

STAFFORD COUNTY PLANNING COMMISSION MINUTES
October 13, 2010

The special meeting of the Stafford County Planning Commission of Wednesday, October 13, 2010, was called to order at 6:38 p.m. by Chairman Gordon Howard in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Howard, Hazard, Mitchell, Kirkman and Hirons

MEMBERS ABSENT: Fields and Rhodes

STAFF PRESENT: Harvey, Smith, Stinnette, Baker, Zuraf, Hess and Bullington

DECLARATIONS OF DISQUALIFICATION

Mr. Howard: Are there any declarations or disqualifications? Okay hearing none we will move right into the agenda. Last week's meeting went rather long and we did have an issue that at the time of last week's meeting we did believe that issue could wait until the 20th and it was the issue of the discussion of the signs in the A-2 Zoning District, which does appear on the following week's agenda for the 20th. However, we are required by the Board for sixty days to send it to a public hearing and I would ask if there is anyone who wants to entertain moving it onto tonight's agenda so we can take care of it appropriately rather than waiting until next week and missing that sixty day deadline that was given to us.

Mrs. Hazard: Yes, I would move that we at least put it on the agenda for discussion.

Mr. Howard: Okay, so moved by Mrs. Hazard. Is there a second?

Mr. Mitchell: Second.

Mr. Howard: Any discussion of what we are doing? So we would be moving the discussion of signs in the A-2 Zoning District which has a time limit of November 14th, which we deferred at the last meeting. It is item 7 on next week's agenda, any discussion on that?

Mr. Hirons: What was the motion exactly?

Mr. Howard: The motion was to add it to tonight's agenda.

Mr. Hirons: Oh, okay.

Mr. Howard: Hearing no discussion I will call for the vote. All those in favor signify by saying aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

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Mr. Howard: Aye. Opposed say nay? The motion carries 5 to 0. Okay, we did not necessarily indicate when it would be moved onto the agenda so we will just go onto the Comp Plan because I am sure there are people here for that. Mr. Zuraf?

UNFINISHED BUSINESS

1. Proposed Amendments to the "2010-2030 Comprehensive Plan" dated October 13, 2010.
(Time Limit: October 20, 2010)

Mr. Zuraf: Okay. Good evening Mr. Chairman and members of the Planning Commission, Mike Zuraf of the Planning and Zoning Department here to talk to you again about the revisions to the Comprehensive Plan. You received yesterday the latest version of the draft Comprehensive Plan. You received two documents. One that has highlighted changes that highlights all changes since the September 10, 2010 version of the Draft Comprehensive Plan and then the second version is the kind of final clean draft document. All changes clean through. The plan does reflect all the changes since September 10th and staff does note that we do have two additional text changes to propose for you to consider. You received those at your desk tonight. One item was something we mentioned but really did not address. I think as the night got late we just kind of overlooked the one item. The first item though was dealing with a proposed revision to policy 1.2.3. This is a result of some of the legal review from the outside counsel in looking at this policy. This policy for your recollection deals with the Urban Services Area expansions and water and sewer extensions relating to that and the fact that there is a need to meet several criteria prior to approving such expansions of water sewer lines in the Urban Service Areas. Counsel felt that the alternative language for the first sentence might be more suitable, more understandable. And I will go ahead and read that replacement sentence. Any expansion of the Urban Services Area boundaries must be approved by the Board of Supervisors before any extension of or any connection to public water and sewer will be allowed for any area outside of the existing Urban Services Area. And then it goes on into the rest of the document.

Mr. Howard: Mr. Zuraf, do you remember why... what was the rationale behind that recommendation?

Mr. Zuraf: He felt that the old language was, I guess, kind of left it a little unclear, ambiguous as to what the meaning was. I think the bottom line was basically saying that any extension... felt that this would be a clearer way of stating it and getting more directly to the point.

Mr. Howard: Okay. Are there any questions of any of the Planning Commissioners on that issue? Is there a motion to amend 1.2.3 as staff has recommended or to not recommend the change? So, essentially, Mr. Zuraf, this is just making it more black and white that you'd have to go before the Board of Supervisors before any extension or connection to public water and sewer could occur outside of the existing Urban Service Area?

Mr. Zuraf: Correct.

Mr. Howard: Okay. I know my fellow Commissioners are just studying the text.

Mr. Hirons: I have a question Mr. Chairman.

Mr. Howard: Sure.

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Mr. Hiron: Mr. Zuraf, is this consistent with our current code?

Mr. Harvey: Mr. Chairman and Mr. Hiron, our current Utilities Code has requirements for determining when you are required to connect to public water and sewer. If you're inside the Urban Service Area you're required to connect; if you're outside you are not required to connect. However, there are some cost thresholds where you may be outside the Urban Service Area and you may meet that cost threshold. But this would be added language that would specify if you are extending it outside the Urban Service Area it must be approved by the Board of Supervisors. Since our Comprehensive Plan really doesn't allow it except for limited cases where, say, it's a neighborhood project or something of that nature, this would be consistent with the concept that the Comprehensive Plan is sort of a legislative document approved by the Board. And this would reinforce that by saying the Board has to adopt any further extension. So, the one thing that would be billed different than the current practices we've had in the past proposals to extend water and sewer outside the Urban Service Area that have gone through a Comprehensive Plan Compliance Review or a 2232 Review. And traditionally that has just gone to the Planning Commission, but with information passed to the Board, if the Board wanted to take it up. This process would be a little bit different and this specifically states the Board has to take up the issue and debate it and make a decision on it.

Mr. Howard: Do you think there's an unintended consequence that is forcing, would force the County to expand the Urban Services Area boundaries because we needed to extend water and sewer for a particular reason?

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes Ms. Kirkman.

Ms. Kirkman: Mr. Harvey, don't we define our Urban Services Area by where water and sewer is? Isn't that the definition of the Urban Services Area?

Mr. Harvey: That's a major component of it. The area is defined by a map that shows the boundary. Some water and sewer utilities may extend beyond the service area, but it's the map that we use as the defining measure.

Ms. Kirkman: So, but if something is extended beyond the Urban Services Area, don't they have to get a compliance review with the Comprehensive Plan?

Mr. Harvey: Yes. In order for anyone to build a public facility that's not identified in the Comprehensive Plan, then they have to go through a compliance review.

Ms. Kirkman: And then wouldn't that change the Urban Services Area boundary?

Mr. Harvey: Not necessarily. The Board could entertain that and change the boundary, or they could allow the extension outside. But that may run afoul of some of the policies that are in the Comprehensive Plan.

Ms. Kirkman: Okay, thank you.

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Mr. Howard: Right, so my question, I just go back to make sure that we're thinking through this in the right way, because it clearly is, in my mind, changing policy 1.2.3; it actually changes the meaning for me. So, I agree it was somewhat ambiguous prior to the change, but now it's specifically saying any expansion of the Urban Services Area boundaries must be approved versus any proposal for extension of water and sewer. So, to me that's a fairly large difference. That's my interpretation; I could be wrong but I'm looking at that saying is there an unintended consequence where all of a sudden we would be expanding the Urban Services Area, which I don't think would be a good thing if we were doing that without fully reviewing the Comprehensive Plan which was Ms. Kirkman's point.

Mr. Harvey: One thing the Commission could consider is adding in the words any expansion of the Urban Service Area must be approved by the Board of Supervisors after a recommendation has been rendered by the Planning Commission. In essence, that would...

Mr. Howard: That would... well, that could initiate a review of the Comp Plan, right, I suppose? Or at least initiate our input, as to whether or not that makes sense. Okay. Any other comments, questions for staff or...?

Mrs. Hazard: Mr. Chairman, I guess just to sum up, we're trying not to take out the Planning Commission's role in this as of right now, correct, because if there is that review... I know Mr. Hiron has one in his district... we have some of those before us right now. Is that going to make any applicant come before two boards and present? I guess I'm just trying to understand what we're creating here.

Mr. Howard: Well, that's a good question. I think typically the Planning Commission makes a recommendation to the Board of Supervisors anyway. That's why I'm not sure what this was trying to accomplish, the change in the wording.

Mr. Zuraf: Well, I think when you look at the previous first sentence, it talks about... it basically is focused on the extension of water and sewer. Then the second sentence talks about the expansions to the Urban Service Area. So, they're kind of dealing with two different things and I guess this was maybe the legal consultant's way of piecing it together.

Mr. Howard: Right, and this was his wording as I recall, right, it was Mr. Taves'?

Mr. Zuraf: Yes.

Mr. Howard: Well, I think the Planning Commission should be involved and I think there should be a review of the Comprehensive Plan as well at the same time before we would expand the Urban Services Area. I would hope we would do that.

Ms. Kirkman: Mr. Chair? I believe, and perhaps Mr. Harvey or the County Attorney can comment on this, if there's an expansion of the Urban Services Area, that's a change to the Comprehensive Plan and therefore it would have to go through the Planning Commission. Is that correct?

Mr. Harvey: That would be my take on it because you would essentially be amending the Comprehensive Plan which would require Planning Commission public hearing and recommendation.

Mr. Howard: So I just go back to then, why the change in the wording? That's the confusing part

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because to me the wording is implying something different than what we're saying.

Mr. Zuraf: Kathy pointed out that if you look at the points that follow, all those points lead and address the adjusting of the Urban Service Area and expansion of the Urban Service Area. I think that's the focus of this policy. It's not necessarily solely for just the expansion of water and sewer, it's really more so directed at the expansion of the Urban Service Area.

Mr. Howard: Right.

Ms. Kirkman: Do we have a motion?

Mr. Howard: There's no motion; we're still in discussion. Someone can certainly make a motion at any time.

Inaudible comment microphone not turned on.

Mr. Howard: Well no, we were discussing with staff though the rationale for the change. We are still in open discussion with staff. No one has made a motion. So I asked previously if anyone would want to. I will ask again, would anyone like to make a motion? Mr. Zuraf, would you like to?

Mr. Zuraf: I will go ahead and make the... no.

Ms. Kirkman: Would you like to make a motion?

Mr. Zuraf: Yeah... no. I think what this language... I don't think it's keeping somebody from proposing public water and sewer outside the Urban Service Area. It is more so maybe the whole idea that this sentence includes the water and... it discusses the extension of water and sewer that kind of maybe confuses the issue a bit. I don't think it would keep somebody from proposing to and request extension of water and sewer without expanding the Urban Service Area, because that's addressed in other policies in the plan.

Mr. Howard: Right. So what... and Alan... Mr. Smith you can actually help us on this. So any expansion of the Urban Services Area boundaries must be reviewed and... must be reviewed by the Planning Commission and then approved by the Board of Supervisors. Would that change? For me that sort of makes more sense.

Mr. Smith: Well as Mr. Harvey said, I think that would clarify the process that would have to take place. Amending the USA would be amending the Comprehensive Plan so it would be coming before the Planning Commission for its review and recommendations to the Board.

Mr. Howard: Okay.

Mr. Hirons: Mr. Chairman.

Mr. Howard: Yes.

Mr. Hirons: I actually kind of struggle with just the direction. I think the wording because I am not sure if it is consistent with the actual document of must be approved, as opposed to the County should

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adopt.

Mr. Howard: Yes I understand what you mean because through the document we do use different terminology that this clearly is a little bit different than the rest of the wording.

Mr. Hirons: Maybe Mr. Smith may be the best one to answer. What... to be consistent with a document of a guiding document, what would be the better language thereof perhaps the County should adopt a code to insure they are reviewed by the Planning Commission and Board of Supervisors?

Mr. Smith: Yes Mr. Hirons. I don't know why Mr. Taves recommended that particular language. I was not involved in the discussion about this specific policy. But in general the Comp Plan is a should document rather than a shall or a must document because it is a plan a guide to the County's general land use development.

Mr. Hirons: Thank you.

Mr. Howard: Well I think the... not having the author in front of us, I would believe the goal would be to not allow hap hazard expansion of the Urban Service Area which does not benefit the County at all which makes complete sense. But it is not in the spirit of the rest of the document in terms of how it is worded, which is what Mr. Hirons is indicating.

Ms. Kirkman: Mr. Chair.

Mr. Howard: Yes Ms. Kirkman.

Ms. Kirkman: The understanding that I have about the Comprehensive Plan is the one area where it is more than a guide and in fact can be... is the actual basis for decision making and has some prescriptive guidance is around the Urban Services Area. And that that is what distinguished the Urban Services Area from other elements of the Comprehensive Plan and that's why for instance there is a compliance reviewed around extension of water and sewer unlike other possesses. Water and sewer and public facilities is the other one where there is more of a prescriptive development to the Comprehensive Plan.

Mr. Howard: Thank you, and also is in the policy section not necessarily the objective section within the plan if I have that right on page 2-3. Yes it is in the policy section 2.2 as goals objectives and policies, so you could argue that within that section, and I am sure we could find some examples where to Ms. Kirkman's point it is more prescriptive in really setting direction.

Mrs. Hazard: And Mr. Chairman, looking at objective 1.4 and 1.4.1 dealing with water and sewer extensions there... we have fairly specific sections in 1.4.

Mr. Howard: Right.

Mr. Zuraf: Yes Policy 1.4.2 is a specific exception to the restriction of the recommendation of not to extend water and sewer outside the Urban Service Area.

Mr. Howard: Okay, so that brings us back to the discussion we are having. Is this something... is

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there a you know, is there a desire from anyone on the Commission to make a motion and do it by changing the wording, adding the wording, not making a motion and we move on to the next item or making a motion to dismiss the recommendation?

Mr. Mitchell: Mr. Chairman I make a motion for approval with certain changes to the terminology that will better reflect what we would like to say. I would like to have the Planning Commission designation slipped in there before the Board of Supervisors.

Mr. Howard: So is your motion to change the wording to the following: Any expansion of the Urban Services Area boundaries must be reviewed by the Planning Commission and approved by the Board of Supervisors before any extension or connection to the public water and sewer will be allowed for any area outside the existing Urban Services Area?

Mr. Mitchell: Yes sir, that is correct.

Mr. Howard: Is there a second?

Ms. Kirkman: I will second it for the purpose of...

Mr. Howard: Discussion. Thank you.

Ms. Kirkman: ...moving this process along.

Mr. Howard: Okay, it has been seconded and it is open for discussion.

Mr. Hirons: Can you read the motion again?

Mr. Howard: Yes, so the motion is to change the language under objective 1.2 which is Policy 1.2.3 to the following: Any expansion of the Urban Services Area boundaries must be reviewed by the Planning Commission and approved by the Board of Supervisors before any extension or connection to public water and sewer will be allowed for any area outside the existing Urban Service Area. You got that Stacie? Thank you. That is the motion and we are in discussion.

Ms. Kirkman: Mr. Chair, I seconded the motion because I am comfortable with the must language because I do believe there is a more prescriptive element to the comprehensive plan when it comes to public facilities including sewer and water, so I am comfortable with that language being in here and we have already accepted a number of technical changes from the outside council and I view this as being in that realm.

Mr. Howard: Thank you. Any other discussion?

Mr. Hirons: To move along I am not real excited about the language, but I will support it. I think... I trust it is doing what we all intended it to do.

Mr. Howard: Okay. Any other discussion? I also... I will vote in support of it. I think when it comes to the Urban Services Area and it comes to expanding water and sewer the County has to take every precaution it can before expanding the Urban Services Area. So we will call for the vote. All those in favor of the proposed change before us signify by saying aye.

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Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed say nay. The motion carries 5 to 0. That was easy.

Mr. Zuraf: Yes. The second proposed change to the text is an issue that was kind of briefly brought up at the last Planning Commission meeting. It goes back to, I guess there was a concern raised by... it was actually raised by Supervisor Crisp. He expressed some concern over how the build-out and like recommended land use densities in areas such as the suburban land use would affect the redevelopment areas. Where you have more specific more maybe urban form of development patterns recommended and he sees... saw some sort of conflict that might arise there. So staff put together some proposed language and a new paragraph to be added to the redevelopment area land use designation in Chapter 3 that would essentially state that and identify that there are redevelopment areas that overlap some of the land use designations and that the redevelopment areas have some specific recommendations regarding formative development and where you have these redevelopment areas, that those would take precedent over the underlying land use designation. So the plan would not...

Mr. Howard: So the RDA...

Mr. Zuraf: The RDA would override and apply since they are more specialized study areas. And with the exception of Urban Development Areas which have more specific density and State mandated density requirements. So it is kind of two levels of I guess comparison here. The Urban Development Area would override the Redevelopment Area but the Redevelopment Area then would override the other land uses such as suburban or business and industry if there are more specific details within those plans. That is what we tried to get at with this language.

Mr. Howard: Mr. Smith, do you think this language captures that?

Mr. Smith: I think I do Mr. Chairman.

Mr. Howard: Okay. Any questions for staff on this? So Mr. Zuraf would you just read it for us? Thanks. Just so everyone at home can understand what we are talking about.

Mr. Zuraf: Sure. On the Land Use Map the Redevelopment Areas overlay Urban Development Areas, Suburban Areas, Business and Industry Areas, Park and Commercial Corridors and Commercial Nodes. Special area plans associated with these Redevelopment Areas include specific recommendations regarding the form of development. In locations where the special areas plan include more specific recommendations those recommendation shall take precedence over the underlying land use designations with the exceptions of UDAs. In UDAs a specific recommendation regarding density use and form of development shall take precedence over such recommendations in the Redevelopment Area Special Area Plans.

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Mr. Howard: So it is basically UDA, RDA and then Land Use Map.

Mr. Zuraf: Yes.

Mr. Howard: Okay, thank you.

Mr. Zuraf: In order I guess of importance.

Mr. Howard: Right. Any discussion, questions for staff? Anyone?

Mr. Hirons: Mr. Chairman?

Mr. Howard: Yes.

Mr. Hirons: I will make the motion to accept this language.

Mr. Howard: Is there a second?

Mr. Mitchell: Second.

Mr. Howard: Any discussion? No discussion, I will call for the vote. All those in favor of adding this language to the Land Use Plan which is on Page 3-49 as highlighted in magenta I am assuming or purple on the document before us, signify by saying aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Those opposed indicate no by saying nay. The motion carries 5 to 0.

Mr. Zuraf: Also just to point out you received new Land Use Maps which do have slight changes just to the coloration. We have the Urban Services Areas is highlighted in red. We felt it would be more clear because the old Urban Service Area line in a bolder black kind of conflicted with... it was confusion against other roads. So you have red Urban Service Area limits and then in making the Urban Service Area limits red then the commercial corridors and nodes changed to orange. Those were the only changes to the map and also you did receive tonight the full report on the fiscal impact study provided and prepared... provided by Dr. Fuller. Staff did just receive that this afternoon and provided that to you tonight. I understand Dr. Fuller is on the agenda for the Board of Supervisor meeting on the... next week on the 19th to go over and present his report.

Mr. Howard: So he is going to present the final impact analysis?

Mr. Zuraf: Yes.

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Mr. Howard: Of the current Comprehensive Plan, okay. And that is on the 19th?

Mr. Zuraf: Yes.

Mr. Howard: I guess... what time does the meeting start?

Mr. Zuraf: That starts at one o'clock and I am not certain where he might be on the agenda. I am guessing probably in the afternoon.

Mr. Howard: When will that be posted by so those who want to attend...

Mr. Zuraf: Well, it will be on through... on cable but also on the internet through live feed...

Mr. Howard: Now when will the agenda be posted for that meeting? Friday?

Mr. Zuraf: Yes, Friday.

Mr. Howard: This Friday, okay. So this Friday we can go on line, look at the agenda and then at least...

Mr. Zuraf: Find out where.

Mr. Howard: ...we will understand the timing of that. And to your point you could watch at home on cable or on the internet or come in person.

Mr. Zuraf: Correct.

Mr. Howard: Okay.

Mr. Zuraf: Kind of in response in relating to the fiscal study there were some questions raised last week about this. We do have a few answers on some of the questioning. There was a question on whether the apartments... the multi-family or apartments are assessed as commercial or residential use.

Mr. Howard: Yes.

Mr. Zuraf: We found out that apartments are actually assessed as commercial, based on I guess the potential income that might be derived from that use. Also there was a question about the... what the mix of condominiums and apartments might be. In the report it somewhat addresses this issue. There are different... on page 12 it actually identifies and provides an alternative fiscal impact analysis as it relates to multi-family housing. Earlier in the report it... the report provides some average assessed values for multi-family units and that average assessed value is, bear with me, in table 3 on page 8 is identified as two hundred and seventeen... approximately two hundred and seventeen thousand. And what it notes is that assessment is dealing with data and new units built from 2005 to 2008. Which that was only limited to condominiums there were no apartments constructed during that time. But you have I guess a higher... slightly higher value in table 3 and you jump to page 12 where it begins an alternative fiscal impact analysis that... then with this alternative looks at all multi-family units that exist in the County. And in table 9 on the next page, on page 13 you have a much lower average assessed value because of... a hundred and sixty eight thousand and that is because that is looking at

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all multi-family units regardless of...

Mr. Howard: All existing multi-family units in the County.

Mr. Zuraf: Yes apartments, condos and so...

Ms. Kirkman: Excuse me Mr. Zuraf. This analysis is fundamentally flawed because it is assuming that apartments are valued... that the revenue generated is based on an assessed value and a real estate tax of eighty five cents on a dollar. And you have just confirmed that is not how apartment buildings are taxed by the Commissioner of Revenue it based... like other commercial properties it is done based on the revenue generated by the commercial property. So this whole analysis is flawed.

Mr. Zuraf: It is assessed that way but not...it is still taxed and accounted for as residential. I guess the way it's assessed is commercial but the taxation is captured in residential, the residential use.

Ms. Kirkman: I think it would be... Mr. Chair, I think it would be helpful to get the Commissioner of Revenue here to explain this because that is really not my understanding.

Mr. Howard: Okay, we can see if Mr. Mayausky is available next week.

Ms. Kirkman: Yep.

Mr. Howard: So the question is, Ms. Kirkman, you are asking... we want to know...

Ms. Kirkman: My understanding is that commercial properties are not based on an assessed value and don't pay the same tax rate as residential values. But instead they are based on a value of... it is based on the revenue generated by the property not on the assessed value of the property.

Mr. Howard: And...

Ms. Kirkman: Certainly if he can provide that clarification...

Mr. Howard: And you want that clarified because in the study...

Ms. Kirkman: It's done...

Mr. Howard: You believe that Mr. Fuller took the existing apartments as commercial property.

Ms. Kirkman: Well it looks... the way it is presented in the tables is that it is an assessed value and that it is taxed at a residential rate of eighty-four cents on the dollar.

Mr. Howard: Correct. And you don't think that is the way the County...

Ms. Kirkman: I don't know. I am asking it as a question.

Mr. Howard: Alright. We've got that.

Mr. Zuraf: Okay.

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Mr. Howard: We will make sure Mr. Mayausky can get us the answer to that.

Ms. Kirkman: Mr. Zuraf, my question about that had been what's the number of condos verses apartments that go into this assessed value... because this was the whole question of... since we have UDAs that distinguish between condos and apartments and we have specific numbers of condos and apartments in the analysis, I asked like what is the mix that goes into this two hundred fourteen. Is that half of them are assumed to be condos and half are apartments?

Mr. Zuraf: I don't recall and we have not discovered the... actually provided... I don't believe we have provided that mix.

Ms. Kirkman: Okay.

Mr. Zuraf: And I don't even know if we have that data set. So we may... we will have to look into that as well and see if that went into this study at all.

Ms. Kirkman: And then again related to this question about the mix of condo verses apartments, the student generation between the two. I am assuming is quite different and in fact we had the only TND that has gone through here lowered their proffers to something like six thousand from a much higher figure based on the argument that there wouldn't be kids in there. That these would be... the owners would not have children, so was there any difference in the student generation?

Mr. Zuraf: No there was not. There was just an overall average.

Ms. Kirkman: Based on?

Mr. Zuraf: We have a... one student generation number that was provided to us by the School Board, and just based on multi-family.

Ms. Kirkman: Based on apartments?

Mr. Zuraf: No it's based on multi-family which could be either condos or apartments. I can confirm on whether that is an average of the two or one or the other.

Ms. Kirkman: Could you just... I would like to see... I think this would be a fairly simple number. How many condos do we have in the County and how many units, multi-family units do we have?

Mr. Howard: Today? Existing today?

Ms. Kirkman: Existing today.

Mr. Harvey: Mr. Chairman and Ms. Kirkman, one thing to keep in mind when we are talking about condominiums is condominiums are a form of ownership. So often... in Stafford County we have different types of condominiums. We have some condominiums that look like townhouses, we have some condominiums that look like garden apartments. So sometimes using the term condominium might be... we are thinking apartments but in some cases it might be a townhouse.

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Mr. Howard: Townhouse. Right.

Ms. Kirkman: And what way is it used in the UDA?

Mr. Harvey: I don't think it specified how that is used.

Ms. Kirkman: Thank you. I mean that seems pretty important because I am assuming that garden apartments are going to have a very different impact than something that resembles a townhome.

Mr. Howard: Okay. Any other comments or questions on the fiscal impact analysis from staff? I think we may have some next week because we just got it today.

Mr. Zuraf: At this point I will turn it back to the Commission to see if you have any more issues or questions.

Mr. Howard: Thank you Mr. Zuraf. Are there any additional questions for staff, while we have then here, about the Comprehensive Plan? Comments or issues you thought of from the previous meeting that you want to bring to their attention to bring up as an issue? I think Mr. Mitchell you had one that you were hoping to get out last week and I know we did not get a chance to get to it, so.

Mr. Mitchell: True. Forgive me I am going to pass these out. (Inaudible - microphone not on.) Mr. Chairman, this is of land in the Aquia district. The first drawing shows the potential land use by putting it back into the growth area. The second drawing shows the proposed land use with it taken out of the growth area. I have looked at the property to me I think it makes sense to put it back into the growth area. There is sewer down there it is my understanding that they are running water down there also, sometime in the future. I would like to make a motion to reflect the change in the growth area from the proposed use to the potential use.

Mr. Howard: Is there a second?

Mrs. Hazard: I will second.

Mr. Howard: Okay. So we are in discussion now. Mr. Zuraf, do you have a copy of this in front of you?

Mr. Zuraf: Yes I do.

Mr. Howard: Okay. Is there any way to bring this up on the screen?

Mr. Zuraf: Yes, computer please.

Mr. Howard: If we can bring this up on the screen so people will know what we are talking about. So this is the motion that was made and what you are seeing on the screen is what the map would look like if the motion were to pass or carry. Can you show the prior map as well?

Mr. Zuraf: The prior map is... this is what is currently proposed in the draft map.

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Mr. Howard: So this is a piece that looks like it was carved out. I guess this is probably agricultural land, is that...

Mr. Zuraf: Yes, all these properties that are outside are zoned A-1, Agricultural.

Mr. Howard: And the remaining... that dark red line that we currently are looking at, that is all residential right? If you are in the line versus being outside of that line.

Mr. Zuraf: Yes that is R-1 zoned land to the left of that red line and north.

Mr. Howard: Is there... there is actually sewer running down that way? I am not sure.

Mr. Zuraf: Well its, the water treatment...

Mr. Howard: Well it's approved.

Mr. Zuraf: ...is not that far away. They are discussing this with Dale Allen. There is a request in from residents at the end of Coal Landing Road; there are some small lots fronting on Aquia Creek. There is a request from those residents for a neighborhood sewer extension project. That project has not gone to the Utilities Commission yet. It would need Utilities Commission approval. Currently this area is inside the Urban Service Area on the current Land Use map with the exception of maybe the lower corner.

Mr. Howard: So this was in the prior plans Urban Service Area and was removed I guess in the...

Mr. Zuraf: Yes as the Urban Service Area boundaries were drawn through this area, A-1 zoned properties were excluded.

Mr. Howard: Okay, thank you.

Ms. Kirkman: So just to clarify there is not sewer there now.

Mr. Zuraf: No there is not. There is sewer to the south...

Ms. Kirkman: But it is not to this property now, is that correct?

Mr. Zuraf: Correct.

Ms. Kirkman: Thank you.

Mr. Zuraf: I don't know; can you bring up the sewer lines layer?

Mr. Howard: So Mr. Zuraf, while she is doing that you are indicating that it was really pulled out because it is agricultural. Do we have any other land today that zoned agricultural that is in the Urban Service Area?

Mr. Zuraf: I am sure we do. Yes we do.

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Mr. Howard: I think there is. Okay.

Mr. Harvey: Mr. Chairman, while that map is still building I need to make a correction to what I just said previously about condominiums and multi-family apartments. On page 3-18 of your clean copy of the plan the next to the last paragraph states that a development within the UDA shall meet the minimum required densities under state code of twelve condominiums or apartments, 6.0 townhouses or 4.0 single family homes per acre. In taking that it implies that condominiums or apartments would be a multi-family type of dwelling.

Mr. Howard: Thank you.

Mr. Zuraf: Can we go back to the computer please? Okay the sewer lines... the blue are the existing water lines and the light green denotes the location of sewer lines so you do have the sewer lines serving these neighborhoods to the south and west and to the north along coal Landing Road the closest sewer line ends a little bit to the west. So it does not extend all the way to those properties.

Mr. Howard: And that is a public water line coming through the center of that agricultural area. That is almost really in the center of the map as we are looking at it; below your mouse, where the mouse is.

Mr. Zuraf: In this area, yes. The road continues on this way.

Mr. Howard: Is that the road or is that public water.

Mr. Zuraf: It public water that follows the road alignment.

Mr. Howard: Okay. Are there any other questions?

Ms. Kirkman: Have you received any inquiries from the owner of that large parcel about the status of water and sewer?

Mr. Zuraf: I have not received any inquiries from them, no.

Ms. Kirkman: Have they been in any discussions with the planning office about the use of that parcel?

Mr. Harvey: Mr. Chairman and Ms. Kirkman, I was approached probably a year or more ago from an individual looking at possibly whether this property could be rezoned. But I have not had any discussions since that time.

Ms. Kirkman: Thank you.

Mr. Howard: Okay.

Mr. Mitchell: Mr. Chairman just to note to me it just makes sense to add it to the growth area. With the... once it does... once the water line does go before the Utilities Board, if it is approved it would even make even more sense. There is like I say sewer and water to the west and south of this area. To me it just makes sense to add it back.

Mr. Howard: I appreciate that. I think the fact that it was in there before, I am not sure it is exactly

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clear to me why it was removed.

Mr. Hirons: Mr. Chairman, just to clarify. It is under... it is within the USA of the current Land Use Map.

Mr. Howard: Correct. Any other discussion?

Ms. Kirkman: Mr. Chair, I am going to oppose the motion. I have always opposed doing special favors for individual property owners by making adjustments to the map for them. And I think this is a glaring example of that particularly since it is clearly designed to facilitate a rezoning. So I am going to oppose the motion for that reason.

Mr. Howard: Thank you. Any other comments before we call for the vote? I am going to support it. I think that the fact that it was in the prior plan and when you look at the map it's clearly cut out and removed intentionally and I am not sure why. The fact that it was in the prior map and when you look at the lines, the boundary lines of the USA it seems cleaner. It seems like it is a cleaner way to look at that and have the Urban Service Area be created and formed, so I am going to support that. Hearing no other comments I will call for the vote. All those in favor please signify by saying aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 4 to 1.

Ms. Kirkman: Mr. Chair, just to point out this will change all the numbers, won't it?

Mr. Zuraf: No, because the build-out is not in the plan.

Ms. Kirkman: Oh that's right. I forgot. We are not going to let people know the maximum potential build-out. I forgot that.

Mr. Zuraf: It will adjust in the growth projection table. We have acreage, so there will be an adjustment to the acreage of the Suburban Land Use area and rural area.

Mr. Howard: Okay, were there any other issues or items that any Commissioner had comments on for the Comprehensive Plan draft.

Ms. Kirkman: Yes Mr. Chair. I was looking for... I didn't see, perhaps it's in here somewhere but I was looking for a list of figures and tables. Where is that?

Mr. Zuraf: We do not have a list of figures and tables.

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Ms. Kirkman: Mr. Chair I make a motion that that be added. I think that is a useful index to have and it's typically in most documents of this nature.

Mr. Howard: Is there a second? Anyone want to second this for discussion?

Mrs. Hazard: I will second.

Mr. Howard: Okay seconded by Mrs. Hazard.

Ms. Kirkman: Mr. Chair I made the motion because typically you want to help people be able to locate figures and tables in whatever document you are working with and that is simply all this does is list the title of the figure or the table...

Mr. Howard: The title of the table and the page that it's on. So for clarity sake for people listening, what Ms. Kirkman is asking, could there be I guess an index that at a quick glance would allow anyone looking through the document without having to go through every page to know which table is on which page. So one example would be if you turn to page 6-24 table 6.14 which is home sales for 2004 and 2009, in this index it would say something to the effect and Ms. Kirkman correct me if I am wrong, Table 6.14 Homes Sales 2004 2009 page 6-24. Is that correct?

Ms. Kirkman: Yes Mr. Chair and typically that kind... that... you would separate out your figures from your tables and that would follow the appendix in the table of contents. That is typically where that is located.

Mr. Howard: Right. When you are saying separate your figures from the tables, you are saying the figures that are included... that are currently contained in this document?

Ms. Kirkman: You would have a list. The first section would be figures and it would....

Mr. Howard: Right it would say figures and where those figures are.

Ms. Kirkman: Yes and the second section would say tables...

Mr. Howard: So she is not asking for recalculation. What she is asking for is just a cleanup of where the reference points are. Is that... well we are in discussion actually so, is there any other discussion on that? Mr. Mitchell did you have anything.

Mr. Mitchell: No, no.

Mr. Howard: Okay. Just getting ready for the vote?

Mr. Mitchell: Just getting ready to vote.

Mr. Howard: Okay. All those in favor of Ms. Kirkman's motion signify by saying aye.

Mrs. Hazard: Aye.

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Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed say nay. The motion carries 5 to 0. So Mr. Zuraf, how quickly can you accomplish that?

Mr. Zuraf: Pretty quick. One day and two hours. It should not be very difficult.

Mr. Howard: Ten hours okay. Any other comments or questions or issues? There was one and I am not sure that we have to do it now. We can always wait for public comments when this goes to public hearing, but one I have hear some about is adding bus stations to each park and ride lot that are contained in a UDA so allowing if people are going to commute... or actually not commute it would at least allow a central place in the County where you would have connectors and connections from one UDA to another. By requiring bus stations to be built and erected in those lots as well. So I don't know if you want to wait or it... I have heard that come up in the past. Okay we will wait.

Mr. Harvey: Mr. Chairman to remind you on our agenda we have...

NEW BUSINESS

None

7:30 P.M.

PUBLIC PRESENTATIONS

Mr. Howard: Oh, 7:30 comments. Thank you. Alright we will recess on this issue and we will not open up the meeting for public comments. Anyone wishing to address the Planning Commission may do so by stepping forward to the podium. I would just ask that you indicate your name and address when the green light goes on you have three minutes to address the Planning Commission. When the yellow light comes on that means that you have about a minute left and the red light starts to flash that would indicate that we ask you to conclude your comments and as a reminder we do not typically address the public when you are speaking to us. We do try to get an answer if it's something that we can get an answer for this evening. Anyone wishing to address the Planning Commission may do so by stepping forward to the podium. Seeing no one advancing...there is someone that wants to come forward? You may come forward and speak to any issue you want. There is no public hearing tonight so you can address us on any issue that is on top of your mind. You can step forward to the podium and just indicate your name and address and you have three minutes.

Mr. Knobbe: My name is Richard Knobbe. I am speaking for myself and my colleague Fay Carroll. Together we own... we have been investors in your County for almost seventy six years. We own two parcels of land in Boswells Corner about three tenths of a mile from the new Quantico Corporate Center. We also have been paying our taxes for a long period of time. Perhaps we missed one session, but we have actually two questions to ask you with respect to Boswells Corner. First of all is the Planning Commission going to take a position on the military's view that Boswells Corner should be eliminated as a UDA? My second question is if that is so what impact is that going to have on the

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redevelopment plan for Boswells Corner regarding missed use? If somebody could comment and shed some light on those two questions, we would both appreciate it. Thank you.

Mr. Howard: Thank you. Is there anybody else in the meeting room that would like to address the Planning Commission you may do so by just coming up to the podium. Seeing no one advancing I will now close the public comment section and attempt to address some of the questions that were answered. We were working very closely with the Marine Corp over the last several months. Well they have been involved really with the comp plan...the comp plan and the County has been... this particular comp plan has been worked on for over four years. And the Marine Corp Base is... they have had a lot of recommendations and a lot of rationale behind their recommendations in terms of where residential makes sense to them and where it doesn't make sense, where their operation actually interferes with residential growth. And the Planning Commission and the Board of Supervisors did take some of their recommendation and we did remove Boswells Corner out of the, I believe the RDA, so it is not in the redevelopment area with residential... no it is...

Mr. Harvey: The action I believe was as an Urban Development Area.

Mr. Howard: Okay, so we removed it as an Urban Development Area there, but that does not... Jeff, correct me if I am wrong. That doesn't stop Boswells Corner from being development both from a commercial perspective and business and office and that type of use.

Mr. Harvey: It is my understanding the County will still be considering the redevelopment area for Boswells Corner as a potential part of the Comprehensive Plan. That will require future public hearings with the Planning Commission and the Board.

Mr. Howard: So we removed it from the UDA? We did remove it from the UDA but we have not made a recommendation on that particular RDA.

Ms. Kirkman: Mr. Chair I would like to add to that comment that my colleague from the George Washington District, Mr. Fields, made a motion at our last meeting and I seconded it to return that area to the UDA and that motion was defeated.

Mr. Howard: Correct. That was last week's meeting. Okay, we're back on the Comp Plan. Alright, were there any other recommendations that staff has for the Planning Commission on the current version of or the current draft of the Comprehensive Plan?

Ms. Kirkman: Mr. Chair, I believe you had initiated... you had raised one on the table.

Mr. Howard: Well, I had raised one but it didn't seem like anyone wanted to entertain that so we can make a motion on that, we can wait till we get additional comments back from the public, but I do know that was an issue that was raised. And I think it's a good issue. Just to remind everyone, would we want to add that bus stations are required in each UDA and should be located, you know, within those park and ride lots that area also identified and specified? It's a great connectivity between the UDAs but also allow for more of a mass transit type of process, so you can get from one Urban Development Area to the next without having to take your vehicle.

Mr. Hirons: Can you clarify, Mr. Chairman? You want to add that to each UDA?

Mr. Howard: Yes. So, it would be required that in the UDA, where those park and rides are specified, that part of that there needs to be... we need to erect a bus stop or bus station.

Mr. Hirons: The reason I am thinking about it is both, I believe, Leeland Station UDA and...

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Mr. Howard: I think there are two that have it or have some other language in there. And, again, I bring it up because I know it's come up in the past and I think it makes a lot of sense if we're really trying to leverage other modes of transportation other than vehicle traffic.

Mr. Hiron: My point was Leeland and Brooke both overlay VRE stations that have parking lots for VRE specific. Would you want to include those as well to bus transport?

Mr. Howard: Yeah, I think we should. You could hopefully relieve some congestion too; take the bus to the train.

Mr. Hiron: I don't know, I love trying to get home when the train gets in.

Mr. Howard: So, I put it out there as a thought. I don't know if anyone wants to make a motion. It's generally not appropriate for the Chairman to do that, under Robert's Rules.

Mr. Harvey: And, Mr. Chairman, for clarification for the staff, when you're referring to a bus station, is that intended to be a physical building or is it intended to be a shelter like you see at...

Mr. Howard: I would say a bus shelter like you see on the 610 lot, on the lot that's behind the McDonald's. Something similar where it's enclosed; in this case it's glass enclosed. But some enclosed structure.

Mr. Harvey: Yes, thank you.

Mr. Howard: Where pedestrians can wait around until the bus picks them up or drops them off.

Mr. Zuraf: For further clarification, some of the UDAs have recommended commuter van pool and bus transit stations. So this would be separate from that.

Mr. Howard: Yes.

Mr. Zuraf: Okay. So those would be located in Stafford Station, George Washington Village, Centreport and I guess Leeland Station would be the other one.

Mr. Howard: And also again, allow connectivity from one UDA to the next without having to travel by vehicle.

Mr. Zuraf: And would we add that to Brooke as well since they have a VRE station there?

Mr. Howard: Yes. But again, we need a motion.

Mr. Hiron: Mr. Chairman, I'd make the motion to add those facilities to the UDAs, bus... what did we call them? Bus shelters?

Mr. Howard: Bus shelters are fine.

Mr. Mitchell: Second.

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Mr. Howard: Second by Mr. Mitchell. Any discussion?

Mr. Hirons: I would just add I hope the... I'm not going to ask this to be a part of the motion, I kind of thought about it but... that these new park and ride lots are also very slug friendly and carpool friendly.

Ms. Kirkman: Mr. Chair, I guess I have a question. Why do we need all these commuter options if the whole purpose of UDAs is to create a place where you work and live?

Mr. Howard: Well, again, the UDA consists of the pedestrian shed and then there's residential growth outside of the pedestrian shed. Those are the people that are more likely to have to leverage the park and ride lot, whether they're taking the train or in this case hopefully a bus. So, that's one issue. Every UDA is going to need some additional commuter parking. And the second issue that I was bringing up is I'd like to see the connectivity between the UDAs so you don't have to take a vehicle. You can just avoid getting in your car at all, go to the park and ride, you know, bus stop, get picked up and go from one UDA to the next.

Ms. Kirkman: Mr. Chair, again, then I guess the question I have is if the purpose of these commuter... the primary purpose of these commuter facilities is to serve those outside the UDA, how can...

Mr. Howard: No, they're within the UDA Ms. Kirkman. So the pedestrian shed is obviously the center of the UDA and then you grow from there. And in the pedestrian shed you'd have the condos and the townhomes and those types of dwelling units. And then as you get outside of that general pedestrian shed you would start to see some single-family homes and those are the people that are likely going to use or need commuter lots if there's not enough commercial development that's taking place yet within that UDA.

Mrs. Hazard: Mr. Chairman, I'd like to just add as we continue to talk with Quantico and the Base, I am not a transportation expert but certainly it would seem if we begin or if we continue to have the people at Quantico, I would love to see explored a way to have buses going even onto Quantico. That would relieve anybody who drives that way, including my husband. That would be a wonderful idea somewhere, I'm not sure I'm willing to say where it should be but I would love to see that concept explored because that would be a great way to facilitate some of those cars, even if you're just going back and forth to the Base.

Mr. Howard: I think that's a good point and maybe staff can make a note of that the next time we meet with the Quantico reps we can bring that up and talk through that. I know there's some other issues in terms of the widening of Onville Road and some other things they're working on to relieve that congestion. But in my mind that can't happen fast enough. Okay, any other comments or...? Mr. Hirons?

Mr. Hirons: I thought you were just moving on. I wanted to remind you we have a motion I believe on the floor.

Mr. Howard: Oh, we do have a motion. That's right; that was discussion. I guess we have to vote on that. So, all those in favor of the motion made by Mr. Hirons signify by saying aye.

Mrs. Hazard: Aye.

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Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed say nay? The motion carries 5-0. Any other business on the Comp Plan?

Ms. Kirkman: Yes, Mr. Chair?

Mr. Howard: Yes Ms. Kirkman.

Ms. Kirkman: Mr. Chair, most of the UDAs are named in such a way that it's fairly easy for citizens to figure out where they're located. So we have the Brooke UDA in Brooke, we have the Centreport UDA at Centreport, we have the Courthouse UDA encompassing Courthouse Road, and so forth. The one that is particularly (inaudible) is UDA number three which is named Stafford Station. That is on Widewater; people have always referred to it as Widewater. And with that in mind, I'm making a motion to rename UDA number three from Stafford Station to Widewater.

Mr. Howard: Is there a second?

Mrs. Hazard: Second for discussion.

Mr. Howard: Okay, seconded by Mrs. Hazard and now we're in discussion. Ms. Kirkman?

Ms. Kirkman: As I said, Mr. Chair, most of the UDAs are named after their geographical location and that helps citizens understand where the UDAs are located. In this instance it's particularly confusing to call the Widewater UDA Stafford Station because we had a rather contentious proposal for a TND named Stafford Town Station which is located where the now current Eskimo Hill UDA is. And so I think it is particularly confusing to call this UDA Stafford Station given that there was a large mixed use project with a very similar sounding name and a different location. I think it would be much more appropriate to call it Widewater since it is located on the Widewater Peninsula and that has always been referred to as Widewater.

Mr. Hirons: Mr. Chairman, I just wanted to say I don't particularly have a problem with the name. Stafford Station I think is trying to reflect that it's in Stafford County and it's at a new rail station. Perhaps at some point this can be our premier VRE station in the County and I think it would be more than appropriate for it to be considered Stafford Station as it would probably adopt that name anyway, as opposed to the Widewater Peninsula.

Ms. Kirkman: Actually, Mr. Chair, I would like to clarify, all the VRE maps that show a station at that location have it named as Widewater.

Mr. Howard: Thank you. Any other comments? Mrs. Hazard, you seconded so you actually have a chance to comment as you like.

Mrs. Hazard: No, I seconded for discussion.

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Mr. Howard: Alright. I understand Ms. Kirkman's point and I've heard that from others. And I'm not inclined right now to vote to support the motion just because I strongly believe that it could be the premier station, if you will, on the VRE for not only Stafford but other counties. And I think to name it Stafford Station makes sense. I know that the County goes through this with schools. Some schools get named after the particular neighborhood or community and then other schools get named after an individual person who made a significant contribution to the County at some point. And this is one of those debates that what's the right name and should it be based on geography. And I'm not inclined to support that now. I mean, if that comes out loud and clear in the public comments then certainly we need to think through that and consider that. But I like the name Stafford Station. I think it has a good connotation; not that Widewater does not, but I think more people would understand that that's the Stafford County rail station. And I know the other stations are different named Leeland and so forth.

Mr. Mitchell: Mr. Chairman, I will not be supporting the motion. I am concerned that if people are looking for a specific spot they could Google it on the internet, they could look it up under a County map, they could look it up under any varied (inaudible) reasons. They could find it without not knowing it was in the Widewater area. It's been this way for so long. I will not be supporting it Mr. Chairman.

Mr. Howard: Alright, I'll call for the vote. All those in favor of Ms. Kirkman's motion which is renaming the UDA number three signify by saying aye.

Ms. Kirkman: Aye.

Mr. Howard: Opposed signify by saying no... or nay.

Mrs. Hazard: Nay.

Mr. Mitchell: No.

Mr. Hirons: Nay.

Mr. Howard: Nay. So, I think the motion did not carry 1 to 3... 4; I'm sorry, 1 to 4. Is there any other issue or topic from any of the Commissioners? Okay, hearing none we'll move to the new item 2 that we added to the agenda.

Mr. Harvey: Mr. Chairman, just to clarify for staff's purposes, what is the expectation on the plan? Would you like to have just one clean copy of the final version at your desk next week?

Mr. Howard: Friday?

Mr. Harvey: Or whenever we can deliver it to you?

Mr. Howard: Yeah.

Mr. Harvey: Do you want a final underline and overstrike or do you think that what you have currently is sufficient?

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Mr. Howard: I'll defer, I know we made changes tonight but I'm a strong... I mean, there's been a lot of edits and I certainly appreciate the strikeout and the underline. And I think the last one we have, if we took the slip sheets you gave us tonight and put that in, to me that makes sense. If anybody wants to go back and look through that and then, for the purposes of next week, if we have the final draft version as it would exist as the final draft, if that, in fact, what it turns out to be, just the way you've presented it to us tonight I think is fine.

Mr. Harvey: Thank you.

Mr. Howard: So, we went to item number 2 which is an item that we added to the agenda this evening because it was something that... an oversight on our part last week which was to amend Zoning Ordinance number O10-42 which is, I believe it was signs permitted in the A-2 district. And it's in our packet that was handed to us tonight for next week and it's item 7.

Mr. Harvey: Yes, Mr. Chairman, we also have extra copies if the Commission...

Mr. Howard: Can we pass those out? This way we don't have to go through the package. And then do we have someone from staff to take us through that Mr. Harvey?

Mr. Harvey: Sure. This was an item at the Board's request specifically for a proposal for a school that exists in the A-2 zoning district. Presently, in our Zoning Ordinance, the way it's structured, schools... excuse me, signs are combined for the A-2 and R-1 zoning districts. So, the Board was desiring to specify sign standards for schools in the A-2 district only. So, in doing so, we had to split the A-2 and the R-1 sign regulations out into separate regulations. So, the A-2 sign standards would still exist under Section 28-124 but the R-1 standards would be found in 28-124.1. In subsection 1 of 28-124, it gives the standards for school signs; that was the subject of the Board's concern. And it would allow free-standing monument signs to be up to eight feet in height, specifying that wall signs should not be greater in height than the roof line of the main building, that the aggregate square footage of the free-standing sign should not exceed forty square feet, and that no more than one free-standing sign would be located on any road frontage on the lot or premise, and that the school shall have a regular enrollment of at least fifty students grades K through 8. The Board, at the time, was focused on a narrow application of this ordinance.

Ms. Kirkman: Mr. Harvey, this ordinance has been put to us because of a request by one private school, is that correct?

Mr. Harvey: That's my understanding, yes. From my understanding, there's only one private school in the A-2 zone in the County.

Ms. Kirkman: Are private schools regulated in any way? Like how would... my concern is there's a bad history in this County of things being counted as schools that we might not typically think of being a school as my colleague from the Hartwood District knows. So, my concern is that once we open this up to private schools, if somebody has any type of enterprise that serves K through 12, even if it doesn't... or K through 8... even if it doesn't meet our usual definitions of a school, that it could open it up that way. And so, are private schools... do they have to get some certification from the state to provide... like is there some way to distinguish a private, what we would think of a school as an educational facility from a ballet school or a karate school.

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Mr. Harvey: I will check into the definition because I know we make distinctions for different types of schools. I don't know for a fact but I assume that any school providing full-time education to someone that's younger than eighteen years of age must be certified through the state. But that's my assumption; I don't know that for a fact. Let me check again the definition of school.

Mr. Howard: You're looking up school as it is defined in the Zoning Ordinance, is that right?

Mr. Harvey: Yes sir. The school is defined in the Zoning Ordinance as any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge, including industrial or vocational schools, or any schools owned and operated by Stafford County or the Commonwealth.

Ms. Kirkman: Yeah, see, that's my concern and that's where I think some of the issues have been is like instruction is much broader than what we would think of as typical mandatory education. And maybe that's why, you know, a facility to provide instruction to meet mandatory education requirements. I don't know what the right language is but I think it needs to be more specific about the type of school we're talking about.

Mr. Howard: That's a good point, Ms. Kirkman. When this was sent to us, do we have the leeway to change the...

Mr. Harvey: Yes, there's a resolution attached to your packet which says the Planning Commission be and it hereby is authorized to make modifications to the amendment as it deems necessary.

Mr. Howard: So, Ms. Kirkman, do you have a recommendation?

Ms. Kirkman: I don't because I don't know... I would perfectly willing to let staff fix this if they understand the concept.

Mr. Howard: Right.

Ms. Kirkman: Because it would depend... like, would it be a definition that meets mandatory education requirements... I don't know what the proper language would be. I think that's something staff could work out with the attorney, if they understand the broad concept here.

Mr. Howard: Thank you. So, Mr. Smith and Mr. Harvey, do you have a recommendation based on Ms. Kirkman's concern, which I think is a valid concern in terms of what language might change? So, an example in my mind would be a private school meets the definition of school, you know, in the Zoning Ordinance and qualifies as an institution for education which would normally occur in a state public school... something like that.

Mr. Harvey: Mr. Chairman, we can modify subsection 1(e) because it already has some limiting factors, but we could make it more narrow in scope. It says a school shall have a regular enrollment of at least fifty students grades K through 8, and we can further define that to reference whatever applicable state certification that's required.

Ms. Kirkman: Something like the enrollment for the purposes of meeting mandatory education requirements or whatever the right language is.

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Mr. Howard: So, we sort of have to do that tonight, right, because we want to... the issue why we brought this back on the agenda is we would have to advertise this for public hearing and that would actually have to go out tomorrow if we sign off on this. So, we need Mr. Smith and Mr. Harvey to get their creative juices flowing there, and any other staff in the audience that wants to help them come up with the appropriate language that we can amend this and then get it sent out tonight.

Mrs. Hazard: Mr. Chairman?

Mr. Howard: Yes Mrs. Hazard.

Mrs. Hazard: It looks like potentially, and this is a quick I admit back of the envelope, but there's going to be the Virginia Department of Education, but there also seems to be a Virginia Council for Private Education. And if there's some kind of, between those two, those requirements that they're...

Mr. Howard: Meets the requirements for the Virginia Council for Private Education...

Mrs. Hazard: Right. It appears now, I admit I'm doing it quickly but there's a Virginia Council for Private Education; it looks like there's some kind of certification that seems to be required, that that's what we're looking for is to make sure this is a private school offering these services to K through 8. And I would like to echo Ms. Kirkman's concern because we really want to make sure this is a school. I'm not trying to say that we don't want private schools to be able to advertise but it has to be (inaudible).

Mr. Howard: No, it's a very valid point. Mr. Harvey?

Mr. Harvey: We're continuing to...

Mr. Howard: Collaborate?

Mr. Harvey: Collaborate, yes.

Mr. Howard: Okay.

Mr. Harvey: But we do... I guess we can move through the rest of the agenda while we're working on that.

Mr. Howard: Okay. I'm not sure there is anything on the rest of the agenda but we will do that. That really was the second item on the agenda which we added. There's no new business. We went through the public presentations. Is there a Planning Director's Report?

Mr. Harvey: No sir.

Mr. Howard: Mr. Smith, is there a County Attorney's Report?

Mr. Smith: No report Mr. Chairman.

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Mr. Howard: Thank you. I don't believe there's Committee Reports; both of our transportation folk are not here. Other business? No. Stacie, do we have minutes to approve? I don't think we do, right?

Mrs. Stinnette: No sir.

Mr. Howard: You didn't get them done, so we're about ready to...

Mr. Hirons: Would it be appropriate to take a ten minute break?

Mr. Howard: Yeah, why don't we do that.

Ms. Kirkman: Mr. Chair, I'm fine just moving it forward to public hearing with whatever language they put in after reviewing the appropriate...

Mr. Howard: Ms. Kirkman has made a motion, is that correct?

Ms. Kirkman: Yes I have.

Mr. Howard: Okay. To move forward with the changes as, the spirit of the changes as we've described verbally. Is there a second?

Mr. Mitchell: I second Ms. Kirkman's motion.

Mr. Howard: Any discussion? Hearing none I'll call for the vote. All those in favor say aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed say nay? The motion carries 5 to 0. The meeting is adjourned.

PUBLIC HEARINGS

None

PLANNING DIRECTOR'S REPORT

COUNTY ATTORNEY'S REPORT

COMMITTEE REPORTS

CHAIRMAN'S REPORT

OTHER BUSINESS

Planning Commission Minutes
October 13, 2010

APPROVAL OF MINUTES

None

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:03 p.m.

Gordon Howard, Chairman
Planning Commission