

**STAFFORD COUNTY PLANNING COMMISSION MINUTES**  
**May 8, 2013**

The meeting of the Stafford County Planning Commission of Wednesday, May 8, 2013, 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, Boswell, English, Gibbons, Apicella, and Schwartz

MEMBERS ABSENT: None

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

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes asked if there were any Declarations of Disqualification.

Mr. English stated he made a site visit to the Crucible today.

Mr. Rhodes stated he did have a discussion with the representative of the applicant for items 4 and 5, Whitson Woods, to talk some aspects of their application. He stated he would then move on to public presentations. If any member of the public would like to speak on any item except item 1 through 4, they may do so at this time.

PUBLIC PRESENTATIONS

Paul Waldowski stated he was glad the Commission moved the meetings to 6:30. His Texas hold'em game was at 7 o'clock. Across there was a for sale sign, there was your opportunity to plan for the expansion of the court system that has a 26 million dollar outlay on the CIP. He stated he came up with another idea for the reuse of Stafford High School. We could put all the judges and lawyers and expand the court system out there, and then you would have the basketball court to work on lawsuits of TDRs and HOAs. He stated you could invite President Obama, he likes pick-up games and you may even get some federal money and then you can build another Olympic pool for 7 million dollars. He stated the number that keeps sticking in his mind when he missed things was 15,272. If you remember that was the proffer amount that the townhouse guy who wants to do for the infill. He asked what do you expect a developer to do, you expect him to take care of the fire and rescue and the schools, you want him to build sidewalks to nowhere, you have utilities of course and then we have fire and rescue, which was on a volunteer basis but was now in the CIP as another 50 million dollars coming down in the next 10 years. He stated something had to give, and he has said before this government was too big. There are too many Commissioners. There are too many Board of Supervisors. The Republicans have been in office, but they refuse to do change. It was the Democrats who like big government, so he has no understanding of what was going on in this county. He stated he passed on some information to the Commission, which he did not do very often. He said you can Google his name in Letters to the Editor, and you will see he wrote one today, and it should be published soon because yesterday it was one of the most exciting things he watched on TV. He stated if he had seen the presentation by the Silver Companies executive in the Planning Commission, it was amazing to him that all the I's were dotted, generation Y was described and he was bringing a development that was better than what was already on the books. He stated one of the things you would need to remember as Planners was that you may not personally like to make a new development in Hartwood, unless it was

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Dunkin Donuts or Panera Bread, but you need to realize that if you approve a development you can make the Board of Supervisors re-address their priorities for transportation for the 21 Century.

Mr. Rhodes asked if there was anyone else who would like to speak. Seeing none he moved on to public hearings.

Mr. Gibbons stated there were two public hearings on the Boyhood Home and the terms used were HI and HR. He asked Mr. Harvey if the parcels were different.

Mr. Rhodes stated he thought the parcels were in the Heritage Interpretation zoning district, but it also has applying to it the Historic Resources Overlay zoning district and asked Mr. Harvey if that was correct.

Mr. Harvey stated that was correct. He stated they were two different types of applications. One was more of a limited application for the conditional use permits, whereas number 2 on the agenda was for consideration of the removal of the HR designation was a more global application and applies to a larger area.

Mr. Rhodes stated they both are applying to the same at the end of the day.

Mr. Gibbons asked if item 2 should go before item 1.

Mrs. Baker stated there were four parcels, two parcels were subject to the CUP application, and two separate parcels were the subject of the removal of the Historic Resource Overlay. While all of the parcels are zoned HI, Historic Resource, the two that are subject to the Conditional Use permit are not within the HR District so they are not subject to that. She stated she could take whichever one the Commission preferred first, she just wants to make the distinction that the Historic Resource Overlay was not on the two parcels.

Mr. Gibbons stated Mrs. Baker answered his question.

**PUBLIC HEARINGS**

1. CUP1300176; Conditional Use Permit – George Washington’s Boyhood Home at Ferry Farm - A request for a Conditional Use Permit to allow two existing employee dwellings to remain on Assessor’s Parcels 54-91 and 92A in a HI, Heritage Interpretation Zoning District. The property consists of 12.6 acres, located on the west side of Kings Highway just south of Jett Drive within the George Washington Election District. **(Time Limit: August 6, 2013)**

Kathy Baker presented the staff report and stated this item was a Conditional Use Permit for George Washington’s Boyhood Home at Ferry Farm. The request was to allow employee dwellings within a HI, Heritage Interpretation Zoning District, for Assessor’s Parcels 54-91 and 92A. The total acreage of the two parcels was 12.6 acres. In December the Board of Supervisors adopted a Resolution authorizing the Board of Supervisors to be the applicant on behalf of the George Washington Foundation. She showed a location map and noted the zoning for the parcel being discussed and the surrounding parcels. She also showed an aerial view of the property and pointed out the location of the parcels with the existing residences, where employees currently reside. She stated 180 Kings Highway was constructed in 1940s and the one at 200 Kings Highway was constructed in the 1870s. The homes

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have individual driveway accesses out to Kings Highway. She stated these two properties were the subject of the Conditional Use Permit and were owned by George Washington Foundation and were adjacent to the Ferry Farm Boyhood Home Site. There was a proposed master plan with improvements to the Ferry Farm site which would continue the operations as a Heritage Tourism Site and the existing residences would continue to be used as employee dwellings. She showed the overall master plan and pointed out the location of the dwellings and the primary entrances to the Boyhood Home with three new buildings to be constructed. The majority of the site would be retained in its natural open area and the trails would continue throughout the property. She stated the property was zoned HI, Heritage Interpretation in 2012 and this district allows specific uses that are related to the cultural resource properties. It does allow employee dwellings by issuance of a Conditional Use Permit and it defines an employee dwelling and it is specific to employees and their immediate family members. She stated staff was imposing conditions to go with the CUP where the two employee dwellings in association with operation of Ferry Farm would be allowed. The applicant/owner would need to notify the director of planning on any exterior changes to these structures or any new construction which would be sensitive to the historic context of the properties. We would ask that they would document the structures prior to any proposed demolition and no more than two dwelling would be on the two parcels and they would as remain single family.

Mr. Apicella stated under proposed condition number 3, it says in the event that either dwelling was removed, new dwellings may be reconstructed in the same location, and here is the part that concerns me, or any other location on the property. He stated that appears to be pretty broad, are we talking about the entire Ferry Farm property or just within the bound of this specific.

Mrs. Baker stated just these two parcels, 91 and 92A.

Mr. Gibbons stated the application was only for those two parcels.

Mr. Apicella stated he understood, but would feel more comfortable if it said that.

Mrs. Baker stated additional language could be added if there was a concern.

Mr. Apicella stated he would be more comfortable.

Mrs. Baker stated she would take direction from the Commission.

Mr. Gibbons asked if the parcel was purchased recently from the Judge.

Mrs. Baker stated both parcels were purchased in the early 2000s but she would have to confirm the actual purchased date.

Mr. Apicella stated they were having a sidebar conversation, it was so broad to him and this was close to the river. Since it says any other location on the property, again it was very broad in its potential application. He suggested some boundary about where it could go at least in compliance with county regulations on the same parcel.

Mr. Rhodes stated it says in the event that either dwelling was removed, new dwellings may be reconstructed in the same location, I think Mr. Apicella's concern was where is says, or any other location on the property provided that it is constructed in a style or manor to compliment the activities

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associated with the experience. He asked if his thought that possibly it would say new dwelling may be constructed in the same location or generally approximate to the same location.

Mr. Apicella stated that would be fine if it was okay with the applicant. He stated he thought it would provide some authority to build anywhere on the parcel in the absence of what was normally required. He stated he did not know if a condition could do that.

Mrs. Baker stated it would not supersede any requirements, you would still have to meet setbacks, and you would still have to meet resource protection act guidelines. She stated the point staff was trying to make was we didn't want to limit the location, there was no need to limit the location. There may be overarching recommendations from another agency that might want them if they were to reconstruct a new dwelling to go in a different location.

Mr. Apicella stated he did not think adding some additional language would hurt. He thought it would provide some context or clarity in his view. He stated he heard what she was saying but sometimes he just likes to see the language to make him feel more comfortable.

Mrs. Baker stated Mr. Payne suggested in condition number 1 where it refers to Assessor's Parcel 54-91 and 92A, we could in parenthesis call it the property and then use that throughout to clarify.

Mr. Apicella stated that would work.

Mrs. Baker stated if there was still an issue on the location, she would need to know the concerns were on the different locations. She stated staff did not want to limit if they were going build something. She stated they were not planning to tear anything down, but to give them the leeway.

Mr. Apicella stated we could have a tornado or an earthquake.

Mrs. Baker stated it was not the intent to limit where on the property it goes on the two parcels. If there were concerns as to where you want them to go...

Mr. Apicella stated he was good with the property being added to one, he thought that solves any confusion that it could be anywhere on the Ferry Farm parcel. He stated on number 3, on any other location on the property consistent with applicable regulations or requirements. So somebody 15 or 20 years from now does not interpret it to mean in the absence of those requirements.

Dr. Schwartz stated the problem with calling the two the properties, it basically allows the second home to be built on the same lot as the first home.

Mrs. Baker stated you could not under the current zoning regulations because it does stipulate that only one residence be constructed on an individual property.

Dr. Schwartz stated if a home was demolished it has to be built on the same lot, you can't build on a different lot. You have then got your setbacks and RPA so you are not going to be on top of the river. He suggested saying within 100 yards of the existing... he stated he did not see it as being a major issue because they are going to stay on the lot.

Mrs. Baker stated she did not either. She was just looking for direction from the Commission.

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Mr. Apicella stated if he was the only one that had the concern, it was not compelling to him to make those changes.

Mr. Gibbons stated you have a problem with some of the parcels in HI and some in HR, so if you build anywhere on the property does it affect those categories. But if you say it was on the same parcel.

Mr. Hirons stated he would agree with Commissioner Apicella that if language could be added to say anything demolished was to be rebuilt on the same parcel where it existed.

Mrs. Baker stated if the Commission wanted to limit, particularly on parcel 91 that the house be in the same location, you do have 11 other acres to relocate if there was a better place for that.

Mr. Hirons stated he did not think the concern was being in the exact same location, just being on the same parcel.

Mrs. Baker stated that was the intent that it would be on the same parcel, because these are the only two parcels that would allow the employee dwelling by nature of this Conditional Use Permit.

Mr. Hirons stated he understood it was addressed in condition 1, but thought it would be good to reiterate it in condition 3.

Mrs. Baker stated okay. She then continued her presentation by showing a map showing the land use plan map and stated staff was recommending approval, it was consistent with the adjacent residential uses and it conforms with the standards for the issuance of a Conditional Use Permit.

Mr. Rhodes asked if there were any questions for staff.

Mr. Hirons stated did not have a questions for Mrs. Baker, he wanted to recognize that Ms. Gossett, who was the Vice Chair of the ARB. He stated he thought she was more appropriate to address item 2 on the agenda. He stated he had a feeling that there might be some concern even with the Conditional Use Permit and condition 3, and the potential of a home being demolished and being rebuilt. If a building was rebuilt there what reviews were done to insure that it was historic of nature and would be consistent with the activities.

Mrs. Baker stated because these to particular parcels were not within the Historic Resource, they don't currently have any oversight on the reconstruction. Somebody could go out and get a permit and reconstruct. By actually submitting it that would be our notification to alert the ARB, the Historical Commission and any other department that would be interested in knowing they may potentially demolish those two homes. She stated those homes were not associated specifically with the Boyhood Home. They were parcels that were purchased at a later time.

Mr. Hirons asked if either were on any sort of historical register.

Mrs. Baker stated not that she was aware of, but they do have historic nature of their own, but it was not following in the contest of the Washington era.

Mr. Hirons stated he had a question concerning the driveway and asked if it was on one of the parcels or on the parcel that was part of the Boyhood Home.

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Mrs. Baker showed an aerial of the properties and showed where the driveway was located. She also pointed out the property line for the Boyhood Home, which was the parcel subject to the Historic Overlay.

Mr. Hirons asked if the Historic Resource Overlay currently on the line as well.

Mrs. Baker stated yes.

Mr. Rhodes asked if there were other questions for staff.

Mr. Gibbons asked if this parcel had HI on it.

Mrs. Baker stated HI was the actual zoning designation. HR was a Historic Resource Overlay. All the parcels were zoned HI, Historic Interpretation, which was the zoning district only the parcels to the south with the Boyhood home site are in the HR, Historic Resource Overlay.

Mr. Gibbons stated with HR, wouldn't that kind of lean towards somebody from the ARB should take a look before anything was built if it had Historic Interpretation. He asked how else that would be done.

Mrs. Baker stated on the Historic Interpretation zoning, there are requirements under that zoning district.

Mr. Harvey stated to partly answer Mr. Gibbons question, the HI district requires a master plan be submitted to the Board of Supervisors. These existing structures are on the master plan so if there was any change to the master plan the owner would need to come back to the Board and notify them of the proposed changes. The Board can give feedback at that point in time.

Mr. Gibbons asked if there was a catastrophe, or fire, or earthquake, or tornado and you rebuilt, they would have to come back to the Board of Supervisors for a revision to the master plan.

Mr. Harvey stated if they were moving the location of the buildings, yes.

Mr. Gibbons stated not for the rebuild.

Mr. Harvey stated he would not think so, no.

Mr. Gibbons stated he could put anything up that he desired.

Mr. Harvey stated there was the condition that says they have to be sensitive to the historic context of the overall property. He stated that was one of the things that staff was thinking about at the time we were discussing this condition, was what if in the future for some reason there was a desire to relocate one or both of the structures to a place that was less obvious, that was maybe tucked into a corner somewhere, that could still serve the purpose of housing for employees on site and caretakers onsite but maybe allow additional activities on the Boyhood Home site because it would give them more space to work with.

Mr. Rhodes asked if there were other questions for staff.

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Mrs. Baker stated she would note that Charlie Payne, the agent for George Washington Foundation, as well as members of the Foundation were present as well.

Mr. Gibbons stated the County was the applicant.

Mr. Rhodes asked if the Commission members had any questions for Mr. Payne or other members of the Foundation.

Mr. Hirons asked if they planned on doing any demolition of either of the structures.

Charlie Payne from the law firm of Hirschler Fleischer, and representative for the George Washington Foundation stated Bill Gardner the President of the Foundation was present as well with his staff. He stated to answer the question, no and it was also important to understand that these two particular parcels were subject to a State Recreation Easement as well so any demolition or rebuild of those properties would also have to go through the State Attorney General's Office to get approval in addition to the requirements under the HI District. He stated there was no plan to expand or demolish.

Mr. Rhodes asked if there any other questions. Hearing none he opened the public hearing. Seeing no one coming forward he closed the public hearing and brought it back to the Planning Commission.

Dr. Schwartz stated he did not see the issue with proposed condition number 3, and he did not have any problem with rewording it a bit. He asked what kind of wording the members would like to see there.

Mr. Rhodes asked if anyone had any particular wording they would like to suggest.

Mr. Apicella stated in 3 it talks about the property and it also refers to Ferry Farm in the same paragraph. He stated that was where the thought the potential confusion arises. He asked if they talking about just the parcels themselves or were we talking about the broader Ferry Farm. He stated if no one else had a concern he was willing to go along with the members of the Commission would like.

Mr. Hirons asked if condition 3 could be changed, in the event that either dwelling was removed new dwellings may be reconstructed on the same parcel. Currently it states in the same location. He stated you could actually add reconstructed on the same parcel, in the same location or other location.

Mrs. Baker suggested, in the event either dwelling was removed, new dwellings may be constructed in the same location or any other location on Assessor's Parcels 91 and 92A.

Mr. Apicella stated that was good.

Mr. Rhodes stated so instead of on the property it was on Assessor's Parcels 54-91 or 54-92A.

Mrs. Baker stated yes.

Mr. Rhodes asked if anything had to be done for formalize that modification.

Ms. McClendon stated it just needed to be in the motion.

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Dr. Schwarz made a motion that the Commission accepts modified condition 3.

Mr. Gibbons seconded.

Mr. Rhodes stated there was a motion to modify the language to condition 3, such that it will state in the event that either dwelling was removed, new dwellings may be constructed in the same location or any other location on Assessor's Parcels 54-91 and 54-92A provided that it is constructed in a style and manner to compliment activities associated with visitor experience at Ferry Farm. He asked if Dr. Schwartz or Mr. Gibbons had any further comment. Hearing none he called for the vote.

The motion passed 7 to 0.

Dr. Schwartz made a motion to recommend the Commission forward to the Board recommending approval of CUP1300176.

Mr. Apicella seconded.

Mr. Rhodes stated there was a motion to recommend to the Board of Supervisors approval of CUP1300176 by Dr. Schwartz and seconded by Mr. Apicella and asked if there were any further comments.

Mr. Gibbons asked if the motion should be CUP as amended.

Mr. Rhodes stated as it was just amended in the prior motion. He asked Dr. Schwartz and Mr. Apicella if that was the understanding of their motion and second.

Dr. Schwartz stated yes.

Mr. Apicella confirmed.

Mr. Rhodes thanked Mr. Gibbons for clarity and stated it was recommending approval of CUP1300176 as just amended in the prior action. With no further comments he called for the vote.

The motion passed 7 to 0.

Mr. Rhodes stated the motion passed 7 to 0 and moved on to item 2.

2. RC1300177; Reclassification – George Washington's Boyhood Home at Ferry Farm - A proposed reclassification to remove the HR, Historic Resource Overlay Zoning District from Assessor's Parcels 54-93 and 93A, zoned HI, Heritage Interpretation Zoning District. The property consists of 76.94 acres, located on the west side of Kings Highway at the intersection with Ferry Road within the George Washington Election District. **(Time Limit: August 6, 2013)**

Kathy Baker presented the staff report and stated item 2 was a Reclassification for George Washington's Boyhood Home at Ferry Farm. She stated the request was to remove the HR, Historic Resource Overlay Zoning District on Assessor's Parcels 54-93 and 54-93A, which encompassed a total area of 76 acres and again the Board of Supervisors was the applicant on behalf of the George

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Washington Foundation. She showed a map and pointed out the location of the subject property and noted it was divided by the Blue and Grey Parkway to the south and there were no proposed changes or improvements to the parcel to the south. She showed an aerial photograph of the property and pointed out Kings Highway, the Rappahannock River, the Blue and Grey Parkway, Ferry Farm Shopping Center and the Ferry Farm Subdivision. She stated the property was owned by the George Washington Foundation and showed the location of the boyhood home site and the current administration center on the map and added they both have access from Kings Highway. She stated the administration center also serves as a visitor's center and a museum and also housed their archeology lab. Currently they have tours, visitors, special school groups that come to the property and they hold special events throughout the year. She pointed out on the map where visitors would enter the property and where parking was located. She stated the Ferry Farm property was listed on the National Register of Historic Places and Virginia Landmarks Register and was also designated as a National Historic Landmark which give designation to the property that entitle them to have grants and different tax benefits. It was a recognition that did not have specific requirements such as the County Historic Overlay District that was established in 1985. She stated it was the County Historic Overlay District that was to be removed and the National Park Service had an easement over the entire 76 acres. She stated the property was zoned HI, Heritage Interpretation in 2012, so that was the underlying zoning district while the HR was an overlay zoning designation. She stated the HI District allowed specific uses related to the cultural resource properties. If any construction or grading was done on the site it did require archeological studies to be conducted in accordance with the Department of Historic Resources Survey Guidelines. It would also require the alteration of any existing buildings or reconstruction of new buildings to comply with the Secretary of Interior standards for the treatment of historic properties. She stated the George Washington Foundation had a proposed master plan development which would continue and expand the operation as a Heritage Tourism Site, preserve the property and enhance visitor experience through interpretation and education. The master plan proposed the reconstruction of the boyhood home, a new visitor's center/orientation center, and a new administration center. There was also a proposal for the replication of the ferry crossing across the Rappahannock River. She showed an outlay of the master plan and pointed out the primary entrance, the maintenance facility with the visitor center and parking located to the west of the boyhood home site. She stated the Historic District was established in 1985, referring to the Historic Overlay District with the purpose to protect and preserve historic features and cultural landscapes consistent with the Secretary of Interior standards for rehabilitation, which were the federal guidelines that provide guidance for development of historic sites. She stated the property was subject to the ARB review which would require the issuance of a Certificate of Appropriateness prior to any new construction, any reconstruction, any demolition any placement of structures including signage or other structures on the property. She stated the ARB would have to approve any exterior changes or improvements to the property. By removing that Historic District you would remove the requirement that any new construction go before the ARB for their approval. Without the Historic District the property would still be subject to the specifications of the National Park Service Easement. Basically within that easement it does stated the property can only be used as an historic site and an educational attraction, it states the National Park Service has the right to protect the natural, cultural, archeological and ecological features on the site and it does say that any new construction must be approved by the National Park Service. She stated the property would also be subject to a Section 106 review, by the Department of Historic Resources to which the County was a consulting party. She briefly reviewed what the Section 106 entailed and stated it was a portion of the National Historic Preservation Act and was concerned with the review of federal undertakings for their effects on historic properties. She showed an overview of the Comprehensive Plan recommendation for the property as park, suburban and resource protection. The suburban area was on the portion that runs south of the Blue and Grey

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Parkway. She stated staff was recommending approval and noted it was not impacting the underlying zoning district regulations. The changes to the property were still subject to review by the National Park Service and the Department of Historic Resources and it does allow for local comment. She also noted the Architectural Review Board did discuss this application on their meeting this past Monday and they did have some concern and staff has handed out an email from the Vice Chairman Tanya Gossett on behalf of the Architectural Review Board today. She stated she could go over that or Ms. Gossett was present and she could address that as well.

Mr. Rhodes asked if there were any questions for staff.

Mr. Hirons asked if there was any reason why the Historic District Overlay cannot be on an HI zoned property.

Mrs. Baker stated no, there was no reason it could not.

Mr. Hirons asked if there was another property in the County that was in the Historical District.

Mrs. Baker stated a good portion of Falmouth was in the Historic.

Mr. Hirons asked the general zoning of properties.

Mrs. Baker stated there was a mix of zoning in Falmouth. Typically you will see A1, R1 and some B2 properties.

Mr. Hirons stated it was multiple properties. He asked the zoning for Aquia Church.

Mrs. Baker stated she thought it was R1. She stated Ferry Farm was the first one to rezone to the HI district. It was just created in 2008, primarily for the purpose of this type of site.

Mr. English asked about Geri Melchers.

Mrs. Baker stated they were still zoned A1.

Mr. Hirons stated in Mrs. Baker's presentation she stated in some of the reviews there was opportunity for local comment. He asked if a public hearing was held within the locality or was it online comments.

Mrs. Baker stated she was not familiar with the entire process. In the past they have sent a letter to us stating they were at this part of the process and because we don't have anyone with historic expertise on our staff, typically we would forward these letters or requests to the Historical Commission or if it was within a Historical District, it would be forwarded to the ARB as well. She stated typically the Historical Commission gives recommendations on whether to be a consulting party on this type of a process. She stated there were so many components to this as far as environmental assessments, you have a programmatic agreement, you have conservations easements and so we have made it clear to the Park Service that yes we would like to be a consulting party throughout this process.

Mr. Hirons asked who us was.

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Mrs. Baker stated the County in general.

Mr. Hirons asked what entity of the County.

Mrs. Baker stated the County as a whole. Typically any project that goes through Section 106 Review comes to the County in general.

Mr. Hirons asked what department of the County would participate.

Mrs. Baker stated that was up to us to decide because Section 106 might be for an environmental reason, it might be for a property with historic resource, so typically it would come into the County Administration, it would come to the Planning Department and then we would attempt to forward a project on to the Historical Commission as well as the Architectural Review Board.

Mr. Hirons asked if the Historical Commission had any chartered function of approval or review.

Mrs. Baker stated not of approval, their chartered function was to provide recommendations to the Board of Supervisors.

Mr. Hirons stated that would be the only potential opportunity for true local interactivity with a project.

Mrs. Baker stated for consultation, yes. It was not an actual approval process. They would take any comments provided by various consulting parties into consideration.

Mr. Hirons stated he should have mentioned this during the declarations. He stated he was a member of the ARB by way of the Planning Commission representative. He stated he had some additional insight on this issue. He stated he was in his second year of the ARB, and went into it without a lot of historical knowledge. Certainly not the level of knowledge the members of the ARB had, but it has grown on him and he felt it was an interesting service and an interesting Board. In his opinion they provided a great function for the County for review and protections of the historical resources. He stated that his primary concern was this would essentially remove the ARB's activity and function on this particular site, but could potentially on any site. If this was the first time we did it why wouldn't any other property that was under the Historical Overlay try to rezone to the HI and remove the overlay and eliminate the ARB.

Mrs. Baker stated there have been request from property owners in the past that have not rezoned to the HI but they have requested removal of the Historic Resource Overlay. That has occurred in the past.

Mr. Hirons asked if there was one that Mrs. Baker could describe and what the disposition was at the end.

Mrs. Baker stated the most recent one was the Chichester Farm off of Route 1. A portion of their property was removed from the Historic District. They had a similar situation where they had a National Park Service Easement across that property so they removed the Historic Resource Overlay on the part that was not covered by the easement because they felt the easement was the area of significance.

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Mr. Apicella stated if he understood the difference, the difference in this case was the National Park Service had an easement on this parcel so they have first dibs in terms of enforcing federal requirements on any changes that Ferry Farm might make on its property. In addition to that there was some State oversight and responsibility to review any potential changes.

Mrs. Baker stated that was correct. There was a programmatic agreement that was signed between the Foundation, the National Park Service and the Department of Historic Resources that spells out the responsibilities and requirements.

Mr. Apicella stated with that being said he could appreciate Mr. Hiron's concerns that the ARB may be taken out of the process. He stated his question was if the Historical Overlay District were removed from this parcel was there a way to formalize inclusion of the ARB and the Historical Commission as part of the consulting process or party in response to any changes that the Park Service might be looking at. He stated he thought what potentially would happen was the County may not have to go to the ARB to seek recommendations if there were no Overlay District. He stated he was trying to find a way to include them as a responsive party if and when any changes might occur without keeping the overlay district in place. Either a memorandum of understanding with the ARB or some other formalized way to keep them involved.

Mrs. Baker stated that would be something that would have to be discussed with the County Attorney.

Mr. Gibbons stated since the County was the applicant, what was the reason to change it from HR to HI.

Mrs. Baker stated the request came from the George Washington Foundation and went to the Board of Supervisors. The Board authorized it to go forward as the applicant.

Mr. Gibbons asked what was the reason for changing it.

Mrs. Baker stated the Foundation was present if the Commission would like to ask them.

Mr. Gibbons asked Mrs. Baker if she knew.

Mrs. Baker stated we are making the application on behalf of the George Washington Foundation.

Mr. Gibbons stated he would like to know the reason to go from HR to HI. He stated there must have been a reason for it.

Mrs. Baker stated they were not going from HR to HI, we would be removing the HR district, and it would stay HI.

Mr. Gibbons stated what really bothers him was he was the Chairman of the Planning Commission when we got Ferry Farm. We spent a lot of money on this, we had to move Wal-Mart and we did all kinds of things. He stated it was very dear to his heart and he would hate to see anything taken off of it unless there was a reason for it,

Mr. Rhodes stated we would certainly bring the Foundation up in a moment, once we finish with staff. He asked if there were any other questions for staff.

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Mr. Hirons stated it might be appropriate to bring Ms. Gossett up.

Mr. Rhodes stated he would do that next.

Mr. Hirons stated he thought she could speak with some expertise to both the National Park Service Review and the ARB and where they overlap and where there are gaps. He stated Ms. Gossett was with the National Park Service.

Mrs. Baker stated before she turn it over to Ms. Gossett, the other hand out that the Commission had was from Mr. Payne with a response that came from Kathleen Kilpatrick of the Department of Historic Resources.

Mr. Rhodes asked Ms. Gossett to speak.

Tanya Gossett thanked the Commission for the opportunity to speak on the issue because it was a very complicated issue. She stated while she does serve on the ARB her day job was with the National Park Service in cultural resources in the Washington Headquarters Office. She stated she did not work for the Fredericksburg and Spotsylvania National Military Park nor was she under that line of authority within the park service itself. She stated she wanted to make that clear, but she did have professional experience in dealing with Section 106 of the National Historic Preservation Act and she could clarify for the Commission there would be a difference if the Historic Resource Overlay District was removed from this site. Stafford County would then not have the ability to make its own decision about what happens on the land in terms of Historic Resources. What it would be allowed to do under Section 106 which would be triggered every time the National Park Service, as a Federal Agency, has to make a permit decision as they have to do in this case, that when they make that decision that would trigger the compliance process under the National Historic Preservation Act. Once that compliance project process kicks in, we would expect as the local government in questions and also as a certified local government under Section 101C of the National Historic Preservation Act, which would give us a right to be at the table under the National Historic Preservation Programs. She stated she knew this was all very complicated, but basically we are a Certified Local Government in the eyes of the Park Service and we are expected to be at that table when Section 106 kicks in anywhere in this County, from any Federal Agency that permits or develops anything in Stafford County. She stated while we have a right to be at that table, we don't have to. And when we do participate we do agree to participate in that process. We are providing advice to the Federal Agency, which in this case would be the National Park Service. We are providing advice to the other consulting parties which would include every single time the Department of Historic Resources and all the other stakeholders who would also be invited including the public, which was also part of this process. The Park Service as a Federal Agency makes the final decision, not the County. We are just advisors in that situation, so there was a difference in terms of level of authority if the Historic Resource Overlay District was removed. We no longer have direct authority over what takes place. We have the ability to consult and advise under the 106, that's the difference.

Mr. Rhodes asked if the HR was still in place that would not preclude the 106 process or the National Park Service.

Ms. Gossett stated no sir.

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Mr. Hirons stated the most recent for a COA that the ARB had before them for the Boyhood Home was the tool shed. He asked Ms. Gossett inn that case if the Historical District Overlay was not on the property, what kind of review would have been done with that and at what levels.

Ms. Gossett stated she would expect, although she was not really sure under the terms of the easement with the National Park Service, the Park Service would have had some sort of say in that. But it would not have had to come to the County for review. She stated she was not sure since it was just a temporary shed, she was not even sure if the Park Service would have bothered with the complacence process.

Mr. Hirons asked if they did go through the compliance process would there be public comment opportunities.

Ms. Gossett stated if it triggered 106, yes.

Mr. Apicella stated he thought Ms. Gossett had seen the proposed master plan that Ferry Farm was looking at and he asked her to help the Commission understand what the ARB would do if there was this overlay still in place, what the effort might look like, how much time it might take, just some additional context about your roll and how it would play out if that were continued.

Ms. Gossett stated the interesting and really complex overlapping of the easement and the 106 process and the Historic District Overlay, the interesting nexus of all those things is the Secretary of the Interior standards for the treatment of historic properties. She stated these were the federal standards, they are the best practices, they are written into many guidance documents, both at the state and federal level. Everybody in historic preservation uses these standards and so does the ARB. The difference was that we also have local guidelines for our historic districts that are parallel to the Secretary's standards and we look at both of those when we review anything that comes in under a COA. In the case of this particular project, given the complexity of it and the fairly substantial changes to all aspects of the historic property, and by that she meant the archeological, the historic landscape, and the additional of newly constructed buildings on a landscape where they have not been present there before. It would probably take quite a bit of review on our part and we would hope that we would be able to discuss some of these things with the applicant prior to their actual submittal of the COA application so that we could have an understanding of what it was they were trying to accomplish and how they were looking at and interpreting the Secretary's standards. She stated she thought it was important to understand that the Secretary's standards can be interpreted by five different people five different ways. She stated they were standards, they were not law, they are not specific design guidelines, they are just philosophical underpinnings for how to conduct good historic resource preservation work. Obviously at the local level, the ARB would look at our interests as a local entity in this very important nationally significant historic site. And we would probably look very strictly at the Secretary's standards and our own guidelines because of the tremendous significance of this particular site. Not that we wouldn't for any other historic site, but this one was really special. It was a National Historic Landmark and NHLs are the cream of the crop in the United States when it comes to historic resources. So we would give this a great deal of scrutiny and it might take several months, but the hope would be that in consultation with the applicant and the National Park Service, who has a legal interest in this property, we would be able to work something out that ultimately would pass through the COA process.

Mr. Apicella asked who would go first, the National Park Service or the ARB.

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Ms. Gossett stated that was an interesting question and she was not sure there was a rule about that. It comes down to levels of authority in government. It has to be balance out because if the park service were to approve something that they spent two years working on this with the Ferry Farm folks and then it would come before the ARB and we knew nothing about it and we looked at this and had a different interpretation of the standards we might say not and that would throw everything out of kilter. So what we would hope, in order to avoid that situation, the Park Service, the applicant and the ARB were all working together to make sure those historic resources were being protected in the best possible way.

Mr. Apicella asked how the process would unfold and what would happen if there was a difference of view between the ARB and the National Park Service. Ultimately who would win at the end of the day?

Ms. Gossett stated she would like to give an example based of the only other COA we have had recently where there was an easement in play. The Barnes house in Falmouth, the Virginia Department of Historic Resources holds a preservation easement on that site. The applicant had been working with DHR for several years to get a design and a proposal that they could both live with under the terms of that easement. Then the applicant came to us and said before we get too far down the road we would like to get your input, we would like to hear what you think about this because we don't want to show up at the end of the day and hand you something that you are going to say no to. We looked at it, we worked with the applicant for a few months, we went back and forth, we had some conversations with DHR and ultimately the Barnes House COA came in, we looked at it and had one very minor modification and we approved the COA. So the easement was satisfied, the COA was satisfied, the local government had its say, the State had its say.

Dr. Schwartz asked when the ARB reviews a case, you do not issue the COA, it was issued by the Board of Supervisors, correct.

Ms. Gossett stated it was issued by the Planning Department.

Mr. Harvey stated the COA was actually issued by the ARB. Staff prepares a letter on the ARBs behalf to the applicant advising them of the ARBs action.

Dr. Schwartz stated he lived in an historic home and when he went for a COA in the past, he received a letter from the Board of Supervisors saying my COA was approved.

Ms. Gossett stated that may have been a past practice, she was not sure. She stated the only situation she could think was if the ARB denies the COA and the applicant has the right to go to the Board and appeal.

Dr. Schwartz stated his was 2001 and stated perhaps the procedures have changed.

Ms. Gossett stated that was possible, but she would defer to the Planning staff.

Mr. Harvey stated it may be that the letterhead for the letters referees to the Board of Supervisors. We use the Board of Supervisors letterhead for all of our correspondence.

Mr. Rhodes asked if there were any other questions. Hearing none he thanked Ms. Gossett.

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Charlie Payne, with the Law firm of Hirschler Fleischer, stated he was the agent for the George Washington Foundation. He stated he thought Mr. Apicella hit head on with what the potential issues were. What happens if there was conflict in the interpretations? He stated he thought it was important to take this in a context and understand where we are coming from in regards to why we think the Historical Overlay should be removed. It was not out of disrespect of the ARB and its members, it was more in the context of the realities of the issues here. As you know the ARB was established under State Law, the Board of Supervisors was given authority to establish an ARB for the purpose of protecting its historical resources within a jurisdiction. That includes new construction that impacts on historical resources within the County. As you also know there were no HI zoned districts at the time the ARB was established and it made a lot of sense, certainly for purposes as Mr. Gibbons mentioned earlier with Wal-Mart encroaching into this very historic area, to put those parcels in a Historic Overlay District. At that point in time the process with Ferry Farms was somewhat immature and the Board undertook the right step to protect it that way. Today, moving forward, I think you understand and you have seen it in your packet, there are several layers of historical integrity protection in place today. As you know this property was zoned HI and the intent and purpose for the HI District was really for this, to protect those properties the same way that an ARB would in a Historic Overlay District. You have the fact that it was zoned HI with the requirements that incorporate, not only the context of what uses can be restricted for purposes of the site but also for construction incorporating the Secretary of Interiors requirements. You have George Washington Foundation, which was one of the top professional museum foundations that he has ever been associated with, which has taken the proper steps forward including entering into a conservation easement with MPS which had extensive broad authority in regards to disturbance of the ground on the site but also on construction. You also have a 106 review requirement and a programmatic agreement between MPS, George Washington Foundation and the Department of Historic Resources. He stated the DHR was really the high court of applying the Secretary of Interior requirements. He stated he has never been before the ARB and was sure it was full of great people. But local ARB Boards don't always have collectively the expertise for something as historically significant as this site and the requirements and complications including those additional layers. It also can be controversial, he has done many of them in the City of Fredericksburg and he assured the Committee if you ever wanted to put a stop to a project, the ARB could do it. It did not mean this ARB would do it, but you can have a conflict of interpretation of the Secretaries standards. Although they are somewhat intended not to be subjective they are interpreted subjectively. It does not mean this ARB would do it, but that was what typically happens. He stated he thought the ARB was absolutely necessary for this county and protecting historic areas, especially Falmouth. Which you all know I was born and raised in and it was a beautiful place and we want to make sure it stays protected. This property zoned HI, with the assurances and layers of high level historical protection through MPS and DHR doesn't need oversight from the ARB. He stated it did not mean the ARB could not play a role, it did not mean they could not consult with us, it did not mean they would not work with us, MPS and DHR. It simply means that if going to yet another level of decision making authority, when we have in my opinion the experts in the arena with MPS and DHR and George Washington Foundation, it was just necessary.

Mr. Gibbons asked what the reasons were for going from HR to HI. He asked if it was because you don't feel the local ARB has the expertise to review your project.

Mr. Payne stated that was not what he was saying. The HI rezoning occurred last year, the property was zoned A1 and B2. We rezoned it for the new HI district, which the County recently established, for this purpose, to protect properties like Ferry Farm. To ensure the Wal-Marts of the world don't take it and use it for some other purpose. We are not saying the ARB was not necessarily qualified, we

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are saying they were not necessary as a decision maker in this process because we have the HI Zoning District in place to protect the site, we have the National Park Service conservation easement, which was in your packet and it was very broad from breaking ground and disturbing archeological areas to also construction. You also have DHR, which the Department of Historical Resources and MPS apply the Secretary of Interiors requirements for new construction. He stated there was going to be new construction on the site, which was part of the master plan. There was also a program in place to ensure that these three entities, DHR, MPS and the George Washington Foundation work together in moving forward with this master plan. He stated the point was you have in place all of the things that were necessary for purpose of ensuring the historical integrity.

Mr. Gibbons asked Mr. Payne if he was saying the HI zoning process provides just as much oversight as the ARB.

Mr. Payne stated he did not say that.

Mr. Gibbons asked Mr. Payne what he said.

Mr. Payne stated as one element of several other elements that give the assurances that the historical integrity of that site will be protected. He stated it had the requirements there to meet the Secretary of Interiors standards.

Mr. Gibbons stated it was a simple question. You are asking it to be removed for a reason and the reason was oversight.

Mr. Payne stated maybe he was just not being very clear and he apologized, but the reasoning was you already have in place all the safeguards necessary to ensure.

Mr. Gibbons asked Mr. Payne if he was saying the safeguards that are under HI are the same as we operate under HR with the ARB.

Mr. Payne stated he did not say that.

Mr. Gibbons asked Mr. Payne what he was saying.

Mr. Payne stated you have levels of insurances. This was a unique piece; there was no other piece in Stafford County to his knowledge that was HI....

Mr. Gibbons stated it was the home of the first President of this United States.

Mr. Payne stated he was going to give up and introduce Mr. Garner.

Bill Garner, President of the George Washington Foundation, stated he thought he could help with one question because he thought it was very specific. He stated he thought the question was why HR verses HI. He stated they were A1 and B2 when the Foundation acquired the property. Those two designations were incompatible with the new master plan to develop the site. HI was a new zoning designation that we asked the Board of Supervisors to create in Stafford. I was the applicant in 2008 for HI zoning so that we could remove A1 and B2 designations on the site and make it a new HI

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without any comment about the HR Overlay at the time. It was creating a new zoning classification simply to replace the two that were incompatible with development.

Mr. Gibbons asked why they wanted the HR removed. Because they felt the HI was the governing thing of the master plan.

Mr. Garner stated the HI was the zoning designation and it allows the site development. Then getting into the review process that they have already been through with regard to the mentions of the National Park Service and the Department of Historic Resources, we have dealt with what the materials will look like for the reconstruction of the Washington house, as a for instance. And as it was pointed out not only with interpretation of the Secretary's standards, but subjectively with the work we have done.... He stated in working over the last 8 or 10 years with the National Park Service, the Commonwealth of Virginia and the County. We have worked with the National Park Service at the regional level with a regional ethnographer, a regional architect, a regional landscape architect, the regional archeologist, the regional director, the keeper of the National Register of Historic Places. At the State level we have worked with the Department of Historic Resources, the State Historic Preservation Officer, the Director of the Virginia Department of Historic Resources and her staff and we have been working with the County at all levels, we also have two of the finest architectural firms in the county working with us as our consulting architects, with one specifically focused on the reconstruction of the Washington home and the other for overarching responsibility for site development and the creation of the new buildings. He stated these two firms have also worked with Monticello, Poplar Forest, Mount Vernon, Colonial Williamsburg and the list was very long. He stated they wanted to bring the best and the brightest to Stafford County to accomplish what needs to happen with not only a National Historic Landmark but what would be a world class destination here in Stafford County. He stated in his opinion that was what everyone fought for when Mr. Gibbons and so many others fought to save it from commercial development and to give us as Stafford County residents and this region the opportunity to be good stewards and care about a site that means so much to the county and could be a touchstone for citizenship, duty and honor. He stated that was the team they assembled and in signing up for the conservation easement we have learned a great deal about the process. He stated the Federal, State, Local and professional levels and with their own team the heavyweights were involved in the process and all the approval processes and the layers of approval were being addressed presently. He stated he had a letter from today from the National Park Service on the site development and the oversight and the agreement we have cobbled together with the Park Service. We also have from the Department of Historic Resources, he stated he would have liked to have invited the SHPO and Superintendent Russ Smith here, but as you know Russ Smith started a new job in Delaware on Monday and unfortunately the SHPO fell from her horse on Sunday and broke her leg and was scheduled for surgery Friday. He stated they had comments from both of them and they understood this was an issue and trying to let you all know just how involved the different entities have been. To give you great confidence about the process, they wanted to give you these comments. He stated he could share those with the Commission but he should tell you one of the things we found in working through the process with our own team, being those people here based in Stafford and Fredericksburg, and working with the consulting architects we have hired, there was some debate. Then you bring in the National Park Service and the Department of Historic Resources and sometimes we get into what the Washington Boyhood Home would be constructed of. At one point last year there was discussion about a glass or a metal frame structure, our foundation said that was really not acceptable and that was not what we fought for and that was not something Stafford would be proud to have on the landscape. He stated both the Park Service and the Commonwealth of Virginia have worked with us and we have an arrangement with the process. You have to understand each of these

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professionals in their various disciplines have a very different way, as noted tonight, of interpreting the Secretary's standards. They each come with professional opinion and training that can be vastly different and sometimes it was hard to mesh those different opinion's into something that was deliverable, but in his opinion they have done that. He stated the thing they were most concerned about with the question at hand tonight was what would happen if the George Washington Foundation and the people of Stafford get caught up after all these years of trying to make this place the place we all want it to be, in an dispute between the ARB and the Commonwealth of Virginia and the National Park Service. He stated that would mean they were at a stalemate locally and that was not what anyone wanted. What they were here to do tonight was to try to find a win, win and in his opinion the Commission hit on it earlier when it was said find a way within the County when the County was invited to consult at any level to be sure that the County Administrator who gets the letter, it really was for the Board of Supervisors, the Planning Commission and the ARB together to decide. He stated he would suggest when those letters were received, the County Administrator by Direction of the Board of Supervisors and with the input from this Commission to determine who exactly who was involved in commenting at the various levels. He stated he did not know that it was appropriate for us to recommend that to you and again the County was the applicant, so there must have been discussion between County staff and the Board of Supervisors about how this would work within the county. He stated when they were trying to create the Historic Interpretation District, Supervisors Thomas said he had never seen a more regulated piece of property. He stated their commitment as a foundation with time and resources were not unlimited....

Mr. Hirons asked Mr. Garner if he found that George Washington's Boyhood Home was the most regulated piece of property around was a bad thing.

Mr. Garner stated no, but he was stating to the Commission that the fact that it was, that Supervisor Thomas noted should give everyone great comfort, that this foundation was not a partner in and unto itself.

Mr. Hirons stated you are asking to remove some of that regulation.

Mr. Garner stated he was not asking to remove regulation, we are asking be sure there are not redundancies and to be certain that we do not get to a place where we are in conflict with any of the parties.

Mr. Rhodes stated what he thought he head was that there was an ARB process and there was a Conservation Easement that falls under the MPS, and we can't take that away. One doesn't have to answer to the other and they don't have to come together in any deliberate solution. So we may choose to recommend it forward or not, but the approach here would be to make sure there was one process that reports to itself and not having potentially conflicting processes involved. And that was what you trying to remove so you don't get stuck in a stalemate.

Mr. Garner agreed. He stated as an example the tool shed was mentioned tonight. Last summer they were conduction archeology on the site to confirm resources, preparatory to an accurate reconstruction of anything we put on the landscape. The tool shed was a temporary structure that was built on runners. It would have cost the Foundation between two and three thousand dollars to store wheelbarrows, trowels, shovels and tools of the trade for archeologist in the summer. It would have been screened from view behind a magnolia tree and we were responsible by paying the application fee and going in front of the ARB to discuss the tool shed. Unfortunately, the tool shed which would not

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have been a permanent structure, and would have been removed from the site after the dig season, which was usually four months long. It was a matter of convenience because the tools are presently stored 70 acres away, on the south end of the property nearest the Blue and Grey Parkway. This would have put it closer to the site and been more convenient, taken stress off the surveyor's shed, which you all know as the structure near the dig site. We don't think that was the best place to store tools because it was not a good use for that building. That structure which would have been in place last dig season and this dig season only was not passed by the ARB because the materials being used to construct the shed did not carry the feel of the property at that juncture.

Mr. Rhodes asked the role of the County in the process of the National Park Services efforts and the 106 reviews and the conservations easement.

Mr. Harvey stated the County was a consulting party to provide comments. Typically in these types of situations the standard protocol was the County Administrator get a memo from an agency stating there was a review going on. He will refer it to our department and we will take it before the Historical Commission and typically they will provide a memo with regard to that and we will attach it to other staff comments, if any, and forward it back to the reviewing agency.

Mr. Rhodes asked if the ARB would have been involved.

Mr. Harvey stated normally not.

Mr. Rhodes stated that was helpful.

Mr. Gibbons stated this was a County application. He asked Mr. Harvey if he had been involved. He stated Mr. Payne stated the Foundation brought it to the Board of Supervisors and asked them to take a look at their request. If it was initiated by the planning staff, that was one thing, but if you are just following down a request from the Board of Supervisors, what came along with this?

Mr. Harvey stated this issue came up in about the timeframe when the process was going forward to change to the property to the HI zone. There was discussion with County staff as well as Foundation staff with regard to the regulatory scheme on how it would go forward. There was a request made to the Board to consider removing the HR zone and that was what was before the Commission tonight.

Mr. Gibbons asked if he was part of that process.

Mr. Harvey stated part of some of the discussions, yes.

Mr. Rhodes asked, and the staff recommendation.

Mr. Harvey stated yes.

Mr. Gibbons asked if there were any minutes or anything.

Mr. Harvey stated no. The initial genesis was probably from some meeting that we attended that were just discussions about what was going forward with the master plan and those types of things. Then the Board of Supervisors took it up and initiated the application. He did not recall if they discussed it in a committee or not.

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Dr. Schwartz asked whose request put it in front of the Board of Supervisors, was it the George Washington Foundation or was it staff, or a combination.

Mr. Harvey stated staff would work with the Board members with regard to whether the item was right to be put on an agenda or not. He stated you could say it was something the County Administrator put forward.

Mr. English asked if staff had any input from the ARB.

Mr. Harvey stated we have had input from the ARB and some of that was discussed tonight with Ms. Gossett's comments.

Mr. English stated the email was dated the 8<sup>th</sup> and these were the comments he was concerned about. He asked Mr. Harvey if those were received today.

Mr. Harvey stated Mrs. Baker may be able to clarify it some more about the ARBs discussion on this matter.

Mrs. Baker stated it was discussed at their meeting on Monday evening. They determined they were going to put the comments together and get them to the Commission before tonight's meeting.

Mr. English asked if the Board knew anything about this.

Mrs. Baker stated the Board of Supervisors has not been involved. No they have not seen these messages that came today.

Mr. Hirons stated he was absent from the Monday ARB meeting. He asked if the ARB actually took any motion or action of direction on this issue.

Mrs. Baker stated the direction was for Ms. Gossett to prepare comments to forward to the Planning Commission about their concerns.

Mr. Apicella stated in the case of the temporary tool shed did you think about appealing, did you appeal, did you think it was not worth appealing?

David Moracca, George Washington Foundation Chief Archeologist, stated the plan was submitted to the ARB and they asked if we would consider modifications. Since we got a donation of materials, they were asking for new materials. We said no and it was voted down and there was another motion that it would be accepted if we accepted the new materials, which at the time we did. But we did not build the shed.

Mr. Apicella asked how much time from start to finish and how much resources beyond the two thousand dollar application were involved in trying to get the tool shed approved.

Mr. Moracca stated there was the preparatory time and we ended up going for two meetings. So two months of time and preparing the changes and the request for information. We spent a couple of days on each of those.

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Mr. Hirons stated he thought the Planning Commission approved a few months ago and he thought the Board had approved it as well anything that would be a CUP application in a historical overlay district that also requires a COA would no longer a CUP. He asked Mrs. Baker if that was correct.

Mrs. Baker stated that was just in the R-1 zoning district.

Mr. Harvey stated for places of worship.

Mr. Hirons asked if it was only for places of worship.

Mr. Harvey stated yes.

Mr. Hirons stated the only thing he wanted to demonstrate there was we as a Planning Commission and the Board of Supervisors have empowered the ARB to an even greater extent.

Ms. Gossett stated she would like to clarify a couple points she heard discussed. First if Ferry Farm paid two thousand dollars for their COA application....

Mr. Garner stated that was the cost of the shed.

Ms. Gossett stated she was pretty sure it was twenty five dollars. She stated she also wanted to point out that in Section 106 review process for the Park Services of the Ferry Farm development proposal, they and the Department of Historic Resources and other consulting parties have already executed a programmatic agreement. She stated the County was invited but we did not participate in that because, again Section 106 was a voluntary process. It was not required as the ARBs oversight would be should the Historic Overlay District be left in place. She stated all the folks that the Ferry Farm folks just discussed and all the expertise, which she completely agreed with was fabulous, all of that was brought to bear but the County while invited to participate, did not choose to and she wanted to bring that to the Commissions attention. She stated now there was a programmatic agreement in place which basically outlines how things will occur in the course of this development of the property. But the County did not fully participate in that process. She stated finally she wanted to comment on the issue of, how the County would proceed with oversight if the Historic Resource District was removed. In her comments to the Commission on behalf of the ARB it was mentioned but she wanted to emphasize it because she thought it was very important and has come up several times already. The Heritage Interpretation zoning does require that the applicant meet the Secretary's standards. She stated the ARBs question and concern was however, at this time the ARB was not sure, certain of the procedures at the County level to ensure to have oversight of the applicant in that situation, the appropriate expertise brought to bear, that was commiserate with the kind of scrutiny that would occur should it come before the ARB. She stated if the idea was to remove the Historic Resource Overlay and leave the Heritage Interpretation zoning to be a commiserate process at the local level of review, the ARB was concerned that at this time they do not have a procedure in place to assure the Secretary's standards are met. We are not sure as Mrs. Baker even mentioned earlier, that staff apart from the ARB or the Historical Commission, who may not have a dog in this fight but that is for the Board of Supervisors to determine, if there were procedures in place that would allow for the right expertise at the local level to look at our own zoning and say yes, this applicant has met the Secretary's standards. We know this because we have the expertise to say so, then I think the ARB would be more comfortable. At this time the ARB feels that there was an opportunity for some laps in oversight in terms of the base zoning if the Historic Resource Overlay was removed.

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Mr. Apicella stated that was an issue that was raised and he thought the County was very fortunate to have Ms. Gossett on the ARB. He stated he did not know enough about the ARB to understand its membership, what the requirements are, how long they serve. He asked Ms. Gossett if she could give the Commission more background. He stated Ms. Gossett was serving now but she may not be serving in five years and he did not know if the other members of the ARB have the same level of knowledge, experience and involvement that she had, and especially being part of the National Park Service. He asked if she could give the Commission more information about the ARB.

Ms. Gossett stated according to the Zoning Ordinance for the Historic Resource Overlay District, the ARB was supposed to be made up of five members who have an interest in historical matters, historical preservation or have experience in these things. Many of the members come on the Board with some understanding and not a lot of experience, but as they serve on the Board they are actually supposed to get training in these things as they run their terms. That was something that was required of a Certified Local Government, that the people who are carrying out the reviews on behalf of this larger preservation program that covers the whole nation. The local folks are supposed to get training consistently in these matters. She stated they were getting some on the job training as they review the COAs, but we are required to take training at least once or twice a year to establish a better understanding of the Secretary's standards and other things including how historic building get built, things about archeology and things about historic landscapes. She stated there are all kinds of aspects to historic preservation it was a very complicated field. So that training requirement was there to make sure the local Board members learn how to deal with those things.

Mr. Apicella asked if they were appointed for four year terms by the Board of Supervisors.

Ms. Gossett stated she thought they were appointed for three year terms.

Mr. Apicella stated he asked this question earlier, if the overlay district were removed, what process or approach would make you comfortable.

Ms. Gossett asked would make me personally comfortable. She stated she could not speak for the ARB on that question.

Mr. Apicella stated what he was trying to say was in the absence of a formal ARB involvement, as it exist now, as a member of the ARB what alternative would make you comfortable that the localities interest are properly considered and presented to the State and the Federal level in the review specifically of Ferry Farm. He stated they were not talking about the broader historic parcels that were in Stafford County, we are just talking about Ferry Farm.

Ms. Gossett stated it was such a remarkable and special set of circumstances in this case. Based on her understanding of the way the County works with the Ordinances and so on, she thought the County's opportunity to have the most say in this conversation was when they look to see if the requirements under the HI based zoning were being met. She stated her hope would be that we could put a process in place that would allow for not just the ARB but the Historical Commission as well, because she found their insight quite valuable, to have County planning staff, the ARB and the Historical Commission all reviewing and coming into a decision about whether or not they believe the application has met the Secretary's standards.

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Mr. Apicella asked staff if that was an option that could be explored before we make a decision about where we go from here.

Mr. Gibbons stated it boiled down to currently with the HR we have oversight and when the oversight was removed what was the substitute mechanism to have oversight. He stated he was not familiar with the HI. He had to do a lot of homework to see if an Ordinance change could be made to the HI Zoning Ordinance that would allow the Board local control or who the Board wants. He stated he was very concerned, they fought very hard for this and we gave it over to Ferry Farm Foundation because we thought it would better in their hands to administer than the local politicians, so we thought we did right. He stated he did not want to give up oversight of such an important thing in the County. He asked Mr. Harvey if the HI Zoning Ordinance could be amended to put language or procedures in there that would be... or would we have to have another public hearing on the property to do that.

Mr. Harvey stated the zoning text could be amended to add whatever process the Planning Commission and Board felt was appropriate. He stated that could be a recommendation from the Planning Commission with regard to this matter.

Dr. Schwartz stated Ms. Gossett mentioned earlier there was a 106, where the County was invited but they opted not to participate. He asked her if she could go into that a little bit more, would that happen in the future, why did the ARB not participate.

Ms. Gossett stated she was not sure she could fully answer that question. From the ARBs perspective, as she mentioned earlier concerning Section 106, apart from the Federal Agency and the State everyone else was voluntary participation in the process. Whether you are invited or you stick your nose in and say hey I want to be in the process, you have to actively assert that right and participate. She stated she did not know the situation as to why the County did not participate in this PA, but the PA was very clear when you read the whereas clauses, it was very clear about who was invited and who did participate and who did not. She stated it said the County did not participate, and she was going to take the PA at its word. She stated it was unfortunate that we were not part of that process.

Mr. Rhodes asked Mr. Harvey if he was familiar.

Mr. Harvey stated he was not familiar with this specific situation. He stated he did know the Historic Commission has been designated as a consulting body on a couple other issues.

Mrs. Baker stated there were a couple of pieces, and she would have to go back and get some documentation, but there were a couple of different letters that came to the County at different times. She stated one was informing us that the environmental assessment process was beginning. At that time we responded and said yes, we would like to be included when this environmental assessment was prepared to please notify us so that we can be advised of every step of the way. She stated they understood the letter, at the time, to say here was the information and we are letting you know this and we are looking for your response back, and we said yes at that time. When everything was ready and presented to us we would provide comment and as part of that comment we would look for feedback from the Historical Commission and the ARB, if it was within a historic district. She stated in this instance this project would require us to go to the ARB for their input, whether it was for an actual Certificate of Appropriateness or not, we would still ask for their input. She stated there was a second letter that she could not find, but it was indicated that it was sent to the County asking about participation in the Programmatic Agreement, but she could not find any documentation to that. She

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stated Noel Harrison of the Park Service did say a letter was sent to the County, he did not say who it went to nor could he find any indication that it was actually addressed to anyone. She stated she has not had luck in finding the original letter and who it went to. She stated she did not think the County opted not to participate. She stated she was just not sure it got into the right hands for a response to be made.

Ms. Gossett stated that does happen, unfortunately. She stated there were certain situations like that where the County would not end up being involved for whatever reason, but if you removed the required review under the Historic Resource Overlay, then it has just gone down the street without us.

Mr. Garner stated the letter in questions was mailed by Russ Smith of the Park Service, on August 3, 2011 and he had a copy. He stated he was assuming it was mailed and received and it went to Mr. Romanello. He stated it was very reasonable for the ARB members, at this juncture, to arrive at the conclusion that not enough oversight exists on new construction design. He said that was not the case, because all the folks enumerated were involved in the process. He also wanted the Commission to know that despite the legal fact, the easement does not entitle the MPS to specifically influence design as much as one might expect with regard to what was built at Ferry Farm. In effect through this process the Park Service's influence and input has focused on design and even the interpretation that was to take place on the site. Further there was a response to Kathy's request on the part of the ARB, this actually went before the ARB, not for the first time this past Monday night, it went before the ARB on April 2<sup>nd</sup>, to make them aware at their meeting that this question would arise. There was further discussion on Monday night at the ARB in detail, which Ms. Gossett has addressed. He stated there was in response to a request from the ARB to staff, that the staff query both the State and the Park Service as to their involvement in the process. There were responses that were almost something lifted out of the text for both governing authorities. He stated he thought if they were seen without knowing the context it could have been alarming for the local ARB. He stated that was why the note the commission had from the Director of Historic Resources and the Stated Historic Preservation Officer were so important. He stated the other item that the Commission did not have was from the National Park Service. The environmental assessment was the County's next opportunity, it has gone before the Park Service, the Commonwealth of Virginia was in the process of reviewing it and we are working with the Regional Director of the Park Service who has designated the Superintendent of the local park and the Regional Chief Interpreter to oversee the process and shepherd it through at the Federal level, working with the State. Before it comes around to the County and all the consulting parties, it would be signed off on and endorsed by those groups so that you would know that it has passed muster at the Federal and State levels. He stated as of April 19<sup>th</sup> this has been fully integrated into a 383 page document. He stated the proposed treatment at this National historic landmark with its critical archeological resources and historic landscape has been the product of intense study, year of investigation and documentary research have shed important new light on the life and world of young Washington, his mother Mary and the physical world in which they lived. He stated the purpose of this proposal for rehabilitation of the historic landscape was to help communicate to the public the essential elements to the place that more than any other shaped the nation's first president. Although archeology and research have told us much, gaps in our knowledge remain and the proposed rehabilitation would be acutely sensitive to that reality. He stated the rehabilitation would seek to capitalize on and communicate what was known, the location and nature of the main residence and the inclusion of out buildings, where there location and function have been determined and as new discoveries are made that confirm the location and nature of additional buildings, they may be added to the landscape. The interpretative structure built over the archeological remains of the Washington house would from a distance give the impression in form and mass of a plantation house. He stated

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you would recall he had mentioned earlier there was some discussion of the materials to be used in the Washington house we sought to use a period approach, which was using period style tools and materials and even trained artisans in the various crafts such as stone cutting and lime mortar mixing. He stated the interpretive media and personal services would constantly remind visitors that what they were seeing was a rehabilitated landscape that incorporates both known elements and some conjectural details. The interpretive structure would distinguish conjectural details by different treatments, paint and/or materials and as visitors approach the house their focus would move from mass and scale in place on the landscape to a design scheme that helps communicate what was known or not about the Washington home site. He stated on site construction would go to great lengths to not disturb the archeological resources of the main residence or outbuildings and the interpretive structure of the house site would rest on supports that would avoid archeological remains. Construction required to provide interpretative access to the archeological remains may be provided contiguous with the remains. He stated that was making available in the floor for guides and guest to have their own ah-ha moment as they open and see the foundation of the house and the stone cut cellars.

Mr. Rhodes asked if the Commission could get a copy of the document Mr. Garner was reading.

Mr. Garner stated the out buildings that have been located by archeology would be constructed as typical buildings of the period. Details of such buildings were well documented and varied relatively little. Fences and other at grade details would be constructed with materials and technique's as would have been found typically in the region at that period with interpretive features to convey their period resonance and conjectural elements. He stated he would get the Commission a copy of the letter.

Mr. Rhodes opened the public hearing. With no one coming forward to speak he closed the public hearing and brought it back into the Commission and stated it was in the George Washington Election District.

Dr. Schwartz stated he saw both the pros and cons of this reclassification proposal. He stated he would make a motion to defer this item to the next meeting.

Mr. Hirons seconded the motion.

Mr. Rhodes asked the Commission members to identify specific items or request so staff could bring back specific items.

Dr. Schwartz stated this has been talked in great depth tonight and both sides presented valid arguments. He stated he could not think of anything that staff could provide other than to weigh the pros and cons. He stated living in an historic home himself, nobody has a more vested interest in keeping it nice than the owner, which in this case was the Foundation. He stated he knew they have spent an inordinate amount of money to keep the site going and in the future would expend a lot more. He stated it was a great benefit to Stafford County, to the Commonwealth and to the Nation in general. This was really a historic treasure and it was a great benefit that it was local. He stated sometime you get he said/she said types of things and they arrive at stalemates because of the different levels. After spending a lot of time and money to end with a stalemate like they had with the tool shed, it was a shame.

Mr. Apicella stated he agreed with everything Dr. Schwartz said he saw pros and cons from both vantage points. He stated he was concerned about the additional layers of scrutiny from the County on

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the one hand but on the other hand he understood the County had what it believed was a vested interest in this specific parcel and helped preserve it. He stated he was looking for some type of alternative in the absence of the ARB being involved in the Historical Overlay District process but he did not know what that was. Quite frankly he was not sure the ARB should be the only stakeholder that provides some kind of reaction in response to what was being proposed. He stated he was equally concerned that we have five members of an ARB, some of who may be fully informed about historical and archeological issues at any given point in time and some who may not. He stated when he looks at these things it was not just what's happening in the immediate future but what's happening over the long haul. He stated we have certain persons involved today but they may change five or ten years down the road. He stated he wanted to ask staff if there was an alternative way that we could achieve County input into the process involving more than the ARB as a principal. He was concerned the County has had opportunities in the past to be involved in the 106 process and they have not and that was one of the reasons why he can't come to a conclusion that the Commission should go one way or the other. He stated he was also concerned about the shed issue. He was not sure why that was hard to get. It pretends it may be hard in the future especially when you have five members who may not have the same level of expertise as the Vice Chair who was before us today. He stated he thought there was a lot of moving parts and Stafford does have a strong interest of what happens in Ferry Farm and this matter should be delayed for at least two weeks.

Mr. Hirons stated he had a couple requests. He would like to see in the next package whatever it was that gave the ARB its power and what power it actually had in particularly with the Historic Overlay District. And if there could be some sort of narrative or something that details what recommendations we might be able to make to the HI zoning category to include some of the things the ARB may have oversight on and do based on the Overlay District ported into the zoning category. He stated George Washington's Boyhood Home was not only an asset of the nation but an asset of Stafford County and he thought it was important and that was why his concern was local input on things that may occur there. He stated if anyone wanted a good discussion he would give them a background on the tool shed, it was painful. He stated he did not have expertise but he believed the charter for the existence for the ARB called for one member of the Planning Commission to serve as a member of the ARB. He stated he did not have as much appreciation as Ms. Gossett did but he would say that Board was made up of people who were very passionate and extremely knowledgeable about historical preservation. He stated Mr. Apicella was correct, it was great currently but in two or three years it could be a completely different Board and we certainly have to have concern for that. He stated the tool shed was a painful process and he thought during the process, why are they in front of us for a temporary shed that was not going to be there forever. He stated a possible remedy was also to look at the ARBs real function and how much power they really have. Maybe we can make some recommendations limiting what the ARBs purview was and what they should and should not do and perhaps give that recommendation to the Board.

Mr. Rhodes stated he did note that if staff could get a copy of the National Park Service letter that Mr. Garner was reading.

The motion passed 7 to 0.

Mr. Rhodes stated the motion passed and the Commission would move on to item 3, which was an amendment to the Zoning Ordinance.

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3. 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)**

Mr. Harvey gave the staff presentation, stating that this item was an amendment to the Zoning Ordinance regarding on-street parking and parking lots in general. He stated the Comprehensive Plan recommended the land uses for Urban Development Areas (UDA) and Redevelopment Areas (RDA). Both land use designations called for more intense development patterns than previously seen. He stated on-street parking should be considered as a means to help facilitate this form of development, because with UDAs and RDAs, it was intended there would be bigger buildings, smaller setbacks, the buildings would be closer to the street, and the floor area ratio would be higher. He stated in order to do that you would have a squeeze on how much open space you would have on the lot, as well as where you would put all the cars that would be necessary to service that building. Mr. Harvey stated by allowing on-street parking, that may be one way to partly address that issue. He stated in some zoning districts, the use of on-street parking was implied or permitted but, it was not specifically discussed in the parking provisions of the ordinance. The zoning ordinance also currently did not allow stand-alone parking lots. He stated parking lots were currently permitted as an accessory use to a business, community use, or townhouse and apartment neighborhoods. Mr. Harvey stated the ordinance tried to address those issues by creating a definition for on-street parking and public parking lot; it would amend the definition of public works to include public parking lots; the zoning table of uses would be amended to allow public parking lots in B-2, B-3, RBC, PD-1, PD-2, RDA-1 and UD zones as conditional uses. He stated staff would note that public parking lots as defined in the public works, owned and operated by the County government or some other arm of the County government, would be a by-right use. He stated an amendment would also be made to clarify the location of required parking to be on-site, as well as off-site, in certain conditions. It would specify that on-street parking would be allowed for PD-2, PTND, RDA-1, and UD zoning districts as well as RDAs. Mr. Harvey stated staff recommended adoption of the ordinance.

Mr. Rhodes asked if there were any questions for staff.

Mr. English asked if this was adopted, what would happen if the Fire Marshall designated fire lanes.

Mr. Harvey stated the Fire Marshall's fire lane requirement would trump anybody's attempt to try to park in that area. If they could not use a side street for parking, for instance, because it was a fire lane, then they would have to either look at putting the parking somewhere else on their property or try to acquire an off-site parking lot for their purpose.

Mr. Rhodes opened the public comment portion of the public hearing. With no one coming forward, he closed the public comment portion of the public hearing.

Mr. English made a motion to recommend approval of O13-07.

Mr. Hirons seconded.

The motion passed 7 to 0.

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4. Amendment to Zoning Ordinance - Proposed Ordinance O13-23 would amend Stafford County Code, Section 28-59, "Highway Corridor Overlay District (HC)" to amend the development standards in the HC district to allow a developer to provide a payment in lieu of constructing a sidewalk with permission of the County Administrator and allow the construction of a curb without gutter when appropriate and specify that architectural treatment of building facades be designed to the Neighborhood Design Standards Plan of the Comprehensive Plan. **(Time Limit: June 11, 2013)**

Mr. Harvey gave the staff presentation, stating this item was an amendment to the Highway Corridor Overlay District. He stated Highway Corridor Overlay Districts were intended in their purpose to prevent and reduce traffic ingestion as well as distracting visual clutter. The development standards require installation of sidewalks. He stated construction of disconnected sidewalks had been perceived to be a waste of construction dollars and county resources. Mr. Harvey stated the current regulations requiring curb and gutter construction around all drive aisles and parking areas may be considered to be excessive in some cases. The standards for architectural treatment provided little guidance to development projects as it was currently worded. He stated the ordinance would attempt to address issues for Section 28-59, which was the overlay zone, and proceeded to list them. Mr. Harvey stated the ordinance would require all development within the Highway Corridor Zone to comply with Neighborhood Design Standards that were dictated in the Comprehensive Plan. That would be for all architectural treatment of buildings.

Mr. Hirons stated he assumed a developer would not get necessarily a credit for any sidewalks that he would be required to build, and asked where

Mr. Harvey would foresee this coming into play and any proffers associated with the project that would fall into this realm. He stated this would be for all site plans typically for commercial development. He stated it would be classified as by-right development that they would be looking at, so they would be obligated to construct the sidewalk by the regulations. He stated the County could take those funds to build sidewalks elsewhere on that same corridor, so they could connect the dots where they would have missing pieces or extend the sidewalk further and eventually cross their property.

Mr. Hirons asked if the developer was going through a reclassification and would fall into this so it would become a by-right, would there be proffers associated with that reclassification.

Mr. Harvey stated if constructing a sidewalk was a proffered condition for a specific purpose then they would not be eligible to take advantage of this because it would be a requirement of their proffers.

Mr. Hirons asked if they were limited or was there any way they could get in there that they get credit for building sidewalks or giving the cash to the County for the County to build the sidewalks, and end up with credits to their proffers.

Mr. Harvey stated under the proposed guidelines there were opportunities for credits, but the credits would be for improvements that were not warranted by the project. He stated normally they would not be eligible for a credit. Mr. Harvey stated that staff recommended that the Planning Commission consider in its recommendation to adopt the ordinance.

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Mr. Rhodes opened the public comment portion of the public hearing. With no one coming forward, he closed the public comment portion of the public hearing.

Mr. Gibbons made a motion to recommend approval of Ordinance O13-23.

Mr. Hirons seconded.

The motion passed 7 to 0.

**UNFINISHED BUSINESS**

5. **COM1100211; Comprehensive Plan Amendment – Whitson Woods** - A proposal to amend the Comprehensive Plan 2010-2030 document, a component of the Comprehensive Plan in accordance with Section 15.2-2229 of the Code of Virginia (1950), as amended. The proposed amendment would change the land use recommendations for areas designated Suburban on the Land Use Plan, specifically to add the development of townhouse and multi-family residential dwelling units as an allowable use, where compatible with existing development patterns and where visual impacts from lower density residential uses or other incompatible uses are appropriately mitigated. This proposal would apply to multiple areas in the County, but also, is requested to specifically apply to Assessor's Parcel 20-125, located on the south side of Highpointe Boulevard, approximately 2,000 feet west of Mine Road, within the Garrisonville Election District. **(Time Limit: June 9, 2013) (History: Deferred at April 10, 2013 to April 24, 2013) (Deferred at April 24, 2013 to May 8, 2013)**
  
6. **RC1100212; Reclassification – Whitson Woods Rezoning** - A proposed reclassification from R-1, Suburban Residential to R-3, Urban Residential-High Density Zoning District to allow townhouse dwelling units on Assessor's Parcel 20-125, consisting of 17.6 acres, located on the south side of Highpointe Boulevard, approximately 2,000 feet west of Mine Road in the Garrisonville Election District. **(Time Limit: July 9, 2013) (History: Deferred at April 10, 2013 to April 24, 2013) (Deferred at April 24, 2013 to May 8, 2013)**

Mike Zuraf stated there were several issues raised by the Commission which had been itemized by staff and provided in the staff memo. The issues were additional modifications to the Comprehensive Plan language, definition for infill development, Additional criteria to be added to Chapter 3 of the suburban land use section of the Comprehensive Plan to specify condominium and townhomes would be supported if located on land where 50 percent or more of the property physically abuts the subject property already approved for same type dwelling unit.

Mr. Rhodes asked for clarification whether the 50 percent meant the linear footage of the perimeter, which was confirmed by Mr. Zuraf. Mr. Rhodes mentioned that he thought that the number 3 approach seemed more applicable to certain areas.

Mr. Zuraf continued with the issues. The next issue was regarding the provided maps to identify the properties which in some way had qualified under the language that was proposed. The Commission had asked to further refine the mapping to identify the number of sides that those properties had for those uses. Only the subject property of the rezoning had the townhouses surrounding the site on three sides, six more had apartment uses on two sides, the majority had those uses only on one side. Mr. Zuraf was asked to provide percentages on the maps which he provided and went over with the

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Commission. After going over the different percentages, Mr. Apicella asked if Mr. Zuraf had an idea on what the additional number of housing units could occur in the blue areas if anything over 15 percent linear footage of the property perimeter physically abutting subject property would be approved for infill development.

Mr. Rhodes stated that he would suggest language more along 50-60 percent which would allow more targeted use.

Mr. Zuraf stated he would estimate about 50-100 units since there were only two properties that would allow this type of use.

Mr. Apicella asked if the language would be adjusted to ensure that the boundaries are clear.

Mr. Rhodes agreed and suggested that the language should be: "linear footage of the property perimeter boundary physically abutting subject property".

Mr. Zuraf went on to the next issue of monetary proffers. At the last meeting the applicant had proposed to increase the monetary contribution. The modified proffers had been emailed out to the Commission before the meeting which indicated about \$20,000 per unit. He then moved on to the next issue which was the 180 townhouses that were approved in Colonial Forge in 1990 as part of a the entire Augustine development, which included Augustine North, Colonial Forge area and commercial and industrial property south and east of Colonial Forge plus some other, larger land contributions. There had been some lump sum payments such as \$1 million for utility improvements but no per unit proffers. He stated the next issue was that the subdivision ordinance did not set any standards on the number of subdivision entrances however there were requirements for street connections to adjacent properties. He explained that the subdivision had an entrance of off Highpointe Boulevard and another street connection to the existing townhouses, which would be considered the access connection that had been offered by the development. Therefore the subdivision was limited to 36-50 lots which had been exceeded by 5 lots. However they would be able to request through the subdivision construction plan process an exception from the Planning Director when their environmental features would prohibit multiple entrances or access points.

Mr. Rhodes asked what the requirements were for an exception.

Mr. Harvey stated that the Code Section allowed an exception to be granted if there were environmental features which would prohibit the connection to the adjacent property. He also stated that in this particular case there was no environmental feature to prohibit the connection. Therefore it was his interpretation that he would not be able to grant this type of exception. A waiver would be required from the Planning Commission which would be a separate application package.

Mr. Zuraf stated there was a request to reach out to the Liberty Place HOA representative. He stated he spoke to Jennifer Blum.

Mr. Harvey stated Ms. Blum had arrived.

Mr. English asked Ms. Blum if they had worked out an agreement regarding the payment of the easement.

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Ms. Blum stated that their discussions were with Clark Leming. They had discussed to grant the easement to the top entrance because it would have to go through their property. She stated they would grant that easement and support the townhome project. In return they were offering to do some improvements to the community which the residents had wanted for quite some time. However there had been no written agreement yet, indicating the time frame, but thought the proposal was to start within 30 or 60 days of approval.

Mr. Gibbons asked how many members were in the HOA and how many townhouses there were.

Ms. Blum said there were 62 members and approximately 123 townhouses.

With no more questions for Ms. Glenn, Mr. Rhodes gave Mr. Leming, who was filling in for Karnes, the opportunity to speak.

Mr. Leming mentioned that he would like to start with the most forward issue first. He mentioned that he had talked to Mr. Harvey about another proffer revision while the proffer revisions were being sent out by Mr. Zuraf. Mr. Leming continued by saying that they changed the proffers to \$20,000 per unit and extended the proffers to all units, not just the new ones. They had also added \$2,000 to the amount that was shown at cash in proffer #4. That amount had been increased to \$14,363 per unit. In addition to that there was \$420,000 referenced to the improvement to Liberty Place under Paragraph 3E. He also Mr. Leming also mentioned that if the applicant would not receive permission to proceed with the planned improvement, the \$420,000 would go to the County. Mr. Leming stated that this would mean that the previous cash offer increased from \$970,000 to a little over \$1.2 million and the signed proffers had been provided to Mr. Zuraf.

Mr. Leming proceeded to talk about the issue regarding the entrances and the concerns about the southern one which had been led right into the townhouse community, and the concern about traffic coming through. Mr. Leming mentioned that he had talked about the entrances with his engineer. He said that they could remove one of the entrances, if they get the waiver from the Planning Commission. Mr. Leming was prepared to agree to change the proffer so it would state that the applicant with the preliminary subdivision application agrees to apply for a waiver to eliminate the southern entrance to the property, as shown on the GDP, which wouldn't bind the Planning Commission, if they decided they wanted two entrances.

Mr. Rhodes stated that procedurally the changes on the new version of the proffers would have to be initialed and technically the Commission would have to vote to accept the new information.

There were no further questions for Mr. Leming.

Mr. Rhodes informed that he personally preferred more than one entrance to get better interconnectivity, however this would be something they could address once the waiver request came forward. There were no further comments on this issue.

Mr. Rhodes suggested to go back to the two parts of the discussion regarding the Comp Plan amendment referring to subparagraph 3 on page 343 of the Comprehensive Plan which states "It is located on land where 50 percent or more of the linear footage of the property perimeter physically abutting the subject property has been, or is currently approved for the same type of dwelling unit. Mr. Rhodes wanted to make sure that that was the language that Mr. Zuraf had suggested. Mr. Rhodes

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continued by mentioning that the Planning Commission should set the bar at something significant to meet the definition on infill, suggesting about 60 per cent, which could still be adjusted at a later time, if needed.

Mr. Apicella stated at this point that he would be okay with 50 per cent. He did suggest striking 1 and 2.

Mr. Rhodes agreed and suggested to renumber #3 to #1 and said that he would be fine with 50 per cent too even though he would prefer 60 per cent.

Mr. Apicella agreed to 60 per cent.

Mr. Rhodes asked if there were any more concerns regarding this subject.

Mr. Zuraf said that he would like to read the language given to him by the applicant. He stated that they had added in an additional sentence at the end of proffer 1 which said, With the submission of a preliminary subdivision plan application, the applicant agrees to apply for a waiver to eliminate the southern entrance to the property as shown on the GDP.

Mr. Rhodes stated the Commission would have to first accept the new proffers as amended before they go to item 6. He made a motion for item number 5 Comprehensive Plan Amendment that they would accept the proposed amendment as had been presented by staff with the following modifications, that on page 3-42 they would strike the subparagraph 1 at the bottom, on page 3/43 they would strike the subparagraph 2 at the top and for subparagraph number 1 and subsequently all the other subparagraphs and modify it to read, It is located on land where 60 per cent or more of the linear footage of the property perimeter physically abutting the subject property has been or is currently approved for the same type of dwelling unit.”

Mr. Gibbons seconded.

Mr. Leming concurred.

Mr. Rhodes continued by clarifying that this did not go out for public hearing, but he would submit that this was more restrictive than what went out for the hearing and confirmed with Ms. McClendon that there weren't any advertising issues.

Ms. McClendon stated she didn't see any issues.

Mr. Hirons called for the vote on the motion to approve COM1100211 with appropriate edits.

The motion passed 7 to 0.

Mr. Rhodes made a motion to accept the new proposed proffers as they had been amended with the additional statement associated with paragraph 1, which committed the applicant to apply for the waiver later on associated with the entrances and also to increase the amount of the cash proffer in addition to the \$420,000 for improvements in the Liberty Place area and those efforts as had been described would be proffering for cash proffers equating to \$14,363 per unit for the 55 units which had worked out to a total offering consistent with the draft proffer guideline.

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Mr. Gibbons seconded the motion.

Mr. Hirons called for the vote. The motion passed 7 to 0.

Mr. Rhodes made a motion to recommend approval for reclassification RC1100212 consistent with the new proffers that they had received.

Mr. Gibbons seconded.

Mr. Hirons asked if there was any discussion on this motion. Hearing none, he asked for the vote.

The motion passed 7 to 0.

7. Transfer of Development Rights (TDR) - Amend the Comprehensive Plan and Zoning Ordinance by adopting textual amendments regarding the Transfer of Development Rights Program, including the Sending and Receiving Area Map.

Mr. Harvey gave a status update and stated staff had planned on presenting a development scenario for the Transfer of Development Rights at the next meeting.

8. 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) (History: Deferred at March 27, 2013 to April 10, 2013)**  
*(Scheduled for June 1, 2013 Retreat)*

Mr. Rhodes asked if there was any more information on item 8 or would that be addressed in June at the retreat.

Mr. Harvey stated that was correct, it would be discussed at the retreat.

9. 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)**  
*(Scheduled for May 22, 2013 Public Hearing)*

Mr. Rhodes stated item 9 was a May 22<sup>nd</sup> public hearing.

10. 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)**  
*(Authorize for Public Hearing by: July 10, 2013)*  
*(Potential Public Hearing Date: August 28, 2013)*

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Mr. Rhodes stated the Commission needed to address a public hearing at a future time.

11. Discussion of Public Notification Requirements (History: Deferred at February 5, 2013 to February 13, 2013)  
*(Scheduled for June 1, 2013 Retreat)*

Mr. Rhodes stated item 11 was scheduled for the retreat/work session.

NEW BUSINESS

12. Discuss Density Bonus for R-1 Cluster Development

Mr. Harvey stated item 12 was a response to what the Commission asked for at the last meeting. Specifically the Commission had some concerns about the density bonus through a CUP for an R-1 cluster zoning. Staff had highlighted in bullet point form some of these concerns the Commission had. He stated the Commission was interested in seeing those bullet points as a point of departure for discussing making a recommendation to the Board regarding the CUP density bonus for R-1. He stated staff does note that some of the concerns that had been discussed over the last several meetings about the R-1 CUP process were not easy fixes because of State Code.

Mr. Gibbons stated we had a Delegate now that really supports this community, so if we need to change something in Richmond, at least we have somebody that has a soft ear to us.

Mr. Rhodes stated fundamentally, if he understood the paper correctly, if we don't have bonus density then we can't have a CUP tied to it.

Mr. Harvey stated correct.

Mr. Rhodes stated if the Commission wanted a CUP associated with it, which gives the Commission an opportunity to consider and address it, at least for now, you have got to keep the bonus density. If we take it out we lose the approach of the CUP opportunity associated with it.

Mr. Harvey stated from a staff perspective we would ask the Commission if you want to make a recommendation to the Board specifically on this issue.

Mr. Apicella stated he was going to go back to the Commission's recommendation to the Board of Supervisors, when they asked us to look at the bonus density for A-1. The Commission's recommendation was to remove the bonus density for A-1. He stated he thought then and he thought now that the same argument that was made to make the change for bonus density for A-1 was true for R-1. He stated he did not see the benefit, a CUP gives an applicant a number of additional units that they wouldn't otherwise have. If the argument was true that developers would cluster merely because it cheaper for them to have their units congregated in a smaller area and it is true for A-1 then it will be true for R-1. He stated his recommendation was the Commission saw an unintended consequence of having bonus density for R-1 and thought the Commission should to go back to the Board of Supervisors and recommend that they reconsider allowing bonus density and therefore discontinuing the CUP and just letting it happen on its own. He stated he thought the argument that it was cheaper was probably true and let's see how it goes without providing bonus density in either circumstance.

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Mr. Gibbons asked if that was a motion.

Mr. Apicella stated yes.

Mr. Gibbons seconded the motion.

Mr. Rhodes stated there was a motion to have staff develop something for the Commission to finalize and go back to the Board of Supervisors recommending that they consider directing us to modify the Ordinance. He asked Mr. Harvey if the Commission needed direction from the Board to modify the Ordinance.

Mr. Harvey stated correct. He asked Mr. Rhodes if staff should prepare a memorandum for your signature, to the Board expressing the Commission....

Mr. Rhodes stated he thought the motion was to ask staff to prepare a memorandum for signature, to request that the Board refer something to us on the issue of eliminating the bonus density. He asked Mr. Apicella if he had any other discussion.

Mr. Apicella stated the only think he would add was that in speaking to the Aquia District Supervisor, he thought that the bonus density was being removed for both A-1 and R-1 and was surprised when the circumstances and concerns I had about this particular proposal before us were mentioned. He stated in his opinion at least one member would have a different vote if this were presented to them.

Mr. Rhodes asked for further discussion. Hearing none he called for the vote.

The motion passed 7 to 0.

**PLANNING DIRECTOR'S REPORT**

Mr. Harvey stated at yesterday's Board of Supervisors meeting, staff gave a presentation on the latest version of the proffer guidelines based on the direction of the joint Committee. The Board did have some comments for the Commission to consider. He stated he would ask for some direction as the when to bring this back to the Planning Commission.

Mr. Rhodes stated there was a lot on the retreat.

Mr. Hiron stated he was not sure it was something that needs to be discussed at the retreat. At this point it is ready to go with their added comments.

Mr. Harvey stated staff needs to update the figures based on the new CIP that was recently adopted. Also there was a discussion at the Committee that we look at student generation rates for new townhouse and apartment complexes. There were some comments yesterday that maybe a uniform number across the board for all housing types for student generation be used. That would be a discussion point at a future meeting. He stated there was also some discussion about the credits for by-right. There was a desire from one Board member to possibly give a full credit for by-right because in his opinion only a partial credit for by-right may be a disincentive for someone to rezone. He stated there are a couple things from the Boards comments that may differ from what the guidelines were saying at the time of presentation.

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Mr. Hirons asked outside of the calculations that you need to do, would there be anything that would be a hindrance for staff to give the full Planning Commission a full presentation at an upcoming meeting. He stated he thought it was appropriate to do it at a regular meeting not during a work session. Because this was something that was actually moving forward at some point in the not too distant future will be going to public hearing and moving on.

Mr. Rhodes asked Mr. Harvey a guestimate of the time it would take.

Mr. Harvey suggested one of the June meeting and concluded his report

**COUNTY ATTORNEY'S REPORT**

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

**COMMITTEE REPORTS**

13. Proffer Guidelines

Mr. Rhodes asked if there was any further from the Proffer Guidelines Committee report.

Mr. Gibbons asked when the Commission would receive the comments.

Mr. Harvey stated he could email the Commission the comments he gleaned for yesterday's meeting.

Mr. Apicella stated he had concern about the uniformity of the comments from the Board of Supervisors. He stated he heard one Board member say that he or she thought the County should give a full credit for by-right, but he was not quite clear if that was a majority view or minority view.

Mr. Hirons stated at the last Committee meeting we asked for their comments, all of their comments. He stated his expectation was the presentation by staff would basically be the current status of the Proffer Guidelines draft and the comments. Then the Commission can address those specific comments.

**CHAIRMAN'S REPORT**

Mr. Rhodes stated he did not have anything specific to report but he would highlight for the past 28 years, the first full week of May has been used to recognize public service recognition week to recognize, honor and thank those in public service at the federal, state and local levels. He stated we are very privileged in this county with the folks who are supporting us. Certainly from our roll on the Planning Commission the planning department, the legal advice, all that we are involved with, they work multi-faceted, multi-tasking, serving many masters and they do so tremendously well, very professional, very courteous and very responsive. He stated in his opinion this was just as good a time as any, though all the times are appropriate, to just thank them for their great work. He stated to Mr. Harvey and his staff, Ms. McClendon, to all thank you for all that you do for us here in Stafford County.

Mr. Gibbons asked Mr. Rhodes if he would send a note to the Chairman of the Board.

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Mr. Rhodes stated he would be happy to. He then moved on to other business.

OTHER BUSINESS

14. TRC Information – Meeting May 22, 2013

Mr. Harvey stated he understood there was one application in Hartwood and one in Rock Hill.

Mr. Rhodes stated for the 22<sup>nd</sup> of May.

Mr. Harvey confirmed.

Mr. Rhodes stated something would go out concerning the times.

Mr. Harvey stated yes. He asked if there was any time preference to please let staff know.

APPROVAL OF MINUTES

None

Mr. Rhodes stated there was no need to approve any minutes.

ADJOURNMENT

Mr. Rhodes asked if there were any other items from any member.

With no further business to discuss, the meeting was adjourned at 9:45 p.m.