

STAFFORD COUNTY PLANNING COMMISSION MINUTES
March 13, 2013

The meeting of the Stafford County Planning Commission of Wednesday, March 13, 2013, 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, Boswell, English, Gibbons, Apicella, and Schwartz

MEMBERS ABSENT: None

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

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes asked if there were any Declarations of Disqualification. Hearing none he moved on to public presentations.

PUBLIC PRESENTATIONS

Mr. Rhodes asked if there was anyone that would like to come forward to speak.

Paul Waldowski stated Sunday was St. Patrick's Day and he thought he would wear his Buffalo Bills hat for the Jim Kelly Foundation. There were only 3 opportunities that a citizen had to express their views for 3 minutes, except for public hearings, and they were through the Board of Supervisors, the Planning Commission meetings, and the School Boards. He stated as he had been going through what was going on in the community, the budget process was really the most important thing that was facing the County as a whole. Mr. Waldowski stated that when he looked up in Wikipedia, he realized that there were 11 geographic areas and yet 3 of those were not even voting districts. He had been saying for many, many years that government was too big. It was way too big for Stafford County. There were 7 continents; that did not mean that 7 Board of Supervisors were needed, or their appointees as Planning Commissioners or School Board members. He stated calculating over a 4 year period, if there were only 5 Supervisors, 5 Planning Commissioners, 5 School Board members, an excess of \$380,000 would be saved plus perks. That meant 2 more name tags would not have to be put up for each of them so that they could sit up there like they were in a kingdom. Mr. Waldowski stated he liked to substantiate everything with numbers, and the Commission, as planners, should do the same. Wikipedia had a really neat source where there was a plan put out on May 15, 2006, which would now be 7 years old. And the population was expected to grow to 145,000 by 2010. Gollie. Didn't they miss their mark. He stated it was only 128,961. He stated in fact, the estimate for 2012 was 132,719, which was a 2.9% growth. These were facts. He stated that that meant that there was capacity inside this County and if you kept on adding more capacity, you would have to find a demand to fill it. Mr. Waldowski stated he saw that the Commission would be talking about the schools. Stafford High School had 64 acres of school. If Moncure needed to go away, then let it go away. He stated let's substantiate with the numbers because just like the 7 year study said that the school enrollment was to exceed 27,000 for 2005 and 2006, it had not exceeded that number at all even up to this school year. He stated the only thing that was fact was the median income was now \$94K as opposed to 2004 it was \$75K.

Mr. Rhodes asked if there was anyone who would like to speak. See no one come forward, he closed the public presentations.

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PUBLIC HEARINGS

None

UNFINISHED BUSINESS

1. SUB1200343; Guy's Overlook, Preliminary Subdivision Plan - A preliminary subdivision plan for 10 single family residential lots on 32.40 acres zoned A-1, Agricultural, located at the corner of Brooke Road and Marlborough Point Road on Assessor's Parcel 41-15, within the Aquia Election District. **(Time Limit: May 22, 2013) (History: Deferred at February 27, 2013 to March 13, 2013)**

Mr. Narvaez gave the staff update and stated this was a holdover from the last Planning Commission meeting. He stated at the request of the Planning Commission, Anita Dodd from the Historical Commission was present. Mr. Rhodes asked if there were any questions of staff. Hearing none, he asked Ms. Dodd to come forward.

Ms. Dodd stated she assumed they got a copy of the letter that the Commission wrote with recommendations. Basically what they were asking for was a walkover of the property. She stated it did have a history of the possibility of a cemetery. She knew that over the years there had been several people looking for the cemetery on the property and not successful in finding it. She stated the Commission and the Cemetery Committee would simply like an opportunity to once and for all walk the property and determine the presence or absence of a cemetery. Ms. Dodd stated they could do this in a few hours in a day and at no cost; it would be done on a volunteer basis. She stated her letter also made reference to the possibility of Civil War sites but she understood that Mr. Trimmer had answered that question. Mr. Rhodes stated they did have a letter from Colonel Retired Trimmer and he did not recall if it was mentioned so he just wanted to confirm for the record that Ms. Anita Dodd was the Chairperson of the Stafford County Historical Commission. He asked if there were any questions for Ms. Dodd.

Mr. Apicella stated to paraphrase what was in her letter, she believed based on some historical knowledge that there were some relationship to this property to the George Mason family. Ms. Dodd stated yes, they actually owned quite a bit of property. It was her understanding that this piece of property was the most southern point of what they owned; they owned from there all the way up to what was now Quantico. She stated they had quite a bit of land and the cemetery could be almost anywhere on that piece of property. If they could have this opportunity to check this out, they could eliminate or determine that there was something there, at least on this piece of it. Mr. Apicella asked what would be the benefit both to the County, folks who have historical interest, and/or to the developer to have them take a walk over the property. Ms. Dodd stated in the case of the cemetery, it would be nice to know if you had one or not, because nobody wants to disturb a cemetery. The thought was that if you know that there was a cemetery there and you knew where it was and you could identify it on a particular piece or parcel, then... and in this case because Stafford does have a Cemetery Ordinance... the cemetery ordinance would kick in and the developer would need to comply with that. She stated as far as it was historical information in that they always get questions about genealogy, where was my relative buried, those kinds of things, so that information was something that would be an addition to how they could help the public. Ms. Dodd stated she just thought it was a good idea to know where your cultural resources were so that you could properly take care of them. Mr. Apicella asked if this walk would just be limited to looking for a cemetery and/or a gravesite, no

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other purpose for the review. Ms. Dodd stated no because the only other possibility would have been Civil War and Mr. Trimmer had determined in his letter that there were no Civil War resources on the property. She stated they would just be looking for a cemetery. Mr. Apicella stated with them looking at it, it could be advantageous to the developer. He asked if they were to disturb the property and come upon remains, what would happen if that were the case. Ms. Dodd stated if some cemetery was discovered in the process of doing site work, then the State would get involved along with the local Sheriff's Department. They would need to determine whether it was an old grave or a recent grave. Depending on the kind of disturbance, there could be sort of a backlash on that, and it could get a little messy when you discover a cemetery through that process. Mr. English asked if anybody had walked the property at all or if this would be the first time. Ms. Dodd stated it would be the first time that they had walked it. She did know that there had been other people over the years that had tried to find a cemetery with no luck. She stated she thought the Cemetery Committee had a little more expertise in identifying cemeteries; they were not always headstones. She stated they would like to have that opportunity so they could definitely say no there was not or yes there was, and then get that information on the books so there would be no question about it in the future. Mr. Hirons asked what types of materials they would be looking for; what types of artifacts would they be looking for for that time period they suspected the cemetery might be from. Ms. Dodd stated as artifacts went, there would not be any artifacts other than... more than likely she would expect to find depressions and/or what they called field stones, which were rocks that marked as a headstone and a footstone. Sometimes periwinkle, which was a ground cover, would also be an indicator. There were certain plants that could be indicators, cedar trees, sometimes yucca. She stated there were some vegetation that would often set off a warning signal. Ms. Dodd stated she thought in this case they would be looking more for depressions. Mr. Hirons asked if that would be different than the expectation if it were a Civil War period cemetery, and would there more likely be a formal headstone. Ms. Dodd stated not necessarily, more than likely depressions again. She stated the Civil War burials, there were always the chance of them missing one, but most of them were removed after the Civil War by either the relatives of the individuals that were buried there or they were transported to the National Cemetery in Fredericksburg. There was always the option that they missed somebody but, as a general rule, most of the Civil War burials had been reinterred somewhere else. Mr. Hirons stated he thought Mr. Trimmer was a very well-respected expert in the Civil War period. He did not know if his expertise went beyond that period of time and he wondered if while he had stated he walked the property extensively and done a lot of research out there, would he happen to know or would his expertise cover being able to find the period of cemetery that you were looking for. He did not want Ms. Dodd to answer or make judgment of Mr. Trimmer. Ms. Dodd stated she could not answer that. She knew he was very knowledgeable with the Civil War and those types of cultural resources, but as far as cemeteries she could not answer that. Mr. Rhodes asked if there were any other questions for Ms. Dodd. Hearing none, he asked if there were any other questions for staff. Mr. Apicella asked, for the record, where they were in the process and what, if any, triggers there might have been to get the developer to participate or comply with the request. Mr. Narvaez stated currently their standards did not... he could agree or not to agree at this stage. But again, if he did find something during the construction phase he would have to stop and local authorities would be called in to make sure that this was not a criminal case and after that, that would be when an archaeological study would be done. There was no codification to require the applicant to do something right now, it would be just a request from the Historical Commission. Dr. Schwartz asked if there was any sort of time limitation they could put on this. Mr. Narvaez stated he did not think at this stage they would require something like that but maybe they could do something at the construction phase. Mr. Harvey stated the County did have a noise ordinance that would regulate the amount of noise and the duration of when noise can occur. He stated he thought it would run from 7 a.m. to 11 p.m.; he would have to verify. He stated he could provide a copy of the noise ordinance

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for him if he would like. Dr. Schwartz stated he just wanted to put some kind of time limitation on and make them stick to it when it would actually get to that point. Mr. Harvey stated the time limitation would be governed by the County Code and the noise ordinance. Mr. English stated there was something in the Code for construction on noise, when they could have construction hours. Dr. Schwartz stated somebody would have to complain. Mr. Gibbons stated he thought Mr. Apicella had a good question at the last meeting and wondered why they could not go back to the builder and ask them to allow a walk-thru. Mr. Rhodes stated he thought they had, and asked if the applicant was present. Mr. Narvaez stated the engineer was present. Mr. Rhodes asked the engineer to come forward.

John Moran stated he was the engineer representing George Lockwood. He stated he spoke with him on the phone a few minutes ago and he had agreed to next week walk the site with himself and Mr. Trimmer. If they uncovered anything, they would contact the Historical Commission to come out and review what they had uncovered. He stated at that point, if they wanted to do anything else, it would be at the Historical Commission's cost to investigate it, and asked if that would be acceptable. Mr. Rhodes asked if they would want anyone from the Historical Commission to join them. Mr. Moran stated not at this point. Mr. Rhodes asked if there were any other questions of the applicant. Mr. Gibbons stated that was a good start and asked if they could delay it until they came back after the walk-thru. Mr. Apicella made a motion to defer this to the March 27th session, Mr. Gibbons seconded. The motion passed 7-0.

2. Amendment to the Zoning Ordinance - Proposed Ordinance O13-07 would amend Stafford County Code to create a definition for public parking lot and modify the definition of public works to include the term public parking lot. Additionally, the proposed ordinance would allow public parking lots as conditional uses in several zoning districts. Public parking lots built by the County or other governmental entity would be a by-right use in most zoning districts. **(Time Limit: May 14, 2013)(Schedule discussion with Economic Development staff on March 13, 2013)**
(Scheduled for May 8, 2013 Public Hearing)

Mr. Harvey stated that Brad Johnson, from the Economic Development department, was there to discuss with the Planning Commission the genesis of this ordinance and the background.

Brad Johnson stated they went through the redevelopment planning process, they recently went through the Urban Development process, and both of those documents were recommending some higher densities than the County has seen in the past and some mixed uses that have not been seen in the past. The Planning staff and Economic Development and some of the other departments had started going through the rest of the documentation that they had, like the zoning ordinance, and discovered the parking issue came up. He stated they did not have a definition for public parking lots so they crafted some language that they would like the Planning Commission and the Board to consider putting into effect. Mr. Johnson stated they also discovered, primarily down in Falmouth but it did apply to some of the other jurisdictions as well, they had some of those legacy lots that were just not configured to do anything with. And in Falmouth there were some B-2 zoned property, commercial property, and some of those lots were 30 and 40 feet wide. He stated when you would try to do a basic parking plan for a use, the space was not there. Mr. Johnson stated the one building in Falmouth that stood out was the green residential-type structure that sat down in the bottom; that was commercial district and if they wanted to open a use in there, there was nothing for them to do in the way of parking under the current code. He stated they were trying to make more things a little bit

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more flexible for property owners and business owners and thought they would try this approach with the Zoning Ordinance.

Mr. Rhodes asked if there were any questions for Mr. Johnson. Hearing none, he asked Mr. Harvey if there was any further information on this for tonight. Mr. Harvey stated no, other than they scheduled it for public hearing on May 8th. He stated they had the language that came down... He asked when the actual language would be advertised or when would the advertisement go out for this. Mr. Harvey stated it would go out probably the second Wednesday in April. Mr. Gibbons asked if there was anything else scheduled for the 8th. Mr. Harvey stated nothing solidified, maybe some land use cases. Mr. Rhodes stated they passed the language that would go forward for advertisement unless anybody had any second thoughts, and that should be moving forward.

3. Comprehensive Plan Amendment; Anne E. Moncure Elementary School Relocation - Consider an amendment to the Comprehensive Plan to include Assessor's Parcels 20-66B, 20-66C, 21-15, and 21-16 within the Urban Services Area, and change the land use designation from Agricultural to Suburban. The property consists of 23.7 acres and is located on the northeast side of Juggins Road, south of Smith Lake Drive, within the Griffis-Widewater Election District. **(Time Limit: August 31, 2013) (History: Deferred at February 27, 2013 to March 13, 2013)**
(Authorize for Public Hearing by: July 10, 2013)
(Potential Public Hearing Date: August 28, 2013)

Mr. Rhodes stated this item dealt with the Comprehensive Plan Amendment and Anne Moncure Elementary School relocation. This was one where there was a Joint Land Use Study going on and staff had been asked to look at what they thought the prognosis would be for actionable information to be able to present it to the Commission in order for them to be able to do their public hearing and meet the time limits that they had. He asked Mr. Harvey for an update.

Mr. Harvey stated on two fronts, one was that with the Joint Land Use Study the consultant's estimated timeline had them conducting stakeholder interviews, gathering information, and doing data analysis through the end of July. In the July to August timeframe, that was when they would start developing their policy recommendations for the Joint Land Use Study. Ultimately, the study was scheduled to be completed by the end of the year. He stated with regard to the Planning Commission's review of this Comp Plan Amendment, at the July hearing they would probably be able to see a lot of the data that they had collected and analysis that was done for the study, and possibly the Commission's action on the Comp Plan Amendment could help formulate some of the policy recommendations that would go into the study. Mr. Harvey stated on a second note he attended the School Board meeting last night and answered some questions that they had with regard to this Joint Land Use Study. Mr. Rhodes asked if Mr. Harvey thought there would be definitive information that could be presented to the Commission on July 10 which they might be able to then authorize the public hearing for the end of August and take action on it. Mr. Harvey stated yes. Mr. Rhodes asked but not much earlier than that. Mr. Harvey stated correct; if things would come together sooner he would advise the Commission and provide information as it would become available. A discussion ensued regarding the time limit and what the issue was. Mr. Rhodes asked if there were any further questions for Mr. Harvey. Hearing none, he proceeded to the next item.

4. Comprehensive Plan Amendment for Impact Fees - Amend the Comprehensive Plan by amending the textual document, "Stafford County, Virginia, Comprehensive Plan, 2010-2030,"

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and the textual document, “Transportation Plan,” to: (1) eliminate reference to the current impact fee areas; (2) establish a County-wide Impact Fee Service Area that would encompass all properties within the boundary of the County excluding lands within Quantico Marine Corps Base; (3) establish an Impact Fee project list; (4) provide maps depicting the proposed projects; and (5) amend the appendix of the Comprehensive Plan to eliminate old typical street cross sections for roadway design and establish new typical street cross sections for roadway design.

(Time Limit: April 6, 2013)

(Scheduled for Public Hearing: March 27, 2013)

5. Amendment to the Subdivision Ordinance - Proposed Ordinance O13-03 would amend Stafford County Code to increase the allowable time from fourteen (14) to sixty (60) days that the Board of Supervisors shall act upon any appeal filed. **(Time Limit: May 14, 2013)**
(Scheduled for March 27, 2013 Public Hearing)
6. Amendment to the Subdivision Ordinance - Proposed Ordinance O13-05 would amend Stafford County Code to extend the time to review and render a decision of technical changes from ten (10) to thirty (30) days and clarify the types of technical changes allowed and those not allowed. **(Time Limit: May 14, 2013)**
(Scheduled for March 27, 2013 Public Hearing)

Mr. Rhodes stated items 4, 5, and 6 were scheduled for public hearing at their next session on March 27th.

7. Amendment to Zoning Ordinance - Amend and reordain the Stafford County Code, Section 28-35, Table 3.1 “Districts Uses and Standards,” to include the use of home occupations as a permitted by-right use in the RBC Zoning District. **(Time Limit: May 28, 2013)**
(Scheduled for Public Hearing: April 10, 2013)
8. Amendment to Zoning Ordinance - Amend and reordain the Stafford County Code, Section 28-183 “Building Permits” to remove the language granting authority to issue a building permits from the Zoning Administrator and the procedure for such action and clarify the language to ensure review of a building permit for compliance with the Zoning Ordinance. **(Time Limit: April 28, 2013)**
(Potential Public Hearing Date: April 10, 2013)
9. Amendment to Zoning Ordinance - Amend and reordain Stafford County Code, Section 28-184, “Certificates of Occupancy,” to remove the language granting authority to issue a certificate of occupancy from the Zoning Administrator, and the procedure for such action, and to clarify the language to ensure that reviews of certificates of occupancy are in compliance with the Zoning Ordinance. **(Time Limit: April 28, 2013)**
(Scheduled for Public Hearing: April 10, 2013)
10. Amendment to Zoning Ordinance - Amend and reordain Stafford County Code, Section 28-39(c)(1). “Lawful Location of Manufactured Homes,” to remove the width requirement of nineteen feet (19’), and the word “conventional” from the Zoning Ordinance. **(Time Limit: April 28, 2013)**
(Scheduled for Public Hearing: April 10, 2013)

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Mr. Rhodes stated items 7 through 10... and he asked to confirm that item 8 was scheduled for public hearing. Mr. Harvey stated yes. Mr. Rhodes stated 7 through 10 were scheduled for public hearing on the 10th of April.

11. Comprehensive Plan Amendment; Urban Development Areas - Amend the Comprehensive Plan recommendations for Urban Development Areas and targeted growth areas in the County. **(Deferred at February 27, 2013 until further information from Staff)**

Mr. Rhodes stated for item 11, staff was looking up information based on their last discussion and they would be coming back at some point prior to when the Commission would get together for their retreat in the ABC Conference room.

12. Discussion of Public Notification Requirements. **(History: Deferred at February 5, 2013 to February 13, 2013) (Deferred at February 13, 2013 until further direction from Planning Commission)**

NEW BUSINESS

13. Comprehensive Plan Amendment for Transfer of Development Rights (TDR) - Amend the Comprehensive Plan by adopting textual amendment to the Comprehensive Plan regarding the Transfer of Development Rights Program, including the Sending and Receiving Area Map. **(Time Limit: May 12, 2013)**
(Authorize for Public Hearing by: April 10, 2013)
(Potential Public Hearing Date: May 8, 2013)

Amy Ansong gave the staff presentation and stated Ordinance O13-21 was approved by the Board of Supervisors on February 19, 2013. The TDR Ordinance would amend the Stafford County Code by creating new definitions, modifying permitted uses, and creating new zoning regulations to establish a Transfer of Development Rights (TDR) program. She stated the TDR program was to be used as a growth management tool, and was intended to complement and supplement County land use regulations, resource protection efforts, and open space acquisition programs. Ms. Ansong stated the definition of TDR was the process where an owner of a parcel of land in a sending area may voluntarily convey (sell) development rights (the ability to build homes on the property) in a sending area to another party such that the development rights so conveyed were severed and extinguished from the sending property and may be exercised on a receiving property in addition to the development rights already in existence on the receiving property. She presented slides with maps and the changes. She discussed the language change for sending properties and what consisted of a sending property. Mr. Apicella stated the bottom line was they took out the provision that allowed for the parkland for at least 2 acres, so the minimum was now 20 acres. Ms. Ansong stated they also added the language about the contiguous parcels. She proceeded with her presentation and discussed the TDR ordinance in terms of its content. Mr. English asked how many receiving areas were there in the County. Ms. Ansong stated for now the only receiving area was the Courthouse area, and there was only one sending area. She explained how one would qualify for the TDR Program and how the County would determine development rights. Mr. Rhodes asked if there were any questions. Mr. Apicella stated he would like to go back to the map that identified properties and asked what the thinking was in removing the 2 acre parcels. He asked where those might be also. Mr. Gibbons stated most of them were in Crow's Nest. Mr. Apicella stated he was curious what the Board was thinking and why they chose to exclude the 2 acre lots. Mr. Harvey stated in the Committee discussion, the Committee felt

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that it was important to have more of a uniform requirement. There were a lot of questions or concerns about the 2 acres and whether somebody was getting the ability to transfer a development right which maybe the lot may not have been buildable and what value was the Count getting out of it. A discussion ensued regarding 2 acre lots, and this being a pilot program. Mr. Rhodes stated this was the area to see what would work and what would not work. He stated this was something to authorize for public hearing. Mr. Apicella made a motion to authorize a public hearing, Mr. English seconded. The motion passed 7-0.

14. Amendment to Zoning Ordinance - Amend and reordain Stafford County Code, Section 28-39, "Special Regulations," to establish processes that allow for waivers to required Master Plan components and deviations or modifications of the development standards in the UD, Urban Development Zoning District. **(Time Limit: June 11, 2013)**
(Authorize for Public Hearing by: April 24, 2013)
(Potential Public Hearing Date: May 22, 2013)

Mike Zuraf gave the staff presentation and stated this issue was to consider allowing within the Urban Development, UD Zoning District, waivers to required Master Plan and also allowing for deviations or modifications to the UD District Design Standards, the development standards. The Board, at their February 29, 2013 meeting, referred the proposed ordinance to the Commission for their review and recommendation. Mr. Zuraf discussed briefly the history. He stated there was one zoning reclassification that staff was working on with an applicant that was considering the UD district. The applicant had noted that they believe the development standards, as they were written, were too rigid for them to implement. The applicant suggested some flexibility in the design standards that might allow better for this district to be implemented and to occur. Mr. Zuraf gave some issues cited by the applicant. He stated this was being brought forth by staff; it was not being initiated or requested by the applicant per se. Staff had worked up the proposed ordinance O13-20 which would make these changes to allow an applicant to request an administrative waiver of the components of a required Master Plan. He stated that was a specific requirement of the UD District. It was kind of similar to the Regulating Plan that you would see in the P-TND Zoning District. He stated it kind of established the different density areas that would be provided within a UD zoning area. He stated the reason to have an administrative waiver, staff noted that not all components of the Master Plan may be necessary in all cases because there was no minimum acreage requirement. He stated second, a deviation or modification to the Siting and Configuration Standards may be approved by the Board of Supervisors at the time of, or after the rezoning. This would be similar to the process that was established under the P-TND zoning district.

Mr. Rhodes asked if there were any questions of staff. Mr. Apicella stated he was not clear how this comports with the effort to look at Urban Development Areas in a broader context. The changes might have had a great deal of merit; he was just wondering whether they should look at it all at the same time when they attend the retreat and figure out what if any changes they would want to make to Urban Development Areas and how those changes might impact small development plans that had already been approved. Mr. Rhodes asked what drove the timelines associated with this. Mr. Zuraf stated there was a 90 day time limit that was established in the ordinance. Mr. Harvey stated when the Board would refer an amendment to the Planning Commission, the County Code stipulated there were 90 days to take action. Mr. Rhodes asked what would happen if they did not take action within the 90 days. Ms. McClendon stated it would go back to the Board with the Planning Commission recommending approval. Mr. Apicella stated he would respectfully request that they ask for an extension of time. Mr. Rhodes asked if they could choose to extend the time. Mr. Harvey stated he

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believed the Board could give the Commission an additional 90 days from when they would hear their request. A discussion ensued regarding the time limit. Mr. Harvey stated Mr. Sherman Patrick who represented the applicant in the pending zoning case was present at the meeting. He gave a short background on that case. Mr. Rhodes asked if the changes represented in the draft ordinance were conceived by staff. Mr. Zuraf stated the applicant of the rezoning initially provided some draft language to staff and the Community and Economic Development Committee asked staff to modify that to best suit how it may work from a staffing level. Mr. Rhodes asked what the downsides were to doing this from staff's perspective. He stated staff modified it to make it how it would best work for the County and he was trying to figure out the potential shortcomings or what were the things they could lose in the process. Mr. Zuraf stated the way it was structured it wasn't like it was an automatic to request those features and it would have to get approved by the Planning Director. If they felt it's an important feature to see to determine if it met the intent of the Comp Plan then they were likely not going to grant that exception. He stated with the deviation of design standards there could be some modifications that could occur that might be contrary to maybe what the intent of the Comp Plan might have called for, but that was vetting and that would go through the Board of Supervisors approval. There would be full review of that.

Mr. Harvey stated the Resolution from the Board allowed the Commission to make modifications it would deem appropriate. This was charting new territory in that they would develop an ordinance to try to attract certain types of development. As the development would come in, they would realize when you put it on the ground and on paper it may not work exactly as contemplated, so there may some value in having the land use case sort of press forward to meet up with this ordinance. He stated from a staff perspective there still may be some tweaks that would be necessary for this ordinance before the Commission would authorize the hearing. Mr. Rhodes asked what the timeline of the land use case was. Mr. Zuraf stated it had not been scheduled yet. Staff was waiting for final modifications from the applicant. Mr. Harvey stated it could conceivably be in May.

Mr. Rhodes stated he would note that they had been the ones to decide to wait awhile to work the Urban Development Area. That was a conscious decision on their part to draw that out until May or June. Mr. Apicella stated the whole concept of Urban Development Areas took a long time, a lot of effort, and appreciated that somebody had an interest in doing a potential Urban Development project. He stated this had a bigger context than one specific application that may or may not go forward and he thought in making a change they had to be very deliberate and not rush. Mr. Rhodes stated if they waited and worked through it, then they could hear it and then asked if it could be on the agenda then to potentially authorize for public hearing for that first session in June. There was a discussion regarding when they could discuss it and authorize it for public hearing. They also had a discussion on the upcoming retreat/work session. Mr. Rhodes asked Mr. Harvey if he had more language he wanted to look at. Mr. Harvey stated yes. Mr. Apicella asked if the staff would take another crack at this to help the Commission better understand what their role would be in the changes. Mr. Rhodes stated he thought there was a motion to carry this over to the next session.

Sherman Patrick came to the podium and gave a little bit of background to help with the scheduling issue. He stated they submitted a zoning application a little over a year ago for a property that was located in the area that was being considered, at that point in time, for the adoption of the UDA. The UDA was adopted afterward and the new zoning district UD was adopted a little bit after that. He stated the staff comments that came back to them asked them to look at redesigning the development to fit into the UD design. He wanted to applaud them for the planning that the redevelopment area

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analysis had done for the Courthouse area. He continued with more background information. Mr. Gibbons asked what the deadline was. Mr. Patrick stated May.

Mr. Apicella made a motion to recommend deferral to the next meeting, Mr. Gibbons seconded. The motion passed 7-0.

15. Amendment to Zoning Ordinance - Amend and reordain Stafford County Code, Section 28-59, "Highway Corridor Overlay District (HC)," to exclude drive through facilities and hotels/motels from the requirement for a Conditional Use Permit in the HC district; and to update and amend the development standards of the HC district. **(Time Limit: June 11, 2013)**
(Authorize for Public Hearing by: April 24, 2013)
(Potential Public Hearing Date: May 22, 2013)

Mr. Harvey stated this item was referred to them by the Board of Supervisors and would amend the Zoning Ordinance, specifically in the regulations dealing with Highway Corridor Overlay zones. He stated it would update the cross-references to State Code so it would comply with the current requirements. It would eliminate 2 uses that currently required Conditional Use Permits, hotels and motels was one use, and also a drive-through facility. He stated the Highway Corridor Overlay District was first established on Garrisonville Road in approximately 1995. Since then it was included onto Route 17, Route 1, and also Route 3 heading east. He stated the County had adopted a number of regulations to try to deal with some of the issues, one dealing with drive-through lanes. Prior to the late 90's, the County did not have stacking requirements for drive-through lanes and now they have imposed those. Mr. Harvey stated with hotels and motels, the types of facilities that had been built in the County had not met the traffic thresholds for a TIA and had not generated nearly as much traffic as they had initially contemplated when the ordinance was developed. He stated those two uses may be good for consideration for modification and be by-right uses rather than require a Conditional Use Permit. Also, over the years, there had been issues with construction of sidewalk. Mr. Harvey stated the ordinance required that any site, as it was developed, must construct sidewalk along the main roadway. There had been a number of situations where there would be a stretch of sidewalk in front of one property but there would be no sidewalk on either side. Also there were situations where someone developed a piece of property in a corridor where the County and VDOT would be in the process of doing a road widening. He stated that by the ordinance, technically they would be required to install the sidewalk and then have it later torn out for the road widening and a new sidewalk built with the road project. Mr. Harvey stated this one alternative would allow the applicant to make a payment to the County in lieu of constructing the sidewalk. Mr. Rhodes asked if the funds would stay dedicated for that purpose and use in the future. Mr. Harvey stated yes, they would be required to earmark those funds for pedestrian circulation and they would be designated for the corridor highway in which that property was located. He stated at some point in time when they had either enough funds accumulated or brought in from other funding sources to build sidewalks, they would do so at that time. Or, if later on the County had a road project, they could apply those funds towards building sidewalks in that vicinity as part of that road project. Mr. Rhodes asked if this would allow as a by-right in the Highway Corridor Overlay Districts, the hotel or motel or as its otherwise zoned properly, and the drive-through facilities. Mr. Harvey stated yes, those would become by-right uses. He then went into more detail that addressed more concerns seen in the past with those types of uses.

Mr. English asked if money was collected, how long would it stay... would it be a general fund-type thing or a road fund. Mr. Harvey stated it would be in the overall transportation fund and would be earmarked for specific sidewalk improvements. He stated it would stay in there until the County

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developed a project in their CIP. Dr. Schwartz asked who would decide the dollar figure in lieu of the sidewalk construction. Mr. Harvey stated they would receive an engineer's cost estimate for the cost of constructing the sidewalk. That would be provided by the design engineer and County staff would review it to see if it was reasonable, and if so, they would accept it and accept the payment. Mr. Harvey stated there was a potential downside, if the County collected money to build the sidewalk today and the cost of construction went up over time, they might not be able to build as much sidewalk as they originally contemplated. It may have to be augmented with other County transportation funds. Dr. Schwartz stated personally he would much rather have the partial sidewalks as opposed to no sidewalks. Mr. Apicella asked if there was a map that showed where the HC Districts were. Mr. Harvey stated a copy could be provided.

Mr. Apicella asked what, if any, unintended consequences could there be by eliminating the CUP requirement for hotels and motels, and drive-through facilities. He stated it seemed like there was some benefit to potentially putting some conditions specific to hotels, specific to drive-through facilities. If they were by-right in a Highway Corridor Overlay District then they would lose the ability to place any conditions on it. Mr. Rhodes asked if this would preclude it from rezoning. Mr. Harvey stated correct, that this was dealing with a Conditional Use Permit. The zoning would already be in place or they would be filing for a rezoning. Mr. Apicella stated they were already in a by-right area to begin with, but the fact that they were in a Highway Corridor Overlay District might necessitate additional conditions being put on them because of where they specifically might be. There was a discussion regarding the cons of this. Mr. Apicella asked if they were going to eliminate the CUP requirement for these specific uses, he saw other uses they were not doing it for and why were they making a distinction between hotels/motels and drive-through facilities versus the other seven or eight that were listed on page 2 of the document they had on the specific ordinances that existed now. Mr. Harvey stated that was a good question. Mr. Apicella stated he would point out, as an example, they talked about hours of operation as a condition for a specific project. So if they did away with the CUP, they would have no ability to establish hours of operation. He stated maybe that was not an issue for hotels or motels, but it certainly seemed to be an issue for drive-through facilities. Mr. Rhodes stated that was a fair item for consideration. Mr. Gibbons asked if they were going to move it forward for public hearing. Mr. Rhodes stated they could give staff some feedback for some modifications. Dr. Schwartz asked staff to go back over the past 3 to 5 years to see how many of the drive-throughs or hotels since the ordinances had been put in line as far as stacking and other things, to see how many were one and done as opposed to how many were deferred, deferred again, and deferred again. He stated that would be a good indicator as to whether they would want to keep this as a CUP or not.

Mr. Apicella stated it was not the deferral, it was the conditions that were placed on those specific uses. Mr. Rhodes reiterated the questions to look into to Mr. Harvey. Mr. Harvey stated they would take at cases from the past 5 years and would give the Commission feedback. He stated the resolution that referred this to the Commission did allow for modifications. Mr. Rhodes stated they would defer this to the next meeting.

PLANNING DIRECTOR'S REPORT

There was a short discussion about processes and procedures.

16. Proffer Guidelines

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Mr. Harvey stated they were continuing to work on the effort to get a date set for discussion. He stated the Board adopted the ordinance regarding places of worship in Historic Districts to allow them to be by-right uses.

COUNTY ATTORNEY'S REPORT

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

COMMITTEE REPORTS

None

CHAIRMAN'S REPORT

17. Planning Commission Retreat

Mr. Rhodes stated the first Saturday in June was the 1st of June and wondered if it was an available date for everyone. He stated they would make that the target date. Dr. Schwartz asked if there was a proposed start time. Mr. Rhodes stated they would shoot for 8 to 12.

OTHER BUSINESS

18. TRC Information – No meeting March 27, 2013

APPROVAL OF MINUTES

None

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:27 p.m.