

STAFFORD COUNTY PLANNING COMMISSION MINUTES
December 12, 2012

The meeting of the Stafford County Planning Commission of Wednesday, December 12, 2012, was called to order at 6:32 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the County Administrative Center.

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

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Zuraf, Blackburn, Hornung and Knighting

DECLARATIONS OF DISQUALIFICATION

None

PUBLIC PRESENTATIONS

Paul Waldowski stated today was 12/12/12, approximately 47 weeks away from election day. He stated the last time he was present he inaccurately stated there were 89 acres for sale and it was 0.89 acres, which was probably not large enough for a receiving area. He stated he forgot TDRs were back in Committee. He stated he also wanted to share with the Commission that one of the Planning Commissioners who spent 18 years, said that A-1 had the right to farm. That was a pretty interesting comment. One of the reasons he was present was because he really liked it when VDOT, our Visionary Dictated Outdated Techniques society who does all of our TIAs had their public hearing in regards to the I-95/Route 630 Interchange project. He stated he was there for practically the whole time frame and he did not see any Planning Commissioners present, but he did see three Supervisors, two of which are up for election in 47 weeks. He stated if you look at the topology of the solution it looks like a racetrack. His favorite thing that was going to be done was the removal one commuter parking lot and making two. He stated in his opinion that was typical Richmond mentality, coming into a county that they don't know what is going on. He asked if that was where a UDA was located. He stated the new fire department did not even have access and the one thing that was a discovery to him was when he mentioned the use of vertical parking garages, because it was the 21st Century. He told the Commission if they wanted to see the 19th Century he would recommend going to see the movie about Abraham Lincoln, who was probably one of the best Republicans that this county ever had. But he was stressed in a situation where he had to make decisions. He stated what was very interesting about this concept was these lots were only being used by vanpools and local carpools. He stated he has been in Stafford 22 years and they tried to set up slug lines, so maybe the Commission could figure out there was a way to get money to justify a vertical parking garage.

With no one else coming forward to speak, Mr. Rhodes closed the public presentations portion of the meeting. He stated Mr. Hirons did indicate that he would be arriving late and expressed a great interest in being involved in the discussion on the UDAs. He asked the Commission might entertain a motion to modify the agenda to move the unfinished business to after the new business.

Mr. Gibbons made a motion to amend the agenda. Mrs. Hazard seconded. The motion passed 6 to 0 (Mr. Hirons was absent).

PUBLIC HEARINGS

***Planning Commission Minutes
December 12, 2012***

None

UNFINISHED BUSINESS

1. Urban Development Areas - Discussion of Urban Development Areas to study the future applicability of Urban Development Areas in the County and identify any recommendations that should be considered for amending the Comprehensive Plan. **(Time Limit: January 2, 2013) (History – Scheduled a Committee Meeting at September 19, 2012 for October 10, 2012 at 5:30 p.m.) (Scheduled a Committee Meeting at October 10, 2012 for October 24, 2012 at 5:30 p.m.) (Deferred at October 24, 2012 to November 14, 2012) (Deferred at November 14, 2012 to November 28, 2012) (Deferred at November 28, 2012 to December 12, 2012)**

Discussed after New Business

NEW BUSINESS

2. Amendment to the Zoning Ordinance – Proposed Ordinance O12-40 would amend Stafford County Code to add multi-family dwellings as a by-right use in the Recreational Business Campus (RBC) Zoning District, and establish intensity, height standards, and performance standards for multi-family dwellings. **(Time Limit: March 12, 2013)**

Mike Zuraf stated this issue was a consideration of an Amendment to the Zoning Ordinance, specifically the RBC, Recreational Business Campus Zoning District. This amendment would add multi-family dwellings as a by-right use in the RBC zoning district and establish intensity, height standards and performance standards for multi-family dwellings. He stated this was a request that was concurrent with the separate proposed zoning reclassification to add multi-family residential dwellings in the Celebrate Virginia North project. It was being requested by Chris Hornung of the Silver Companies, the applicant for the other zoning reclassification. He stated currently the RBC zoning district does permit only age restrictive multi-family dwelling units, under the retirement housing land use district. Under this proposal, in addition to adding multi-family dwellings by-right, some of the standards that would be added in at the maximum allocated density would be sixteen dwelling units per acre, a minimum of twenty-five percent open space for multi-family, and a maximum building height of fifty feet and an addition to the performance standards that would limit the multi-family communities to no more than five percent of the gross area of the district. He stated the Planning Commission did receive a proposal slightly different at the last meeting. It allowed the multi-family district to be up to ten percent and also had a lower density max of seven dwelling units per acre. He stated what had been mentioned previously during the rezoning classification was that during the process, staff asked the applicant to reduce the area that would apply to the multi-family dwellings units to cover the area where they were proposing those units to go, so they did not need as much area for the multi-family units. Concurrently when you are reducing the amount of area, in exchange the density had to increase. He stated the increase in density and decrease in area still kept the number of units being proposed the same. With the proposed restrictions, it does restrict multi-family units from happening in any other area of the district until some other future amendment occurs that may allow it to happen. He stated the draft Ordinance and other information was in the package the Commission received along with the specific request from the applicant. He stated the applicant was present if the Commission had questions.

Dr. Schwartz stated if we were going from seven units per acre on ten percent of the complex to sixteen units per acre on five percent, the density was being increased. He stated he did not think it was an even wash. Mr. Zuraf stated because there were two areas and when they were combined it

*Planning Commission Minutes
December 12, 2012*

was a wash. He stated the lower project towards the end of Celebrate Virginia Parkway did not need the full sixteen units per acre. The training facility housing project needed the 16 units per acre. It was not straight across the board need for sixteen units per acre. Dr. Schwartz asked why the two pods were not separated instead of putting them together. He stated they were still allowed to have an increased density. Mr. Zuraf stated that could be done, the proffers do limit the number in the lower area and cannot have anything greater. He stated that might be an option to designate a maximum. Dr. Schwartz stated it seems whenever it was convenient to the developer to put the two pods together, we put them together and when it is convenient to separate them, we separate them. He stated that was one thing he has seen consistently throughout this process. He stated it was a wash, because that was what we are currently requesting. But the way it was written there was an increase in density units per acre. Mr. Zuraf stated to increase the lower area up to the full sixteen units per acre, the applicant would have to come back and request a follow up proffer amendment. But they could potentially come in and add more units in that area, but not without a follow up zoning action. Dr. Schwartz asked why if it says they could. Mr. Zuraf stated the proffers are additional zoning standards on top of the existing standards.

Mr. Apicella stated the Commission was no longer looking at the specific project. They were looking at the RBC zoning and deciding whether or not to allow multi-family apartments as a part of the RBC zoning. Mr. Rhodes stated that was technically correct. Mr. Apicella stated he was just trying to understand where we are. Mr. Rhodes stated but we know, should the other one get passed it has a direct correlation to the ability to execute the other action. Mr. Apicella stated his point was this was broader than the specific project that was put before us, which was now with the Board of Supervisors for a decision one way or another. We are looking at and making recommendation on the RBC zoning as it exist today and whether or not it should be broadened to include apartments. Mr. Rhodes stated correct.

Mrs. Hazard asked Mr. Zuraf what other zoning districts have something that was at sixteen dwelling units per acre. She asked what other zone in Stafford County would have that same density. Mr. Zuraf stated the PTND District, within certain areas would allow densities that high for multi-family units. Also the UD District that was recently passed would allow multi-family units up to that density. Mrs. Hazard asked Mr. Zuraf if he could give an overview of the additional restrictions. She stated she knew the applicant had proffered numerous amenities which may or may not get tied to this. She stated she was trying to understand, the restrictions that would apply purely in the RBC sense. She asked if this were to pass, what would they have to do under the broader RBC. Mr. Zuraf stated the unique aspect of the RBC District was that there was a requirement for a separate land use concept plan, which that project has. Should the separate zoning action get approved, they would have to come back and get follow up approval to modify the land use concept plan to add in the multi-family districts into the land use concept plan. He stated other zoning districts do not have that written in as a standard that the Planning Commission would have to approve a specific concept plan. Mrs. Hazard asked if that then went on to the Board. Mr. Zuraf stated no, it was just a Planning Commission action.

Mr. Apicella stated he vaguely remembered the RBC zoning coming before Stafford County, but could not remember when that happened. Mr. Harvey stated 1999 was the initial zoning and in 2003 the zoning was changed to allow the retirement housing as a component of the project. Mr. Apicella asked Mr. Harvey if he could explain what the original concept of the RBC was verses other options that were available at that point in time. Mr. Harvey stated the RBC zone is a Recreational Business Campus Zone and the intention of that zoning category was that the property had to be in close proximity to a major recreational resource. He stated in this particular case it was the Rappahannock River. Beyond that requirement it also has to have provisions for businesses in that district. Initially when it was adopted there was a prevision to allow executive style homes which could be an overall number of units, at one unit per five acres. He stated the minimum lot size was one unit per acre and

***Planning Commission Minutes
December 12, 2012***

they have a number of executive homes within a certain part of the project. He stated he may have the acreage wrong, but overall they have up to fifty of those homes that could be built in that development. After a few years there was a change to the development plan, it came back through and modified the zoning to allow a retirement community within the project. So the Celebrate of Virginia Retirement Community was part of that. He stated that component of their project is generally built out to the R-2 zoning category requirements for single family as well as townhouse style development. He stated the homes in that community were not truly townhouses they were more so a different style home and there was also some duplexes. Mr. Apicella asked if aside from the retirement community were apartments discussed as a part of the original RBC rezoning. Mr. Harvey stated they could have been allowed as part of the retirement housing component. Mr. Apicella asked again, outside of the retirement component, just general public multi-family units, was that something that was talked about and decided no or yes as part of the process to establish the RBC zoning. Mr. Harvey stated in the previous iterations no, there was no discussion about any other for sales type of homes to be permitted as far as normal residential type of development. Mr. Apicella asked what other options an applicant would have to add apartments to a particular parcel that zoned a specific category that doesn't at that point in time allow for apartments, short of changing the by-right uses under that zoning category. Mr. Zuraf stated the option would be to rezone the property to an existing district that would allow multi-family housing. Mr. Apicella asked if one of the options was PTND and asked if there were any other options. Mr. Zuraf stated the UD Zoning District and the PTND Zoning District has minimum acreage requirements and the UD District did not have minimum acreage. Mr. Apicella asked if an applicant came in and wanted to pursue a rezoning, normally they would provide some monetary proffers based on the guidelines. Mr. Zuraf stated there were guidelines that do recommend that. Mr. Apicella asked if the zoning were to change to allow apartments as a by-right use, what would happen to the normal proffer piece of this. Mr. Zuraf stated if it was made by-right the proffers would not apply because there would not a follow up zoning action, if the ordinance was amended to apply to a property. He stated we would not get any proffers. Mr. Apicella asked how many apartments were requested in the application that was before the Commission that was denied. Mr. Zuraf stated 672 apartments. Mr. Apicella asked what would the proffer amount be, based on the guidelines. If they went through the normal process and got a rezoning and were to provide what was commensurate with the guidelines. After a brief discussion between the Commission members, Mr. Apicella stated the County would be out 15 million dollars potentially in proffers if we were to change the by-right uses and add multi-family apartments as part of the RBC zoning. Mr. Zuraf stated correct. Mr. Apicella asked Mr. Zuraf to help the Commission remember what the purpose of proffers was. Mr. Zuraf stated the purpose of proffers were to mitigate the impacts that additional development would have on public facilities such as roads, schools, parks, fire and rescue and those types of services that the public needs. Mr. Apicella asked Mr. Zuraf if in the context of considering this, from his vantage was there a public good by changing the zoning and allowing apartments as a by-right use in the RBC Zoning District. Mr. Harvey stated he would answer the question in two fold response. Ultimately it is the Board of Supervisors, when through their zoning actions they determine whether something is a public benefit or a public good. Just like the Planning Commission, we make recommendations. Our recommendations would be predicated the Ordinance being adopted. He stated from that stand point if that is adopted and all the other aspects are dealt with to the Board's satisfaction, then staff would feel comfortable that it was meeting with the public good. This proposed amendment as presented tonight, has some safeguard included to deal with the by-right issue. He stated in the performance standards the applicant has proposed the project would be limited to no more than 5 percent of the gross areas for multi-family dwellings. So that puts a limitation on this particular project and any other project that would be rezoned RBC in the future, that would be limited to the amount of area where they could have multi-family dwellings. Currently we only have one RBC zone, so if this was to apply by-right somewhere else it would be after the other property got rezoned and that rezoning would also be evaluated like any other rezoning case, are they mitigating their impacts with that development. Mr. Apicella asked if the applicant articulated an overriding public good that would be served other

*Planning Commission Minutes
December 12, 2012*

than providing more housing options to potential residents in Stafford County. Mr. Zuraf stated we do have the zoning action request that does go along with this and the applicant did submit an impact statement to make certain arguments as to how they believe the project would mitigate the impacts. That argument has been made and we have provided the staff commentary on that issue and did note that there are certain things and certain aspects that do not necessarily correspond with the monetary profit guidelines that we have in place at this point. Mr. Harvey stated, also from the staff prospective the Comprehensive Plan recommends in the back portion of the proposed zoning change, suburban. Which can accommodate single family detach homes, so that is part of the overall Comprehensive Plan and accounts for some of our future growth projections. He stated there could be some arguments made that some of that growth was accommodated in the Comprehensive Plan from the staffs vantage point, multi-family is not consistent with the text of the comprehensive plan. A suburban area is intended to be for single family detached and they are purposing multi-family and that was something the application has debated as well. He stated in his discussion he was mixing up the zoning case and the Ordinance amendment. He stated as Mr. Apicella stated the Commission has to be look at the Ordinance Amendment and how it might be applied in the future. Mr. Apicella stated he was not remembering past requests to change zoning, he asked Mr. Zuraf if he normally makes a recommendation. Mr. Zuraf stated this was only a request to consider initiating a public hearing at the time of public hearing staff would provide a staff report with a recommendation. Mr. Apicella stated the Commission had until February to make a decision. Mr. Rhodes stated the Commission would have up to the two sessions in January to vote on some certain final version to the public hearing. He stated he thought the Commission had the flexibility from the Board to make modifications to whatever might be published for public hearing as the Commission deemed appropriate. Mr. Zuraf agreed. Mr. Rhodes stated the Commission would need to take this session, the next one, and possibly the second in January to make those determinations and give that guidance to staff so that by the last session in January we could have a product to vote to public hearing. Mr. Apicella stated it would help him as the Commission deliberates on the matter to get more background information about the original proposal for RBC zoning, the process that took fold and what was decided. Mr. Rhodes stated some information on the evolution of the initial development of the RBC. Mr. Apicella agreed.

Mrs. Hazard asked if the Commission were to move this forward to get more information on it, what we would find is the 16 dwelling units per acre allowing multi-family housing within 5 percent of the total RBC zoned area was correct. Mr. Zuraf stated correct. Mrs. Hazard asked if another rezoning request came in for other land in that area, to change it to RBC then that 5 percent could increase the 672. Mr. Rhodes stated currently we have a certain amount of acreage that is RBC and it is 5 percent of that number. Should there be another parcel somewhere else that gets zoned RBC, does that change how we divide that number and determine the 5 percent? Mr. Zuraf stated 5 percent of that additional land could go towards multi-family. Mr. Rhodes stated the action that was sent to the Board of Supervisors refers back to this being something that could be done by-right in this modified Ordinance. Mr. Harvey stated what the Commission passed on to the Board was a proposal that rezoned a part of the Celebrate Virginia property and also amend proffer on part to allow multi-family housing. Currently the Zoning Ordinance does not allow multi-family housing, so if that zoning request were to be passed the applicant would be in somewhat of a bind in that one hand authorized and another hand prohibited. So they could not move forward with the apartment until the zoning text amendment is allowed. Mr. Rhodes stated he apologized for tying in the two items, but since one would help support the other, the amount of acreage currently identified as RBC and the amount that would be used for multi-family housing that is in the current proposal, does that equate to 5 percent now. He asked if that would fully use up the capacity of the currently identified RBC land or would there still be more capacity left in 5 percent limitation. Mr. Zuraf stated it came out to about 4.9 percent. Mr. Rhodes asked, as it stands right now if this were to go through public hearing with no modifications, if that were to be applied to the proposed that was up for disposition by the Board, it would allow for the number of units but no more. Mr. Zuraf stated correct.

***Planning Commission Minutes
December 12, 2012***

Mrs. Hazard asked if the Commission were to hold a public hearing on this proposal, what will be the first available date. Mr. Zuraf stated it would be the first meeting in January. Mr. Harvey stated that would be January 9, 2013. Mr. Rhodes stated the latest the Commission could vote to move it to public hearing was the second session in January, in order to meet the other timelines. He stated that would have the Commission hold the public hearing and disposing of it then. Mr. Harvey stated yes.

Dr. Schwartz stated he was confused during the discussion concerning the second RBC parcel and the 5 percent housing. He asked if the second RBC was entitled to 5 percent, could they transfer the development from one RBC to another RBC. Mr. Rhodes stated he thought the way the language was, if we have 100 acres that is RBC, 5 acres could be used for multi-family housing. If somewhere else in the county another 100 acres became RBC then a total of 10 acres could be used for multi-family, but it was not transferring, but just as it was written 10 acres anywhere in RBC could be used. Mr. Zuraf stated no it was within the district, so it would be 5 in one and 5 in another. Mr. Rhodes stated it does not change the divider. He stated it was limited to the contiguous parcel.

Mr. Harvey stated he needed to clarify, the time limit was March 12, 2013, and so the Commission could hold a hearing the second meeting in February and still be within the limits of its required time to act. Mr. Rhodes stated the Commission would still need to vote for public hearing by the second session in January to meet the times lines. Mr. Zuraf stated January 23, 2013. Mr. Rhodes stated the Commission could not vote it public hearing at the first meeting in February because of the advertisement timelines. Mr. Harvey stated that was correct, so if the Commission wanted to debate it, you could debate up to the second meeting in January. Mr. Zuraf stated the time limit of March 12, 2013 was right before the first March meeting. Mr. Rhodes stated if the Commission held the public hearing at the second February meeting, they would have to dispose of it at that meeting. Mr. Zuraf and Mr. Harvey confirmed.

Mrs. Hazard stated clearly the Commission has questions, however it appears that what was tied to the application that we are not supposed to say it is tied to, but it is. This is the proposal that would need to be advertised, it appears we have a lot of questions about how that would be potentially implemented. She stated someone would be sitting up here listening to the public respond to that and she found when the Commission was involved in the application process, leaving the meeting open and having time to debate the comments of the public was useful. She stated she was leaning towards moving it to public hearing so the Commission could hear the comments and have adequate time to debate. Based on the interest that was shown previously on this application, there were some public comments. She stated she would lean towards sending it to public hearing now and having adequate time to debate the comments. She stated she was willing to hear other comments before making a motion. Mr. Rhodes stated the middle ground was if the Commission was ready to vote it to public hearing at the next session, we could have it at public hearing at the first session in February, which would still leave another session to dispose of it. Mr. Gibbons stated the Board gave the Commission the ability to change the language if we felt it was necessary. But we are not at that point in time to advertise the language because it has not been discussed. Mr. Rhodes stated if the Commission were to vote it out tonight it would be with the language as is. He stated if the Commission waited one more session there was an opportunity to consider the language and modifications that we might want to make on what gets advertised for public hearing.

Mr. Rhodes stated there was not an applicant because it was a text amendment, but there was certainly somebody who started the discussion. He asked the Commission members if they had any questions for Mr. Hornung. Mrs. Hazard asked Mr. Hornung if there was anything that he would like to clarify to the Commission. Mr. Hornung stated this request was tied... the original goal was this would be heard in concert with the others. And that was what they were trying to do now was to get the RBC

***Planning Commission Minutes
December 12, 2012***

amendment and the rezoning request and proffers all before the Board of Supervisors at the same time so they have the ability to hear it all at once instead of hearing things, like the Commission did, out of sequence. He stated it was not their intent for it to ever be that way, but that is what happened because the Board initiated that action. He stated that was why we would like for this to move forward so the Board could consider it all at the same time. From our stand point the proposal has not changed since day one. It has been 672 units and this amendment does allow that to happen on the site as provided on all the plans submitted. He stated when the request was submitted, it was with a lot of discussion with staff concerning the best way to get 672 apartments on those two pods of land. He stated the avenues they had was, one was to rezone to R-3. But the problem they had with R-3 was because some of these uses, in particular the one with the training facility, was also sort of an extended stay product, it did not meet the definition and would not be allowed as an extended stay in R-3, so we did not pursue it. The other was PD-1 which requires a minimum of 100 acres. So we would have had to rezone 100 acres to PD-1 when the intent was just to do two pods. After much discussion it was decided seeking an amendment to the RBC was the cleanest way to do this. He stated if they had taken either of the other two routes, we would be proffering the County's guidelines for proffers. He stated the fact of the matter is for apartments, if you proffer \$24,000 a unit, you cannot afford to build an apartment in Stafford County. People who are building apartments are getting for the land itself \$18,000 to \$20,000 per unit for the land with no proffers. He stated essentially a \$24,000 proffer makes apartments undevelopable in Stafford County. He stated he had provided some information on that to give the Commission an idea of what things cost. What we did submit with ours were proffers that were tied to it. So this RBC, even though it is changing the amendment to allow it by-right it is tied to the fact that the RBC has a requirement for an overall concept plan that has to be approved. In order to get that concept plan approved there are proffers that go along with it that limit it to 672 units. He stated if this were to go through we would not be allowed automatically anymore units because we are bound by our GDP and proffers. He stated they could come back in if there was another piece of land, but we would have to do the same presentation, provide proffers, and amend the GDP in a public setting just like this. It would not give us any more rights than what we have been asking for in the zoning. He stated he understands it is confusing and it seems like the pieces are backwards, but it was all intended to be one package that would be heard together that would allow it. This is the only zoning district in Stafford County that allows mixed use that does not allow multi-family apartments and that is one of the reasons why we feel it is appropriate to consider, but it is tied to this specific request. And because we are the only RBC, this would be the only piece of property that would be affected by the change at this time. He stated if someone else were to come in and ask for a RBC they would have to submit proffers and provide an impact statement. In closing he stated there were numerous parts of the Comprehensive Plan that speak to housing, affordable housing and different types of housing. If you look at the studies that have been done and the demands for housing in the region there is a public benefit to providing housing options. He stated in his opinion from what he has seen in the current proffer guidelines it is not based on any methodology that shows that those dollars offset impact. If you look at what the Comprehensive Plan requires, it does require that the County does obtain either monetary or offsets to offset the impact of a development, but nothing is found that ties those dollar amounts in the recommendations to any methodology. There has been a discussion over new proffer guidelines that are tied to that methodology, so we are somewhat stuck because we keep hearing that we are not meeting the proffer guidelines, but we are meeting the intent of the ordinance, because we are offsetting our impacts. We feel we are in compliance with the Comprehensive Plan based on what was submitted, because we have shown exactly what the Comp Plan asked us to show.

Mr. Gibbons asked Mr. Hornung if it was his point that this amendment belongs to the zoning that is already sitting with the Board. Mr. Hornung stated yes, and in his opinion it would be a disservice to the Board to have them go through what the Commission did, which was hear the rezoning request first without the RBC. He stated they would like this to be moving forward. They submitted it almost a

***Planning Commission Minutes
December 12, 2012***

year and a half ago, so it has been a while. But if the Commission needed further time to deliberate, we would ask that the Board or staff hold the rezoning consideration and the proffer consideration until the RBC amendment goes with it. He stated he thought it was creating the same problems that the Commission had with not having them together. He stated they would request that it move as quickly as possible with deference to the Commission's need to study it.

Mrs. Hazard stated if the RBC allows 16 dwelling units per acre and the M-1 piece of land comes in and gets rezoned to RBC, was it really the case that proffers would have to come in. She stated she was not sure that when the RBC district becomes a by-right use that proffers would be included. Mr. Hornung stated the current RBC allows a density of retirement housing of 7 units per acre. The pieces that were shown on the GDP for the retirement community are 350 acres. If you do that math you are allowed by-right 2,200 to 2,300 units. He stated the proffers that were submitted for that piece capped it at 1,300 or 1,350 units. So you could build no more than 1300 units even though the zoning ordinance allow much more. It was put in the ordinance because each individual pod may exceed or may go up to 7, but across the entire project there was a cap that was dictated by the proffer that was submitted. He stated his understanding was what was submitted followed that same methodology, that the proffers themselves would cap the density of the only pieces where you be allowed to build multi-family. Mrs. Hazard asked if that was the 672. Mr. Hornung agreed.

Mr. Apicella stated he was the one who started the conversation about separating the two pieces, but in the context of pod I and the extended stay units. Was there some other designation that we might want to considered to accommodate that piece of was requested previously. He stated he wanted to consider something other than multi-family units that would be very specific to the need that was identified for that area as a by-right use, something akin to extended stay apartments. Mr. Zuraf stated he only other use we currently have in our zoning district would be a hotel. Mr. Apicella stated he was not saying that was currently allowable. If we are opening up the RBC for potential changes, was there something else that would accommodate what they are asking for in the context of pod I. He stated he was not talking about changing it to general apartments down the road, he is saying specific to that need for a training facility and people who are staying for long periods of time that need accommodations more so than just a room. Mr. Zuraf stated he would have to do a little bit of research on that. Mr. Harvey stated he thought a new zoning definition would need to be created for a new type of use like transient housing or something to that nature. Mr. Apicella stated he would ask that the Commission at least consider that as an option. He stated another thing was if the Commission was going to consider looking at RBC, why are we just looking at multi-family apartments again. He asked what the purpose of an RBC was, what do we want out of it. Apartments may or may not be appropriate, but if we are opening up the box what else might we want to consider that furthers the purposes of which the RBC was originally created. He stated the Commission had that latitude and he was not saying they were going to go there, but at least it should be considered since that option has been put before them.

Mr. Rhodes stated while he did not think the Commission was ready dispose of this item tonight, he did take very strongly and endorse that if at all possible he thought it would be a lot of merit to try to get this resolved at the first session in January so it could be moved forward to public hearing. And if necessary have time after the public hearing to address other issues or extend the public hearing or whatever is necessary instead of waiting to the last possible moment in the second session. He reviewed the information requested from staff and reviewed with the Commission members some items they may want to review, discuss and/or modify concerning the RBD ordinance.

Mrs. Hazard stated she was not sure the Board has asked the Commission to open the RBC up. She stated she was not trying to say that it was not something the Commission may not want to do, but it did appear to her that the resolution was very much targeted to the 16 dwelling units and the 5 percent

***Planning Commission Minutes
December 12, 2012***

and the other restrictions. Mr. Apicella stated the first sentence in the last paragraph of the staff report it states *in accordance with Resolution R12-317 the Commission is authorized to make modifications to the Ordinance that it deems necessary*. Mr. Rhodes asked Ms. McClendon if she perceived that there was a limitation to the scope of what the Commission might consider modifications to associated with the RBC Ordinance. Ms. McClendon stated in her opinion there were some minor limits, the amendments need to be germane to the issue that was sent down, but that does give broad latitude to changes that would be allowed. So for instance if an amendment may not be something that is particularly seen on the base of the Ordinance currently, but it goes towards something with that same issue, it is probably allowed. Mr. Apicella stated because he did not hear it on the list, again a specific designation that might cover extended stay units. He stated he thought staff understood what he was asking for. Mr. Rhodes stated expanding on that question would be are there other areas that they know of in jurisdictions that may have crossed this bridge and found another designation or is there something else that would be useful and beneficial for the Commission to consider incorporating and adopting.

Mrs. Hazard stated based on the comments of the Commission she would move to defer action on item 2, O12-40 to the January 9, 2013 meeting. Dr. Schwartz seconded the motion.

Mr. Gibbons asked why you had to make a motion on something that was listed as a business item. Ms. McClendon stated technically no motion was necessary.

3. Amendment to the Zoning Ordinance – Proposed Ordinance O12-44 would amend Stafford County Code Section 28-35, Table 3.1. “District Uses and Standards “ to allow Places of Worship within the R-1, Suburban Residential Zoning District to be exempt from the Conditional Use Permit approval process if they are within a Historic Resource Overlay Zoning District. **(Time Limit: March 12, 2013)**

Susan Blackburn gave the staff presentation. She stated this item was a consideration of proposed Ordinance O12-44 to amend the Stafford County code to allow places of worship as a permitted use in an R-1 Suburban Residential District if the property was also in the Historic Resource Overlay zoning district. She stated this item was due to a historic church inquiring about the approvals needed to expand their facilities. The Aquia Episcopal Church, which was constructed between 1751 and 1757, was regulated through the Historic Resource Overlay District and is located on property zoned R-1, Suburban Residential. The R-1 Zoning District requires that places of worship have a conditional use permit to be a conforming use. She stated because the church was established before the County’s Zoning Ordinance it was considered a legal non-conforming use, but it does not have a CUP. She stated the church wishes to expand its facilities because they would like to add a new classroom onto the property. The code requires that if a non-conforming use and/or structure are to expand it must conform to the current regulations such as setbacks, lot size and also needs a Conditional Use Permit. Consequently they have to go through the process and in addition to the CUP for any expansion of the facility like this, the other approvals also need are a Certificate of Appropriateness which is a COA and that is required because it is in the HR District, a site plan and building permit. She stated the COA would insure that the architecture and site feature such as the size and location of building, the walls, sidewalks, and parking areas would be consistent with the architecture integrity of the existing historic church. The site plan will insure there is adequate parking, drainage and building setbacks. The building permits will insure that the buildings will be built with modern safety standards. She stated due to all the additional approvals that are required in particular the COA, Supervisor Milde expressed concern over the need of for CUP for this property and he requested that the Board considered adopting resolution R12-366, which refers proposed Ordinance 012-44 to the Planning Commission for review and recommendation. She stated the Board did adopt the resolution at their November 20, 2012 meeting and referred proposed Ordinance 012-44 to the Commission for their recommendation

***Planning Commission Minutes
December 12, 2012***

and review. The Planning Commission's time limit to act on this was March 12, 2013.

Mr. Rhodes asked if the Commission had flexibility to make modification to the language of what goes to public hearing. Mrs. Blackburn stated yes. Mr. Rhodes stated it was his understanding the COA would give the appropriate controls for the County. Mr. Harvey stated in the case of a Historic District Zone, there has to be a building that was historic in nature first to qualify. There are three cases in the County that this would apply to, Aquia Church, Ebenezer United Methodist Church the old site, and Union Church. Those are all churches in the R-1 zone that right now are in the historic district and have to go through extensive review if they go through any modification to the building or alter the site. Mr. Harvey stated the purpose of a CUP was to establish a use and in those cases the use is already in place. In the case of a Historic District the level of review is a lot higher than in many cases of a CUP. Mr. Hirons asked what governing bodies review the COA. Mrs. Blackburn stated it was the Architectural Review Board. Mr. Hirons asked how are those members were appointed besides the member from the Planning Commission. Mr. Harvey stated the county was a Certified Local Government and we try to abide by the recommendations they have with the state level which includes membership based on certain criteria. He stated the Code specifically stipulates we have to have a registered architect or an architectural historian, at least one member has to be a member of the Planning Commission, and at least one member has to reside or own property in a Historic District. He stated there were five member of the ARB and they were appointed by the Board of Supervisors. Mr. Hirons stated just to put a plug in to anyone that was watching, he believes there was a vacancy and they are seeking a new member.

Mr. Apicella asked if there were any other options to consider to achieve the same ends or was this the one and only path forward. Mrs. Blackburn stated the request has been reviewed and staff has looked at various places within the Code to see if there was anything else that could be done. Because of the non-conforming status the Code requires that it does conform and that was part of the Conditional Use Permit requirement. She stated if that was what was required in the district, then they would need to follow suit to get an approval of a Conditional Use Permit. Mr. Apicella asked Mrs. Blackburn if she saw any potential of unintentional consequences. Mrs. Blackburn stated not at this point, because of the requirement that it also has to be a Historic Resource District, it has to be zoned R-1 and in that district.

Mr. Gibbons stated the Commission was just being asked to set up a public hearing. Mr. Rhodes stated that was correct, as long as there was nothing that made you uncomfortable with the language that we are forwarding for public hearing, it is just to move it to public hearing. Mr. Gibbons stated he had a problem with a COA. He stated he would do additional research because he thought it was a cumbersome process. Mr. Rhodes stated right now because they are in a Historic District they have to deal with the COA to make a change. Since they have to do that anyway the thought was to eliminate the requirement for the CUP. Mr. Gibbons asked if that was a State requirement. Mr. Harvey stated the COA requirement was through our local ordinance and by virtue of us having Historical District by State Code we have to following the process of having the ARB approved of any alteration to those structures. Mr. Rhodes stated the COA was the methodology we have to alter. Mr. Harvey stated there were guidelines that have been established in the Historic Districts that follow State guidance. Mr. Rhodes stated the thought was if you are going to have that to govern the Historic District, which we have anyway, why have an additional CUP overlay added on to that.

Mr. Gibbons made a motion to advertise for public hearing. Mr. Apicella seconded the motion. The motion passed 7 to 0

4. Amendment to the Zoning Ordinance – Proposed Ordinance O12-46 would amend Stafford County Code Section 28-35, Table 3.1 "District Uses and Standards" to require a uniform

***Planning Commission Minutes
December 12, 2012***

minimum lot size for all lots created under cluster subdivision provisions within the A-1, Agricultural Zoning District. **(Time Limit: January 10, 2013)**

Mrs. Blackburn presented the staff report and stated this item was to review and recommend anything concerning Ordinance O12-46 for the Cluster provisions in the County Code and especially to review lot size allowed in Agriculture District when the property is serviced by public water and sewer. She stated this request came about after the Board heard an appeal of a decision by the Planning Commission for a Comprehensive Plan Compliance review. The review was a request to extend water and sewer beyond the boundaries of the Urban Services Area to a parcel zoned A-1. She stated it was hoped that the property could be developed as a cluster subdivision with lots only being an acre in size instead of the average lot size being 1.5 acres when it is done as a cluster subdivision. She stated because of this Supervisor Sterling requested information concerning the number of lots that could be created in an A-1 zone under conventional subdivision provisions and the number that could be created under cluster provisions. She stated the Commission received a hand out which shows a comparison chart of that information. She stated other information provided in the hand out was a request from Mr. Apicella asked for a map showing the County and the Urban Service Areas and minutes of the Committee meetings. At the December 4, 2012 meeting the Board of Supervisors referred Resolution R12-376 to the Commission for their review and recommendations and the Resolution also allows the Commission to provide additional modifications to proposed Ordinance O12-46 as deemed appropriate. She stated the Resolution and Proposed Ordinance is to make a uniform lot size in the A-1 Agricultural District and not allow a smaller lot when clustering if you have water and sewer. Mr. Harvey asked Mrs. Blackburn to explain the map. Mrs. Blackburn stated the map that was currently on the screen was of the county. The black line was showing the Urban Service Area boundary and the blue parcels were the A-1 Agricultural Zoned parcels and all other parcels that were colored were vacant land. She stated it was to show the general idea of how many parcels within the Urban Service Area were zoned Agricultural and vacant. She stated if they had the ability to have public water and sewer to their properties, these would be allowed to be developed as 1 acre lots under the cluster provision. She stated this map was one that was provided when the Commission was working on the cluster provision last spring. Mr. Harvey agreed and stated the map was used as a basis for discussion of how our Ordinance could meet the criteria of the State Code. The State Code says our cluster regulations have to potentially allow cluster as a by-right activity within at least 40 percent of the vacant lands in the county and that was one of the things the Committee discussed and used this map to look at existing zones and how to meet the 40 percent requirement.

Mr. Rhodes asked about the time line. Mrs. Blackburn stated it was 60 days. Mr. Rhodes stated the Commission had to act on it by February 2, 2013. He asked it if was 60 days from when the Commission met or 60 days from when the Board referred. Mr. Harvey asked the Commission to give him a minute to look that up. Mr. Rhodes stated as he reviewed the item it seemed the particular concerns of the Board as the referred it back to the Commission was the differing densities with and without sewer and water. Mrs. Blackburn stated they were centering on the lot sized in the A-1, Agricultural Zones. If you do cluster provision in A-1, Agricultural Zone, you have to have 50 percent of the land as open space and the lot sizes have to average 1.5 acres per lot with nothing smaller than 1 acre of land per lot. She stated if you have public water and sewer you would still need to have 50 percent of open space, but because of not needing land for drain fields you were allowed to decrease the lot size to 1 acre with no average for a lot size in A-1 zone with public water and sewer. Mr. Rhodes stated he recalled the Committee looked at the neighboring jurisdiction as well. He asked how they handle it and asked if they had a Cluster Ordinance. Mrs. Blackburn stated Spotsylvania County does. Mr. Rhodes asked how theirs were structured. Mrs. Blackburn stated she would have to look that up. Mr. Harvey stated Resolution R12-376 gave 60 days from the date of the adoption of the Ordinance. Mr. Rhodes stated that was December 4, 2012 so that would give the Commission until February 2, 2013. Mr. Harvey stated yes. Mr. Rhodes stated the Commission would have to dispose

***Planning Commission Minutes
December 12, 2012***

of this by the second session in January and it had to go to public hearing. Mr. Harvey agreed. Mr. Rhodes stated it would have to be voted out today to make the timelines for notification. Mr. Harvey stated correct.

Mr. Gibbons stated when looking at the map it is impressive, because it does not have a lot of A-1 land contiguous. He stated he was wondering how much of the property would be eligible for clustering. Mrs. Blackburn stated all the Agricultural land can be clustered. She stated it was the question of what size lot you get to have in the final subdivision. Mr. Gibbons stated some of it was below therequirements that you were giving. Mrs. Blackburn agreed. Mr. Gibbons stated they would not be eligible. Mrs. Blackburn stated the minimum parcel size was 6 acres. You would have 50 percent in open space. She stated the question here is whether a reduction in size for public water and sewer for a piece of Agricultural property served by public water and sewer was appropriate or not. Mr. Gibbons stated that was all they sent down. Mrs. Blackburn stated yes. Mr. Gibbons stated he would make a motion to advertise.

Mr. Rhodes asked if there was a second.

Mr. Apicella stated he was still trying to understand what the under lying issues and concerns were. He stated he heard that perhaps there was something wrong with the Cluster Ordinance that the Commission recommended and that had ultimately passed by the majority of the Board of Supervisors . He asked if staff or counsel found anything wrong with the Ordinance that was passed. Mr. Harvey stated he was not aware of anything technically wrong with the Ordinance. He stated there have not been any cluster plans approved yet under this Ordinance to see if there were issues or problems. He stated the density issue was the item that had discussion at the Board meeting. Mr. Apicella asked, when you say the density issue, what was really the fundamental concern that some of the Board members raised at the December meeting. Mr. Harvey stated the question was with public water and sewer you could potentially get additional lots compared to the number of lots you could yield under well and septic. He stated some of the discussion was with that by-right development. The County cannot collect cash proffers on by-right developments so that may be some development proffers that we are forgoing. Mr. Apicella stated he was trying to recall as part of the sub-committee process and also as part of the Planning Commissions deliberations, why we recommended increased density in the first place. He asked what the goals were that we are trying to achieve. Mrs. Blackburn stated as far as she could remember and what she read in the minutes it was nothing more than an option for properties in the USA. Mr. Apicella asked if there was some reason or rational as to why the Commission thought it would be prudent to allow... because it was optional. He stated the provision of bonus density was optional under the State Code. We could have chosen not to recommend a bonus density. So in the discussions that we had, he thought there was a rational that was put forward as to why bonus density made sense. Mr. Harvey stated what he recalled from some of the meeting discussions was with this new Ordinance we eliminated some of the density in the residential zones. He stated this would potentially allow some increase in agricultural zones, which there may be an offset. Also there was considered to be a desire to have lots of public water and sewer for long term sustainability, so that may be a consideration. He stated he did not remember all the details of the discussion because it has been several months. Mr. Apicella asked what was the purpose of clustering, why does the State recommend clustering. Mrs. Blackburn stated to preserve open space. Mr. Apicella stated he thought clustering was a growth management tool and the tool box was very small for steering growth in places where we would like to have verses places where it would occur on its own. He asked if that was part of the discussion the Commission had. Mr. Harvey stated yes, clustering allows infrastructure to be more condense, the location of housing to be more condense so it's easier for localities to provide services. It gives the opportunity for agricultural land where large tracks of land could be preserved for continuation of farming or forestry or just in general open space. Mr. Apicella stated as he recalled, bonus density was an incentive to get development to cluster where it might not occur. He

***Planning Commission Minutes
December 12, 2012***

stated he recalled there were developers in the room as part of the subcommittee process and when the Subcommittee talked about not having bonus density it was great concern on their part and the discussion was they were not apt to pursue clustering in the absence of bonus density. Mr. Harvey stated yes. Mr. Apicella stated he hated to ask staff to do this, but there was a method to his madness in asking staff to develop the chart. He stated the first thing he recalled in the discussion about clustering was the old Cluster Ordinance provided bonus density. Mrs. Blackburn stated yes it did. Mr. Apicella asked if there was any concern raised by any of the Board members about providing bonus density under the old Cluster Ordinance. Mr. Harvey stated at the time he did not recall... the Cluster Ordinance had been in existence since the 1980s and he did not recall any debate about whether there should be bonus density or not. He stated there was a bonus if you clustered verses conventional development in the old style Cluster Ordinance. And they only existed for the residential zones, R-1, R-2 and R-3 zones. Mr. Apicella stated we did have clustering, it has been on the books for a while. Bonus density was part of the regime and there was an opportunity for developers to use clustering as it means to increase the lot yield and they did utilize that option on more than one occasion. Mr. Harvey stated correct. Mr. Apicella stated there was no concern raised for the many years that it was in place about the bonus density that occurred as a result of clustering up until the new Cluster Ordinance was in place. Mr. Harvey stated he did not recall any specific concerns about that trade off. Mr. Apicella stated he was sorry to belabor the point, but the Commission has been asked to revisit the Ordinance that the Commission spent a lot of time on and concerns were not raised as the Commission went through the process that bonus density should not be provided. He asked Mrs. Blackburn to walk him through each Zoning Districts and what was allowable under the old Ordinance and how much additional bonus density would have occurred and the same amount of bonus density that would now be allowed under each of the zoning categories under the new Ordinance. Mrs. Blackburn stated if you look at the comparison chart, in the A-1 Zoning District the column that is titled conventional development potential prior to June 2012, there was a 3 acre minimum lot size. Cluster development potential prior to June 2012 did not exist, you could not cluster in an A-1. She stated conventional development potential after June 2012 was still a 3 acre lot minimum. Cluster development after June 2012 in an A-1 zone, it is a 50 percent open space of the track, 1 acre minimum lot size with the average size of a 1 and a half acres for well and septic. An average lot size 1 acre if public water and sewer is provided. She stated in the A-1 zoning district now there was 23,673 acres of vacant land, and there was a note on the back of the chart that says the amount of land was reduced to 10 percent to account for roads, so the lot numbers were a little less. She stated in dealing with that 10 percent under conventional development prior to 2012 it was 7,276 lots, cluster development prior did not exist so it was zero. Conventional development after June 2012 was 7,276 lots. In a cluster development it was 7,276 lots with well and septic and 11,836.5 acres of open space. Mr. Apicella stated outside of the USA on an A-1 parcel, there was no real bonus received as compared to a conventional. So it was basically one for one, the only difference was you would be getting 50 percent open space.

Mr. Gibbons stated he understood where Mr. Apicella was going, and he asked what the Board gave the Commission to act on. Mr. Rhodes stated the language they have asked us to take to public hearing makes one change, which was over in the A-1 district to eliminate the allowed smaller parcel size with sewer and water. Mr. Apicella stated it would in fact eliminate the bonus density. He stated what he was getting as was the fundamental issue that was raised was the issue of bonus density. It was not an issue in the old Ordinance, but it was now an issue in the new Ordinance. He stated he was trying to understand how much bonus density there was in the new ordinance and how much for each of the zoning categories. Mr. Gibbons stated he was going back technically now, and he thought this was a good study, but the Commission could spend another hour on this. Mr. Apicella asked if it was his prerogative to ask questions. Mr. Gibbons stated he did not say it was not his prerogative, but he was trying to zero in. The ordinance the Board of Supervisors sent down only had one specific item. Mr. Rhodes stated that was correct. Mr. Rhodes asked if there was bonus density associated with the R-1.

***Planning Commission Minutes
December 12, 2012***

Mr. Harvey stated the Board referred this to the Commission, we developed a draft Ordinance, as you have before you, based on the discussion at the previous meeting. When the Board referred it they said the Commission could make any other changes deemed necessary if problems had been identified to please try to correct them in the Ordinance. Mr. Apicella stated he has asked those questions, what are the problems in the Ordinance and if the Commission was going to be looking at bonus density as it applies to A-1 why not look at the bonus density as it applies across the board. He stated he was trying to understand the magnitude of the issue and the problem and what the Commission was trying to solve. Mr. Rhodes stated just to confirm, the way the Ordinance was structured, was there bonus density associated with the R-1. Mrs. Blackburn stated only under a Conditional Use Permit. Mr. Rhodes stated the only other place would have been in the A-1 as it currently stands. Mrs. Blackburn stated where there was public water and sewer.

Mr. Apicella stated there was no bonus density under A-2. Mrs. Blackburn stated correct. Mr. Harvey stated there was a reduction in the number of units if you went with an A-2 cluster verses a conventional. Mr. Apicella asked how much bonus density would there be in terms of lot yield under R-1, under a CUP. Mr. Harvey stated it would be .75 dwelling units per acre potential if they went up to the maximum number. He stated as you see on page 2 of the chart, the number of units under normal conventional development would be 1,517 based on the vacant acreage and could go up to 2,276 if bonus density was issued in the full amount for all of those properties. Mr. Rhodes stated roughly 50 percent. Mr. Harvey stated under 50 percent, but significant. Mr. Rhodes asked if you did not have the bonus density for A-1, the only other benefit associated with a cluster was the fact that you only have to develop any infrastructure or road network over a lesser acreage so that will be the indirect benefit with it, but not a greater density. Mr. Apicella stated he would still like to understand what the potential lot yield under the old Ordinance was, and what is the potential lot yield under the new Ordinance and some comparison between the two. Mrs. Blackburn stated under the old Ordinance it was 7,276 lots under A-1 zone. Mr. Apicella asked for the total amount of units that you could cluster in all zoning categories under the old Ordinance, how many additional units could there be if you clustered everything. Mr. Harvey asked Mr. Apicella if he wanted staff to look at the old Ordinance that included the residential zones, which no longer apply. Mr. Apicella stated he was just trying to understand why there was a certain magnitude of bonus density allowed under the old Ordinance, and was not an issue, what number could there have been. And now that we have a new Ordinance, you have a certain number of bonus density units that could occur, what are the two numbers and maybe we have increased the number from what would have been allowed. He stated he was just trying to understand, we had bonus density before and it was not an issue and now it is an issue. Mr. Rhodes stated in his mental math the old version gave us 1,970 additional units from conventional to cluster and the new Ordinance gives us 759 in the R-1, and up to 3,631 if they were all on water and sewer in the A-1. Mr. Harvey stated if you look at all the units in the USA and all the units outside the USA and treat them as being inside the USA with the minimum lot size of 1 acre and outside is the average and the increase is 746. Mr. Rhodes stated 746 with the A-1 and 759 for the R-1. Mr. Apicella stated about 1,500. So numbers to numbers we actually have less bonus density in the new Ordinance then we had in the old Ordinance. Mr. Harvey stated if his calculations were correct, under the old Ordinance the increase would be 2,170 and under the current new Ordinance it was 1,505. He stated in looking at the old Ordinance he looked at the difference between the number of units that could be allowed in cluster verses conventional for R-1, R-2 and R-3. He gave the breakdown of 442 for R-2 1,517 for R-1 and 11 for R-3. Mr. Apicella stated it was about 500 units less under the new Ordinance, so where it was not an issue before at 2,000 it was now an issue at 1,500. Mr. Rhodes stated the difference was the A-1 application. Mr. Apicella stated it was A-1 inside the USA and asked how many parcels were inside the USA. Mrs. Blackburn showed the map again and stated it was all the blue areas inside the black line. Mr. Apicella questioned where the larger blue area was located. Mr. Harvey stated that was between Courthouse Road and Ramoth Church Road. Mr. Apicella stated again going back to the rational as to why we promoted bonus density, it was to

***Planning Commission Minutes
December 12, 2012***

encourage developers to cluster in places where they might not otherwise cluster. Mrs. Blackburn stated that was her understanding and her recollection from the meetings. Mr. Apicella stated he still did not quite understand what the problem was. Mr. Rhodes asked Ms. McClendon if the Commission were to advertise, the language without the strikeouts, which allows the bonus density in the A-1, hold a public hearing on the existing and then to choose to make it like it is now, which was striking out where there is public water and sewer, was that more restrictive or less restrictive. Ms. McClendon stated she believed in that situation the Commission would need to hold another public hearing. Mr. Rhodes asked in the reverse of that, if the Commission were to hold it the way the language was now and decide not to strike it out and leave it as it is and leave the bonus density with the water and sewer was that less restrictive. Ms. McClendon stated she believed it would be because you would be recommending to leave the Ordinance the way it currently stands. Mr. Rhodes stated the Commission's greatest flexibility would be to move forward the language as it stands and then the Commission could choose to revert, but if the Commission chose to hold a public hearing the way the Ordinance was currently, you cannot subsequently decide to recommend forward striking it out because that was more restrictive. Ms. McClendon stated that was correct. Mr. Apicella stated the only thing he would say to that was he was not quite sure why certain Board members were picking on A-1 bonus density when there was also bonus density for R-1. He stated if the philosophy was bonus density should not be offered for A-1, then it should not be offered for R-1. He stated to him if that was the course they want to go, that was the course the Commission should take and be more restrictive, and not distinguish between the two zoning categories. Mr. Rhodes asked Mr. Harvey if there was a particular discussion during the Board session concerning bonus density in general or mainly the concern on the A-1 area. Mr. Harvey stated the focus of the discussion was with A-1, but there was some concern about bonus density but never any discussion specifically targeting A-1.

Mr. Rhodes stated the thing he thought that was interesting and it was not a discussion the Commission has yet had on the unfinished business on the UDAs. As we left off last time on the UDAs and what we will have before us to talk about and in our read ahead package it talks about some degree of prioritization of the portion of the Courthouse UDA as well a bit of the UDAs on the other side where there is a large block. In the next couple session may better inform some of the logic as to why you might want to consider or reinforce why we might want to retain it as it currently states with the bonus density within the A-1, it may tie to some of the UDA discussions, so there may be more built together as we develop a recommendation. He stated his thought was to be responsive to the task the Commission has, which is to hold a public hearing, the greatest flexibilities would be going forward with the language that is in the draft Ordinance O12-46, as we can recommend differently from that.

Mr. Apicella stated he thought it was a fundamental issue whether or not we provide bonus density or not and we should not distinguish between zoning categories. If the philosophy is that we should consider excising bonus density from the cluster subdivision Ordinance my strong recommendation would be just to send this forward to public hearing with the language that removes all bonus density and as part of the discussion we could add back in bonus density for one or both zoning categories where it currently applies. Mr. Rhodes stated to confirm, your suggestion would be sending it forward removing the bonus density from the A-1 and R-1 which means the Commission could always make a recommendation to add one or both back. Mr. Apicella stated that would be his motion going forward. Mr. Rhodes stated he would like comments and wait a moment on the motion. He stated the thought would be that the Commission actually vote for public hearing draft language that strikes the bonus density for A-1, which was public water and sewer but also the bonus density associated with R-1, such that it has the same allowance for dwelling units per acre with or without a cluster, Mr. Harvey stated that would remain to be seen because there are some deduced setbacks. Mr. Apicella stated he would hope and expect that those people who are in the development community would provide their comments at the public hearing to let us know how these changes might impact their desirability to proceed with cluster subdivisions. Mr. Rhodes asked Ms. McClendon to confirm if the

***Planning Commission Minutes
December 12, 2012***

Commission were to include the language that strikes the bonus for water and sewer and also put forth language that gave no bonus density in R-1. If after the public hearing the Commission decided they wanted to take away the limitation that would be an allowable action because that would be less restrictive. Ms. McClendon stated that was correct. Mr. Harvey stated as a point of information, staff has received one Conditional Use Permit application for an R-1 zone cluster that currently is being reviewed and has not yet come forward to the Commission for public hearing. Mr. Rhodes stated the Commission had Section 28-35 before them for public hearing it doesn't address the R-1. He asked if that specific language was needed before it was passed for public hearing. Ms. McClendon stated she believed the Commission could pass the Ordinance on to public hearing and giving staff the instructions to strike that particular language.

Mr. Apicella stated he would recommend putting to public hearing language that would remove the bonus density associated with A-1 with water and sewer and additionally removing the bonus density associated with the R-1 zoning district. Mr. Rhodes confirmed that he would be recommending to move forward O12-46 with added information at the end after section 28-35 table uses and standards as modified to include the staff making adjustments associated with removing the bonus density provisions for R-1 as well. Mr. Apicella stated that was correct. Mrs. Hazard seconded the motion.

Mr. Hirons asked if the bonus density in R-1 was only done through a CUP. Mrs. Blackburn stated that was correct. Mr. Hirons asked how Mr. Apicella's language dealt with the CUP part. He asked if it was striking that bonus density would require a CUP or was it striking out any reference to a CUP as well. Mr. Hirons stated he was concerned about the CUP process and in particular because we have one in the hopper already. Mr. Harvey stated the way the code was written, for the R-1 classification it lists uses permitted by right and also lists uses that require a Conditional Use Permit. Currently in that table 3.1 it stipulates in uses by Conditional Use Permit cluster development, maximum density of up to 2.25 dwelling units per acre. He stated we would strike that language out of the Conditional Use Permit section. Mr. Hirons asked if the Conditional Use Permit section would still be there. Mr. Harvey stated yes, because there are other uses in the Conditional Use Permit section.

Dr. Schwartz stated there was one application in the works currently and asked if they were looking for a CUP for the additional added bonus. Mr. Harvey stated yes there has been an application filed in your district Dr. Schwartz. Dr. Schwartz asked if they were looking for CUP on it. Mr. Harvey stated yes. Mr. Apicella stated as he understood the process that occurred before they would only be affected at the point where it officially changes. He stated whatever changes the Commission might have, the process would take several months to unfold. He stated they would technically be grandfathered if the provisions of the Ordinance changed. Mr. Harvey stated if the CUP was authorized and approved before the Ordinance changed yes. If the CUP was not approved before the Ordinance change then their application would be moot. Mr. Apicella stated that actually happened when the Ordinance was being retooled. Mr. Harvey stated correct, there were a couple applications withdrawn because the Ordinance changed. Mr. Harvey stated staff would look at the existing code section and make any other adjustments to meet the intent the Commission was asking for. With no other comments the motion passed 7 to 0.

Mr. Harvey asked for further direction, which meeting date would the Commission prefer this to come forward for hearing. He stated it could come forward as early as January 9, 2013. He stated staff did have some adjustments to do and he would like to coordinate with legal counsel and asked that it be pushed to the second meeting in January. Mr. Rhodes stated he thought it was reasonable to get it right and asked if any of the Commission members had any concern. Hearing none, Mr. Rhodes stated that would be fine

1. *Urban Development Areas - Discussion of Urban Development Areas to study the future*

***Planning Commission Minutes
December 12, 2012***

applicability of Urban Development Areas in the County and identify any recommendations that should be considered for amending the Comprehensive Plan. (Time Limit: January 2, 2013)

Mike Zuraf gave the staff presentation considering a recommendation on Urban Development Areas to send back to the Board of Supervisors. He stated at the last meeting on November 28, 2012 the Commission reviewed and discussed the thoughts on each of the Urban Development Areas and overall comments on the issue. The Commission did request that the staff provide a document that summarized the discussion on the recommendation that the Commission would consider making back to the Board. He stated the UDA recommendation is in a three page document that is attached to the memo. He quickly reviewed the recommendation document and stated it was broken up into several sections. Section 1 was a background section that explains and describes how we got here and provides a background of the issue and UDAs in general. Section 2 provides an overall summary of the Commission's possible recommendation. He stated one of the the key statements within this was the second to last sentence, which states the Commission would recommend the repeal of UDAs following a re-evaluation and establishment of other means to identify where and how the County wants to target future growth. He stated in the third section there are several follow up recommendations that delve into the main recommendation further. Recommendation under 3A was recommending an overall review of the Urban Development Area standards in the Comprehensive Plan to determine if the specifics that are stated based on State Guidelines that were previously in place regarding the amount of growth the type and density of growth, if that is appropriate in Stafford County. And where they have been identified in the Comprehensive Plan and make modification if deemed necessary. He stated the second recommendation was a recommendation to delete the term Urban Development Areas throughout the Comprehensive Plan and call them something else, possibly Targeted Growth Areas or Targeted Mixed Use Areas. He stated the third recommendation was an overall recommendation that the County retain the concept of identifying growth areas in the Comprehensive Plan. The fourth and final recommendation was stating that the Board, if they retain Urban Developments Areas or consider re-evaluation, that they consider the Planning Commission's evaluation and suggestion on the specific Urban Development Areas and that leads into the fourth section which was an overall evaluation of the UDAs and breaking out those areas onto near term targeted growth areas, future targeted growth areas and potential locations and other areas that were identified. He stated the last section of the final section was additional piece that was added in while staff was formulating the document with the Chairman. There was a desire to add in a section on other areas not currently within one of the Urban Development Areas. Those specifically being the Garrisonville Road corridor or the Boswell's Corner area. He stated those two areas may have some commentary being provided on the uniqueness of those areas and their might be some focus put into those areas if the Board continues on with these recommendations. He stated that was a quick summary of that memo and as a reminder this is the last chance to formulate the recommendation.

Mr. Gibbons made a motion to approve this to transmit to the Board with the Commission's recommendation. Dr. Schwartz seconded the motion. With no additional comments the motion to use this as the recommendation back to the Board to answer their request for input on the UDAs passed 7 to 0.

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated the Board referred to the Commission two zoning actions, in particular one was for a for the existing dwellings at Ferry Farm. He stated the HI Zoning District requires that to have a dwelling unit for caretaker or someone that lives on the property, you have to have a Conditional Use Permit. So the Board initiated that application and staff will be putting it together to forward to the Commission in the next coming months. Also they asked that consideration be made to remove the HR

***Planning Commission Minutes
December 12, 2012***

Historic Resource Overlay Zone from the Ferry Farm property since now they have the Historic Interpretive zoning category on the Ferry Farm property. He stated there was some questions and thoughts that the HR zone would be redundant now since they have their master plan and the new HI District has strict standards as well. He stated the Board took a number of actions with regard to Ordinances. They passed the Data Centers Ordinance, they passed the signs for CUP uses, they passed the lot width for the A-1 Zoning category, Clinics in the M-1 District, and they also passed the Architectural Design Standards. He stated the Board had an extensive discussion on TDR and deferred it back to its TDR Committee which is comprised of Mr. Milde, Mr. Snellings, and Mr. Thomas. He stated there may be more to come on that. He stated we wanted to let you know your paychecks would be going out January 3, 2013 due to the holidays. Also there is a reminder that conflict of interest forms are due back to the County by January 15, 2013. They were put in the mail and hopefully you have received them. We will try to remind you again on January 9, 2013. He stated a couple other questions, does the Planning Commission want to continue with the executive summary now that we are in electronic format. Typically we do not post that on the web. He stated we could, it basically provided a summary of motions from the previous meeting and actions taken. Mr. Rhodes asked the Commission members if they had a strong feeling one way or the other. Mr. Hirons stated when they were first published they were very useful, but he has not had a need for them because the minutes are coming at a rapid clip. He stated he thought it was okay to do without them. Mr. Harvey stated the Commission had talked earlier in the year about having a discussion about notice requirements for various types of land use cases and we were going to have that discussion in the fall. He stated he thought he had dropped the ball and stated if the Commission deems it desirable staff can schedule it January 9, 2013.

Mr. Gibbons stated he thought it would be nice if when the Commission received an application if it had somewhere in the text the drop dead date. Mr. Rhodes stated typically on the agenda now, staff has what date the Commission must take action for public hearing and so forth. He asked Mr. Gibbons if he would like to see it also on the staff report also. Mr. Gibbons stated that was enough, but was wondering why they were fumbling tonight trying to figure out the dates. Mr. Harvey stated he saw Mr. Gibbons' point, under new business staff did not put in advertise by this date and we can add it. Mr. Rhodes stated that would be a good add.

Mr. Harvey stating getting back to what he was referring to, the Commission talked about certain types of applications where you may want to considering expanded public notification to abutting owner letters and those kinds of things. He stated he wanted to know if the Commission wanted to have that on the January 9, 2013 agenda. Mr. Rhodes stated he thought this came about when the Commission was talking about notifications for things like a cell phone tower or other tall things and it would be more than just the neighboring property owners and how to expand that. He asked what was on the January 9th agenda. Mr. Harvey stated there was the public hearing that was authorized for the Historic Resource Overlay and we have a Preliminary Subdivision Plan possibly for the Falmouth District and this might be the third item. Mr. Rhodes stated and just the general administrative functions for the start of a new year. Mr. Harvey stated we will continue with RBC. Mr. Rhodes stated why don't we start entertaining different options as to how we might start carrying forward the discussion of how we might expand or qualify the public notification.

Mrs. Hazard stated she thought it also came up as to whether it was appropriate in certain applications about notifications to HOAs. She stated she thought that came up in the case with the pool because there were several HOAs and some of them got notification. She stated she did not remember how that played out, but she did remember there was some discussion at that point. She stated she thought that was an area as well. Mr. Harvey stated he thought what the staff would do was highlight and summarize for the Commission what the current notification requirements were for different types of applications. And maybe summarize some of the discussions held in the past to help focus where the

***Planning Commission Minutes
December 12, 2012***

Commission may want to go for future amendments. He stated also in previous discussions there were questions about following up with the Comprehensive Plan Implementation Plan for developing a financial impact model, and also Mr. Gibbons had talked about possibly doing an utilities affordability analyzes. He stated he was curious if that was something that the Commission wanted to specifically give direction to staff because these issues expand multiple County Departments and also in the case of utilities it involves the Utilities Commission. He stated he was curious if the Planning Commission wanted to consider guidance that staff could pass forward in regard to both issues. Mr. Rhodes stated he thought Mr. Harvey had some discussion with Utilities and they would be better prepared to go forward in a couple months, but some preparatory work could be done now. Mr. Harvey stated yes, they have multiple activities going on right now. They are currently developing the Sewer and Water Master Plan based on the current Comprehensive Plan. They are also starting to do a utility rate study, both of which should be fairly well along in the April time frame. Mr. Rhodes stated he thought it would probably be helpful to start doing some work on the fiscal impact analysis and how we might go forward and include that in the Capital Facilities planning aspects to support the Comprehensive Plan in the build out area and the UDAs and so forth. He stated therefore staff could start doing some preliminary work and developing some options as Mr. Harvey stated there have been some revised documentation for fiscal impacts for the proffer guidelines and that was the discussion point with Mr. Gibbons, since now we know more detail about impacts to schools and other County services, should we take it to the next step and start the modeling of overall fiscal impact for new development in addition to just new capital facilities. Mr. Rhodes stated you might have that done by the time the Commission has the joint meeting on the proffers and just feed one into the other. He stated he thought it may be useful to get it going forward and that was one of the things the Commission had put on the longer range plan for going forward on Comp Plan Implementation. Mr. Harvey stated he would take that as direction to work with other departments to start the process. He stated he wanted to wish the Commission happy holidays. This was the last meeting of the year, it has been a good year and he would note that this year a significant amount of analysis has been done on the topics and really gotten in depth on a number of things and in there have been good discussions on a number of issues. Cluster was one in particular and TDR and a number of other issues where we got into a lot of review of options and considerations. He stated he wanted to thank the Commission for another great year.

COUNTY ATTORNEY'S REPORT

Ms. McClendon stated she had no report at this time.

COMMITTEE REPORTS

4. **Proffer Guidelines**

Mr. Gibbons stated since Mrs. Hazard was leaving the Proffer Committee, he was wondering if he could fill in. Mr. Rhodes stated he thought that would be a wonderful thing. Mr. Gibbons stated maybe he could help schedule the meeting.

CHAIRMAN'S REPORT

Mr. Rhodes stated he would highlight certainly that the Commission has benefited from the support, services, analysis of Mrs. Hazard. And we know that she has been appointed to fill a seat on the School Board, which starts officially tomorrow so therefore tonight will be her last time joining us as a member of the Planning Commission. He stated he jumped in and worked on many of the Subcommittees until you were burned out and we benefitted from your efforts. He stated the Commission wished her well and they know she will do a tremendous job with the School Board.

*Planning Commission Minutes
December 12, 2012*

Mr. Gibbons asked if he could make a suggestion or a motion. He asked that Mr. Rhodes send to the Chairman that the Board gives her a proclamation for her duty on the Commission. Mr. Rhodes stated he certainly would. He stated he would like to recognize the service of the outgoing members who gave their time and efforts. Mr. Rhodes stated again thank you very much again Mrs. Hazard, we appreciate all that you have done for the Planning Commission and the County in this role and we know you will continue to do it in your next role. He stated he knew there was a little bit of other business, but being the last session of the year he wanted take this opportunity for any Commissioner to have any comments, but he did want to express once again his sincere thanks to the planning staff. He stated you do tremendous work and Ms. McClendon's support to the Commission was outstanding. He stated in his opinion this County was blessed with the public servants they have supporting them and certainly none more so than Mr. Harvey. He stated his guidance, leadership, management of the Department, your support of the Commission was tremendous and the highest level of expertise and the Commission was all the better for it. Mr. Rhodes asked if any other member would like to make a comment before moving on the TRC.

Mr. Apicella stated he wanted to thank Mrs. Hazard for her great service on the Planning Commission. It has been a joy, honor and privilege to work with her and he has learned a lot during his short time here. He stated he wanted to wish her well and knows she was a strong advocate for the School Board as a member of the Planning Commission. He stated he knows he will miss her and the entire panel will miss her and wishes her well in her new job.

Dr. Schwartz stated he would like to echo those comments. Mrs. Hazard was a great mentor here and as he stumbled along he will be thinking what would Holly do. He stated again he would also like to echo the guidance of the staff as he stumbled through the first year here and thanks for picking me up.

Mr. Hirons asked what would the Planning Commission do without a lawyer. He stated it was a pleasure serving with Mrs. Hazard and they worked together on many projects together. He stated she found a lot of issues some would not have picked up on.

Mr. Boswell stated he would echo everybody's sentiments and stated she has also helped him from the beginning.

Mr. Gibbons stated he would echo what everybody else said. He stated his experience with Holly goes back to the towering concern days of barbarian and the largest public hearing held in Stafford. He stated he wanted to thank the Chairman for a good job this year. You kept everything under control and very productive. He stated tonight they would be getting out at a reasonable time and that was a tribute to the way he managed the meetings.

Mrs. Hazard stated her final comments are it's always hard to say goodbye, but she inserts herself in all kinds of issues. She stated the staff has been fabulous over the past three years. She thanked staff for answering all the questions without saying it was really obvious. She stated she appreciates all of her colleagues. You all bring so much to the table and we all bring something different which makes us unique. Each of us have different issues and we have worked well together and tried to make sure what we were moving forward was in the best interest of the County.. She stated we may disagree and we may disagree with the Board but believes all of the members felt they were true to what they thought was correct. She stated especially to Mr. Hirons, she appreciated the phone calls afterwards to try to figure out how they could do it better. She stated she would not be a stranger, she would be around. She believes this is a great staff and a great County.

OTHER BUSINESS

***Planning Commission Minutes
December 12, 2012***

5. TRC Information – Meeting December 26, 2012 – Cancelled
Meeting January 9, 2013

Mrs. Hornung stated there would be one item discussed at the January 9, 2013 TRC meeting, which was Dominion Virginia Power at Fines Corner. She stated she had already given the information to Dr. Schwartz and the item would be heard at 9:00 a.m.

APPROVAL OF MINUTES

October 10, 2012 Work Session

Mrs. Hazard made a motion to approve the October 10, 2012 Work Session minutes. Mr. Boswell seconded. The motion passed 7 to 0.

October 10, 2012 Regular Meeting

Mr. Hirons made a motion to approve the October 10, 2012 Work Session minutes. Mrs. Hazard seconded. The motion passed 7 to 0.

October 24, 2012 Work Session

Mr. Hirons made a motion to approve the October 10, 2012 Work Session minutes. Dr. Schwartz seconded. The motion passed 7 to 0.

October 24, 2012 Regular Meeting

Mrs. Hazard made a motion to approve the October 10, 2012 Work Session minutes. Mr. Hirons seconded. The motion passed 7 to 0.

November 14, 2012

Mr. Hirons made a motion to approve the October 10, 2012 Work Session minutes. Dr. Schwartz seconded. The motion passed 7 to 0.

ADJOURNMENT

With no further business to discuss the meeting was adjourned at 8:56 p.m.