March 21<sup>st</sup> and working towards a version that we could put to a public hearing.

Mr. Rhodes: Is there a second to get the will of the Commission?

Mr. Gibbons: Well, I will second.

Mr. Rhodes: Thank you.

Mr. Gibbons: Mr. Apicella is involved.

Mr. Rhodes: Mr. Harvey, what other... what else do you need from the Planning Commission? We would like to use that as a starting point. I think we should give you any other... right now I will tell you, I would look at the sizing issue on the 50%. I would also one... I personally would like to see a variation if we only used Courthouse Road as a receiving area, what sizing would that be how much could you put in there and how much could you do it. That certainly would be a variant that I would be interested and that is the one element I would highlight. I think if we give them a few other points that we are interested in it would help make the 21<sup>st</sup> much more productive.

Mr. Apicella: I feel pretty strongly about the 50% rule. I recall at the Board meeting that they talked about changing it to something lower. I think that goes against what we were trying to achieve, so I would ask the staff if they could come up with an approach that somehow makes that 50% rule work wherever we decide to have...

Mr. Rhodes: Right. I think it could be retained and so that's a good point to emphasize and if we're comfortable retaining it, it just means some of the scoping and the sizing of the receiving and sending areas.

Mr. Apicella: I would also ask that the staff assume that the Governor's going to sign the legislation that passed in both the House and the Senate adding parkland and campgrounds as a permitted use in a sending area.

Mr. Harvey: Yes, Mr...

Mr. Rhodes: Mr. Harvey?

Mr. Harvey: We have had some thoughts on that already and we probably would recommend to the Commission that we just refer to uses allowed by the appropriate State Code Section. So if it changes again we will still be in compliance. Rather than stipulating...

Mr. Rhodes: Okay.

Mr. Harvey: ... things individually. Certainly I think this is really good direction for staff. We will come back with looking at the Courthouse as being the only receiving area. Look at the... both Courthouse and Brooke to see what we can do to modify the density to accommodate the 50%. And then also we may want to look at an alternative where we pick up maybe one or two more zoning

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categories that we could try to absorb again, some of those units that we need to absorb as a third alternative.

Mr. Rhodes: Okay, any other discussion for staff to help guide their development of a presentation for the 21<sup>st</sup>?

Mrs. Hazard: Mr...

Mr. Rhodes: Yes Mrs. Hazard?

Mrs. Hazard: I have to go back, to be honest, to refresh my recollection on how... when we were talking about the calculation of development rights. I would like to just re-examine that myself if I had some further comments to be honest, I was focusing on some of the other areas. Just to make sure because I know that was something that I had raised at the time and just talking about how we calculated in that 28-359 area of it. If there were any comments even from staff on how the calculation... and I know I had some but, I have to say I would have to go back and look at my notes. But that might be one other area.

Mr. Rhodes: Okay. Is that okay Mr. Harvey?

Mr. Harvey: We will...

Mr. Rhodes: Dig into that...

Mr. Harvey: ... give a summary and look at that a little bit more. Yes.

Mr. Rhodes: Thank you. Any other comments? Mr. Hirons? Yes.

Mr. Hirons: I will just state that I am not going to vote for the motion. I feel like we are walking down the same steps we have walked down before and the result of that was recommending to the Board of Supervisors that we do not adopt TDRs at this point in time in Stafford County. So I will oppose this motion.

Mr. Rhodes: Okay, thank you. Any other discussion? Okay we have a motion on the table to... that the sense of the Commissioners is to direct staff to work on a presentation for the next session consistent with the discussion here to start proceeding with reviewing and consideration of options for a TDR Ordinance to propose back to the Board of Supervisors. All those in favor signify by saying aye.

Mr. Gibbons: Aye.

Mr. Boswell: Aye.

Mrs. Hazard: Aye.

Dr. Schwartz: Aye.

Mr. Apicella: Aye.

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Mr. Rhodes: Aye. Any opposed say nay.

Mr. Hirons: Nay.

Mr. Rhodes: It passes 6-1. Anything else you need on that item Mr. Harvey?

Mr. Harvey: No sir. I think that has been good direction.

Mr. Rhodes: And that should cover 4 and 5 then. So the next item is the Planning Director's Report. Mr. Harvey?

Mr. Gibbons: (Inaudible).

Mr. Rhodes: Yes, please.

Mr. Gibbons: What is the staff or the Commission's initiative on the UDAs now that the State is going to change the guidelines? I mean it affects when you start doing TDRs that is going to be a big effect. Are you going to work side by side with this or what?

Mr. Rhodes: Mr. Harvey?

Mr. Gibbons: I am curious, that is all.

Mr. Rhodes: How do you see proceeding?

Mr. Harvey: Right now we have an adopted Comprehensive Plan. It still complies with the State Law. I guess the question would be if the Board and the Planning Commission felt that it wanted to revisit the number of UDAs and/or their location or the densities within the UDAs. In general I feel fairly comfortable where our Comprehensive Plan is. We sort of tried to create a hybrid in that we looked at the UDAs being under a 10 year growth pattern and we had a 20 year plan. We were saying everything outside the UDAs was for the remainder of the 20 years. So one suggestion I would have is that maybe we change the UDAs to be a 20 year build-out, to be consistent throughout the whole plan. And once we get a new growth projection from the State, maybe we would want to take a look at modifying what our plan entails. The growth projection from the State was from 2007 and that when we were still growing at a very rapid pace, and since then things have slowed down and bottomed out. But certainly we are way below what the State had projected currently in the year 2012 from what they had projected where we would be. So that may be something we would want to look at as far as our future land uses as well. But that would be something that the staff will be happy to pursue should we get direction from either the Commission or the Board to look into that in more detail.

Mr. Rhodes: Okay.

Mrs. Hazard: Any amendments...

Mr. Rhodes: Mrs. Hazard?

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Mrs. Hazard: Any amendments to the Comprehensive Plan must come through the Planning Commission; is that correct?

Mr. Harvey: Yes, there would be public hearings with the Planning Commission and the Board.

Mr. Gibbons: Thank you Mr. Harvey.

Mr. Rhodes: Okay. Thank you. That is certainly something we are going to have to consider as we go forward. Okay, Mr. Harvey.

PLANNING DIRECTOR'S REPORT

- Discussion of Minutes

Mr. Harvey: Thank you Mr. Chairman. I have two items for the Planning Director's Report. The first item is to continue the discussion of the minutes. In our last meeting we had some conceptual discussion that staff would request the Commission to give us some opportunity to potentially go away from verbatim minutes. They are very labor intensive and we are having staffing concerns of trying to meet the timelines in which they are required to be provided. Currently the meetings are recorded on video tape. They are streamed live across the internet. We do retain records of the video meetings and the audio for a period of five years. We also retain the written record of the minutes in perpetuity in our office. We provided four options for the Commission to consider for a summary-type minutes. They vary from summary-type minutes that the Commission were previously used to, where staff interpreted what was being said in the meeting and tried to highlight the important parts. In the past that has created some issues in that some people felt on the Commission that some parts of the discussion weren't as brought forward as other parts. And other things could have been more emphasized so that ended up requiring some revisions to the minutes and more discussion. We have minutes, as an example, from what the Board of Supervisors does. Also we have the Historical Commission which gives more so bullet points and then we have our current summary minutes. If we go with a modified version we may be able to eliminate the need for the executive summary that we provide you every month. And we may be able to get the minutes to the Commission in a much more timely fashion. The pros and cons are if you have more abbreviated minutes you don't have as much detail. You would have to go back to look at the video tape or listen to the audio tape.

Mr. Rhodes: But the... you could extend the period of time that you... I mean we have already got two forms of verbatim minutes. We have got the video and the audio. How is that available to the public, the video or audio?

Mr. Harvey: The video, again it is streaming on line. You can also access it after the fact.

Mr. Rhodes: For how long can you access it online?

Mr. Harvey: I would have to verify how long that is. I think it is maybe a year.

Mr. Rhodes: Okay.

Mr. Harvey: We do keep them on computer file for five years.

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Mr. Rhodes: Okay. Is there difficulty extending either the... is the audio done digitally or tape?

Mr. Harvey: Digital.

Mr. Rhodes: Digital. Is there any difficulty extending the amount of time either the digital audio or the video is maintained beyond five years?

Mr. Harvey: Well, we could do that in our office. If we were to keep a CD of it, we could hold that for as long as the Commission desired us too, in perpetuity if you would like.

Mr. Rhodes: Personally, just one person, but I am fine with just going with the Board of Supervisors version as long as there is a definitive record that is available and is accessible. (Inaudible) we can make that easy to access and easy to search certainly is an enhancement. And so if there is a legend or means of somehow at least showing where the start time, if you will, of different portions were. That is just an added bonus. But as long as there is some verbatim I don't see why we need to transcribe... spend an hour to transcribe every five or eight minutes of our dialogue, personally. Other comments? Mr. Apicella.

Mr. Apicella: Mr. Chairman, I certainly think that it's unnecessary for the staff to develop a verbatim version of the minutes. But I think we need to consider some points when we decide which is the best modified version to go with, and I think the first overriding criteria that we should consider is what would be most helpful to the Board of Supervisors. Because in most cases we are advising the Board on matters that they are going to take up, and I don't think that they want to watch a video or necessarily listen to an audio tape to get up to speed on the discussion. And in fact when the TDR issue came up, I believe at least one member of the Board was looking at the minutes and trying to discern what happened. So the minutes... an extended version of the minutes, more than say the executive summary, but less than a verbatim version, I think would be very helpful to the Board as they further deliberate on the matters that we send their way. The second group is obviously ourselves, because we don't necessarily make a decision on an item in the first instance that it comes to us, or the second or the third. It can go over a several month period and so having something to refer back to, what was said, what was the context, what were the salient points is helpful. I know that I have looked back at minutes after several months of not recalling a matter that had kind of been delayed and we took it up after a certain period of time. And thirdly I think it is important for the public to have some kind of record, not necessarily to have to again themselves go through a four hour tape to understand what we did and what was said and lastly I think the historical record. So personally I did look at the different versions, I looked at the Board's version. To me I think it misses some of the salient points, unfortunately, that are discussed back and forth between the members. It really just kind of says we took the matter up, someone said... these people said yay, these people said nay, it doesn't really give kind of the back and forth and some of the key issues that were raised. I kind of like the version that was presented, I will call it Stafford County Planning Commission Minutes June 18; it is 10 pages. I don't know how long that meeting was, but I thought it was very informative about what was said, who said it, how the votes turned out, what people's concerns were. Again, it is not a two pager but it is not a 65 pager, so I think it would take far less time for staff to sensitize what was said at a Planning Commission meeting. So of the versions that I saw, I thought that would be the most helpful given those four criteria that I laid out.

Mr. Rhodes: Okay. Other comments? Other discussion? Mr. Hirons?

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Mr. Hirons: Mr. Chair, kind of to carry on there, I had a conversation with a couple members of the Board of Supervisors because I think they probably are our biggest consumer of the minutes. As I understand it, they receive our minutes within their package for issues that we've dealt with and are now on to them. And both of them were fairly concerned because both of them do use the minutes quite extensively as they are doing their research on the issues. However, they were both comfortable with, as long as they can have access to the video. Both of them happen to prefer the video and my thought was video or audio, I think it would definitely, if we were to go to one of the summary versions, definitely need to have the ability to link directly to the video from within the individual sections. Preferably link within the video directly to the video to whatever we were talking about at that time. I don't think that is actually within the capability of the current IT infrastructure. It is something I would appreciate if you guys discuss with IT or push on to IT to find out what it would take to make that happen or make it available. As I understand the Board is using iPads now so they most certainly should be able to click right on their iPads as they are doing the research and have the video come right on up. I am not sure, in the format that the videos are currently archived in, if it's capable on iPads or not. That would be something else I would like to make sure happens. But as far as the versions, I am with Steven; the version he recommended I think probably the best option.

Mr. Rhodes: Okay. Other comments?

Mr. Boswell: Either one.

Mr. Rhodes: Yes, yes Mr. Boswell.

Mr. Boswell: I am fine with either one.

Mr. Rhodes: Okay.

Mr. Boswell: The Board of Supervisors or the one Steve recommended.

Mr. Rhodes: Alright. Anyone else? Well I hear a minor consensus toward... well certainly an overall consensus towards modifying and not doing it verbatim. I hear... it seems like two and a half votes are to the version that we used to use on the Planning Commission several years back before we switched to verbatim. And that should... that is not the easiest of them all but it certainly would ease a lot from the verbatim, I would think. And then the greater commitment on the other digital record basis for the specifics. Yes Dr. Schwartz?

Dr. Schwartz: What was the purpose to move to the verbatim?

Mr. Rhodes: It was a desire to have every single word clearly out there for the record so nobody could say that they did not say that.

Dr. Schwartz: So there was no problem that brought that...

Mr. Rhodes: We would go through... with the version that we had before, which is the example that is there. There was generally a little bit of clarification before we would vote to approve the minutes, various members would clarify and say what I really meant or what I was saying at that

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point or what I was emphasizing was... so there is a little bit of editing here. And then we would pass the minutes, it wasn't that significant.

Dr. Schwartz: So there was more editing after they were presented?

Mr. Rhodes: Yes. Everybody would raise a few... a couple... one or two people would generally raise a couple points of emphasis that they did not think was represented in the more concise version. It was not that significant though.

Dr. Schwartz: Okay, thank you.

Mr. Rhodes: I didn't think. Okay. So don't... this doesn't require a motion and passing does it Mr. Harvey or does it?

Mr. Harvey: No I would view it as direction to staff.

Mr. Rhodes: Okay. Does that work for you Mr. Harvey?

Mr. Harvey: Yes.

Mr. Rhodes: Thank you very much. And you had more on your Planning Director's Report?

- UD Zoning District Density

Mr. Harvey: Yes, Mrs. Hazard mentioned earlier tonight about the UD Zoning District and the Courthouse Area Small Area Plan. The Board did pass both the plan and the zoning district, so we are fully compliant with our VDOT grant. The Board in taking up the Urban... UD Zoning District, they noted and this was also discussed a bit at the Planning Commission level about the lack of a maximum density within the zoning category. So they requested the Commission proceed with a Zoning Ordinance Amendment to establish a cap. The district in itself, you can achieve a maximum density by the maximum building height and lot coverage requirements. But the Board felt more comfortable with a numerical designation. So with the Commission's indulgence we will put that on the agenda for the March 20<sup>th</sup> meeting.

Mr. Rhodes: Thank you, please.

Mr. Harvey: Excuse me, March 1<sup>st</sup>.

Mr. Rhodes: Okay, very good. And that is it Mr. Harvey?

Mr. Harvey: Yes sir; that concludes my report.

Mr. Rhodes: Okay, County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. McClendon: No report at this time Mr. Chairman.

COMMITTEE REPORTS

Mr. Rhodes: Thank you, and then the Committee Reports. Is there anything further on the cluster ordinance? I know you left off with really working hard to see what you can get together after your next session and hopefully bring it back as soon as possible

- Planning Commission Subcommittee - Cluster Ordinance

Mrs. Hazard: Come see us Wednesday, in case you are bored next week.

Mr. Rhodes: Come hang out.

Mr. Apicella: I would say, unfortunately we have lost one of our three members, so if anybody else would like to join the club we'd welcome at least one other participant, if not more.

Mr. Rhodes: Well, in fact I will take that opportunity to raise Mr. Howard had graciously volunteered to participate on a couple of items. One was the Cluster Ordinance Committee, so if there is another member that is interested in participating with that, there is an opening to hang out if, you know, in your free Wednesday evenings have another opportunity. In addition, he was on the Parks and Rec. I think he was our representative to the Parks and Rec Committee, so if there is interest there the Department of Parks and Rec. How often do they meet?

Mr. Hirons: Third Thursday of the month.

Mr. Rhodes: One a month, third Thursday. So, there is an opportunity there. Is there interest in either of those?

Mr. Hirons: Not everyone is jumping up...

Mr. Rhodes: Right.

Mr. Hirons: ... but I would be interested in filling Mr. Howard's role on the Cluster Subcommittee.

Mr. Rhodes: Very good. Thank you very much Mr. Hirons.

Mr. Boswell: Mr. Chair?

Mr. Rhodes: Yes, please.

Mr. Boswell: I will be at the Parks and Rec. Commission. I'm on it in another district, so I mean I don't know if that helps or not, hurts or...

Mr. Rhodes: Yes, he can be our Parks and Rec rep. right? Thank you very much. Very good. Okay. So, that takes care of those two seats. Thank you both gentlemen for your willingness. Not like you got anything else to do in the evenings. Very good. The... do we have criteria associated with the Historical Commission Preservation Awards?

CHAIRMAN'S REPORT

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- Historical Commission Preservation Awards

Mr. Harvey: Mr. Chairman, I failed to follow through specifically on that. I can tell you in general terms it would be any project or person that the Planning Commission feels has contributed to Historic Preservation in the County. It could be either someone actually doing a specific project like the Civil War Park or renovating a house, or it could be an individual who has contributed to the body and knowledge of preservation and...

Mr. Rhodes: Can that be a nomination by any individual member or does it have to be from the Planning Commission?

Mr. Harvey: Well, the Historic Commission asked for feedback from the Planning Commission. I don't know if it necessarily has to be in the form of a motion, but I think they are looking for...

Mr. Rhodes: Do you know when they want those by?

Mr. Harvey: I would have to get back to you on that. I apologize.

Mr. Rhodes: So, we will try and just... if there is anything further in criteria, if we can get that out electronically to the members and if the members have a reaction of an individual project opportunity that might be appropriate for recognition, if we can, once we get the timelines and deadlines we will see how we can possible insert that in there.

Mr. Apicella: Is there any chance of finding out who past recipients have been? That might give us some greater context as to what kind of projects they are looking for.

Mr. Rhodes: Mr. Harvey, when you... could we do that?

Mr. Harvey: Yes sir.

Mr. Rhodes: Thank you very much. Appreciate that. I would... let's see we got the Parks and Rec, we got the other Planning Commission seat. I would like to, on a sad note, would like to highlight that a former member of the Planning Commission and a School Board member and a long-term resident here, Spencer Hudson, passed away today. He was from the Aquia District I believe. I believe he was Mr. Ken Mitchell's representative on the Planning Commission. He passed away of a heart attack, so thoughts and prayers go out to the family. There is going to be a viewing Friday evening and a ceremony on Saturday. I actually got that notice from Mr. Mitchell from Texas. He is watching us streaming live on video. The gentleman has nothing to do in Texas clearly, but he did pass that on, so I would share that for those who knew him, and again keep the family in your hearts. Yeah. Very good. TRC, when is the next one? She's got all kind of stuff there, look at her. She is coming prepared.

OTHER BUSINESS

- TRC Information - March 14, 2012

Mrs. Hornung: Good evening Mr. Chairman, members of the Commission. We have one project next Wednesday at 9 o'clock, and that is Colonial Forge Section 9 Construction Plan, and I have it

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and I will provide it to Mrs. Hazard later on. It's in the Hartwood District, and at your next meeting I will provide you the information for the 28<sup>th</sup>.

APPROVAL OF MINUTES

*February 1, 2012*

Mr. Rhodes: Okay, thank you very much. Appreciate that. With that we are to the point of approval of minutes. Is there a motion concerning the February 1<sup>st</sup> minutes?

Mr. Apicella: Mr. Chairman, I move for adoption of the February 1, 2012 minutes as presented.

Mr. Rhodes: Okay. Is there a second?

Mrs. Hazard: Second.

Mr. Rhodes: And seconded, is there any discussion? All those in favor signify by saying aye.

Mr. Hirons: Aye.

Mrs. Hazard: Aye.

Mr. Apicella: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Dr. Schwartz: Aye.

Mr. Rhodes: Aye. Any opposed? None.

Mr. Gibbons: And no exemptions.

Mr. Rhodes: If... and no exemptions. If I could...

Mr. Hirons: Mr. Gibbons, would you abstain from the vote.

Mr. Rhodes: Yes, 6-1, thank you; that is correct. You weren't watching. If... there was the comment here about the issue presented as being the longstanding issues of Crow's Nest and TDR from the one person during public presentations. I might ask Ms. McClendon, if there are elements that, of that element, of what was raised here, if there are elements that are pertinent to the Planning Commission from the perspective of TDR or other actions that may be coming before us, could you recap those from the County Attorney's perspective?

Ms. McClendon: Sure Mr. Chairman, I can do that.

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Mr. Rhodes: Thank you. He cited suits and court actions and other things and commitments by the County, etcetera. So, if there are some open ones that are relevant to our actions, if you could give us a summary of that, that'd be helpful. Okay, thank you. Is there any other items that we have missed that we need to raise or any other member or staff? We could wait a few more minutes, but okay hearing none. Thank you all very much. Appreciate it and have a great evening.

ADJOURNMENT

With no further business to discuss the meeting was adjourned at 9:06 p.m.