

STAFFORD COUNTY PLANNING COMMISSION MINUTES

March 21, 2012

The meeting of the Stafford County Planning Commission of Wednesday, March 21, 2012, was called to order at 6:31 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the County Administrative Center.

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

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Ansong, Baker, Knighting and Zuraf

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes asked if there were any declarations of disqualification for any items on the agenda. Hearing none, Mr. Rhodes stated Mike Smith, Director of Public Works, was present as a request of the Commission to give updates on the Road Bond Project. He asked for the consideration of a motion to amend the agenda to move item 3 up to item 1.

Mr. Gibbons made a motion to amend the agenda.

Mrs. Hazard seconded the motion.

Mr. Rhodes asked for any discussion, hearing none he called for the vote. The motion passed 7 to 0. Item number 3 was moved to item number 1.

3. Road Bond Project Update - Public Works

Mike Smith, Director of Public Works, stated that he would be giving an update on all of the transportation projects that are in the County, the Bond Projects as well as others. He stated that in 2008 the Transportation Bond Referendum was passed. There were 20 possible projects for a total of \$70,000,000. Currently there are six projects that are in one or another phase of work, there is Poplar Road at Mountain View intersection; Mountain View Road from Rose Hill Farm to Joshua Road; Brooke Road; Truslow Road west; and Garrisonville Road and Onville Road intersection. Poplar Road phase two is 1,000 feet north of Truslow Road to about 3,000 feet north of Truslow Road. The project will widen the road to 12 foot lanes, 8 foot shoulders, and provide ditches for drainage. It will remove a deficient curve that is about 1,500 feet north of Truslow Road. It is at the end of a current impact fee project. The design efforts are continuous. He stated that they met with VDOT to review the Preliminary Plans and the public hearing will be scheduled early this summer. Utility relocation efforts are being coordinated, he met with Verizon, and he is hoping to get the project up and under construction next spring. He stated that the estimated cost is 2.1 million dollars and they hope to complete it by August of 2014. He presented a diagram of where the project is located.

Mr. Smith stated that Poplar Road and Mountain View Road intersection are reconstruction improvements. It will widen it to 11 foot lanes, 6 foot shoulders, and 5 ditches for drainage. He stated that currently there were no shoulders on most of the roads throughout the County, so in case of car trouble there is space to pull off the side of the road. He stated that it will remove a deficient curve just south of Mountain View Road, and it will improve site lines to make it safer. He stated that they were

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awaiting VDOT's approval for the County to finish the project. He stated that they are hoping to finish the project by June 2015 and it is expected to cost a little under \$1,000,000. Mr. Gibbons asked for a repeat of the cost. Mr. Smith stated it was \$900,000. He presented a diagram of where Poplar and Mountain View intersect. He stated that they are currently in a right of way acquisition phase and they have 15 percent of the property owners that have agreed that the County should be finished with the right of way in the spring of 2012, and begin utility relocation in the summer of 2012. He stated that this is a 7.55 million dollar project, and they are hoping to complete it by November 2014. He presented the diagram of where the improvements will take place. Mr. Rhodes asked how long of a distance would it be. He asked would it be about one and a quarter. Mr. Smith agreed that it would be about 1.2 or 1.3 miles.

Mr. Smith stated that previously a few years ago there was a fatality coming down the hill and they are working on getting that fixed. Regarding reconstruction, widening, and a realignment of Brooke Road, he stated that is 2.44 miles south of Eskimo Hill Road to .64 miles, and that is a 1.8 mile project. He stated that the project will widen the road to 11 foot lanes and 6 foot shoulders, ditch improvements, and the County is working close with VDOT to minimize any wetland impacts. He stated that the staff is working with consultants and VDOT about possible design waivers, so that they do not have to go into the wetlands, and they are doing everything possible to have a public meeting this summer in order to proceed to the right of way acquisition phase. He stated that is a 6.5 million dollar project and once again it is expected to be complete it in June of 2015. He presented a diagram of the bridge that VDOT replaced the decking on.

Mr. Smith stated that they have two projects that are being considered on the Public Private Transportation Act and three firms have provided proposals for that and they are evaluating the proposals. He stated that those projects are Garrisonville Road, Onville Intersection, and Truslow Road west. He stated there are other transportation projects going on that are not part of the Bond Project, which is the Poplar Road Route 17 to Truslow, which is an impact fee project. Also, an extension of the Mountain View Road project which goes past Rose Hill Farm to Pickett Lane, and the two Falmouth Trails that are bike and pedestrian projects. One is in Falmouth down at the bottom and they will be putting in sidewalks across Amy's Café from Falmouth Beach up to Belmont and the other is from the YMCA going through Brookes Park and down to Falmouth Beach. Mr. Smith stated that they have planned to do sidewalk improvements on Garrisonville Road at Staffordboro Boulevard and at Stafford Marketplace and Salisbury Drive. He stated this is a 2.3 million dollar project and they hope to complete it in the spring of 2013. He presented the diagram of improvements. Mr. Rhodes asked how the project was funded. Mr. Smith replied that it is funded by the impact fees for the west.

Mr. Smith stated that Mountain View extension that is a reconstruction in the widening of the Mountain View Road between Pickett Lane and Rose Hill Farm. He stated that there was a public hearing held the previous week, and they have the comments regarding the design in consideration and they will proceed to the right of way acquisition. He stated that it is 2.65 million dollars and due to be completed in June of 2015. He presented a diagram of the site.

Mr. Smith stated that they would be putting in bike paths from YMCA to Falmouth Beach and there will be access to walk from Falmouth Beach to Belmont. He presented pictures of the work in progress. He stated that they will be doing Garrisonville sidewalks for pedestrian safety that will include road crossing and signalization, and they will be completed as a locally administered project

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with VDOT approval. Mr. Gibbons asked would there be street level crossing. Mr. Smith stated yes there would be. He asked if there would just be sidewalks at street level with the half signals. Mr. Gibbons asked how would it affect the turning. Mr. Smith stated that VDOT would be working so that it does not cause any more stacking than normal, but they have the crossings in on the other two.

Mr. Smith presented the projects that VDOT is working on in the area. He gave an overview, stating that Route 610 over Aquia Creek deck overlay was awarded to McClain & Company Inc. for \$311,000, and they will control it with a temporary signal of the traffic, and they expect to have it completed by August 30, 2012. He stated that they would be doing bridge cleaning district wide and hope to begin that process this month. He stated that they have numerous paving contracts that they will begin next month. He stated that Route 610 and Mine Road intersection improvement was awarded to GEI for \$975,000 and they will be working on that project at night, and they expect to complete it by the end of July or early August. Mr. Smith stated that I95, Route 630 interchange, the Interchange Modification Report, was approved by the FHWA on June 10, 2011, and their survey efforts were complete at the end of last year, and the contract for design services should be finalized this month. He stated that the Project Manager briefed the Planning Commission on March 7th. Mr. Rhodes clarified that statement was correct. Mr. Smith stated that the right of way phase is anticipated to begin in late 2013. He stated that Route 1 Aquia Bridge replacement right of way phase begins in January, and advertisements for construction are scheduled to begin in August. He stated that Route 17 widening right of way phase began in August of 2011, advertisement for construction is scheduled for December, and the Falmouth intersection right of way phase begins in September and the advertisement for construction is scheduled for November of 2013. He stated that 610 and Mountain View Road right of way phase would begin in April 2012 and the advertisement for construction is scheduled for May 2013. Mr. Rhodes asked if Mr. Smith knew what the scope of that project was. Mr. Smith stated that it would be improving the intersection and one of the PPTA projects that is planned will go from that intersection through Eustace Road and it will widen into six lanes. Mr. Rhodes asked was it the first transition to be able to support the widening that is beyond it and would there be any crosswalk for pedestrian. Mr. Smith stated he was unsure.

Mr. Smith stated that the Staffordboro Park and Ride public hearing was held in December and the field inspection was held on March 14th, and the right of way phase was scheduled to begin in April and they have a meeting with them April 2nd to do a Utilities Field Inspection. He stated on Route 630 widening Central Office Design team had begun the design and preliminary field inspection is scheduled for April of 2012. Mr. Rhodes asked if there were any rough order magnitude time frames on 630 widening or any scope of projection as to when any of that might start on 630. Mr. Smith replied that he had no information about it. Mr. Rhodes asked what the scope of the project was for Mine Road and the Garrisonville intersection, primarily the turn lanes off of Mine Road to turn right onto 610. Mr. Smith stated that he is aware that they are adding turn lanes but he was not sure which ones were being added, but they would be used to reduce the stacking and improve the traffic flow. Mr. Hirons asked when the completion date for the Falmouth Belmont trails was, and if there was an overall completion date. Mr. Smith stated that July 30th is what is expected for both of them, but he believes the sidewalks will be finished before that date. Mr. Hirons asked if the topping of the trails that go through Brookes Park and connect to the YMCA would be asphalt. Mr. Smith stated that yes asphalt would be the topping. He also stated that there are two bridges that span those ravines. Mr. Hirons stated that he drives by them every day, twice a day and has previously seen people walking on the trails. Mr. Smith stated that currently they just have gravel on the trails, but they are in the process

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of paving the trails. Dr. Schwartz asked about the light on Route 1 of Falmouth intersection, could Mr. Smith give a timeframe and a scope to speak a little more about it. Mr. Smith stated that he only had the information that was provided for him, and the right of way phase was just finished and they hope to start construction in November of 2013 and he believes it will be an 18 month project. Dr. Schwartz asked if they have a design of it. Mr. Smith replied yes there was a design. Mr. Rhodes asked if they could they work between staffs and get a copy of the design that VDOT has for the project to provide to the members. Mr. Apicella requested that the Planning Commission receive a copy of the slides, as well as the ones from the previous briefing from VDOT. Mr. Rhodes concurred with that request. Mr. Gibbons asked if the 630 parking lot was the one at Anne E. Moncure that they just got property from. Mr. Smith replied yes it is down by the water tank. Mr. Gibbons asked if it had already been purchased from the school department. Mr. Smith stated that he did not believe it had already been transferred. Mr. Rhodes asked if it was on 610. Mr. Gibbons stated that his concern was how it was being started without a purchase. Mr. Smith stated that they have all the land for the parking lot, but there is a connector road that they want to go through and that is what they are doing. Mrs. Hazard asked how the public hearings are communicated, is it people who are adjacent to the property that are notified or it is everyone in the area. Mr. Smith stated that they send letters to all the adjacent property owners and they also have it in the newspaper and they put it on the website. Mrs. Hazard asked Mr. Harvey if the information was put on the County website because the Mountain View projects impact the schools and she serves on some of the school committees, so her information is put out there. She stated that her concern is how the general public who may not live on that road would get better notice. Mr. Harvey stated that he would have to defer to Mr. Smith as far as the posting on the website. Mr. Smith asked Mrs. Hazard if she was referring to the people that would be driving along there because the public meetings that they hold are to identify the design so that people that will be impacted by right of way can give their comments on the design, but as far as notification that they will be doing, work has not been initiated. Mrs. Hazard commented that the people that drive the roads on a daily basis there may have some good information. Mr. Smith stated that they put the information in the newspaper but is unsure of any place else. Mrs. Hazard asked if there was a notification process to the Supervisor of the district. Mr. Smith stated that they always let the supervisor know when they are having a public hearing and make sure that they are aware of it. Mr. Gibbons suggested briefing the PTO and they will get the information out to the families. Mr. Rhodes asked Mr. Harvey if they could get the slide electronically from the presentation by Mr. Smith. Mr. Harvey agreed. Mr. Rhodes gave thanks to Mr. Smith for the presentation and proceeded to item number 2.

1. 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) (History - Deferred at March 7, 2012 to March 21, 2012)**

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2. Amendment to the Stafford County Comprehensive Plan (“Plan”) - A proposal to amend the Plan dated June 7, 2011 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) (History - Deferred at March 7, 2012 to March 21, 2012)**

Amy Ansong stated that she would be discussing TDRs. She stated at the March 7, 2012 meeting the Planning Commission was briefed on the topic of TDR, Transfer of Development Rights, and the TDR Ordinance. She stated that as a result of that meeting, staff was asked to prepare three scenarios regarding the receiving areas. She stated that each member received a memo and attachments regarding the different scenarios. She stated that scenario one outlined the application of the 50 percent rule units to both Brooke Station and the Courthouse receiving areas, scenario two is an application of the 50 percent rule units to only the Courthouse receiving area zones, and the third scenario applies the 50 percent rule units to all of the applicable receiving area zones in the Courthouse receiving area. Mr. Rhodes asked if Ms. Ansong could talk through the attachments and scenarios and what each element of the information is representing. Ms. Ansong stated that the different zones in the receiving area were located in the first column such as Brooke Station A-1, and A-1 and R-1 for the Courthouse. She stated that the acreage is in the zones for each receiving area. She stated that the density allowed is listed as three acres for A-1, three acre lots for A-1 Courthouse, and 1.5 dwelling units per acre for R-1 Courthouse. She stated that Alternative A lists the TDR density that is preferred for the zoning districts. She stated that the TDR density column for A-1 is 4, which is going to be the same for A-1 in Brooke Station and Courthouse. She stated that they have 22 dwelling units per acre for R-1 for Courthouse. Mr. Rhodes asked if that was the way they had originally considered the TDR, they only had a minimum density not a maximum. Ms. Ansong stated that she believes it was a maximum. Mr. Rhodes asked if there was a maximum or a minimum density associated with TDR. Mr. Harvey stated that the recommendation that they had was looking back at the Comprehensive Plan and the UDAs as far as the minimum density of 4 units an acre for single family homes and six foot town homes and 12 for multi-family, but there was no maximum density necessarily as the Comprehensive Plan recommends that those densities be both the minimum and the maximum. Mr. Apicella stated that he sent an email to Mr. Harvey trying to get an understanding about how they go from 904 development units from the sending areas to needing space within the receiving areas for 1,800 units. He asked if the issue was the fact that the receiving areas need to accommodate all the units from sending areas and not knowing which receiving area is going to take those 904 units, unless they double the amount so all could go either to Courthouse or all could go to Brooke Station. He asked if that was how they get from 904 to 1,800. Mr. Harvey stated no, they basically say in a development project only half of the dwelling units could be accommodated through TDR. He stated in doing that the legislation says that the by right zoning has to accommodate all the TDR units, so there has to be twice that number of units in order to accommodate all the TDR units because up to half of a project can be from TDR, so there has to be by right zoning that can cover the other half. Mr. Rhodes stated that the other side of that would be if they had less sending units. Mr. Harvey stated that

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was correct. He stated that if they wanted to have fewer units in the receiving zones they could modify the sending area and reduce the potential number of units that could be sent and if they look at a certain number in the sending area they can adjust the receiving zones based on the number of units being sent. Mr. Harvey stated that there was a question for staff through email requests, whether there was a preferred alternative. He stated that when looking at the Comprehensive Plan and trying to see which alternative fits best into the guidelines that were discussed, they were suggesting that Alternative C of scenario one would probably be the closest. Mr. Harvey suggested Ms. Ansong give a brief discussion of that. Ms. Ansong gave a brief description of the alternatives for the sending and receiving areas in A-1 and R-1 presented in the staff report. Mr. Apicella asked what the increase was for the original proposal of R-1. Ms. Ansong stated for R-1 in TDR they are recommending that it could be either six units for town houses and 12 units for multi-family, so there is a range of 6 to 12 units for R-1. Mr. Harvey stated that the draft Ordinance stated a maximum of 12, so if they used the maximum they would use the 12 figure to calculate the potential number of units. He stated that is the multi-family number, so as a single family detached zone it could have multi-family units. Mr. Rhodes asked Ms. Ansong to give a brief discussion of scenario 3 where the B2 and B3 were added in, and what that represents. Ms. Ansong gave a brief discussion of scenario 3. Mr. Rhodes asked if the 498 units represent 498 times 4,000 square feet for commercial, which was listed on page 5 of 5 of attachment 1. Mrs. Ansong stated that was correct, and she discussed the details of the mathematical ratio for B2 and B3. Mr. Rhodes asked Ms. Ansong if she had a map available for the Planning Commission that shows the sending and receiving areas. Ms. Ansong stated that she could pull one up on the S:// drive. Mr. Rhodes stated he would like to reorient on those topics from prior discussion. Mr. Gibbons asked Mr. Harvey what the formula is in the receiving area for the State Code. Mr. Harvey stated that the receiving area must be able to accommodate at minimum the same number of units that could be potentially sent from the sending area by its existing zoning. He stated that it has been estimated there would be 904 potential development rights and they could be sent from the sending area so the receiving zones must be able to accommodate at least 904 additional units by right by adjusting the zoning densities. Mr. Gibbons stated that he would default. Mr. Gibbons stated that he called the Utility Commission and had a discussion with Steven, and during the Comp Plan process that commission was not included. He stated that he asked the Director if the Commission sends it back to them would they take a look to see if the receiving area has the infrastructure in place to handle it. He requested that after the meeting, whatever the Commission agrees upon to let them take a look at it for at least water and sewer. Mr. Rhodes agreed. Ms. Ansong proceeded with the presentation. Mr. Gibbons asked where in the area is Crow's Nest located. Ms. Ansong stated that it is the dark green towards the bottom. Mr. Gibbons asked if that area was all of Crow's Nest Harbor. Mr. Harvey stated that yes the small lots were. Mr. Rhodes asked if they see problems in implementing scenario 2 options that have been listed just given the numbers that were put into the Courthouse Road area. Mr. Harvey stated that looking at the densities, they are large so that would be an issue for the Commission to consider. Mr. Rhodes stated that he had concern that the densities are high in order to make it all fit, so if they were not going to do a version that included commercial, it seems they should reduce the sending area so that it does not drive the demand so high on density but if they had to pick between 2 and 3, his reaction was including in an Urban Development Area including some incentivization on the commercial side, which is more beneficial for the County would be preferable. He asked is that where they would default or is there a reason they might default towards scenario 2, where they were not applying it to the commercial. Mr. Harvey stated that they may have to revisit scenario 3 if they want to get into it in more detail because the numbers in scenario 3 did not come out as well in the chart as they hoped, but they were looking at it as a commercial ratio comparison of a number of units per acre

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to a commercial ratio, and referred to Alternative I. He stated that when they began doing the back calculation they saw that there was a potential increase in FAR of .125 in order to accommodate the square footage that converted from units, and when you add that to the maximum FAR .7 you get a FAR of 1.95, which that equates to over 128,000 square feet on an acre, so you are looking at a building that is at least six stories in height to be able to accommodate that, so part of it would be what is an appropriate scale of development for the UDAs. He asked is six stories or taller too large. He stated that in the previous discussions in the UDA plan they had more three to four story type buildings in those concepts. He stated that the FAR was greater than .4, but it was not as high as what it would be under that scenario. Mr. Rhodes stated that he came up with 4,000 square feet to equate to a dwelling unit just as an approach, and maybe it needs to be scaled back or adjusted, but depending on how it is scoped he asked was Mr. Harvey's inclination more towards including the appropriate scaling of commercial in the TDR receiving areas or just to residential. Mr. Harvey stated that they could incorporate the housing into the commercial as a mixed use component, but the one issue there is they will end up with the multi-family unit type and in order to be compliant with the State Code they would have to have at least 12 units an acre, so based on the acreage available in the commercial zones, they may end up reducing some of the density in the residential and the agricultural zone to offset it. Mr. Rhodes asked when Mr. Harvey or staff has looked at TDRs elsewhere do they see more often that the receiving area density is being applied just to the residential or do they see where it has been applied to commercial as well by some conversion factor. He asked what has Mr. Harvey's observations been or do they have that perspective yet. Mr. Harvey stated that he does not think they have that perspective because Frederick County is the only locality that they know of that has TDR and he is unsure if there is a clear conversion to commercial, so he would have to check on that. Mr. Apicella stated that the reason that the subcommittee recommended adding a commercial component is because it was allowable under the State Code and it could offset additional residential because it does provide additional taxes to the County, so they were trying to find a way to strike a balance. Mr. Rhodes stated that what he sees in the scenario 3, is a need to adjust or modify some of the conversion factors to not have such a significant impact on the floor area ratio. He stated to further refine the issue would be, if staff would run some iteration at about 3,000 square feet in lieu of a dwelling unit. He stated that maybe it is at a lesser to 3,000 or something because what implications that have to the floor area ration and if you would come up with what is probably the most reasonable conversion factor so that it does not have such a great implication impact on the floor ratio because he does not know if having all the commercial being required in six and seven story buildings is probably what was envisioned on the development plans. Dr. Schwartz stated that basically they are talking about going into the commercial area and just adding additional commercial area. He asked had there been any talk about putting residential units above commercial. Mr. Harvey stated that was another alternative that they could look at for scenario 3, to have multi-family units in the commercial zones and run that scenario at the request of the Commission. Mr. Gibbons stated that he thought that was already included in North Stafford for the one with 1,900 units, in reference to the Embrey Mill project. He stated that is a mix of commercial and residential. Mr. Harvey stated that there are some multi-family units associated with the commercial, and they are referred to as commercial apartments. He stated that there are about 200 of those, but there are other unit types for single-family detached, townhomes, as well as retirement housing in that project. He stated that the closest thing they would see in the immediate future in the scale of the Urban Development Area is the Aquia Town Center project. He stated that once it is built they have approximately 280 dwelling units that will be within that commercial project and the concept was that it would be a mixed use building with residential and commercial uses. Mr. Gibbons asked if they could bring that back to the Commission so they could

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look at it and maybe they could adapt that to a couple of areas. Mr. Harvey stated that they could bring back the concept plans and diagrams that were shown with that project. Mr. Rhodes stated that everything in the blue was the sending area. Ms. Ansong stated that was correct. Mr. Gibbons asked if the sending area could be reduced. Mr. Rhodes concurred. Mrs. Hazard stated that some of the concern seems to be with the receiving area but they are focused also on the sending area. She stated that if they do reduce the sending area some, if they are running new scenarios, she would like to see one that illuminates the units in the Crow's Nest Harbor by taking those out and just seeing what it does to the 904 number and how that could translate. Mr. Rhodes stated that his understanding is that what the staff needs to get out of the discussion tonight is targeted direction to further refine some proposals and options. He stated that he likes elements of the scenario 2 because it incentivizes some commercial in the receiving area, as well as residential. Mr. Rhodes stated that commercial has a better tax base that is beneficial, so finding the combination is useful and there is a benefit to just finding ways to make it better and apply it in a greater manner, but if they target one area and focus on it they may have some greater benefit. He asked if staff would go further on scenario 3 and further refine that and re-scope and rescale it. He stated that there needs to be more information on the right. He stated that the other variation would be helpful if they reduced the sending area by sending 500 units instead of 904 units. Mr. Gibbons stated that it is just restricted to the east side of 95 in the Courthouse area, and asked if they could increase the west portion of it. Mr. Rhodes stated that has been defined as the Urban Development Areas. Mr. Harvey stated that has been the discussion. He stated that the current Comp Plan identifies that area as a potential sending area for TDR and suggests that Brooke be a recipient of the TDR units, however the Board gave the Planning Commission wide discretion on how to proceed with TDR. He stated that part of it is a Comp Plan amendment that is going to go along with the Ordinance, so there can be adjustments to the location of the sending areas and the size and scope of them, as well as the receiving areas. Mr. Rhodes stated to Mr. Gibbons that it is not necessarily precluded. Dr. Schwartz stated that the biggest issue is the Crow's Nest. Mr. Gibbons asked why Crow's Nest is not a tool. Mr. Rhodes stated that it could be if it was in the sending area. Mr. Apicella asked if Ms. Ansong could go back over the numbers of the sending areas. Mr. Gibbons suggested looking to the west of 95 as a receiving area. Mr. Rhodes asked Ms. McClendon if the UDA Legislation was signed. Ms. McClendon stated it was signed by the Governor on March 8, 2012. Mr. Rhodes asked when it becomes effective. Ms. McClendon stated July 1, 2012. Mr. Rhodes stated that the UDA requirement is no longer a requirement, it is an optional element fundamentally. Mr. Harvey asked if the Commission would like staff to run a scenario based on the sending area and how it would potentially work out for the nearby properties in that vicinity. Mr. Rhodes stated that he would like staff to look in general in that area and see what they might recommend from a receiving area perspective, by using their informed judgment. Mr. Apicella asked when they are required to get it back to the Board, what is the timeframe. Mr. Rhodes stated it is June of 2012, but the public hearing should be conducted by the first session in May. Mr. Harvey stated that the parameters for the sending area were defined from what is recommended in the Comprehensive Plan currently, and past discussion was that it would apply to property zoned A-1 or A-2. He stated they are at least 20 acres in size or designated as parkland on the Comprehensive Plan. Mr. Rhodes asked what the maximum number of units that could be sent out of the sending area. Mr. Harvey stated that 904 units is their estimate based on the parameters, but if the parameters are changed the number can increase or decrease. Mr. Rhodes asked if they are concentrated more towards the dark green park area on the sending area or more towards the light green. Mr. Harvey stated that he would have to check with the GIS staff to see how the breakdown runs. Mr. Gibbons asked if there are any

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contracts or money set aside for the development in that area. Ms. McClendon stated that she would not be able to answer that without knowing more specifics.

Mr. Rhodes halts discussion on this item and proceeds to the public presentation.

NEW BUSINESS

4. Amendment to the Stafford County Comprehensive Plan and Zoning Ordinance - Amend the Courthouse UDA Plan element of the Comprehensive Plan and UD, Urban Development, Zoning District to establish maximum density regulations.

Discussed after public hearing.

PUBLIC PRESENTATIONS

Cecelia Kirkman stated that she would be speaking about the Transfer of Development Rights Legislation. She stated that she is encouraging the members of the Planning Commission to not allow themselves to be pressured into recommending approval of an unfair TDR Ordinance. She stated that it was suggested that if the County does not enact the TDR Ordinance and does not provide water and sewer, then the County would be sued by Crow's Nest Harbor property owners for an illegal taking of their land. She stated that the right question to ask would be, can the County be successfully sued. She stated that the Planning Commission previously heard from the County Attorney on December 5, 2011 that it is highly unlikely that an illegal taking lawsuit would be successful because the current owners knew at the time they bought the properties that there was a deed restriction on the property prohibiting wells, that the property was not served by County Water and Sewer, and there were not any plans to serve the area in the future. She stated both the deed restriction and the lack of County Water and Sewer has been in place for more than 30 years. She stated that they have developers and real estate speculators asking the County and the tax payers of Stafford County to bail them out for making a poor investment decision, and second that leads to an important question. She asked who would really benefit from the TDR Legislation as it has been proposed. She stated that Section 28-297 in the Zoning Ordinance requires all applicants for a rezoning in other land use changes to disclose individual financial interest in the effected properties. She stated that because the Harbor property owners are asking for the legislation to help them then those owners should be willing to voluntarily comply with that type of disclosure, and if they are not to disclose the individuals that have a direct or indirect interest in the properties one certainly has to ask, why should the County consider giving them special treatment particularly at tax payer expense. She stated that at the last meeting the Planning Commission received a petition from a Crow's Nest Harbor property owners, and Section 28-296 of the Zoning Ordinance requires that when petitions are brought by property owners those owners must swear under oath to a notary public that no member or close family member of the Planning Commission or Board of Supervisors has a direct or indirect ownership interest in the properties. She stated if they did not get that legally required notarized statement with the petition then perhaps they should not be considering all the deliberations about the TDR Ordinance. She stated that all she asks is that the Planning Commission constructs a TDR Ordinance that does what it is intended to do by protecting the rural and agricultural parts of the County.

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Joe Samaha of Centerville, Virginia stated that he is a lot owner at Crow's Nest Harbor. He stated that if you buy a lot knowing that a problem exists then the property has not been taken, but there is a big difference in this situation because there is a court order that is being ignored. He stated that the court order says that the County must act. He asked why would they obtain the money under the court order. He stated that anyone buying a lot, not to mention those that bought it in the 70s, was buying on the strength of the County's action. He stated that the infrastructure would be built and therefore the property would be developed.

Paul Waldowski stated that he searched Clustering Virginia Statute on Google and it refers to Managing Growth and Development in Virginia Review of the tools available for localities prepared by the Virginia Chapter of the American Planning Association to help you define an Ordinance for clustering. He stated that under Cluster Subdivision Zoning Provisions, it states when a residential subdivision is created it is designed so that the dwelling units are clustered together on smaller than average lots on only a portion of the tract leaving the remaining available for open space or similar uses. He stated that clustering may be used in either urban or rural areas, and he will be focusing on rural areas. He states that the term cluster zoning is usually associated with rural land uses. He stated that depending on the provisions of the specific Cluster Ordinance, which was repealed, the remaining open space within a cluster development may be held in common and/or be strictly in agricultural or environmental areas with no development rights remaining on it or the open space parcels may be allowed to have a dwelling unit with a permanent easement that prohibits further subdivision or additional dwellings. He stated that in rural areas, cluster provisions are typically aimed at agriculture and forest conservation. He stated that Cluster Provisions can be voluntary options within a Zoning District or they can be mandatory. He stated that an advantage of rural cluster techniques is that the tool can help to preserve rural land resources while still meeting the desires of rural land owners to obtain a relatively high development value for their property. He stated there are many variations of a cluster technique including percent of when developed, lot size averaging, and maximum size lots. He stated that July 1st there will be no UDAs, and if they do not think they have gotten sued, R88-592 the Board of Supervisors signed a \$40,000,000 settlement for denial of a site plan.

Mr. Rhodes closed the public presentation portion and moved on to public hearing, item number 5.

PUBLIC HEARINGS

5. Farmers Market - Proposed Ordinance O12-07 would amend and reordain Stafford County Code, Section 28-25, entitled "Definition of specific terms;" Section 28-35, Table 3.1, entitled "Table of uses and standards;" and Section 28-39, entitled "Special regulations." The proposed amendments would provide a definition for farmers market and amend the definition of public facilities to allow community-serving facilities, such as farmers markets, to be established on properties containing public facilities, when deemed appropriate by the Board of Supervisors. In addition, the amendments would allow farmers markets as a by-right use in the A-1, Agricultural; A-2, Rural Residential; RC, Rural Commercial; B-1, Convenience Commercial; B-2, Urban Commercial; B-3, Office; PD-1, Planned Development 1; PD-2, Planned Development 2; RBC, Recreational Business Campus; and SC, Suburban Commercial Zoning Districts. The amendments would establish special regulations applicable to farmers markets, such as parking and site access, as well as an application approval process and permit requirements.

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Kathy Baker gave a brief overview of the Proposed Ordinance Amendment O12-07 regarding Farmers Markets. She stated that it would consider an amendment to the Zoning Ordinance by creating a definition for Farmers Market and allowing Farmers Market in various Zoning districts. She stated that it was initiated and recommended by the Agricultural/PDR Committee to facilitate and promote locally grown produce. She stated that there is a Buy Fresh, Buy Local, initiative in the area, and localities, such as King George, Fredericksburg, and Spotsylvania participate. She stated that the Committee felt this was something Stafford County should take a look at. She stated that it also came from some requests by citizens in the County that are interested in establishing a market and not really having the vehicle within the Zoning Ordinance to pursue it. She stated that the Ordinance would propose the definition, but currently they do not have a definition although Farmers Market is an allowed use in the PTND zone. She stated that the proposed definition in talks about a building structure or place used by two or more vendors for seasonal sale of agricultural, horticultural, or aqua cultural produce and then accessory incidental merchandise. She stated the Ordinance would allow for Farmers Markets generally in the Agricultural and Rural Zoning districts as well as commercial and some of the mixed use zones. She stated that the mixed use zones have areas designated as common space or community areas so they felt that those areas were viable as well. She stated that the Ordinance would allow Farmers Market on properties such as schools or parks, and that would be subject to Board of Supervisor approval. She stated that this would be achieved by amending the definition of Public Facilities, so that Community Serving Facilities such as Farmers Markets could take place on public property. She stated that the Ordinance would include special regulations, provisions for parking and access, with a minimum gravel surface with drive aisles and designated parking areas for both vendors and customer parking, and an approved entrance by VDOT if there is not an existing commercial entrance. She stated that it would create an application process through the Agricultural/PDR committee. She stated that they will require a Zoning Permit. She stated that the Ordinance Amendment would be the first step to facilitate the establishment of markets. She stated they will be working with the Board of Supervisors as well as the Farming Community group. She stated there was a joint committee that was established between the Planning Commission, the Ag/PDR Committee, as well as a member from the Economic Development Authority, and together they did recommend the Ordinance. She stated that staff is recommending approval of the Ordinance, and the Comp Plan does encourage local production and purchase of food and fiber and establishment of a viable Farmers Market as one of those vehicles. Mr. Apicella stated that he was curious whether it has been vetted with the School system and the Parks and Rec. department to see if they have any issues or concerns. Mrs. Baker stated that they had already spoken with both entities and it is going to depend upon what school or what park might be used and whether or not that particular facility could accommodate it. They would go through each one of the entities and the Board of Supervisors would have to approve that. Mr. Apicella asked if they indicated any reservations. Mrs. Baker stated that the only reservations would be making sure that it was something that would be held in off hours because the schools on weekends are not in use to a great extent. Mr. Apicella asked if a Farmers Market is held at a school and the event is finished, there is trash and stuff left over, who is going to be responsible for taking care of what is left after the event. Mrs. Baker stated that the Market Manager would be responsible for that, and getting vendors, the oversight of the market, following the rules and regulations, getting appropriate permits, so that is something that would be put into the guidelines. Mr. Gibbons asked who was on the committee. Mr. Rhodes stated Mrs. Hazard, Mr. Fields, Mr. Adams, and Mrs. Clark. Mr. Gibbons stated that one of the biggest complaints in the County is that they make it too onerous for people to get started, so why would you want to put in there that you have to have a VDOT permit, when you are in a rural area when a group of farmers get together, and put all of their

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products in one area and then you have to have a permit for parking, an entrance permit, so it is being made so hard to open up a business in Stafford County. Mrs. Baker stated that as far as the entrance is, they are looking more from a safety standard and that was one of the issues raised by the Planning Commission. She stated that the entrance will be based on the size of the market. Mr. Gibbons asked why they want to over regulate the process. Dr. Schwartz asked how does that affect the single vendor roadside stands, are they now illegal. Mrs. Baker stated no, that is not going to change the Ordinance, the wayside stands will still be allowed on the property of the producer. Dr. Schwartz asked if they would have to own the land or could they lease the land. Mrs. Baker stated that based on the definition they have to be the proprietor. Mr. Hirons asked if there are fees and costs associated with the permits. Mrs. Baker stated that the Zoning Permit is fairly negligible, but she would have to check on the exact cost. She stated that they are not envisioning any application fee associated with going through the Agricultural Committee. She stated that currently to go through a farmers market it would have to be done as a conditional use permit application through two public hearings and a \$12,000 fee, which is trying to be avoided. Mr. Hirons asked if there was a fee for the entrance fee through VDOT. Mrs. Baker stated that it depends on the type of entrance they are going to require. Mrs. Hazard stated that if they choose a lot that already has an existing entrance that is within VDOT's standards, then it will not be an issue for them. With no further questions for staff, Mr. Rhodes opened the public comments for the public hearing.

Jeff Adams stated that he is a member of the Agricultural Committee and is speaking on behalf of them. He stated that what he wants to emphasize is farmers market is a community and every market has their own personality. He stated that from his point of view, farmers markets are venues to educate people about farming and food because people ask questions at a farmers market that cannot be answered in a grocery store. He stated that King George has one farmers market, Fauquier has four, Culpeper has two, Prince William has six, Spotsylvania has three, and the City of Fredericksburg which has only one farm in the city, has a farmers market open six days a week. He stated that an advantage to the Farmers Market is that the local dollars stay in the community. He stated that Farmers Markets are regulated by the State under VDACS and they have to meet the same requirements in most cases that the grocery store has. He stated that VDACS inspects the Farmers Markets.

Mr. Rhodes closed the public comment portion of the public hearing, and brought it back to the committee. Mr. Gibbons asked if there is a deadline on the Farmers Market project. Mr. Rhodes stated that he does not believe there is a requirement to vote on it that night. He stated that history of it is that it came to them from the Board and for the Planning Commission to work on something with broad latitude and then they put together a subcommittee that presented it back to the Planning Commission a few times. There was great support from the Ag/PDR committee to work through some of the issues because they did not really understand the dynamics of the people that would be involved in a Farmers Market, so they got a lot of their input and perspectives, and this was to make the process easy for them because if they wanted to dedicate a place, they would need to go through the Conditional Use Permit, so this clearly identified a niche for them to make it easier and less costly. He asked Mr. Harvey and Mrs. Baker if there was a time limit on it. Mrs. Baker stated that she did not have the exact date with her, but she believes they have until May.

Mr. Gibbons made a motion to defer to the next meeting.

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Mr. Boswell seconded the motion.

Mrs. Hazard stated that the County should be involved in the process and selecting the places for the markets, so she supports the motion.

Mr. Rhodes stated that he agrees. The motion passed 7-0. He stated with that motion the Commission would move back to items 1 and 2, which were close to a conclusion.

1. *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) (History - Deferred at March 7, 2012 to March 21, 2012)*
2. *Amendment to the Stafford County Comprehensive Plan ("Plan") - A proposal to amend the Plan dated June 7, 2011 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) (History - Deferred at March 7, 2012 to March 21, 2012)*

Mrs. Hazard stated she noticed it said only residential development. She stated since commercial was considered she suggested Ms. McClendon look at or say the residential associated with the UDA because there was a potential for a mix. She stated she believes the commercial component has some merit and suggested it be examined.

Mr. Harvey reminded the Commission that with the direction from the Board, the Commission can adjust the Comp Plan to work within the parameters or modify them.

Mr. Rhodes noted the letter from Northern Virginia Conservation Trust which stated they had concerns. He asked Mr. Harvey to contact them and ask more details about their concerns, just to know what they are as the item is being discussed.

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Mr. Gibbons stated he felt it was unfair to staff to put together a package and bring something forward at the last minute.

Mr. Rhodes agreed with him and asked if they could articulate their concerns so the Commission could be aware of them.

Mr. Gibbons reminded Mr. Rhodes of his concern about the monies that are held in escrow can be moved.

Mr. Rhodes stated since there was no further discussion on the item, it would be deferred to the next meeting, and move on it item number 4.

NEW BUSINESS

4. *Amendment to the Stafford County Comprehensive Plan and Zoning Ordinance - Amend the Courthouse UDA Plan element of the Comprehensive Plan and UD, Urban Development, Zoning District to establish maximum density regulations.*

Mike Zuraf gave a brief discussion. He stated that the UDA Plan for Courthouse and the UD Ordinance was adopted on February 21, 2012 by the Board of Supervisors. He stated that the Board approved Resolution R12-68. He stated that a concern that the Board had was they wanted to see more architectural design guidelines. He stated that the main focus is on the density issue. Mr. Zuraf did an overview of the UDA memorandum. He stated that the State Code will be changing on July 1, 2012, so the specific densities that are stated in option 1 will no longer be effective after July 1st. He stated that June 5, 2012 is the time limit, and the deadline to schedule a public hearing is April 18th for a May 16th public hearing. Mr. Rhodes stated they would have to act on it at the May 16th meeting. Mr. Zuraf agreed. Mr. Gibbons asked why they are going through the process if the Board is not going to use UDAs. Mr. Rhodes stated they could ask if they want to reconsider given the signing of legislation that will go into effect July 1st but in the interim they should proceed, should they desire to provide them the recommendation. Mr. Gibbons stated they can always cancel the public hearing.

Mr. Gibbons made a motion to send a letter to the Chairman of the Board and see where the Board is with UDAs.

Mr. Boswell seconded the motion.

The motion passed 7-0.

Mrs. Hazard asked if there is any concern that they have with the UDA maximum with regards to the redevelopment plan. Mr. Zuraf stated that the redevelopment plan does not have anything that would conflict with density. Mr. Apicella asked what would normally be seen in terms of the number of town homes on an acre. Mr. Gibbons stated 6 to 8. Mr. Zuraf stated that is around the target range for a typical townhouse project. Mr. Apicella asked if they change that one to 6 to 8 would there be serious concerns or reservations. Mr. Zuraf stated no, but he recommends leaving it 5 to 8 for flexibility. Mr. Rhodes recommended staff broaden the top ranges of option 2 as reasonable as possible. Mr. Zuraf

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stated that they will come back with a specific amendment to the plan and a draft Ordinance. Mr. Rhodes proceeds to the Planning Director's report.

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated that the Board of Supervisor heard a briefing from staff with regard to Proffer Guidelines, and one of the implementation Plan measurements was to revisit the methodology for proffer guidelines and staff gave an initial presentation to the Board with a number of options to consider. The referred it to the Planning Commission with 90 days for review, modifications, and to conduct a public hearing. Staff requests to put that on the next agenda for discussion. He stated that the Board adopted the Ordinance to repeal Cluster Regulations on a temporary basis. He stated that they approved the Conditional Use Permit for Wawa on Route 17 and South Gateway Drive. He stated that there were two modifications to the conditions, one dealt with the pylon sign that said it would be removed and another would be built as a monument style sign, and there was language that the applicant would participate with the County to potentially locate an entrance feature sign for the County on their property or nearby properties. He stated that the Board passed the Wetlands Mitigation Ordinance and the Recycling Facilities Ordinance. He stated that the 3rd week in May would not be the best for the retreat, so staff requests the Commission consider the 1st Saturday in May. Mr. Rhodes suggested May 5, 2012 from 8 a.m. to 12 p.m. He asked if that would work okay for the other members of the Commission. Mr. Hirons stated that he has a challenge with youth sports, but he may be in and out. Mr. Rhodes suggested May 5, 2012 for the Planning Commission Retreat. Mr. Harvey stated that concludes his report. Mr. Rhodes proceeds to the County Attorney's report.

COUNTY ATTORNEY'S REPORT

Mrs. McClendon stated she has no report at the time. Mr. Rhodes proceeds to the Committee reports.

COMMITTEE REPORTS

- Planning Commission Subcommittee - Cluster Ordinance

Mrs. Hazard stated that the subcommittee will be meeting on March 28th and they will be focusing on the Subdivision Ordinance portion of the new proposed Cluster Subdivision Ordinance, and hope to have something to report soon. Mr. Apicella stated that as he recalls they were trying to consider scheduling the public hearing. He asked whether that was something that they needed to do that night or at the next meeting. Mr. Harvey stated they were going to have some initial presentations at the next meeting and then discuss the timeline for the public hearing. He stated that that the Commission needs to have its hearing and make a final recommendation by the second meeting in May, and the authorization by April 18th. Mr. Rhodes expressed his appreciation for the subcommittee members. He proceeded to the Chairman's report.

CHAIRMAN'S REPORT

Mr. Rhodes stated as a reminder, the first meeting in April will be on Tuesday evening of April 3rd, and it will start at 7 p.m., and a public hearing for the Westgate project will be held. Mr. Gibbons

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suggested the Chairman send a request through Mr. Harvey for the IT department to request the possibility of using the VPN connects for the Board members. Mr. Rhodes agreed.

OTHER BUSINESS

- TRC Information – March 28, 2012

Mr. Rhodes stated that the March 28, 2012 TRC had been previously presented.

APPROVAL OF MINUTES

February 15, 2012

Mr. Rhodes entertained a motion on the February 15, 2012 minutes.

Mr. Apicella so moved the motion.

Dr. Schwartz seconded the motion.

The motion passed 7-0.

ADJOURNMENT

With no further business to discuss the meeting adjourned at 8:32 p.m.