

STAFFORD COUNTY PLANNING COMMISSION MINUTES

October 20, 2010

The meeting of the Stafford County Planning Commission of Wednesday, October 20, 2010, was called to order at 6:34 p.m. by Chairman Gordon Howard in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Howard, Fields, Rhodes, Hazard, Mitchell, Kirkman and Hiron

MEMBERS ABSENT: None

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

DECLARATIONS OF DISQUALIFICATION

None

UNFINISHED BUSINESS

Mr. Howard: The first item on the agenda is actually in the Griffis-Widewater election district and I know that Ms. Kirkman did want to be present for that so, actually she is walking in, which is good. Actually we can have staff bring us up- to-date on this. Mr. Harvey?

1. SUB1000017; Patriot Ridge - Preliminary Subdivision Plan - A preliminary subdivision plan for 16 single family residential lots on private well and septic systems, zoned A-2, Rural Residential, consisting of 23.12 acres located on the west side of William and Mary Lane, approximately 1,200 feet south of Decatur Road on Assessor's Parcels 31-67 and 31-68 within the Griffis-Widewater Election District. **(Time Limit: December 29, 2010) (Deferred at October 6, 2010 Meeting to October 20, 2010 Meeting)**

Mr. Harvey: Mr. Chairman, Natalie Doolittle will be making a presentation to the Commission.

Mr. Howard: Okay. Stacie, can you also have the record reflect Ms. Kirkman's presence as being a quorum of seven.

Mrs. Doolittle: Good evening Mr. Chairman and members of the Planning Commission. Item number 1 is... computer please. Item number 1 is a preliminary subdivision plan called Patriot Ridge. It was deferred from the last meeting due to time constraints. It is project number 1000017, the applicant and owner is Keith Newport of Sunshine Home Builders Widewater One, LLC and Ashdale Associates. It was first submitted January 27, 2010 and it went to TRC February 24, 2010. The engineer is John Moran of Branca Development. The proposed preliminary plan is made up of Assessor's parcels 31-67 and 31-68. It is located on the west side of William and Mary Lane, approximately 1,200 feet south of Decatur Road. The two parcels total 23.12 acres and it is zoned A-2, Rural Residential. The preliminary plan proposes sixteen single-family lots and the plan is in the Griffis-Widewater Election District. Here is the location map and you can see the two parcels; here is William and Mary and Decatur Road. It is surrounded by all A-2 zoning. Here is an aerial photo, here is the overall subdivision plan, here is William and Mary and here is the proposed road going in. The plan proposes private well and private septic systems. Stormwater management will be contained through five bio-retention facilities and there is no CRPA or wetlands located on the property. The applicant has

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indicated that he will provide an ingress/egress easement to Assessor's Parcel 31-65, which is currently landlocked. He will show the easement location on the final plat. Staff recommends approval of Patriot Ridge preliminary subdivision plan but requests that the proposed location and extent of the ingress/egress easement be shown on the preliminary plan. Let me go back and show what parcel that is; this is 31-65 right here. Are there any questions?

Mr. Howard: Thank you. I will bring it back to Planning Commission. Are there any questions of staff at this time? Ms. Kirkman?

Ms. Kirkman: Can we start with the question about the easement? The access easement is a requirement in the subdivision ordinance that the plan should show all easements. How come this plan moved forward without that easement noted on the plan?

Mrs. Doolittle: Well, the ingress/egress easement that is being proposed is not required; it is just to this landlocked parcel. And the applicant might be able to shed a little more light on that.

Ms. Kirkman: Okay, because the ordinance does not say only required easements, it says all easements.

Mrs. Doolittle: I would like to defer that to the applicant.

Ms. Kirkman: Okay.

Mr. Harvey: I can answer a little bit of that Ms. Kirkman. There is no easement to that property presently, so no easement exists. That was a staff comment during review of the plan that they consider granting an easement to that adjacent property since there is no apparent access to it.

Ms. Kirkman: Well, is this the same property where there were a number of correspondences from the property owner about that?

Mr. Harvey: Yes. I believe there was an heir to the property that had corresponded with the County about potential access for that property.

Ms. Kirkman: Because she was interested in selling it, in fact, to this applicant? Isn't that correct?

Mr. Harvey: I am not sure who she specifically considered selling it to but I know that was an interest of the property owners.

Ms. Kirkman: And then, if you could clarify the outline of the... the subdivision plan includes lots that are not numbered and owned by Ashdale Associates, so are those a part of the subdivision plan or are they not a part of the subdivision plan?

Mrs. Doolittle: Which parcels are you referring to?

Ms. Kirkman: I am looking at page two of the plan and if you look down at the very bottom...

Mrs. Doolittle: Willow Circle?

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Ms. Kirkman: Yes and those off to the right, where it says Willow Circle Subdivision.

Mrs. Doolittle: Yes.

Ms. Kirkman: Those are not numbered.

Mrs. Doolittle: They are existing lots and they are not part of this application.

Ms. Kirkman: Then why are they in the outline of the subdivision plan?

Mrs. Doolittle: Actually, it does not look like they are.

Ms. Kirkman: I am looking at a dark dotted line that includes them and it is the shape that is on the front page as well for the site.

Mrs. Doolittle: I mean, well the copy that I have does not have that. It shows that lots 1, 2 and 3 on the north side of William and Mary Lane is where I see the dark line.

Ms. Kirkman: So you see how the dark dotted line includes them? Why is that?

Mrs. Doolittle: It actually was a part of... lots 1, 2 and 3 of Patriot Ridge are cut out of a remainder from the minor subdivision of Willow Circle.

Ms. Kirkman: The minor subdivision?

Mrs. Doolittle: Right.

Ms. Kirkman: You know, there are limits on how many lots can be created out of a minor subdivision. We really need to see the boundaries of what the original lot was and how many lots are now created because there is a limit of, I believe, five. Is that right Mr. Harvey?

Mr. Harvey: Yes, Ms. Kirkman, you can divide five additional lots off of a parent tract.

Mrs. Doolittle: There were two different parent parcels for the minor so the three lots, 1, 2 and 3 of the proposed subdivision were part of one parent parcel and then the other ones were another parent parcel.

Ms. Kirkman: Looking through the comments, the review comments, it looks like there are a number of instances where they did not do the same widths that VDOT would normally require. Could you elaborate on that? The shoulder lanes, instead of doing six foot shoulder lanes, they did four foot I believe.

Mrs. Doolittle: I can't answer those questions.

Ms. Kirkman: Okay.

Mr. Howard: Thank you Ms. Kirkman. Any other questions from the Planning Commission? Just one follow-up question. How many parcels were created from the second parent lot?

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Mrs. Doolittle: On the minor?

Mr. Howard: On the minor.

Mrs. Doolittle: I think it was just a remainder but I don't have the plat with me.

Mr. Howard: Okay, so there were three from the first, is that what you indicated?

Mrs. Doolittle: There were two parent parcels that were part of the minor, I believe.

Mr. Howard: Right and three lots were created from the first parent parcel? And you're saying, just the remainder parcel was created from the second parent parcel.

Mrs. Doolittle: Actually, would it be okay if we had the applicant answer?

Mr. Howard: Yes, I just want to clarify.

Mrs. Doolittle: I just don't have it in front of me, sorry.

Mr. Howard: Okay, fine. We'll now hear from the applicant.

Mrs. Doolittle: Okay.

Mr. Howard: Thank you.

Mr. Newport: Hi, Keith Newport, Sunshine Home Builders. There were five, I believe, lots cut off. It was a five lot subdivision, the minor subdivision was. There was a residue that we are adding onto this one.

Mr. Howard: Okay. Ms. Kirkman do you have questions for the applicant?

Ms. Kirkman: Don't we typically get a presentation from the applicant?

Mr. Howard: We typically do, yes.

Ms. Kirkman: And then do questions? So, is that the...?

Mr. Howards: Do you have a presentation for us this evening?

Mr. Moran: I don't have a presentation. I am not sure what you mean by presentation.

Mr. Howard: Normally, the applicant would come forward, you guys have done this before, and you would present what it is you are proposing.

Mr. Moran: The preliminary here is what we are proposing. The first five lots were... there were two parcels as she was saying and it was a minor subdivision done and there was a residue parcel left over. And then we went in with that residue parcel and the parcel behind it and created a major subdivision and we are consolidating the two parcels together.

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Mr. Howard: Okay. Ms. Kirkman, do you have questions for the applicant?

Ms. Kirkman: Yes, either the applicant or staff just as a follow-up. I think we're going to need to see what were all the parent parcels here and how many lots have been divided off of each of those parent parcels so that we can track, sort of, the order of the subdivisions here. Does that make sense? So, I guess I want to go back to the question that started this for me which is if the lots in Willow Circle Subdivision are not part of this preliminary plan, why are they appearing on this plan?

Mr. Newport: I believe staff asked us to show them on the plan. But not as a part of it but to show the adjacent lots.

Mr. Moran: They wanted us to show the adjacent lots across the road from it.

Mr. Harvey: Yes, Mr. Chairman and Ms. Kirkman, our minor subdivision ordinance... provisions for minor divisions in the ordinance specify that anytime you cut a piece of property from a minor division, you need to show the lots that have been cut from that parcel within the previous five years. That's part of the reason why we have the existing Willow Circle lots shown on this plan, because they were part of that one residue of the parent parcel.

Ms. Kirkman: So, this kind of square that we have before us consists of how many parcels?

Mr. Moran: The five lots on Willow Circle and the residue behind at one time was two parcels. Then there was five lots created and then the residue parcel was on the, I want to say, the north side of William and Mary Lane. That was considered a residue parcel, they were consolidated into one parcel, which they called 67 or 68, I am not sure, 67. Then we prepared our plan, we took the residue parcel and included it in parcel 68 and we would consolidate that into one parcel. The minor subdivision had five lots, I am going to say, on the east side and everything major will be the remaining of the property, which will be sixteen lots on the west side.

Ms. Kirkman: Can you answer the question, it looked like, in some of the reviewer comments there was some back and forth about the shoulder widths of the roads, that they are four feet instead of six feet that VDOT.

Mr. Moran: At one time I had four feet on there but the typical sections, I now have six feet on there, which meets the VDOT standards.

Ms. Kirkman: And sort of going through the property we see a power line easement. Is that the only power line on the property now, the one that is depicted on the map?

Mr. Moran: Yes.

Ms. Kirkman: Okay. And can you address the question of why you don't have the access easement that you have...

Mr. Moran: It was something that came up after it was submitted in and what we agreed to do that we would not landlock this adjacent... the Nickens Property. So what I... I do have a note that says, that I can put on the plan, just tape it on there that more or less says, because I heard it could be an issue when it came up, that the driveway easement will be provided on lot sixteen to serve (inaudible) V.

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Nickens, tax map 31-65. The property location and easement width will be determined on construction plans and recorded on the final subdivision plat. Because there is areas when I am coming down the hill with grade on this road, I may have to move that easement around some.

Ms. Kirkman: Sure. I am not sure where you got the idea where you could tape a note onto the subdivision plan tonight because the plan has to be in its final form five days before the Planning Commission votes on it.

Mr. Moran: In the past, I have done that on preliminary plans.

Ms. Kirkman: Okay.

Mr. Howard: Any additional questions for the applicant?

Mrs. Hazard: Mr. Chair?

Mr. Howard: Yes.

Mrs. Hazard: Going along with the access easement, is there a general idea of how you are going to access the property? I know you said that you have some issues, like I said I am kind of visual, I don't think we can use the... can you kind of talk us through where it is going?

Mr. Moran: It will actually run adjacent to the Hapner and the Nickens piece. Where I come of our road is what I don't know exactly because I have a bio-retention facility in there and I will also have some steep grade. So I have to be able to make that work then swing it back in and hold it tight to that property line. I have room on that side to do it. I did not want to lock it down on the preliminary until I know exactly where I can make it work at?

Mrs. Hazard: This parcel right now is completely land locked? Is that correct?

Mr. Moran: That was my understanding.

Mr. Howard: Any additional questions for the applicant?

Ms. Kirkman: Is that access easement going to meet VDOT standards or are you going to be coming in with a private access easement?

Mr. Moran: It'll just be a private driveway is all it is going to be.

Ms. Kirkman: A private driveway?

Mr. Moran: Just a driveway easement. Ingress/egress but it is not...

Ms. Kirkman: There is a difference between a private... between a driveway and a private access easement.

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Mr. Moran: It is just going to be a driveway easement. It's not going to be something to a VDOT standard; it's going to give them access to their property on a private driveway since they have no access... way of getting there now.

Ms. Kirkman: Okay.

Mr. Howard: Any additional questions? Ms. Kirkman?

Ms. Kirkman: No.

Mr. Howard: Okay, thank you. I'll bring it back to the Planning Commission for discussion. Ms. Kirkman, it does fall in your...

Ms. Kirkman: Unless there are any questions for staff from my colleagues. Mr. Chair, at this time, I am going to make a motion to defer this to the next meeting so that we can get some clarification. And either staff or the applicant or both of them can, working together, however you want to come up with the information, about what all the parent parcels were before and what all the subdivisions off those parent parcels have been to this point.

Mr. Howard: Okay, lets finish, you have a motion to defer. Is there a second?

Mr. Fields: Second.

Mr. Howard: Okay, second. Go ahead Ms. Kirkman; we're in discussion.

Ms. Kirkman: So these are the three things in particular that I am looking for. One is the issue of what are all the difference various divisions and consolidation off these various parcels? The second is, if there is going to be a note on the plan, getting that on the plan in a timely manner. I think we have figured out over the last couple of years that is rather quaint practice of taping notes on the plan at the meeting does not pass muster. And then the third things is to get a little clearer with the applicant about what is exactly going to go in. Is it a private access easement and there are requirements for private access easements. One of which, I believe, given the potential size of the lot that it is accessing, it may actually have to meet some VDOT standards around widths. I have not looked at that regulation recently. So those are the three areas of concern that I have at this time that need to be addressed.

Mr. Howard: Thank you. I had some questions; I will just bring it up in the discussion portion of this, about the bio-retention facilities and this is more so I understand this a little bit better. Mr. Harvey, how many bio-retention facilities do we actually have in the County? Is this something that is unusual because of the soil type or why do we have this in this particular subdivision?

Mr. Harvey: Mr. Chairman, bio-retention devices are a stormwater management measure. We find them in parts of the County where our soils are adequate to handle infiltration. It is a preferred option to stormwater management ponds where possible. We have seen them in a number of subdivisions and commercial development throughout the County.

Mr. Howard: What is the monitoring process though for those?

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Mr. Harvey: There is a maintenance agreement that is signed prior to recordation of the subdivision plat which runs with the property. The County has an inspection process where we periodically go out and inspect these facilities. It would be the responsibility of the homeowners to maintain them.

Mr. Howard: Okay, thank you.

Ms. Kirkman: So, Mr. Harvey, just to clarify that that maintenance agreement is signed with whom?

Mr. Harvey: With the developer and it is an agreement between the developer and the County. The way the agreement is structured is that the agreement moves forward in the chain of title to all subsequent purchasers of the property.

Mr. Howard: So each would own their share of that bio-retention facility, is that proportioned by the size of your lot or how does that work?

Mr. Harvey: It depends on how the design is, if the facility is on that lot, it may be that lot owners' responsibility if there is not homeowners association. In the case of a homeowners association, it would be the association that would be responsible for maintaining the bio-retention facility. Those types of facilities are located in a storm drainage easement for County purposes so we have access to them for maintenance if the homeowner or the HOA does not maintain them.

Mr. Howard: How did the number five get onto the plan? What is the science behind that?

Mr. Harvey: The number of facilities is going to be based on the storage capacity of the soil. It will also be based on the drainage patterns of the property and the impervious nature of the site. Given this site's relatively large sized lots, that probably created the situation where we did not necessarily need to have a pond for quantity but we still need to address quality for stormwater management; so the bio-retention facilities address the quality aspect. And the engineer, I'm sure, can answer more specific details of how they got the five versus some other number.

Mr. Howard: Okay. Well, obviously that sounds like it might be coming back. Those are some additional questions we may have.

Ms. Kirkman: So, could I just clarify? So, how many of these bio-retention facilities do we have in the County that are actually maintained not by an HOA but by an individual property owner?

Mr. Harvey: I'll check with the Department of Public Works to see how they are handling that and if they have any figures in that regard.

Ms. Kirkman: So, then the individual homeowner would go on the list of rolling inspections that the County does with those?

Mr. Harvey: Well, the County... I am assuming the County keeps a list of each individual facility and the agreement that goes with that facility. So, it may not be that we are tagging a specific homeowner; we're looking at a specific property as per say.

Ms. Kirkman: Right, right... but that property would go, even though it's one small bio-retention facility, it would go onto the list for inspections by the County?

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Mr. Harvey: Yes.

Ms. Kirkman: Okay.

Mr. Howard: Okay, any other discussion? I'll call for the vote. All those in favor of Ms. Kirkman's... deferred to when Ms. Kirkman?

Ms. Kirkman: When's are next meeting.

Mr. Howard: The next meeting?

Mr. Harvey: The next meeting is November 3rd.

Mr. Howard: Okay, November 3rd.

Ms. Kirkman: How is that... is that looking fine for time?

Mr. Howard: I think it's a pretty light agenda right now.

Ms. Kirkman: Okay. Sounds good.

Mr. Howard: So, deferred; it was seconded by Mr. Fields. All those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. Next item on the agenda this evening is item 2, which is PAE1000215, Mt. Olive Private Access Easement. We will now hear from staff on that.

2. PAE1000215; Mt. Olive Private Access Easement - A request for a Private Access Easement to serve one (1) lot on Assessor's Parcel 36-59B located on the east side of Mt. Olive Road north of Kellogg Mill Road within the Hartwood Election District. **(Time Limit: November 13, 2010) (Deferred at October 6, 2010 Meeting to October 20, 2010 Meeting)**

Mr. Harvey: Please recognize LeAnn Ennis for the presentation.

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Mrs. Ennis: Computer please. Good evening Mr. Chairman and members of the Commission. Item number 2 is a request for a Private Access Easement. It's on Mt. Olive Road, the applicant is John McAllister, it is on Assessor's Parcel 36-59B. It's a request for division of one lot to the rear of the property. The private access easement is proposing to serve one lot approximately 688 feet in length. It is fifty foot in width and it's zoned A-1, Agricultural. There are no wetlands or stream channels located within the proposed location of this PAE. The proposed access easement meets the requirements stated in 22-176 of the Subdivision Ordinance and staff recommends approval of this PAE. Any questions?

Mr. Howard: That was quick. I will bring it back to the Planning Commission. Are there any questions of staff at this time? Mrs. Hazard?

Mrs. Hazard: First, I wanted to say, of course, thank you to the applicant for coming back since we were running rather late last time so I want to say thank you for bearing with us on that. Mrs. Ennis, you said that it does meet the requirements of the PAE. Can you just enumerate them for all of us?

Mrs. Ennis: Yes, the size of the lot requires that the access easement be so many feet in width, which is fifty feet because it is over five acres and the length of it, there is no requirement on the length of it; it's just more for the width. It can only... it accesses going through the property to go to the land lock, you know, what they were subdividing or proposing to subdivide off. I handed it out at the last meeting thinking I was going to present and I gave you all what I had requested from the applicant but I gave you a separate piece of paper which is what he submitted with his application. I was not sure what the location of the PAE, where it was going and how many lots it was going to go on or anything like that so I had requested what came into the package and that is why you got that. He is proposing a minor subdivision but the minor subdivision has not been submitted. This is just a request for the PAE to serve the seven acres in the back.

Mr. Howard: When you say he has proposed a minor subdivision, what would...

Mrs. Ennis: He has not submitted one but he is...

Mr. Howard: There is a possibility in the future?

Mrs. Ennis: Well usually, the PAE, there is a minor coming next.

Mr. Howard: Okay. That is not before us tonight?

Mrs. Ennis: No sir. Just the PAE to this 59B parcel.

Ms. Kirkman: Could you explain what you mean by when you get a PAE there is usually a minor subdivision coming next?

Mrs. Ennis: Well, because it is a requirement for the PAE and we would not need it... you could get an ingress/egress to grant it to yourself but this will... he is proposing, as a developer, he will probably subdivide it off and he is granting a PAE so he can have a maintenance agreement recorded at land records. So a PAE comes before the Planning Commission for approval where and ingress/egress does not. He could grant one to himself, not really to himself but he could place one on that property without coming... unless he was going to subdivide then that is when we request that a PAE come in.

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Ms. Kirkman: The first map that you passed out to us last week actually showed six lots and a minor subdivision is five.

Mrs. Ennis: Yes, you cannot create more than five new lots so he is only creating five lots. The parent parcel does not count. So he is only creating five new lots.

Mr. Howard: But also I just want to remind everyone, I am not sure, I appreciate what you said but I am not sure until we hear from the applicant what he actually... he is not here for the minor?

Mrs. Ennis: That is correct. This is just for the PAE, it is not for the minor subdivision.

Mr. Howard: Right, so...

Mrs. Ennis: That would be when that minor comes in then we would take that ordinance into consideration.

Mr. Howard: So it is possible in the future that the minor subdivision could look exactly like that or could be less lots?

Mrs. Ennis: Yes.

Mr. Howard: It can't be more than five?

Mrs. Ennis: I had asked this because I couldn't visualize where the PAE was going and I did not his to create a de facto subdivision and that is why I requested it. The way the one that I handed out to you, it showed, it was the twenty some acres or whatever it is and it split the one piece in the front and I was afraid by showing it to you guys it would look like a de facto subdivision. Like he was putting a road and splitting two pieces off so that is why I requested this additional map to make sure that I was not setting myself up for something that was going to go wrong later.

Mr. Howard: So the PAE that is being proposed tonight is being proposed to serve the whole lot because it's a parent parcel today. Is that right?

Mrs. Ennis: It is a lot that he is proposing to put in the back so he is creating it for what he is going to subdivide off from the back.

Mr. Howard: But today it is being proposed as a PAE?

Mrs. Ennis: Yes sir.

Mr. Howard: For the parent parcel, which is going to be off of Mt. Olive Road?

Mrs. Ennis: Yes.

Mr. Howard: That is where the PAE is, right?

Mrs. Ennis: Yes.

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Mr. Howard: Okay. Ms. Kirkman?

Ms. Kirkman: Yes, Mr. Harvey, the map that was originally given to us showed a total of six lots, showed the PAE going through one lot, abutting the next lot and then serving a third lot and our ordinance around PAE's says that you would count all of those lots in toward the numbers of lots that are served by the PAE. It also says that PAE's are limited to serving two lots or less. So, given the way that this is being done, how in the future would you make sure that it does not serve, that this PAE does not abut a lot as originally proposed by the first map that we got?

Mr. Harvey: Yes, Ms. Kirkman, as you stated, the ordinance specifies that a private access easement shall only serve one lot. The other lot that it passes through is considered to be served by that easement as well so that would leave a total of two lots. In a case where you have the easement abutting the property line, as is shown in the description in your packet, that is where we would require a note on lot 4 specifying on the plat that lot 4 cannot access that easement. Also, if the applicant was proposing to have the easement straddle the property line, that is where we would say it would not comply with the ordinance because it would be in effect serving three lots.

Mr. Howard: So, that's in attachment 2, Mr. Harvey, that you're mentioning, right? So, the private access easement is actually... looks like it's going through lot 5 and connecting to the remnant lot?

Mr. Harvey: Yes sir.

Mr. Howard: Okay, then lot 4, you indicated would have that wording on that plat.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Yes.

Mr. Rhodes: I think probably given that this is really just a PAE for one lot and they want to subdivide another lot out back, the one we had in the prior session prior to last week where we had asked for extrapolation of a conceptual if you were to? How would you maybe? Could it possibly? The existing situation, I think, is this first handout that we got at the prior week, which shows a single lot and is probably better suited, it would seem to me, to the discussion of this particular request.

Mr. Howard: I agree. Thank you.

Mr. Fields: Mr. Chairman?

Mr. Howard: Mr. Fields.

Mr. Fields: I think my concern with this is that it seems clear that there is an intent at some point to subdivide this and what we've got here is an opportunity, or we should have an opportunity then to attempt to configure and negotiate a better transportation situation on Mr. Olive Road. Ultimately, if there are going to be six lots, however they get created, if there is going to be six lots there it is obviously much better from a safety and transportation standpoint to have all of the six lots running off of a cul-de-sac or a reverse frontage road rather than what we will have here, which will be then individual driveways. I suppose technically, you know, we are just being asked to look at this one narrow vision but my concern is that this is our opportunity to try to talk about something better from a

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transportation standpoint and safer for the people that drive on Mt. Olive Road. We already know that one of the main problems with our rural roads is the proliferation when you have these large lot subdivisions that don't have reverse frontage, a proliferation of driveways every 350 feet. That turns a rural road, which has the occasional driveway on a winding rural road into a much more difficult situation. I think that is my concern about simply trying to read this with blinders on, I suppose that is what we are required to do but it seems to be a missed opportunity to make a better situation.

Mr. Howard: Thank you. Any other comments or questions for staff?

Ms. Kirkman: Yes Mr. Chairman.

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: I am looking through the subdivision ordinance now and have looked at the section on minor subdivisions and of course I am just looking at this real quickly but I was wondering if staff could point out where it says that parent lot does not count towards the five lots?

Mr. Howard: Mr. Harvey, do you recall?

Mrs. Ennis: It is number five, it does not say the parent but it says no more than five can be created.

Ms. Kirkman: Right, so you have one tract and you divide it and then you may have two lots, you may have six lots, you may have twenty lots.

Mr. Harvey: Yes Ms. Kirkman, the way staff has interpreted this for many years is that when it says you cannot create more than five lots; the existing lot already is there. So from our standpoint, when you are creating five lots, you are adding five additional lots, you are not be penalized for the existing parent tract because that is already one lot. That is also reflected in our fee schedule for all of our applications in that your fee is generated each new lot that you are creating.

Ms. Kirkman: But doesn't... it has new boundaries, correct?

Mr. Howard: Each lot would have a new boundary, sure.

Mr. Harvey: Yes, the residue would have a new boundary to because it would be smaller.

Mr. Howard: Some of the boundary would be changed but some of the boundary would not on the remnant lot. Mr. Rhodes?

Mr. Rhodes: I would just ask if, I really don't see... regardless of the difference of opinion where that is relevant to the case that is before us.

Mr. Howard: I understand Mr. Rhodes and I appreciate that. I think there is obviously competing conversations and a desire to make sure that we are being thoughtful in terms of approving the PAE, recognizing that there is a likelihood according to staff that this will become a minor subdivision.

Mr. Rhodes: Yes Mr. Chairman, I understand that. I would just submit that the issue of four or five would be something that could be further addressed at whatever future time.

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Mr. Howard: I agree, that should be addressed when they come in for the minor subdivision or dividing the parent parcel.

Ms. Kirkman: Mr. Chair, I will explain that the reason why I am asking about this, it is an important difference in and the reason why that one lot makes a big difference is it makes a difference between it being a minor or a major subdivision and PAE's are not allowed in major subdivision.

Mr. Howard: Right.

Ms. Kirkman: So my concern is not that this applicant would ever do this but I am concerned that the way this is being done could, in some situations, lead to a circumvention about that so I just want to be thorough.

Mr. Howard: I think it is fair to call it out but I think Mr. Rhodes brings up a good point that tonight's application really revolves around the PAE. If there are no further questions for staff, we can hear from the applicant. We will hear from the applicant now.

Ms. Kirkman: Okay.

Mr. Howard: Thank you.

Clark Leming: Good Evening Mr. Chairman and members of the Planning Commission, I am Clark Leming and I am hear for the applicant. I think you all have thoroughly aired the issues relevant to what is before you tonight and some that may be relevant at some point in the future. The only thing that will be done immediately is a subdivision that will divide the back seven acres from the front portion. Anything that the land owner decided to do after that point in time would have to meet the requirements of the ordinance that is in effect at the time of his application and the approval of that application and however that is interpreted. So that I think is a question for another day. I think Jeff has given you his reading on how that ordinance has been traditionally interpreted but the Planning Commission and the Board of Supervisors certainly has the prerogative to weigh in on that and change the way these things are viewed. Like any property owner, I think this particular owner deals with the ordinance as it is. The PAE is a large parcel and a logical division between the front and the back and that is the issue that is before the Planning Commission tonight, how do you get to the back parcel? All of the other issues that you have talked around will be addressed in due time at the time that the applicant or another land owner submits something else to the county but that is simply not before you tonight. With regard to the PAE, we will be happy to answer any questions. I think this got somewhat off track because staff, in trying to be responsible and insure that the easement was located in a place where it would ultimately work, should something else happen, asked the applicant to configure a conceptual plan that you all have focused on but is not ultimately relevant to the legal issue that is before you tonight. We will be happy to answer any questions about the PAE.

Mr. Howard: Are there any questions for the applicant on the PAE?

Mr. Leming: Thank you.

Mr. Howard: Hearing none, thank you.

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Mr. Fields: I would like to ask, have you considered in the process, what I referred to before, if this does become a subdivision of creating all of the lots, accessing a road that is a single road with only one driveway with only one point of access to Mt. Olive?

Mr. Leming: Whatever layout is ultimately determined to make the most sense here from a subdivision standpoint, I think is still being considered in the mind of the landowner. There are a number of things that can be done to address the concern about the number of cuts on Mt. Olive Road. Obviously, from the standpoint of a small lot, the cost of putting in a VDOT cul-de-sac is significantly expensive. VDOT also encourages shared access driveways where it is possible, that is something that I have seen done in the past. That would eliminate the access to Mr. Olive Road and if, please understand that we are speaking purely conceptually about something that does not exist at this point, but as I understand the scenario with lot number 5, both lot number 5 and the remainder lot would be served by the access easement. So that would cut down on a separate driveway for lot number 5. Possibly, there could be as few as two other cuts onto Mt. Olive Road but that would not be something that would be addressed by the county or VDOT and the applicant until such time that the applicant decides to go ahead with another subdivision.

Mr. Fields: Okay, thank you.

Mr. Howard: Thank you. Any additional questions? Hearing none, I will bring it back to the Planning Commission for discussion. Mrs. Hazard?

Mrs. Hazard: Yes, well based on the issues certainly raised in front of us I certainly appreciate the comments of some concerns that we have, which I think is always helpful for an applicant. But tonight before us is the approval of the PAE, which appears to meet the current standards that are set forth in there and it doesn't seem like we will not have a second cut at this when it comes. Therefore, I would move for approval of the Private Access Easement PAE1000215.

Mr. Rhodes: Second.

Mr. Howard: Motion made by Mrs. Hazard, second by Mr. Rhodes. Is there discussion? Mrs. Hazard, discussion?

Mrs. Hazard: Sorry, I think I already gave my discussion.

Mr. Howard: That's alright. Ms. Kirkman?

Ms. Kirkman: First thing, just as a point of information is in the motion was made the motion maker stated we would have another cut at this. I don't believe we will because it is a minor subdivision and the Planning Commission does not review those. So we won't be having another cut at this if it comes in as a minor subdivision.

Mr. Rhodes: Thank you.

Mr. Howard: Thank you.

Ms. Kirkman: Having made that point of information, I am really not comfortable with this PAE and I don't think, given that we know for a fact that the applicant intends to further subdivide this. I think it

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would be more appropriate for the PAE to be viewed at the same time as the subdivision of the property.

Mr. Howard: Thank you, any other discussion?

Mr. Fields: I agree with that point with the reasons that I have stated before in terms of finding optimum transportation solutions.

Mr. Howard: Okay, any other discussion? Hearing none, I will call for the vote. All those in favor of Mrs. Hazard's motion, which is moving for recommendation of approval of PAE1000215 signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed?

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: Motion carries 5-2. Thank you

3. COM1000090; Comprehensive Plan Land Use Amendment - Fairfield Inn and Suites - A proposal to amend the Land Use Plan component of the Comprehensive Plan in accordance with Section 15.2-2229 of the Code of Virginia (1950), as amended. The proposed amendment would redesignate Assessor's Parcels 30-2C, 30-2D, and 30-5 from Urban Residential use to Urban Commercial use. The subject area consists of 5.34 acres and is located on the east side of Jefferson Davis Highway and the west side of Derrick Lane, approximately 2,000 feet south of Garrisonville Road, within the Aquia Election District. **(Time Limit: November 14, 2010) (History - Deferred at September 15, 2010 Meeting to October 6, 2010 Meeting) (Deferred at October 6, 2010 Meeting to October 20, 2010 Meeting)**
4. RC1000091; Reclassification - Fairfield Inn and Suites - A proposed reclassification from R-1, Suburban Residential Zoning District to B-2, Urban Commercial Zoning District to allow the construction of a hotel on Assessor's Parcels 30-2C and 30-2D. The subject area consists of 1.48 acres and is located on the east side of Jefferson Davis Highway and the west side of Derrick Lane approximately 2,000 feet south of Garrisonville Road, within the Aquia Election District. **(Time Limit: December 14, 2010) (History - Deferred at September 15, 2010 Meeting to October 6, 2010 Meeting) (Deferred at October 6, 2010 Meeting to October 20, 2010 Meeting)**

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5. CUP1000092; Conditional Use Permit - Fairfield Inn and Suites - A request to amend an existing Conditional Use Permit, specifically condition #1 of Resolution R05-225, to allow two hotels (one existing and one proposed) within the Highway Corridor (HC) Overlay District on Assessor's Parcels 30-2C, 30-2D, and 30-5. The subject area consists of 5.34 acres and is located on the east side of Jefferson Davis Highway and the west side of Derrick Lane approximately 2,000 feet south of Garrisonville Road, within the Aquia Election District. **(Time Limit: November 16, 2010) (History - Deferred at September 15, 2010 Meeting to October 6, 2010 Meeting) (Deferred at October 6, 2010 Meeting to October 20, 2010 Meeting)**

Mr. Howard: We are now on item number 3, which is the Comprehensive Plan Land Use Amendment, Fairfield Inn and Suites.

Mr. Harvey: Mr. Chairman, 3, 4 and 5 are all tied together with separate but related applications and Mr. Hess will give the Commission an update on the applications.

Mr. Howard: Great, thank you.

Mr. Hess: Okay.

Mr. Howard: Mr. Hess, good evening.

Mr. Hess: Yes, good evening Mr. Chairman. Tonight we bring to you three cases, all dealing with Fairfield Inn and Suites. The Comp Plan Amendment, the Reclassification and the Conditional Use Permits. As you recall all three cases were deferred at your October 6th meeting to tonight. This was to give Mr. Mitchell and opportunity to meet with the applicant to discuss some citizen concerns. The applicant mailed several attachments to you all, one being the submission letter which discussed pretty much everything that they handed out to you which should have been a piece of paper showing a suggested condition, which was condition three of Resolution R10-250. A revised proffer statement, revised landscaping plan which I believe addressed or added additional, or had supplemental planting along Derrick Lane in the vicinity of the new hotel. There was also, I believe, like a fuller or larger size colorized landscaping illustrative, there were cross sections. What we also... it should have been passed out to you tonight, it should have like a number five in the corner of it, was what the applicant sent to us originally as far as the suggested condition change. It is slightly worded different than what was given to you through the mail from the applicant. And the applicant has spoken to me about that and the version that we have given you in the handout tonight, is the direction that they want to go with the language. And staff looked at it and reviewed it and was in agreement with what they stated. I basically can state it right here for you, it is condition three of Resolution R10-250. It added a section to state... well first it starts off by inter-parcel access shall be reserved to the adjacent property... excuse me to the adjacent parcels to the south and the east. And then it goes on to add this is the new section to it, but in no event shall the property be used as a means of direct access to Jefferson Davis Highway and Derrick Lane. And that is the language that they... that staff has looked at and reviewed and that is what we are recommending for approval on that Resolution. And with that I can attempt to answer any questions you might have.

Mr. Howard: I will bring it back to the Planning Commission. Are there any questions of staff, and again we are covering 3, 4 and 5.

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Mr. Hess: Just to let you know, the applicant has let me know that the landscaping plan is on a disc if you would like to pull it up on the screen and take a look at it.

Mr. Howard: Sure, let's do that.

Mr. Harvey: Computer please.

Mr. Leming: Have you finished with the staff? I did not want to...

Mr. Howard: I think we are. We will hear from the applicant on the additional landscaping.

Mr. Leming: Okay. Thank you. There were three adjustments that we made to the application based on feedback from the last two meetings. First there was a concern about direct access to Derrick Lane. I point out that there is already a proffer that prevents access to Derrick Lane but that covers only the parcel being rezoned. What we did was to propose a condition, as Joey has indicated to you that would establish such a prohibition for the entire site. The existing hotel, because remember the CUP covers the existing hotel as well as the new site. So there would be a condition that would run with the entire Conditional Use Permit that would prohibit the access to Derrick Lane. We talked with Mr. Mitchell and he asked if there were some areas where we could do a little more on the landscaping. If you will look at the where the arrow is, this is an area where we had not proposed landscaping previously. There was natural vegetation here however it was not particularly high quality vegetation and we went out and looked at it and decided that we could do a lot better than what nature had provided, at least at that particular location. So there is about ten feet between the fence line and Derrick Lane that is controlled by the property owner and we have proposed a series of plantings that would include evergreens and some trees that will provide, we think, more effective screening than what is there presently. You may recall that the existing stand of trees toward the southern portion of the property was more established. They were more mature trees in that location and provide a more effective buffer; we are supplementing that with a number of evergreens as indicated on your plan here. But that has been added to the landscaping plan. The landscaping plan is proffered. This is simply a color illustration of the landscaping plan. There was also some question raised about what you could see, not so much what you could see from houses looking in but what you could see from the hotel looking out and whether or not it would be possible to look into any of the homes along Derrick Lane from the top floor of the hotel, the windows. I think there is another slide that shows the sightings that we did, keep going. Yes and this was part of your package. What we did was to go and examine three different locations, the nearest houses from the top floor of the hotel and as the cross sections indicate there, all of the sightings are substantially above the top floor on any of the houses. They tie into the roof line of the houses and we did not even factor in the vegetation. This is simply based on what you can see from the top floor of the hotel minus any vegetation, looking at the houses. So the response to that question is you cannot look into the hotel top floor, the windows from any of those houses. And the hotel you cannot look into any of the homes or the windows of any of the nearby residences. So we tried to address that issue. Those were the changes that we have made. Mr. Chairman, we did speak extensively with Mr. Mitchell and bring him up to date because he had missed the first public hearing and he had specific things that he asked us to address as we have done.

Mr. Howard: Mr. Leming, we are going to take a hard break here.

Mr. Leming: Okay.

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Mr. Howard: And ask you to come back to the podium after we take public comments because it is the magic hour of 7:30.

Mr. Leming: The magic hour; I did not talk fast enough, did I?

Mr. Howard: You did okay, thank you. But I ask that you stick around. I am sure there is going to be some additional questions for you. So I am going to open up tonight's meeting for public comments. Anyone from the public can come forward to discuss anything. We do not have any public hearings tonight, so all is fair on anything you want to discuss. You will have three minutes when the green light goes on, when the yellow goes on there is about a minute left for you to conclude your comments. And when the red light starts to flash, we just ask that you conclude your comments. We do not address you directly back for issues that are brought to our attention. Where we believe we can get an answer this evening, we will always try and do that, but again not answer directly, more general in nature on how we answer some of the concerns. We always appreciate citizens coming down and speaking before us and sharing their concerns, because that is what makes Stafford great. So I will open up the public comments and ask anyone that would like to step forward to do so, to the podium. You can start by stating your name and address and certainly talk about anything you would like. Thank you.

Mrs. Carlone: Ruth Carlone, Mt. Olive Drive sirs and madams. He came out to our house, Mr. McAllister form Eastern Land Company, he has a hundred and something acres across the road on Truslow and Poplar Road. The fellow is in a pretty good position to do what he wants to do and convince you all that he is doing the right thing. He sat with us, the neighbors that are in very shallow wells and very narrow road and explained that yes, he intends to, almost immediately, go ahead with the additional five lots. Now I hope that you some day will come out and see some of the areas that you are voting on. I really think remise in doing that and talking with the people in each area. I know that takes time but you are paid to sit up there and make decisions for our future. Now I want to know why you all on these proposed changes that were put through, seven of them, that were turned down by you all. These are reasonable requests for you seven to work together to come up with compromises. I am sick and darn tired of hearing, especially it came from Scott, that this is political. These are not political issues; they affect every one of us in the county regardless of what our political persuasion is, just knock it off. Now this is something here that is so simple to understand and should have been recognized for what it was and I thank you. I believe that was yours. Anyway, to reduce the UDA's from eight to six, okay and to focus on Boswell Corner that has been dropped strangely enough very quickly. Route 610 is another one for infill, Courthouse Road... that was pretty quick for three minutes. Anyway, I want you to start thinking about the people that you are representing, not just your district but the whole blessed County and come out and meet these people. Sit down and talk with them, don't sit up there and make your little pronouncements without having been out and talked with these people. I mean I am really angry now, normally you don't see this but it is here and I am angry and I am not going to stop. Thank you.

Mr. Howard: Thank you Mrs. Carlone. Anyone else wishing to address the Planning Commission may do so.

Mr. Mitchell: Mr. Chairman, can I make a quick comment?

Mr. Howard: Yes.

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Mr. Mitchell: Forgive me sir, I won't take up any of your time. Mr. Chairman I think it is inappropriate to specifically point a finger at one individual Planning Commissioner. I think the speaker should speak to all seven members. Calling Scott's name specifically I think was inappropriate, should not be used in normal discussion. If that person has an issue they should call that person on the phone or if that person has an issue, they should address all seven members. I object to Mrs. Carlone's comments.

Mr. Howard: Duly noted. Thank you.

Dr. Fetterolf: Mr. Chairman and members of the Commission, I am Dr. Dean Fetterolf. The County's Comp Plan economic advisor presented his findings last evening to the Board of Supervisors. Dr. Fuller's calculations are at best an in game scenario for twenty years of growth at a rate never before experienced in Stafford County and oddly enough, were compared to a single year of County economics during a recession and not a sustained period of economic growth. Based upon an unreferenced mix of housing types supplied in Table 1 to Dr. Fuller, he calculated the county population under the favored 2010 plan as 83,988, that is 10,618 persons short of the VEC population projections in Table 6.7 in your own Comprehensive Plan. The starting assumptions which form the singular basis for Dr. Fuller's entire \$25,000 academic exercise does not even yield results that are consistent with the 2010 plan he was paid to support. To say it another way, the housing mix provided by the county does not even support the expected population in its own plan. Dr. Fuller even ignored transportation and infrastructure costs, significant amendments have been made to the June 17th version of the Comp Plan previously submitted to VDOT, in fact, there has been more than 20,000 word changes including the addition of 6,400 words notional transportation plan. There are a host of deficiencies in that Comprehensive Plan that would further impact Dr. Fuller's calculations had he done a true economic analysis. What are the true sources of revenue for the two billion dollars in roads that we need in Stafford? What are the cost for expanding water and sewer to UDA's located in Greenfield? Who will pay for the seventeen new schools at today's cost of five hundred and five million dollars? And finally, what would the results have been of the true build out numbers that were in Appendix D that were removed of 91,225 residents and 186.4 million square feet of commercial space has been used in that analysis? In the end, there are only two conclusions one can draw, the starting assumptions are incorrect and the whole analysis results are flawed or the proprietary economic model used by Dr. Fuller are flawed. In either case the results cannot be trusted and the County wasted \$25,000.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission may do so by stepping forward.

Mr. McMath: I would also like to make a few comments about the Fuller study. My name is Jim McMath and I live in the Rock Hill District. The Fuller comparison is a static model based on 2009 cost and revenues for the County. The projected land use is based on the twenty year population growth forecast converted into equivalent residential units and on a forecast with job growth for the County converted into an equivalent demand for non-residential space. The study concludes that the main driver of overall growth, especially for a commercial development, would be Stafford's response to changes in the DC metropolitan region outside of the county. Thus the two types of growth received largely independent of one another. As a consequence, the resulting commercial developments would be the same for both the 2008 and 2010 plan versions. For the residential sector, the comparison limited to the fiscal impacts of the housing mix for the two plans, since both are assumed to be the same number of new units. The number used 29,737 is less than the build out from both versions. This

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combination of commercial development in the population growth, the projection for the latter is less than the build out gives a result that is close to break even for both plans. That is the positive fiscal impact to the commercial development largely offsets a negative impact for the projected housing growth, especially for the 2010 version. This means the maximum sustainable growth is around 30,000 residential units, anything in excess of that will cause deficits that commercial revenues won't cover. This is because no more commercial development will occur. Fuller's numbers are at build out forecast. As stated in this description in this study assignment, the proprietary fiscal impact model "will form the basis for calculating the net fiscal effects for each different type of land use that is added to the current stock of land uses over the build out period for the Comprehensive Plan". If actual build out numbers for both residential and commercial had been used in the plan comparison, the results would have been much different. As seen in Table 1, which I passed out to you, with a planned 36,600 additional household, the 2008 version shows a deficit of 5.8 million with a build out of 91,200 new households, the 2010 version generates a deficit of 30.6 million. Based on Fuller's numbers for the fiscal benefits from commercial development, the 2010 plan would require 35 million square feet of commercial growth to cover the build out deficit. Three times the forecasted amount. The Fuller study reasonably assumed that whatever version of the Comprehensive Plan was adopted, it would reflect that build out consistent with the projected growth for both residential and commercial development, based on the analysis of Stafford's place and the DC regional economy, that would mean 12.3 million square feet of CI growth. For the residential sector, that would mean a land use map that builds out at no more than 30,000 additional units. A build-out higher than that could impose needless financial hardship on the tax payers of Stafford County. Thank You.

Mr. Howard: Thank you.

Ms. Muller: Good evening, my name is Linda Muller and I am a resident of Stafford County and I live in the Aquia District. In 2006, my husband and I participated in redevelopment charrettes for Stafford County. These were well attended public meetings held at Brooke Point High School in which citizens reviewed and plotted spots for redevelopment, preservation, green areas, accessible sidewalk, etc, here in Stafford County. The proposed development areas were then drawn up for Stafford County and subsequently a Comprehensive Plan was developed in 2008, which there were four development areas. My question is then how in 2010, did this give way to the currently proposed nine Urban Development Areas and I understand there may be one being dropped, which included additional development in Brooke, Stafford Station, Widewater, Eskimo Hill, GW Village and Centerport. More importantly, where is the public input other than citizens taking time out of their busy schedules coming to Board of Supervisor meetings or Planning Commission meetings and be allowed two minutes or three minutes time slots. UDA's are designated by locality, as you well know that is appropriate for high density development and there are parameters for that. Proximity to transportation facilities, availability to public water and sewer systems, proximity to developed areas, proximity to redevelopment and infill development. The key word here is appropriate, now I just looked at two of them, Brooke and Stafford Station in Widewater and those two areas are currently without water and sewer and are in what's called green fields but is most unsettling is the actual description of the additional infrastructure and capital costs required for the additional UDA's, which seem to negate the entire concept and purpose of UDA's. For example, page 320 in the Comprehensive Plan revisions, specifically the Stafford Station Widewater, it states "the development of so many new dwelling units will be by there nature increase the demand on Stafford County schools in order to offset the capital cost so of that demand, a new elementary school had to be constructed, more public safety assets will need to be constructed, the existing Widewater Road is not sufficient to meet increased traffic volume so a four land divided road will need to be built. Looking at Centerport, getting the residents to Centerport and from work and

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other destinations without creating undo hardship on them and other residents of Stafford County and the Commonwealth of Virginia, the provision of adequate transportation facilities will be necessary. So you will have to build more roads to take care of this single interchange, four lane divided road. Furthermore, our transit facility will need to be constructed. Commuter, van pool and bus transit stations will need to be completed. In the currently proposed Comprehensive Plan with nine (9) UDA's, eight (8) if Boswell Corner is removed from the map, Stafford is in line for hyper sprawl and congestion with the ultimate burden placed squarely on the shoulders of Stafford County tax payers. I urge you to support the study and planned UDA's Boswell Corner, Courthouse, Southern Gateway and Falmouth and I thank you for your time and consideration.

Mr. Howard: Thank you.

Mr. Litalien: Good evening, my name is Ben Litalien. You may have noticed the small gray square behind the proposed hotel, that is my house, sitting directly behind the proposed property. All I can say is here we are again, this has been through here before, went to the Board of Supervisors before it was rejected. The applicants changed the corporate name, changed the plans, changed the drawings and through all this fancy foot work, here we are back again looking for another blessing only to go back to the Board of Supervisors again where the good citizens of Stafford County will vehemently oppose an R-1 neighborhood, Vintage Oaks, it is a small subdivision but it is a subdivision worth protecting, worth the investment that we have made. But yet, what's before you is to invade our neighborhood. Forget about how this property was acquired, that has already been covered, that has already been a matter of record and it should be considered even though some said it shouldn't. Our neighborhood should not be invaded and converted to a commercial hotel property. This is not right, this is not fair and this is not the American way. Especially when the plan that we relied on said it wouldn't be and yet here before you again is a consideration to take a residential neighborhood and not convert it to multi-unit but a hotel, which there is property literally across the street zoned for, ready for and capable of handling and even larger hotel if that is what we need but we certainly don't need it in Vintage Oaks in a neighborhood. Thank you.

Mr. Howard: Thank you. Anyone else wanting to address the Planning Commission may do so by stepping forward. You can move forward without waiting for the next person and just take up some of the sits in the front if you want.

Mr. Waldowski: Paul Waldowski. Mr. Mitchell, I looked on the wall and you're in the middle of Mr. Bandy, Mr. Bellman and I wonder where Mr. Footer is, oh my. You know, two weeks ago I came here and I spent three hours listening to this stuff and I am going to go for individuals Mr. Mitchell.

Mr. Howard: Mr. Waldowski, you will be interrupted, I would ask that you keep it professional and you can address...

Mr. Waldowski: It will be professional Mr. Howard.

Mr. Howard: Mr. Waldowski, just keep it professional okay and try not to single anyone out.

Mr. Waldowski: I will be professional and you are taking up my time.

Mr. Howard: You will get your time back. You will get your full three minutes.

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Mr. Waldowski: Okay.

Mr. Howard: Thank you.

Mr. Waldowski: Okay, I will address this as a group then. 2015 was the statement made by the group that we will review the decisions made two weeks ago where Brooke Point has point five of the five criteria, which is all Agricultural and was voted five to two and Widewater has zero of five and there was a comment made by the Board that we have VRE potential there based off of some of the comments about New York City trains, which don't apply to Virginia trains. So here we are, we are comparing New York state types of entities with Virginia and I just don't understand the logic when Mr. Fields, I hate to use a name here, but he brought it in writing what Mr. Crisp said and the five of you, instead of being the fabulous five and doing what is right for the people, we are faced with... how are you going to do Brooke Point? The whole reason I have ever come here in the first place and I will go away if you fix my problem. You see the whole reason I ever came here in the first place is because I want you to go build townhouses and condos, just like you did in Stafford Meadows in 1982 and you give us water bills from HOA's and not county water bills or you give us townhouses with storm ponds because you don't want to do a storm pond utility, you give us commuter lots without vertical parking garages and some of you are on the Board and you have Fredericksburg addresses. I believe that is the City of Fredericksburg and this is the County of Stafford. If you want to make the County of Stafford the City of Stafford, it is like I told Mayor Milde, then he could have a city counsel and then probably we don't need Planning Commissioner's. I have lived here twenty years and Mr. Sterling has made this comment right in public to the Senator that he loses sleep over UDA's. Well fortunately I have been Rip Van Winkle and I have plenty of sleep. But the next twenty years, I am not going to leave any of my assets in this county to my kids without you fixing these main problems. I will go away, I won't give you any animosity, I will go back to sleep. Fix my problems, I have an ordinance where I have trash cans, I had sixty-five days of smelling dirty diapers and beer cans and this is all planning so if you bring condos to Brooke Point, make sure that you put them out on the balconies for everyone to smell. Have a good day.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission may do so by stepping forward.

Mr. Scott: Good evening, my name is Eric Lawrence Scott and I am a resident of King George, Virginia and I am here tonight as the Chair of the Sierra Club Rappahannock Group. As a former member of Stafford County, I know that Stafford has struggled to deal with fast paced growth and serious traffic congestion issues and that has been a long time coming. The Comprehensive Plan and putting Stafford County well into the future is what we are actually supposed to be doing. I am here tonight to express my concerns about the decision plans that has been talked about lately. In my opinion, going backwards is not an option, especially when it comes to Widewater peninsula. For the residents who came here and fought to develop Widewater with the established state and park seems to be one. Many of those citizens were citizens of Widewater, they had truly an appreciation for the natural beauty and they wanted to preserve what was rightly there. The wildlife and rare plant preservation. What I find puzzling is that you would want to create a UDA miles out of the Potomac River where there is a commuter train that runs through there but the guidelines out of the UDSA, why would you want an urban area to be a far removed form the current population and major roads. And to request that a new road be built as well as water and sewer extensions. At the very least you should allow the citizens of Widewater to be involved in the planning process of this development. Please

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involve the citizens as much as possible and keep in mind to protect the environment. Thank you very much.

Mr. Howard: Thank you.

Ms. Kurpiel: Good evening Mr. Howard and members of the Planning Commission. My name is Patricia Kurpiel and I live in the Accokeek Creek watershed and tonight I am going to continue my discussion of the UDA. It is actually a pictorial discussion and if I could have the computer please. As we talked about last week, there are five criteria in the state law, proximity to transportation, public water and sewer, proximity to development, infill or redevelopment. So let's look at the remaining UDA's that I did not cover last week. These are two pictures of Boswell's Corner, to the left shows the intersection of Route 1 with a main road there and on the right is a picture of commercial development that is already in place. Boswell's corner actually meets all five of the criteria in the law and it would be a great place for a UDA. Now this is Widewater which some folks have talked about tonight, in fact, this is the major intersection in Widewater. Arkendale Road is the main road coming down and as you can see from this, this is a completely rural area and meets none of the five criteria in the law. The third area is Brooke, this is my neighborhood actually and there is a rail station out there and I have given Brooke half of a point for rail but the roads are not sufficient to handle 750 condos that are being planned. There are actually three access points to the rail station and these are two of the roads that would approach the rail. Again you can see this is rural. How long do you think it going to take to get jobs out to a place like Brooke even though rail is there. This is really a critical component for success. How about Centerport, well Centerport meets maybe one of five of the criteria if I am generous. There is some water and sewer out near the airport and again these are the two major intersections of that proposed area. Enon Road and Truslow is on the left and that is Mountainview with Centerport on the right. Now is the Gateway, the picture on the left is of Route 17 and you can see there is already development there and the photograph on the right is a picture of the vacant land to the right of the auto auction. Gateway does in fact meet all five of the criteria. How about Leeland, Leeland is sort of a secondary choice I would say. It does have development, you can see the houses there and there is water and sewer. It meets three of the five. I must close now. Thank you very much. Yes to the three that have been studied and no to the rest.

Mr. Howard: Thank you.

Mrs. Dudenhefer: Good evening my name is Kay Dudenhefer and I live in the Garrisonville District. I just wanted to come here tonight and say thank you for all the hard work you have put in on this Comprehensive Plan. It is not a perfect plan but it is a good plan. I am really grateful that it involves... there is a transportation component involved in this as there was in the much ballyhooed 2008 plan. This plan has a good mix of residential and commercial. This plan is good for Stafford County residents and it is good for Stafford County. Mike I really want to commend you, you have been here a long time and for your hard work and for sticking to it. I really appreciate the work that you have done on this. Mr. Chairman, I know it's not been an easy road for you either. I really appreciate what you guys are doing. I know that you have worked really hard on this and I... you know there is the same cast of characters here every time and mostly I stay at home and watch, but I felt like tonight I really needed to come and commend you for your hard work and I appreciate it. Thank you.

Mr. Howard: Thank you. Anyone else wishing to make comments may do so by stepping forward to the podium.

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Mr. Summers: My name is... is this on?

Mr. Howard: Yes sir.

Mr. Summers: My name is George Summers. I am an architect. I have been involved with mostly high density projects from anywhere from a million square feet and up. I moved to Stafford. Mostly I do one story, four story buildings now. I have taken many courses in what we call LED which is being applied to the 2012 International Green Construction Code. After reviewing what you all have accomplished since 2008 I am just here to say thank you for the changes. For not having everything put into one spot or even three spots. To having breaking it up into a multitude of different places. I grew up in the city. I have lived in Baltimore and Washington D. C. I keep moving further south. I think what you are doing is the right thing and I am glad you are doing it and I hope you stick with it and I hope this passes pretty much the way it is. Thank you.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission may do so by stepping forward to the podium. Seeing no one else advancing to the podium, I am about to close the public comments. Okay I will now close the public comments and bring it back to the Planning Commission.

Mr. Hirons: Mr. Chairman?

Mr. Howard: Mr. Hirons.

Mr. Hirons: If I could, I just one to make one point of clarification that was brought up during the presentations here. It was brought out during the Board of Supervisors meeting as well, apparently. Although the presenter was not allowed to use names, he did allude to a Fredericksburg address. That was myself I believe he was alluding to. My address on the website, the County website is Fredericksburg because it is zip code 22405 which is a Fredericksburg post office. I apparently can use Falmouth and maybe I will start doing that so people aren't confused with their ignorance. But I wanted to bring this up because what made me think of it was Ms. Kurpiel's presentation had a picture of my house, so it is pretty obvious I am a Stafford County resident.

Mr. Howard: You are in Falmouth.

Mr. Hirons: Not a resident of Fredericksburg.

Mr. Howard: I appreciate that. I just would clarify it for everyone's sake. There is no one on this Planning Commission that does not live in the County of Stafford. Trust me. Your Board of Supervisors would never ever allow that to occur. They are the ones who appoint us, it gets approved by the entire Board or at least the majority and none of the Supervisors who have ever served Stafford County would have ever allowed that to occur. So I can say that with confidence. We will now bring it back to items 3, 4, and 5. Mr. Leming you were up at the podium and I think we were about to ask if there were questions for the applicant.

Mr. Leming: Yes Sir.

Mr. Howard: Are there questions for the applicant?

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Mrs. Hazard: Mr. Chairman.

Mr. Howard: Yes.

Mrs. Hazard: I actually do have one. And this may be an education process as well. I know we talked a lot last week about the hotel moving and there was a lot of description about it going up and down and how that would change. How does that change the lighting that is going to be, I presume, pointing up towards the signs on the road? Does that movement of the hotel increase that light exposure to the residents?

Mr. Leming: No, a three foot drop in the elevation accomplishes nothing more than reduces the visibility of the hotel from Derrick Lane by three feet. But all of the parking lot lighting is directed down. Whatever lighting there is on the signage is internal. It focuses on the sign itself, it does not flash out or shine out. It focuses on the subject that it being lit. So most modern businesses are pretty careful about the directional lighting that they use. The objective is not to light the sky, the objective is to light the thing that requires lighting. Be it the parking lot or the sign and of course lighting has become very sophisticated over the years and we are pretty good at accomplishing that.

Mrs. Hazard: But there is going to be probably a large sign that is up, not just on the...

Mr. Leming: Do we know anything... can you say anything about the signage at this point?

Gentleman speaking from the audience: (inaudible).

Mr. Howard: Could you come up to the podium please so people at home can...

Mr. Leming: Your signage is controlled by Ordinance I would point out.

Mr. Kniseley: Yes, I can't speak to the lighting... again, I am Gary Kniseley. I am the engineer working with the owner on this. Mr. Chairman and members of the Board, what we have shown and what we will do typically from the site plan standpoint is we will establish a location in the grade for a monument style sign, which will be in the front of it. Now the franchise will have their own particular type of signage which I really can't go into much detail. And unfortunately the architect is not with us tonight and that is going to be as Mr. Leming said the one we worked with previously are on the front of the building are directed to that. In the rear it will be downward looking, shoebox style signs on the parking areas and not advertisement or anything like that.

Mr. Leming: You are in a highway overlay corridor here also, so that is an additional control on signage. There is a proffer that indicates that the lighting on the building and in the parking lot shall be directed away from residential properties and Jefferson Davis Highway. So that pretty well limits the focus of the lighting on the object that is actually being lit. Thank you.

Mr. Howard: Thank you. Any additional questions?

Mr. Hirons: Yes.

Mr. Howard: Mr. Hirons.

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Mr. Hirons: Mr. Leming, I am going to test your gardening skills a little bit I think.

Mr. Leming: Alright.

Mr. Hirons: If you have someone else who...

Mr. Leming: Mrs. Carlone is also a good gardener.

Mr. Hirons: The flowering dogwoods that are depicted in the plan, how fast growing are those trees?

Mr. Leming: Dogwoods are not the fastest growers, but we have to have a minimum height on the tree when they are planted. Dogwoods and of course the objective with the buffer is to have a mix of trees so that you have some at a lower level and some at a higher level. Some will... the good thing about dogwoods is that they grow in the shade and they keep their foliage. Many trees without direct sunlight won't do that. So one of the reasons they are often included in buffers is because they will grow in the shade of the larger trees that are planted to provide the higher level of buffer. But dogwoods are not particularly fast growing in and of themselves. They play an important part in the buffer, what do they call the sublevel... there is the... there is a specific term.

Mr. Hirons: And this is the...

Mr. Leming: Understory

Mr. Hirons: A little bit of my concern. The dogwoods, particularly on the backside of the property, don't seem to be intermixed too much with too many other plantings; which kind of lends me to think that, well those are going to be fairly thin dogwoods at twelve feet tall and it is not going to provide a heck of a lot of coverage there.

Mr. Leming: Gary, Mr. Kniseley is responsible for the plan.

Mr. Howard: They start at twelve feet or they grow to twelve feet?

Mr. Hirons: The plan says twelve feet at time of planting.

Mr. Leming: Right, that is how high they have to be when they are actually installed.

Mr. Kniseley: Those are the Ordinance requirements that these plants are all established at ten to twelve feet when they are planted. So they are well into the growth period. The dogwoods we show on the plan are in the front side of the fence, they are going to be dispersed with a good row of the Leeland Cyprus which as Mr. Leming said will grow taller and again is why they are a good mix for something like that. And then on the back side of the fence we will also have trees that have a substantial larger growth pattern to them. The idea again, Mr. Hirons, is not just to end up with just three or four trees there with nothing to buffer behind it. There will be trees, and it is kind of hard to tell sometimes because these things are layered on top of each other, but if you look back behind the fence or whatever those additional trees and plantings behind there which will be larger.

Mr. Hirons: Right.

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Mr. Kniseley: Canopy style.

Mr. Hirons: My eyes may have tricked me a little bit. I do see some of those circles behind them.

Mr. Leming: And there is the fence there as well.

Mr. Hirons: Now how high was that fence again?

Mr. Kniseley: It is a six foot privacy fence as far as the fencing in concerned.

Mr. Leming: The color rendering is intended to be illustrative. And we have tried to copy the GDP, the black and white GDP as closely as we can. But if you actually focus on the GDP you can read through the black and white, you may get more of a sense of the intensity of the buffer than shown on the concept plan here.

Mr. Hirons: Thank you.

Mr. Howard: Thank you. Mr. Rhodes.

Mr. Rhodes: Yes, thank you Mr. Chairman. On the trees, can they successfully be planted at a larger height? I know you said that is the minimum from our Ordinance, could they be brought in even more mature and still have a high potential for success and survivability.

Mr. Leming: Some can and it would not be unusual to come in with oak trees, perhaps some of the maples that would actually be a higher height than the twelve feet. Twelve feet is what is required by the Ordinance. It really depends on the availability of stock. I would not think you could go particularly high with Leeland Cyprus. Also keep in mind that the plants that you get from the nursery, the higher they go the more spindly they are going to be. You want trees that have full foliage from the bottom up and if you picture the trees sitting at a nursery, they are more inclined to be for front yards not for buffers and you really don't get too much foliage or branching out until you get several feet off the ground for the most part. So there is some advantage to letting a tree grow naturally rather than trying to put one in from the outset. There are large spades... tree spades that can be used that are on the back of trucks for even larger trees than that. And I had a number of those delivered from the old Stout Nursery to my farm when the Stout Nursery closed down. In fact I think I got about seventy of them. The survival rate for those and many of them were twenty feet in height, but the survival rate was about fifty/fifty on those at that height. So I hope that answers your questions. I think that we are probably more effective long term planting trees that have a chance to grow naturally and I think that is probably why the twelve foot minimum is there in the Ordinance. There may be some actually higher than that.

Mr. Rhodes: And this may be for staff, I am not sure Mr. Chairman. But is there a limit to the fence height being six feet verses seven or eight. Or is that just the level we are going? Is there any limitation?

Mr. Howard: Mr. Harvey do you have an answer? Mr. Rhodes' question is could the fence be higher?

Mr. Harvey: Mr. Chairman and Mr. Rhodes, the Ordinance does specify maximum fence heights along different yards within a lot, specifically a front, side or rear yard. The front yard for commercial

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zoning, if I remember right, is four feet where as on the side and rear it is eight feet for the maximum height. As long as the fence is not in the setback, it can exceed the maximum height.

Mr. Rhodes: Thank you.

Mr. Howard: Mr. Rhodes, is your question has the applicant considered an eight foot fence?

Mr. Rhodes: That would have been the follow-on, yes. Just trying to recall the optics of the visuals from the road. Some of the elements, as I recall, there was not a lot view shed, but there still was a little view shed that got you into the hotel sign and so forth that it seems like with a little more height you might eliminate that visual clutter possibly from the roadway.

Mr. Leming: We can do an eight foot fence. Mr. Kniseley indicates there's no issue with that.

Mr. Rhodes: Thank you Mr. Chairman.

Mr. Howard: Thank you. Any other questions for the applicant? Okay, thank you. I'll bring it back to the Planning Commission. Mr. Mitchell, this is in your geography.

Mr. Mitchell: Mr. Chairman, as with many times here on this Board...

Mr. Howard: Commission.

Mr. Mitchell: ... no decision we make is easy. Looking at the... I watched the Board meeting last night from the house; I was watching the presentation on the Comprehensive Plan. And one of the items he brought out in his speech was the deed of commercial entities. That is one of the driving factors that will fuel the funding for Stafford for many years to come. In 1993, when I first entered politics, a gentleman who lives off of Hope Road told me that there are two people that pay taxes. There are only two people. There's the homeowner and there's the commercial owner. So, in this case, I would rather see the commercial owner pay the taxes. With that said, Mr. Chairman, I make a motion for approval of Comprehensive Plan Use Amendment COM1000090.

Mr. Howard: Is there a second?

Mr. Hirons: Second.

Mr. Howard: Second; okay, discussion? Mr. Mitchell?

Mr. Mitchell: My only issue, Mr. Chairman, is because Route 1... 610... 17... Route 1 are going to be our commercial corridors, those portions that aren't, the entire strip of Route 1 at some point will be a commercial entity. And it is actually the appropriate use for such a land area.

Mr. Howard: Okay. Any other discussion from any other Planning Commissioners?

Mr. Hirons: Mr. Chairman, I just wanted to say I have really struggled with this particular application, mostly because of how it does affect the homeowners there on Derrick Lane. However, I agree with Mr. Mitchell; this is a prime location for good commercial space for the County to be able to draw out more tax revenue of the land. In the end, I think the applicant has worked well with the County to

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address our concerns and the concerns of the homeowners there, so it's our job to balance those two entities of what the applicant has requested, what the County is able to do, and the needs and wants and concerns of the homeowners. So, with that, I'm probably going to support this motion to move this forward onto the Board of Supervisors where I'm sure they'll scrutinize this just as much as we have, and probably, hopefully get some more wins for the homeowners in this.

Mr. Howard: Thank you. Any other discussion from Commissioners? Mr. Rhodes?

Mr. Rhodes: Mr. Chairman, just for clarification. We're on the Comprehensive Plan Land Use Amendment?

Mr. Howard: That's the one that Mr. Mitchell made the motion on. He didn't make a motion on 3, 4 and 5. I suspect we will be voting on those independently.

Mr. Rhodes: Thank you Mr. Chairman.

Mr. Howard: Just my comments as well, I did go and visit the Derrick Lane residents and I appreciate the hospitality. Many of you were very kind and generous and allowed me to stay on your property for a while and talk to you. This is a tough one because we have the Route 1 corridor it is clearly commercial entity, Route 1, and needs to be for the County's sake. It is very unfortunate that one parcel they need to make this all work takes a piece of residential property that currently that is on Derrick Lane and that never feels good. The fact is that portion of Route 1 is destined to change dramatically once the Aquia Towne Center is complete and there will be walkable nodes and lots of commercial down at that end and I agree the other side of Route 1 one the 95...bordering 95 is also a good opportunity to build a commercial piece of land or property or building or hotel. I am going to support this, but it never feels good to do that but I think that it makes sense in the bigger picture. And certainly does not feel good to the people on Derrick Lane. I know that and appreciate that and again I thank you coming out and voicing your opinion. It is always a good thing to do. This does have to go before the Board of Supervisors, I will tell you to hang in there and make sure you show up to that. I don't know how this vote is going to turn out so maybe you won't have to do that but I do appreciate you coming out and standing your ground. Hearing no other discussion, I will call for the vote.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: Yes, Mr. Chair, I'm going to and for the sake of brevity I'll just make my statement regarding all three of the proposals before us. I'm going to oppose all of them. You know, we got a letter from a ninety year old resident and she said all she wants to do is sit on her porch and not have to stare at a hotel. I haven't struggled with this decision at all. I think the process has been flawed from the very beginning with the way this property was acquired. And I think it is unethical to condone the process that was used to acquire the property by rewarding that person by giving them a rezoning and a change to the Comprehensive Plan and I won't have any part of it.

Mr. Howard: Thank you. Mr. Fields?

Mr. Fields: Mr. Chairman. Yes, I am going to oppose all three motions as well. These are complex issues when you are dealing with a commercial entity on Route 1 and a residential entity behind it.

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And there is no boiler plate, there is certainly no template for being able to clearly make a choice. And I have seen many of them over the years, both on the Planning Commission and then before that on the Board of Supervisors. And again, there is no hard and fast rule but it has generally been my observation is that at this point when you have... first I heard this on the Board of Supervisors and heard a completely unanimous opposition from the residents of Derrick Lane and I have heard the same thing this time. I certainly respect the desire of the Marriott Corporation to construct this building and the idea that Route 1 in and of itself is of course a logical place for a hotel. But when the entire community... when that entity was never able over all of these years to build a bridge to the community so that that community could see some commonality of interest, I think that they have failed and I think that it is my job here on the Planning Commission representing what I feel is the best interest of the County as a whole to follow through with the citizens wishes that that clearly seems to be the desire of the people around it. It is unfortunate you know hopefully if it doesn't pass they can find some other smaller scale, lower impact commercial use for that property.

Mr. Howard: Thank you. Okay, now I will call for the vote. All those in favor of Mr. Mitchell's motion, which is recommending approval for COM1000090 Comprehensive Plan Land Use Amendment for Fairfield Inn and Suites signify by saying aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Howard: Aye. That is three. Opposed nay?

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Rhodes: Nay.

Mr. Howard: Three. I will call the vote again. So if you responded by saying aye, I did not hear you; so I heard three. We will start with Mr. Rhodes. Your vote was?

Mr. Rhodes: Nay.

Mr. Howard: Mrs. Hazard?

Mrs. Hazard: Aye.

Mr. Howard: Mr. Fields?

Mr. Fields: Nay.

Mr. Howard: My vote was for it.

Mr. Mitchell: My vote was for it.

Ms. Kirkman: Nay.

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Mr. Hirons: My vote was aye, I apologize. I think I showed my struggle with the decision.

Mr. Howard: That's okay. The motion carries 4-3. Mr. Mitchell?

Mr. Mitchell: Mr. Chairman, at this point I would make a motion for the Reclassification RC1000091 Fairfield Inn and Suites.

Mr. Howard: Is there a second?

Mr. Hirons: Second.

Mr. Howard: Discussion?

Mr. Rhodes: Mr. Chairman... I'm sorry I clicked the plastic instead of the thing. I was trying to speed in just before the last vote so I apologize I didn't make my position clearer as I was thinking through it. But, that said, I would just like to clarify. Clearly, a vote for any of these three is not a vote for any previous step and any previous action not condoning anything in the process. It is simply voting on the merits of the specific proposal and application that is before us because that's what we're supposed to be doing. We're not supposed to be carrying secondary and tertiary issues into it. But that said, I voted for this application actually the first time around when it was voted down by the Board of Supervisors. I supported it and I struggled with it at that time and I struggled with it this time. I think there are many aspects of this that are absolutely the right thing to be doing. It is in the right corridor for many of the reasons that members up here have stated. Quite frankly, it all came down to the point that if it was one less floor, I'd be fully supportive. But I think the visual aspect of it is just inappropriate as far as it encroaches into the residential area and probably either lower, or a little less intensive use would probably be what I'd be more supportive of. But, thank you for allowing me my late comment.

Mr. Howard: I appreciate that. It's good to hear everyone's thoughts.

Ms. Kirkman: Yes, and Mr. Chair, in regards to the reclassification specifically, I'm opposed to that because I don't think the impacts have been mitigated. I concur that ultimately commercial development will occur on that property, but this particular development is inappropriate because of its impacts. Additionally, I think we really have to look at the fact that there's plenty of areas in the County... you can walk out the door of the County Administration Building and view them... that really could use with redevelopment and infill development before we start impacting our neighbors.

Mr. Howard: Thank you. Just to add comments, and trust me residents of Derrick Lane, I am not judging anything here. I am just pointing this out for clarification for those who haven't visited the location. And I've had the same discussion with people on the block. There is a used car building, piece of property, that is also on Derrick Lane and Route 1. Okay, so there is already commercial there and I'm not picking on... I know who lives in the home; I won't mention the name, I'm not going to do that... but in one of the homes mentioned today there are two huge semi tractor-trailers that are parked there often and they do conduct business in and out of that house and that are up and down Derrick Lane. I understand they are respectful of the neighbors and you have a great community there; you look out for each other and I think it's great. And I'm sure that will continue. But we are talking about a road that's adjacent to Route 1 where today two other commercial enterprises are operating on Derrick Lane... just so everyone knows for full disclosure. I do not know how the property was

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acquired, I know nothing about those details. I'm not sure, as the Chairman of the Planning Commission, I need to get into that. If something happened that shouldn't happen, that side is very unfortunate. But that's not what's before us and that's not we're trying to make a decision on. So, I want that fully disclosed so people know that location. Any other discussion of the matter? I'll call for the vote. All those in favor of Mr. Mitchell's motion which is the Reclassification RC1000091 of Fairfield Inns and Suites signify by saying aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Mr. Rhodes: Nay.

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 4-3. Mr. Mitchell?

Mr. Mitchell: Mr. Chairman, I make a motion for the Conditional Use Permit, Fairfield Inn and Suites, CUP1000092.

Mr. Howard: Is there a second?

Mr. Hirons: Second.

Mr. Howard: Any discussion?

Mr. Hirons: The only piece of discussion I had was...

Mr. Howard: The fence?

Mr. Hirons: Yeah, the fence. Can we make sure it's noted eight feet?

Mr. Howard: Can we amend the proffer?

Mr. Leming: Eight feet is fine. Can we put that in the condition? You all are on the Conditional Use Permit now so why don't we add that to the conditions which are the ones you impose on us rather than those that we proffer.

Mr. Howard: Correct.

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Mr. Hess: And also just for clarification, the wording on condition number 3. There was two different wordings; one was handed out by the applicant, was mailed to you by the applicant and the other one was given to you by staff. I just want to clarify which one you wanted to go with.

Mr. Howard: I don't have that one in front of me. Do you have it to read?

Mr. Hess: Certainly.

Mr. Howard: I know I have it in front of me but not quick enough to pull out and read.

Mr. Hess: Just to clarify, condition number 3 of proposed Resolution R10-250; it says "inter-parcel access shall be reserved to the adjacent properties to the south and east, but in no event shall the property be used as a means of direct access between Jefferson Davis Highway and Derrick Lane".

Mr. Howard: And whose version is that?

Mr. Hess: That is staff's version.

Mr. Howard: And the applicant...?

Mr. Hess: The applicant's version...

Mr. Leming: We're happy with the wording that staff has as there were just a couple words (inaudible).

Mr. Hess: Right.

Mr. Leming: We're not opposed to the staff version.

Mr. Howard: Okay. So, just for everyone's information, we're including the eight foot fence we're allowed by code and then item number 3 which is included in the packet on the CUP which indicates that "but in no event shall the property be used as a means of direct access between Jefferson Davis Highway and Derrick Lane". Is that correct, Mr. Mitchell, in your motion?

Mr. Mitchell: Yes.

Mr. Howard: Okay, thanks. Hearing no other discussion I'll call for the vote. Mr. Mitchell?

Mr. Mitchell: One other question... one other piece of discussion. Most of the people who know me know that I'm very pro-business. I think business is the answer to Stafford County. We need to increase our businesses, we need to bring more into Stafford County; that will help pay the taxes. That will help pay the firemen, the policemen, that will help pay the schools, that will help pay the Social Services and a whole series of things. But I want to leave this with one comment... I support Derrick Lane. My last year in office, along with the assistance of Mr. Pete Fields, I was able to secure the initial funding to get the first paving done on Derrick Lane. A bit of trivia; I just wanted to throw it into the pot for what it's worth. Many of you don't know that and many of you don't remember it. Thank you.

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Mr. Howard: Thank you. I'll now call for the vote. All those in favor of Mr. Mitchell's motion signify by saying aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed say nay.

Mr. Rhodes: Nay.

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 4-3. We now move onto item 7 which... I'm sorry, item 6 which is the proposed amendments to the 2010-2030 Comprehensive Plan, the new version dated October 13th. Mr. Zuraf?

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

Mr. Zuraf: Good evening Mr. Chairman and members of the Planning Commission, Mike Zuraf of the Planning and Zoning Department. And for a point of clarification the latest draft of the plan that you received is actually dated October 20th. I think it states in the memo October 13th, but it's actually October 20th. The latest draft that you received was in response to last Wednesday's Special Planning Commission meeting. In that plan there were several revisions which the Commission requested, which includes...we added in to the table of contents a list of figures and tables of all that are located within the document. We...in Chapter 2 revised Policy 1.2.3, within the Land Use Map there was one revision that was made to the Land Use Map. Within Chapter 3 there was a revision to Table 3.3 which reflected the new revised acreage resulting from the Land Use Map amendment that I previously mentioned. Then also some other minor text amendments were made regarding the Urban Development Areas and Redevelopment Areas within the text. Also you did receive in front of you tonight a revised version of Planning Commission Resolution PCR10-05. This latest revision adds language referencing this amendment to the Comprehensive Plan would also include the repealing of the Transportation Plan. This was not included in prior iterations. This is due to the fact that the Transportation Plan is basically being incorporated into the new document under Chapter 4. Also this Planning Commission Resolution sets a public hearing date of November 17th. This would be the last regular Planning Commission meeting that would allow you to...or last chance for you to authorize a public hearing and still meet the Board of Supervisors deadline of sixty days that they imposed back in...on September 21st. Also you did, I believe, receive a final version of the fiscal and economic impact study. There were several questions relating to the study at the last meeting. The Commissioner of Revenue is here to help answer some of your questions per your request at the last meeting. Also the staff does have some other answers to some of the other questions, there was a question as to the number of existing condominiums and apartments that are in the county and we did find that. The Commissioner of Revenue Department was able to provide that to us. There are

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currently one thousand seventy four condominiums and three thousand three hundred sixty nine apartments in the county.

Ms. Kirkman: Excuse me. Mr. Chair may I ask a...

Mr. Howard: Yes Ms. Kirkman.

Ms. Kirkman: The apartment figure, those are treated as a single property, so how many apartment buildings is that. That is different than units.

Mr. Zuraf: Yes, do we have the number; seventy-two buildings.

Ms. Kirkman: Seventy-two buildings.

Mr. Zuraf: And three thousand three hundred and sixty nine units.

Ms. Kirkman: And what's...so what's been built...part of the question was what had been built in the last couple of years.

Mr. Zuraf: I am not aware of any apartment buildings. Maybe Jeff can correct me I don't believe any rental apartments have been built in the last few years. Oh, Mountain View, the senior apartments off of Mountain View Road out by Mountain View High School.

Mr. Howard: Right, adjacent to the high school.

Mr. Zuraf: Those were the latest.

Mr. Harvey: I am not aware of any specifically, but again we can search our database to see what building permits have been issued for multi-family in the last few years.

Mr. Zuraf: The other question was a question of the student generation number for multi-family units that were provided to us by the School Board staff and kind of a question of how that came about and what does that include. Their multi-family number includes all apartments and condominiums that they have on record. Now that would be condominiums that are in the form of like garden style apartments. There are...we have in the county townhouse condominiums. Townhouse condominiums for the School Boards purpose goes under as townhouse, so it would be any apartments and condominiums that have the form of like a garden style apartment as opposed to like a townhouse.

Ms. Kirkman: Do we have the mix of how many are apartment style verses...or garden style verses townhome style?

Mr. Zuraf: Yes as far as condominiums of the one thousand and seventy four we have sis hundred and sixty nine as townhouse style and only three hundred and seventy two apartment style.

Ms. Kirkman: And did we get this in writing?

Mr. Zuraf: We do have copies of that we can hand out.

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Ms. Kirkman: That would be great if you could pass that out.

Mr. Zuraf: Okay. That is all that I have and I will answer any other questions. And as I mentioned the Commissioner of Revenue is here.

Mr. Howard: Okay, thank you Mr. Zuraf. Are there any other questions for staff at this time?

Ms. Kirkman: I just want to go back to one other figure that was used in the Fuller analysis. And that was it assumed that for the 2008 Comprehensive Plan that there would not be a single detached residential unit built in the UDAs and could you please explain how staff came to that conclusion?

Mr. Zuraf: Yes that was a estimation that staff had to make because the Urban Development Area is in the 2008 plan were planned out at a ten dwelling unit per acre density across the... basically that was the density that was identified within the Urban Development Areas. There was no variation to that and at ten dwelling units per acre that is going to be a density that is going to typically correspond with apartment and multi-family units and townhouses. So staff made the judgment call of placing a fifty percent split on that number. Because it was not specifically called out as to what types of units would actually occur within the UDAs.

Mr. Zuraf: Did you think to perhaps go back and look at the Stafford Town Station which is the only large TND proposal we've seen in the county and look at some of the heavy residential transect zones there. Because the ten units per acre is an overall average not an absolute number and let's just say you have ten acres, for simplicities point of view, under the TND Ordinance you can get forty eight units on an acre through multi-family, which would then leave nine acres which could actually support some single family dwellings. Correct?

Mr. Zuraf: Yes, yes. It potentially could, but we... the area of the UDAs was generally small... they were identified in much smaller areas and the ten dwelling units per acre was identified across the entire area and I believe the Stafford Town Station plan had an overall density that was lower than that.

Ms. Kirkman: But that included the commercial acreage as well.

Mr. Zuraf: That would apply... that applied across the entire site.

Mr. Howard: I think it is fair to say that the UDAs in earnest were really added to this plan, which really were not in the other plan and that clearly is going to cause some differences in how both plans are valued if you will or the evaluation of both. So I don't think anyone has ever suggested, I hope not, that Dr. Fuller was planned as complete gospel and boom that is what we are doing. It is an analysis based on the current draft version, it is not really... you know you can go back and compare it to 2008 but it is really more of what is kind of the here and now plan. That is how I looked at it, so...

Ms. Kirkman: I am sorry Mr. Chair I just... during several occasions we were told major changes were being made to the 2010 plan based on Mr. Fullers analysis, so that is why I am trying to understand all of the analysis.

Mr. Howard: Well on of the changes, if you recall Ms. Kirkman, the big change was the type of dwelling unit and the revenue it generated. That was probably the biggest change that that study in my mind created. And again that on kind of the here and now.

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Ms. Kirkman: Did you pass out that handout Mr. Zuraf?

Mr. Howard: They gave it to us Ms. Kirkman while you were speaking.

Ms. Kirkman: Thank you for this.

Mr. Howard: Any other questions for staff? Mrs. Hazard.

Mrs. Hazard: I have one but it's on actually a totally different topic, so I did not know if Mr. ...it is on the comp plan but if Mr. Mayausky was coming up for any reason I would rather keep...

Mr. Howard: He will come up if you ask him a question.

Ms. Kirkman: Yes it might make sense for him to come up now. Because it is related...

Mr. Howard: Mr. Mayausky would you come on up? Thank you. Well he is staff actually.

Mr. Mayausky: Thank you. Not really but sort of.

Mr. Howard: That is true. I apologize.

Mr. Mayausky: That is alright.

Mr. Howard: He is an elected official.

Mrs. Hazard: I am going to defer to the other... to Ms. Kirkman for her questions concerning...

Mrs. Kirkman: Sure. Mr. Mayausky I had asked if you could come or if staff could have something written to us from you to understand the difference in the way in which multi-family apartment building are assessed and taxes verses condominiums which are owned.

Mr. Mayausky: Okay. Condominiums are assessed, they are both taxed the same way, same tax rate. We determine the fair market value of the property and just apply the tax rate. The difference comes in in the appraisal method we use. On condominiums we use the same method we use on single family dwellings. They sell as individual units, there is a market, we can track and find out how much those condos are selling for based on comparable sales. Apartment buildings are different, you usually don't have a lot of sales and the individual units don't matter. What matters is the income that that building is generating. So we do those on the income approach. We look at the income generated determine a value based upon the income that that building generates.

Ms. Kirkman: And it... so I went on the website to try to understand and so you get some report from apartment buildings based on their income generated.

Mr. Mayausky: We do. Every year we send out income and expense statements and apartment building are very good at returning those. They tell us the income they generate and the expenses associated with operating their business and then the income approach takes all into account you apply a capitalization rate which takes things such as risks, maintenance, those types of things into account and then it generates a value based upon all those factors.

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Ms. Kirkman: And so it is essentially a net income since you are taking into account the expenses.

Mr. Mayausky: Yes, you begin with a gross income and then there are certain allowable expenses that are backed out before you apply the capitalization rate.

Ms. Kirkman: So if it's a low rent apartment it is going to generate a very different assessment value then if it's a high rent.

Mr. Mayausky: Correct.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Mrs. Hazard did you have a question for Mr. Mayausky as well? Mr. Fields.

Mrs. Hazard: I did not I am going to defer to Mr. Fields.

Mr. Fields: Well I think as we were discussing last time the salient point that really brings out particularly vis-a-vis of Dr. Fuller's analysis or any other analysis that attempts to use... project the desirability of certain land... certain housing types based on expense to the county in terms of services is a little bit flawed if Dr. Fuller's proposals in multi-family included these thirty three hundred apartments which... who's revenue to the county is generated like as if it were commercial property. That is really not a residential type...it is not assessed residentially, right? It is assessed just like a commercial property based on its revenue.

Mr. Mayausky: It is valued using a commercial method and when we determine the value of commercial property we do include apartments in that valuation.

Mr. Fields: Okay, so that to me creates a question than at any rate of how you would determine the distinction between a cost to the county and services meaning residential costs because they contain people and people contain services. But their valuation when we are looking at this multi-family line here the difference between multi-family condos which are obviously you can deal with just like a house or a townhome and multi-family apartments belong in the commercial uses to a certain degree because their trajectory is based on a different value. Or would you say...would you say that apartment buildings almost have their own unique trajectory? Because it...I would assume that their valuation runs differently than say a shopping center with pad sights in it or bays.

Mr. Mayausky: Sure, each individual property type has its own trajectory. And five years ago we did see a large difference between the value of condominiums, when the market was rising and the value of apartment buildings. Because the rent did not increase anywhere near as dramatically as housing costs did. But they have kind of leveled out now. We looked at the condominiums north on Route 1 behind the post office, I believe it's Carriage Hills and we compared them to Vine Place, which is off of Greenspring Road. They are the same type of development built at the same time. Carriage Hills were converted to condos. Now they are selling and the condos are assessed for the same per unit price as the rental units. Is that always the case? No. The market does what the market does but in this case they are comparably assessed. Even though we use two different methods.

Mr. Fields: That is just a...that just happens to be...that is circumstantial from property to property.

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Mr. Mayausky: Right.

Mr. Fields: Okay, thank you.

Mr. Howard: Thank you. Thank you Mr. Mayausky, I appreciate you coming down tonight. Now we will go back to staff. Are there any other questions for staff?

Mrs. Hazard: Mr. Chairman, this is more of a... it is not really a question Mike, I think it is something we had talked about. When we look at Policy 4.8.4 on Page, I believe of the current on, 2-25. As I look at that particular discussion this is about requiring the noise disclosure. When I have gone back and re-read this it seems like either a word was dropped or somehow we have... well let me read how it states now.

Mr. Howard: Can you cite the page?

Mrs. Hazard: Sure 2-25.

Mr. Howard: Thank you. And it is Policy?

Mrs. Hazard: 4.8.4.

Mr. Howard: Okay.

Mrs. Hazard: We had in there and I know that this body has discussed the noise disclosure issue concerning what we are within the law allowed to do.

Mr. Howard: Correct.

Mrs. Hazard: However how it read though require noise disclosure for potential purchasers and lessees, I believe is very broad. I think that at one point the intent of this was there was packet... there was some kind of discussion about what we were... and maybe we were awaiting either legal counsel or a potential changes in the law, but how that reads right now requiring noise disclosure, I am not sure we have something to hang our hats on. And maybe we add to that as Virginia Law changes to operate within those parameters. I am sorry I don't have perfect language to in... and I have thought about this but for right now there is something about how that reads to me and I would just ask the other Commissioners whether they read that the same way or if sounds fine.

Mr. Howard: No I think it is a good point. We did have a lot of discussion on this previously and I do recall that at the time, I do believe it was Gail, indicated that we might not be able to require disclosure on the plat anyway, I was not sure. That is my recollection and I could be wrong. Mr. Smith I am not sure if you have any reference for that or not.

Mr. Smith: Yes Mr. Chairman I think this issue arose after my predecessor left and I began serving with the Commission. I will be careful about going into detail but our office was comfortable with the plat note.

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Mr. Howard: Okay, we had gotten some attorney client confidential information passed to us as we should. So in your opinion then Mr. Smith the wording as it exists today from a legal perspective is appropriate

Mr. Smith: At least regarding the plat note. I don't know if Mrs. Hazard has other concerns or other...

Mr. Howard: Okay.

Mr. Smith: ...other things she would like included.

Mr. Howard: Do you have any other issue with that?

Mrs. Hazard: I think it was saying require noise disclosure. Noise disclosure can be I told you that you live here. Noise disclosure in writing to me is much more of a notice that I would want to have if that is what we are going to is that we want people to really find out. I know we are struggling with the issue of who has liability if there's a realtor or whatever but requiring noise disclosure to me is...we need to go a little farther. We need to make sure it's written or some kind of true notice I my opinion.

Mr. Howard: Mr. Smith, what would your interpretation be being a representative of the county in this? That what would we be required to insure was disclosed to a potential purchaser?

Mr. Smith: Mr. Chairman under the current language I do think it is more general and that it simply refers to a noise disclosure. It doesn't specify in writing, given verbally, what type of writing would satisfy the policy.

Mr. Howard: So this could essentially get picked up in some of the Zoning Ordinance changes that I am sure we will be required to rewrite as a result of a new comp plan. If in fact there is a new comp plan.

Mr. Smith: Yes, I am sorry Mr. Chairman, yes. This like the other policies in the Comprehensive Plan will need to be implemented through the Zoning Ordinance and the Subdivision Ordinance and...

Mr. Howard: And part of the implementation plan basically.

Mr. Smith: Correct Mr. Chairman.

Mr. Howard: Okay.

Mrs. Hazard: Mr. Chairman if I could propose that we would require written noise disclosure as permitted by current local, State, I will even throw in Federal if there is something out there, law for potential. I would like it to be written.

Mr. Howard: If that motion were to occur, Mr. Smith, would that work? I am not sure who would provide it in writing

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Mr. Smith: Again Mr. Chairman I will try to be careful. I think there may be some issues with particular types of disclosure. But regarding at least the subdivision plat note our office is comfortable with that requirement.

Mr. Howard: So Mrs. Hazard, does that accomplish what you are trying to accomplish? That it will be a requirement that will have to be a note that is on an actual subdivision plat.

Mrs. Hazard: Having been through a time in the county where we assume that notice is given direct notice or some kind of notice on a plat, I will tell you the average homeowner will never see it.

Mr. Howard: Right.

Mrs. Hazard: And to be candid where I live in the county I did not have any idea that there would be that much going on. Now we happened to drive by, when we buy a house we...I go at night, I go in the morning but that is also I work in the industry. I know things change. I lived in Arlington and you find out what happens at traffic times if you don't go to your house during that time, you find out all of a sudden that the noise wall doesn't work very well. So I am just saying if we are really trying to get notice to the potential purchasers and maybe we can't solve it here and maybe this is something to move forward, but my real...is that there is written notice to potential purchasers and I understand Mr. Smith's comments and I have read, but I think I am trying to say as permitted by law hoping that in the future we will be able to amend or work with that and work with our legislature to be able to get that direct notice to our purchasers.

Ms. Kirkman: Mr. Chair, I want to add I originally raised this issue because of my concern that again the plat notification is not adequate.

Mr. Howard: Right, no one looks at that.

Ms. Kirkman: And I think when we struggled with this language I think ultimately the language we came up with was just to do it as permitted by law conveys our clear intent to do what we can within the boundaries of what is legally permissible.

Mr. Howard: I would think (inaudible).

Ms. Kirkman: So I would suggest that we amend it to include written...

Mr. Howard: Require written noise disclosure as permitted by law.

Ms. Kirkman: Yes.

Mr. Howard: Permitted by law, all those laws really would be covered.

Ms. Kirkman: In particular I hope we will explore at a minimum that it gets recorded on the deeds. I am not sure why that can't be done, that it lies within a certain zone of the county.

Mr. Howard: Yes there was a discussion on that and again not having the memo in front of me, but I know that we weren't discussing that for a couple of reasons. But I think Mr. Smith if a motion were to be made that says require written noise disclosure as permitted by law for potential purchasers and

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lessees within the Military facility impact overlay district on military operations and continues as is in this policy 4.8.4, in your legal opinion would that be appropriate in the comp plan?

Mr. Smith: Yes Mr. Chairman I believe that is legally defensible and I am comfortable with it and our office will certainly work with the Commission in however way we can to come up with the most legally defensible ways to execute this policy.

Mr. Howard: Thank you. Mrs. Hazard, are you making a motion?

Mrs. Hazard: Yes I would make the motion to amend Policy 4.8.4 to begin... to require written as an added word noise disclosure, as permitted by law.

Ms. Kirkman: I will second.

Mr. Howard: Any discussion? I will call for the vote, all those in favor of Mrs. Hazard's motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed? The motion carries 7-0. Thank you Mrs. Hazard. Were there any other comments or questions for staff? Thank you Mr. Smith. Any other issues the Commissioners want to bring up?

Mr. Mitchell: Mr. Chairman.

Mr. Howard: Mr. Mitchell.

Mr. Mitchell: Forgive me. I am going to pass this out.

Mr. Howard: I always forgive you Mr. Mitchell.

Mr. Mitchell: I will pass one to each side. I made some copies and I would like to give everyone a chance to read it.

Mr. Howard: Okay.

Mr. Mitchell: Before they... before we discuss it. It is one sentence.

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Mr. Howard: For those watching at home I will read it. I guess this involved the Brooke Station UDA and I guess Mr. Mitchell is I guess is going to make a motion requesting all residential development associated with this UDA shall be tied to the retiring of developments rights for properties east of the CSX rail road tracks with the southern boundary being Potomac Creek and the northern boundary being Aquia Creek.

Ms. Kirkman: Mr. Chair I just have a question.

Mr. Howard: Sure.

Ms. Kirkman: Or a point of order. The Commission voted on this matter at our last meeting. Isn't that correct?

Mr. Howard: We voted on a similar issue, yes we did.

Ms. Kirkman: What's the... I mean this looks identical to what we voted on.

Mr. Howard: I don't believe it is word for word but it is very similar, you are correct Ms. Kirkman.

Ms. Kirkman: What is the difference? I'm just... if anyone wants to answer that. I mean the Commission already voted on...

Mr. Howard: To me the difference is it is outlining a more specific boundary that I recall. I don't have the specific notes in front of me, obviously.

Mr. Zuraf: I don't think it referenced the specific...there was a question about where the boundaries would be and this has specific creeks. I think that is the one difference.

Mr. Howard: Which is why some of the people voted no, so that was my recollection. Good question though. Mr. Mitchell we have read it, we have it.

Mrs. Hazard: Is the Page 3-3, I am sorry 3-31 is that where this would be inserted Mr. Mitchell?

Mr. Mitchell: That would probably be an appropriate place. I think it is a positive thing. People may consider it a negative thing. I think it is very positive for the planning...for the comprehensive plan.

Mr. Howard: Are you making a motion?

Mr. Mitchell: Mr. Chairman I make a motion that we add this one item that was passed out to all seven members to the Comprehensive Plan for...

Mr. Howard: To 3-31 which is the UDA 5, Brooke Station.

Mr. Mitchell: Yes sir.

Mr. Howard: Is there a second?

Mr. Rhodes: Second.

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Mr. Howard: Okay, any discussion?

Mr. Zuraf: Mr. Chairman for point of clarification I would... for further clarification as to where this would specifically go on that page. Just so I don't put it in the wrong spot.

Mr. Howard: Mr. Mitchell did you have a preference?

Mr. Mitchell: Mr. Chairman I don't have a preference. If staff sees a preference that would more suitably fit it...

Mr. Howard: I would think before the summary, Mr. Zuraf.

Mr. Zuraf: Okay.

Mr. Mitchell: Thank you sir.

Mr. Zuraf: Okay.

Ms. Kirkman: Mr. Chair.

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: I am going to abstain from the vote on this. I don't think there should be a UDA at Brooke at all so I don't think it is appropriate to...

Mr. Howard: Okay. Thank you.

Mr. Fields: I will do the same abstention, because of course you know I guess if there was one I would... TDRs would be better than no, but I don't want to seem like I am not supporting Mr. Mitchell's motion, I just don't support the Brooke Station UDA.

Mr. Howard: I understand. Any other comments or discussion? Hearing none I will call for the vote all those in favor of Mr. Mitchell's motion which is adding the following to 3-31 prior to the summary in the UDA number 5 Brooke Station. All residential development associated with this UDA shall be tied to the retiring of developments rights for properties east of the CSX rail road tracks with the southern boundary being the Potomac Creek and the northern boundary being Aquia Creek signify by saying aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed?

Mrs. Hazard: Nay.

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Mr. Howard: There was a nay? Okay so one... four ayes, one nay and two abstentions.

Mr. Rhodes: 4-1-2.

Mr. Howard: 4-1-2. Thank you. Stacie got that better than I did. Okay, are there any other comments?

Ms. Kirkman: Mr. Chair in reviewing the Land Use Map there is still a VRE station down on the very southernmost part of the county. I thought there had been discussions about removing that since that was tied to a UDA that had been removed from one of the drafts.

Mr. Zuraf: That was never tied to a UDA. That... the furthest south kind in... of by Chatham Heights Road?

Ms. Kirkman: Um-hum.

Mr. Zuraf: That was never tied to a UDA. There was... I don't remember any discussion of removing that.

Mr. Hirons: To get into the specific discussion of potentially removing that the Supervisor from the George Washington District attended one of the committee meetings and it was asked or discussed. I won't speak to the fact if it was directly asked but he didn't respond to that and seemed to indicate that he was fine with it. For what it's worth.

Ms. Kirkman: Okay.

Mr. Fields: I don't think... I don't think it is particularly germane. You know to be honest with you I would prefer it's not there. I think it's close proximity to the downtown train station in between Leeland, almost from a technical standpoint precludes it's viability as a rail... as a stop. You know I would prefer if we are not on... I can make a... I'll make a motion and we will see where it goes. I would make a motion that we exclude, I guess we could call it the Chatham Heights proposed VRE station from the Land Use Map.

Ms. Kirkman: I will second.

Mr. Fields: I think... you know we would be lucky if...

Mr. Howard: We are in discussion go ahead Mr. Fields.

Mr. Fields: If you guys really want one and think one is going to fly in Widewater I would say that would be extraordinarily high... still on the high list of lots of X factors in whether that could ever occur or not. One close in like this would be... I don't see how it could ever logically serve any purpose and it just kinds of muddies the water to have something like that sitting there on the map. Like I say I don't know that the trains... I mean I don't know exactly what the rules are, but if you see the proximity from Leeland to Brooke you know you are talking about you know you can't quite see it but if you extrapolate really kind of the downtown station. If you see... if you kind of go down on the map and see where that station is and follow the rail line you know. When you go, basically right when you go over the river is where the Fredericksburg... the City... the Fredericksburg rail station is.

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I don't think that there is any possibility that you would have stops on that kind of proximity, but you could considering how incredibly complicated, expensive and elaborate a deal that is to construct a VRE station. So rather than having it there mudding the waters it would probably be a better plan if it were removed.

Mr. Howard: Any other comment?

Mr. Hirons: Is the motion seconded?

Mr. Howard: Yes the motion was seconded and we are in discussion.

Mr. Hirons: I just wanted to say I tend to agree actually. I don't see where that station really serves a vast number of people and that is why I actually bring up and I have memory of the memory where the Supervisors from George Washington district attended and did not really address that which kind of surprised me and thought perhaps he wanted it for some particular reason. I agree with Mr. Fields. It's pretty darn close to Leeland and Fredericksburg and it doesn't seem to serve an additional crop of people. So I will support the motion.

Mr. Howard: I was also at that meeting and I actually think VRE also looked at that and didn't really have an issue. But I am not sure without the UDA from my perspective that it makes sense to even have that on the horizon at this moment in time.

Mr. Fields: The UDA... just for clarification the southern proposed UDA was not on that... served by that rail station. It was proposed at what is called the Sherwood Forest site, which is down Route 3 at the very... if you look at the very tip of the extension...

Mr. Howard: It was much further west, southwestern.

Mr. Fields: Down here south and east.

Mr. Howard: Southeast, sorry.

Mr. Fields: There is, of course, a rail spur that goes through that property, but there wasn't any proposed access to it. That's the primarily a freight spur that serves the landfill and the Birchwood Power Plant.

Mr. Howard: Any other discussion?

Mr. Mitchell: Mr. Chairman, I will not be supporting Mr. Fields motion. This gives us the potential. It does not demand that it be put there it doesn't put something in to place where it has to be put there. It gives us the potential. There is not a member of this Board who could honestly say...

Mr. Howard: Commission.

Mr. Mitchell: On this Commission, forgive me. Old habits die hard. There is not one on this Committee, no one sitting in the audience and no one watching us tonight on TV that can say what Stafford will truly look like in twenty five years. We can plan we can attempt we can try we can do our utmost, but I think just throwing it out is throwing the baby out with the bath water.

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Mr. Howard: Thank you.

Mr. Mitchell: One comment.

Mr. Howard: Right. Mr. Harvey, clarification from staff.

Mr. Harvey: Mr. Chairman I would also like to point out there is text in relation to this station. It is on Page 4-7 and it is the third paragraph. That paragraph would need to be deleted.

Ms. Kirkman: I request a friendly amendment from the motion maker to do so.

Mr. Fields: Sure, I would include the...

Mr. Rhodes: Third paragraph.

Mr. Fields: Third paragraph. Right, third paragraph on 4-7 is also deleted along with the depiction on the map.

Ms. Kirkman: And as the seconder I accept that friendly amendment.

Mr. Howard: Okay, so the motion has been amended.

Ms. Kirkman: And I... you know I apologize for the confusion around that and the UDA that was removed but that was the station that would have been closest.

Mr. Howard: Absolutely, no, no.

Mr. Fields: It would have been closest to the VRE.

Mr. Howard: That is my recollection also Ms. Kirkman. I agree with you Ms. Kirkman.

Mr. Fields: I just did not want people... I wasn't contradicting the intent I was just making sure people weren't confused. There was a southern UDA that had a rail station in it like the Brooke... the proposed Brooke one and the proposed Widewater one.

Mr. Howard: Let's just note for the record that I was in agreement with Ms. Kirkman.

Ms. Kirkman: Now people should take note the Chair is agreeing with me this week and Mr. Leming agreed with me at the last meeting.

Mr. Howard: Unbelievable. Hey, it's a trend.

Mr. Fields: It's a trend. I feel the love in the room.

Mr. Howard: Is there any other discussion on this? I will call for the vote. All those in favor of Mr. Fields motion as amended... as accepted with the friendly amendment signify by saying aye.

Mr. Rhodes: Aye.

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Mrs. Hazard: Aye.

Mr. Fields: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed say nay.

Mr. Mitchell: No.

Mr. Howard: The motion carries 6 to 1. Okay we are at that magical moment I think. Before we get to the magical moment I want a point of clarification Mr. Harvey. On Mr. Zuraf's opening comments he indicated there was a lot to do on the Transportation... I guess my question is either for you or Mr. Smith. Does that require a motion or is that...that was an FYI by the way we forgot to point out that this transportation, you know model changes to this what's I the comp plan.

Mr. Harvey: Mr. Chairman the comments were intended to make it clear to the Commission what the intent was. It was incorporated into the Resolution to schedule a public hearing. In past discussions it had been stated that possibly we would convert the existing Transportation Plan element of the comp plan to an implementation plan. But in further looking at it all the information in the Transportation Plan element is for the most part in this Chapter 4 so it is not necessary to have that separate element at this point in time. We will still proceed with the implementation element and as we do additional modeling of potential other road improvements in the future, but staff believes it is not necessary to have that element separately standing out there because it will cause confusion.

Mr. Howard: Okay. I appreciate that. So that is just a clarification.

Mr. Harvey: Yes sir.

Mr. Howard: Alright. So we are at that magic moment. Is there a motion to do something with the Comprehensive Plan?

Mr. Mitchell: Mr. Chairman.

Mr. Howard: Yes, Mr. Mitchell.

Mr. Mitchell: I would love to make the motion...

Mr. Howard: Okay.

Mr. Mitchell: ... with the amendments that were added tonight to send the 2010/2030 Comprehensive Plan to the Board of Supervisors for their review.

Mr. Howard: No for public hearing.

Mr. Mitchell: For public hearing.

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Mr. Howard: Is there a second?

Mr. Hirons: Mr. Chairman I will second that motion. Finally.

Mr. Howard: Okay, Is there discussion?

Mr. Hirons: Finally.

Mr. Howard: Mr. Harvey when would the public hearing occur?

Mr. Harvey: Mr. Chairman the public hearing would be scheduled for November 17th.

Mr. Howard: What is required to get the notification out? What do you have to do? What does staff have to do?

Mr. Harvey: We have to make corrections to the document. Make corrections to the advertisement if any are needed based on these changes and provide them to the Free Lance-Star by Friday.

Mr. Howard: And how many times will this be advertised?

Mr. Harvey: It will run twice in the Stafford Zoom, for two consecutive weeks, one time for each week for two consecutive weeks.

Mr. Howard: Jonas, don't take this personally, what is the Stafford Zoom Mr. Harvey?

Mr. Harvey: It used to be called the Stafford Extra, it is a part of the paper that...

Mr. Howard: Oh the (inaudible).

Mr. Harvey: ...that focuses on Stafford County.

Mr. Howard: Got ya. How much of the plan will actually...how much of the plan will the public be able to look at before the hearing?

Mr. Harvey: The maps will include the existing Land Use Map. It will also show the New Land Use Map as a comparison and it will include maps of all the Urban Development Areas.

Mr. Howard: Alright and what about all the text. Where could somebody get a copy of that if they wanted to do that?

Mr. Harvey: Well the advertisement will have several pages of text which describes the various chapters of the plan, the mechanics of what is going on in the plan. It will also identify parcels that are currently in the Urban Service Area that may be outside of the Urban Service Area in the new plan and visa versa, the ones that are out and will be in. So property owners, if they know their parcel number can identify how you are potentially being impacted by the plan. Also by State Code we are required to post the plan on the County Website so the public can access the plan.

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Mr. Howard: So the document in a PDF format will somehow be available. Is that what you are saying?

Mr. Harvey: Yes sir it will be on the website. Okay, that's fine.

Mr. Hirons: Is the URL within the advertisement?

Mr. Zuraf: It... there is a URL that gets you to, I believe, the agenda and then we will have a link from the agenda to the Comprehensive Plan revision page, which...the plan...this latest October 20th version is already on the County website so anybody can go the Planning and Zoning website and click on Comprehensive Plan revision and they can view this version and all of the past versions that have been worked on. So they can see that progress.

Ms. Kirkman: Mr. Chair I have a question.

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: Is that...when they go to download it do they get the entire plan or is it broken up into smaller pieces?

Mr. Zuraf: It is provided by Chapter because of the size of the document.

Ms. Kirkman: Right.

Mr. Zuraf: And then all the individual maps you can download individually also.

Mr. Howard: So each PDF will have a label Right? Associated with it?

Mr. Zuraf: Each Chapter, like for example Chapter 6, Existing Conditions, that is a pretty large one and it is broken into three sections and it is described.

Mr. Howard: Okay.

Mr. Zuraf: So people can see what their...

Mr. Howard: Fairly user friendly so people can...

Mr. Zuraf: I believe so.

Mr. Howard: ...go to their public library, use the compute and download it if necessary. Or at least view it.

Mr. Zuraf: Yes, it is user friendly as long as you get...some of those documents are still kind of large...

Mr. Howard: Right.

Mr. Zuraf: ...as far as being several megabytes in size but it is broken up.

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Mr. Howard: Okay.

Mrs. Hazard: Mr. Chairman.

Mr. Howard: Yes.

Mrs. Hazard: This may be for Mr. Harvey, is there available at the County though a copy if someone really says look I can't figure out how to download this thing. I mean believe me my Mom could not do it.

Mr. Howard: No that is fine.

Mrs. Hazard: I get called for everything and that is scary knowing my technical... but if someone needed that is there a way for them to gain access to it in the County building or some other place.

Mr. Harvey: Yes we can have paper copies made available. We will make them... people paper copies, we may have to charge them for those copies, but we have had request throughout the process for paper copies and we have accommodated those.

Mr. Howard: Okay.

Mrs. Hazard: I think my other question was if someone just wanted to come and look, let's say they know their parcel number and they just want to come for five minutes. They probably don't want a whole copy of it to take home, maybe they do, but just to come in is there an area or somewhere that they could do that. I am just asking because there may be that coming up.

Mr. Harvey: Yes they can come to the counter within our Planning Department. Again another State Code requirement is that we are required to have one of file for the public to view during the advertising process in advance of the hearing.

Mr. Howard: Good.

Mrs. Hazard: I just wanted to make sure that was also made available, and that was also may be communicated.

Mr. Harvey: Yes the advertisement also refers people to our department to view the plan.

Mr. Zuraf: And if somebody has in depth question where they really want a lot of information, it may be best to call ahead and set up an appointment, so they don't walk in and happen that somebody is not available.

Mr. Hirons: That one being Mike Zuraf?

Mr. Zuraf: Or others. Plenty of others can help too.

Ms. Kirkman: I just wanted to double check on something.

Mr. Howard: Yes Ms. Kirkman.

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Ms. Kirkman: In terms of at the last Planning Commission meeting Mr. Mitchell had a property added back in to the Urban Services Area and I think there was a land use designation that went with that. Have the numbers been recalculated to take that into effect?

Mr. Zuraf: Yes the acreage numbers have been revised.

Ms. Kirkman: Alright thank you.

Mr. Howard: Thank you, good question. Any other discussion?

Mr. Fields: Yes Mr. Chairman I...of course there are many, many, many, many, many, many things we have gone over those particularly in the October 6th meeting and I apologize that I was not here for the 13th. I had a performance engagement that was just impossible to move. And I won't go over all of my issues and objections to this plan. I will reiterate and with all due respect to my fellow Planning Commissioners, there is... we can certainly... there is a... it's philosophical differences and difference of view for the future of Stafford are certainly part of the equation and I respect everybody's opinion. They all have their own opinions and ideas and have thought carefully about this. There is one element to the plan that again with all due respect to my fellow Commissioners I don't appreciate on the part of my fellow Commissioners and that is the extension of the Urban Services Area into the southeast corner in the George Washington District against my wishes as the Planning Commissioner of the George Washington District against the wishes of Mr. Crisp who is the elected representative of the George Washington District which is against my wishes which I proposed and voted on when I was on the Board of Supervisors elected from that district. Three election cycles almost eleven years I can't tell you how many town hall meetings, meetings on things as volatile as Sherwood Forest when the nature of that part of the county was discussed and talked about by a broad number of citizens. To the best of my ability I can tell you that a majority of the citizens of that area of the county do not want the urbanization of that part of the county. And if this were an extension of water and sewer in a broad sense and enabled a lot of people to hook up to water that were on well, a lot of people to hook up to sewer that were on septic, that enabled sort of a broad sense of people that had property they wanted to develop, family parcels and lots of people wanted to develop property that would be one thing, but this extends water and sewer to one corporate entity who is I understand going to sell it to another corporate entity. It benefits one corporate entity and it is not consonant with the will of the majority of the citizens of the George Washington district. I would no more vote to extend water against the will of any other Commissioner in their district because I assume and trust and respect that they know their district better than I could possibly know. And I sadly am not being accorded the same courtesy.

Mr. Howard: Thank you Mr. Fields. Ms. Kirkman.

Ms. Kirkman: Mr. Chair, I am going to oppose the motion to send this to public hearing for several reasons. The first is, I think it is premature to send this to public hearing at this time but the major reason why I believe it is premature is there has not been one, not a single community meeting around this Comprehensive Plan, not one. And in particular not one community meeting around the UDA's; let's contrast that with the process that was done for the redevelopment areas where multiple community meetings were held prior to any amendments being brought forward on the redevelopment areas. Let's contrast it with what our neighbor to the south, Spotsylvania is doing, which is holding a series of community meetings on proposed UDA's before it even reaches the Comprehensive Plan. Now why is that important? Well I can tell you from my experience and my involvement in the Boswell Corner redevelopment process, it makes a big difference. The Comprehensive Plan is a

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somewhat arcane, very technical document that just doesn't mean a lot to most ordinary citizens. What does mean something to them is when they get a letter in the mail saying that we are going to have a meeting on the potential future of what is happening in your backyard and in your neighborhood. Let me tell you at the community meetings that were held up at Hilldrup, when people walked in the door and they had those letters in their hands and said I don't understand what this is about but I want to understand it and I want to find out what is being proposed for my neighborhood in my backyard. That is very different level of community involvement and I think that is the level of involvement that was intended for a Comprehensive Plan and instead we are getting something else entirely that was done, designed at a 7:00 a.m. meeting with no staff in a room that is hidden from view. So I just think the whole process around this is premature and that before anything of this substance goes forward, community should be involved in the process. The second reason I think it is premature, there has been none, no transportation modeling done based on the proposed land use and in particular, eight UDA's scattered throughout the County. The third reason why I think it is premature is that the estimates of Stafford's population put in several thousand below the 130,000 population figure, 130,000 is the magic figure because at that point densities in the UDA's almost double and we will have to go through this same process again. So for those reasons I think it is premature. In terms of the substance of the plan, I particularly want to speak to a similar issue that the Commissioner and my colleague from George Washington raised, which is that a UDA has been added to the Widewater area against my objections as the representative of the Griffis-Widewater District, against the objections of the elected official for the district and against the objections of citizens who for more than a decade in numerous formats have come out and said we don't want Widewater to be an urban center. So for that reason I am going to vote against the motion to send this to public hearing.

Mr. Howard: Thank you. Any other comments from Planning Commissioners? You have some Mr. Mitchell?

Mr. Mitchell: No.

Mr. Howard: Let me thank everyone for their time and effort. This has been a process that has been four and a half years' worth of work and over the past year changes were actually made to the plan, that is true. Nothing was done in secrecy or closed doors as suggested. All the meetings were advertised and several members here were there and there were people from the public as well at most of the meetings. There were actually two, just so people understand, there were two separate groups. One group was actually the group that focused on the policy section and that group met almost every Thursday night. Then there was a group that was a joint Board of Supervisors and Planning Commissioner committee focused on the land use portion of the Comprehensive Plan, which did revise the land use map as you've heard and land use categories and really tried to get the categories to be more of form development as opposed to individual uses. The joint committee also focused on the UDA's, which was not in the prior draft and the reason for that is that the UDA's were fairly new and the legislature in Richmond passed some laws requiring UDA's in a County of our size. That has to be in our Comprehensive Plan by July of 2011 so we decided to add it into the current version and that is how that came to be. During the summer there were several work sessions that I just mentioned with the Board of Supervisors and the Planning Commission. The Board of Supervisors also commissioned a fiscal economic analysis, which you could argue and some of you have that it is a good analysis, some have argued no it's not a good analysis, at the end of the day it is something that we did not do with the prior plan and it is something we chose to do with plan really to understand a little bit more about the fiscal and economic impact that the current version could potentially have. Again, keep in mind, this is a document that is a guiding principle, this is not the gospel, this is not this is the way it is

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going to be done and that's it, it also has to be revised every five years. So the plan is required to be revised every five years so in 2011 we would have had to revise the UDA's anyway based on the legislation. We don't know exactly what the population will be in Stafford with the Census, when the Census is complete and finalized. I think there is some draft numbers out there. In any case, we have time to get to our legislatures in Richmond and convince them that what they try to do to Stafford County is probably not the right thing for a County of our size. Not knowing the outcome was one of the deciding factors for having eight UDA's as opposed to less because if we have to double the size of those UDA's based on the way the current legislation is written, there is no way we could have fit that population into the prior versions, really redevelopment areas, not necessarily UDA's, in the prior versions we did not have UDA's. So, just to give a balanced perspective on some of the commentary. I am going to support it for public hearing because I think it should go to public hearing, I would love the public to come down and talk. Again, remember it has been over four and a half years' worth of work, there have been numerous community meetings over those four and a half years on different elements of the Comprehensive Plan. By in large, it is about an eight-five percent fit for Stafford, most of the work that was done in particular with RDA's that are in the plan, those are RDA's that were created as a results of many of those community meetings Ms. Kirkman mentioned. So I definitely will support it for public hearing and I look forward to hearing the comments that people want to come down and share with us. It is their future, it is all of our future. With that, I will call for the vote. All those in favor of moving the Comprehensive Draft Plan.

Mr. Zuraf: Mr. Chairman, sorry.

Mr. Howard: Yes.

Mr. Zuraf: Sorry Mr. Chairman, I don't believe the motion referenced the Planning Commission Resolution PCR10-5 so just to cover our bases.

Mr. Howard: Thank you.

Mr. Hiron: And Mr. Chairman, as a technical point, just to clarify that the resolution is amended to say something generally it is referenced to the proposed 2010 - 2030 plan dated October 20, 2010 as amended by the Commission at its meeting on October 20, 2010. Just to clarify that it is the document that...

Mr. Howard: Absolutely, I was actually going to say that. Absolutely but Mr. Zuraf also brings up a good point. So do you accept a friendly amendment?

Mr. Mitchell: Yes I do.

Mr. Howard: Does the seconder accept it?

Mr. Hiron: Absolutely.

Mr. Howard: Okay. So it would be as follows: a resolution in accordance with Sections 15.2-2229 and 15.2-2230 of the Code of Virginia 1950 as amended authorizing the advertisement of amendments to the Stafford County Comprehensive Plan and the scheduling of the public hearing of the Commission in order for the Commission to make recommendations to the Board of Supervisors of Stafford County on amendments to the plan as set forth in the draft plan dated October 20, 2010 and revised today

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October 20, 2010 and on whether the existing plan should be repealed. All those in favor of the motion say aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed say nay.

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 5-2. That brings us to item 7, which is amendments to the Zoning Ordinance.

7. Discussion of Signs in the A-2 Zoning District. **(Time Limit: November 14, 2010)**
(Deferred at October 6, 2010 Meeting to October 20, 2010 Meeting)

Mr. Harvey: Mr. Chairman, the Commission took care of this item on your meeting on the 13th, it is being scheduled for a public hearing for November 3rd.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes Ms. Kirkman.

Ms. Kirkman: When we said that we also did it conditional on staff coming up with some language.

Mr. Howard: Right. Do you have that language? We trusted that you would come up with the language, the question that Ms. Kirkman has is would you be able to share that language with us tonight?

Mr. Harvey: If you will give me a moment Mr. Chairman.

Mr. Howard: Okay.

Ms. Kirkman: It was the language to clarify the type of school.

Mr. Smith: Ms. Kirkman, I don't have a copy of the specific language with me but essentially we just added language that clarified that they school must be accredited by the appropriate state accrediting agency and I can't remember the specific. The Virginia Board of Education has deputized an organization.

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Ms. Kirkman: Okay, so it has referenced that so it is clear certification for mandatory purpose of meeting like mandatory education requirement?

Mr. Smith: Yes, it simply said that they must be accredited by the, I can't think of the name, the proper state accrediting agency.

Ms. Kirkman: Alright, thank you.

8. Rappahannock River Overlay District and Potomac River Overlay District (Referred back by Board of Supervisors) (**Time Limit: October 6, 2010**) (**History - Deferred at June 16, 2010 Meeting to August 18, 2010**) (**Deferred at July 21, 2010 Meeting to September 1, 2010**) (**Deferred at September 1, 2010 Meeting to October 6, 2010 Meeting**) (**Deferred - Requesting additional time from Board of Supervisors**)

Mr. Howard: Okay, and then item 8 we have sent a letter to the Board of Supervisors requesting that they provide guidance as to whether it is necessary to proceed with the work on the overlay. Have we heard back yet?

Mr. Harvey: I have not heard back on that Mr. Chairman.

Mr. Howard: Okay. We will wait to hear back from the Board of Supervisors.

9. COM1000010; Comprehensive Plan Compliance Review - Miracle Valley Lane Sanitary Sewer Extension - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for the extension of gravity sanitary sewer outside of the Urban Services Area a length of 505 linear feet to serve two residences, located on the north side of Deacon Road and east side of Grafton Village Elementary School on Assessor's Parcels 54-132, 54-133A and 54-133B within the Falmouth Election District. (**Time Limit: July 4, 2010**) (**History - Deferred at May 19, 2010 Meeting to June 2, 2010 Meeting**) (**Deferred at June 2, 2010 Meeting to October 6, 2010 Meeting**) (**Deferred at October 6, 2010 Meeting to December 1, 2010 Meeting**)

Mr. Howard: And then item number 9 is the Comprehensive Plan Compliance Review, Miracle Valley Lane Sanitary Sewer Extension and that was deferred to December 1st. Correct?

Mr. Harvey: Yes Mr. Chairman.

Mr. Howard: Okay. And then we have new business and in the packet there is item 10, which is the Transportation Committee discussion of Sidewalk Plan.

NEW BUSINESS

10. Transportation Committee Discussion of Sidewalk Plan

Mr. Harvey: Yes sir, Mr. Chairman. Just to give the broad overview, the Board a while back had asked the Commission to take a look at the sidewalk needs in the County and the committee has met over a number of months and done some good work. They've taken a look at where there are needs in the

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county where we can connect existing sidewalks and I will defer to the committee members if they want to discuss this or I can continue.

Mr. Fields: You are doing good so far. I will interrupt you if I think you are going too far astray. If you are wondering off the path as it were.

Mr. Harvey: Okay. The committee had looked at again a number of sidewalks where there were disconnects currently in the county and they identified possibly twenty-two different project. These projects have been identified in the spreadsheet as attached in your information packet. Each road segment has its own number designator and it describes the road name and some estimated length of the sidewalk and some issues and comments with regard to potential users, also existing conditions. The committee grouped these twenty-two projects into three tiers based on perceived connectivity as well as existing foot traffic and connectivity is a relative term as far as connectivity between neighborhoods, connectivity between neighborhoods and commercial areas and also connectivity just throughout an overall area. I may not have got that 100 percent clear. There are the three tiers, I guess tier one being the types of projects that are potentially most likely to be highly effective for the overall community, tier two maybe not as effective and tier three maybe there are other issues that could come up that could resolve it during the development project building the sidewalk or something else where we may want to put other efforts on tier one and tier two first.

Mr. Fields: Mr. Chairman let me just amplify it. Jeff is doing a great job. Tier two, if you look at the comments it is easy to emerge. Tier two, some of these would probably be a pretty good idea. They kind of get to tier two, if you look at a lot of them, some of these proposed streets have some serious challenges either with topography, flood plain, RPA's or utility locations. Some of the tier two ideas are not necessarily worse in terms of connectivity than tier one but they may just be highly impractical to construct. So that is another factor in the tier two classification.

Mr. Howard: This is as a result of a lot of work and effort and I do appreciate Mr. Rhodes, Mr. Fields and Mrs. Hazard taking the effort. I know there are a lot of car rides and I understand. Is this part of the... The money would be coming from the bond referendum? Is that part of this?

Mr. Harvey: Well that could be a recommendation that the Commission could make to the Board because there is some money set aside in the bond referendum for sidewalk projects.

Mr. Howard: Yes there was. The question I have and I do appreciate the methodology by the way. I think segregating it by tiers makes a lot of sense but where did safety come in? If it was a tier two or three, did you say you know what there are some real issues here whether it is RPA's or utilities but form a safety factor, we have to get this one done? What strikes me, I used to travel the road everyday, I don't anymore but Mine Road as you travel from Garrisonville Road up to Hampton Oaks, I often see senior citizens walking to get to the stores. I don't know if it because they don't have a vehicle or not. I know there is a walking path on some of the Hampton Oaks common grounds but people don't use it or don't know it's there but there seems to be a huge need. I am just asking the question, I am not judging, I was just trying to really understand it.

Mr. Fields: Mine Road I think has a tier one classification.

Mr. Rhodes: Fourteen.

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Mr. Fields: Yes, number fourteen.

Mr. Howard: Yes but my question though is was that how you factored in some, because that is a huge, that is 4,300...

Mr. Fields: Safety issues have been factored in.

Mr. Howard: Okay good.

Mr. Fields: To some degree actually safety factors are unfortunately factored into everything. All the projects using the tier three factors, one of the thing that even recommends them as a project is a safety issue.

Mr. Howard: Okay. So if it is on here, it is pretty much a safety issue?

Mr. Fields: I would say safety is almost an integral component.

Mr. Howard: Guiding overall principle of how they got on...

Mr. Fields: Getting people from walking off the side of the road.

Mr. Howard: I think it is important for people to know that. That's good. That was my question. Any other questions?

Ms. Kirkman: Yes.

Mr. Howard: Ms. Kirkman, I know you all worked very hard. I am just curious how did you all identify the areas? Literally, one of the ways you can identify where sidewalks are needed is just to look for the dirt trails where people have been walking and so I am just wondering how you... there is a lot of ground to cover so how did you come up with this particular list? How did it start?

Mr. Fields: I think it was all the ways you could really think about it.

Ms. Kirkman: Yes.

Mr. Fields: One was observing existing pathways, others are looking at just from a diagrammatic perspective, I think it is looking at major concentrations of population and existing sidewalks and figuring out where some of them were selected is how can... what is the most effective way to connect what were already robust pedestrian pathway? Some were people were obviously already walking here and there ought to be a sidewalk somewhere so there was a number of factors in looking at that.

Mr. Rhodes: Tremendous work by the staff in starting to identify the aerials maps, they overlaid where sidewalks exist, they overlaid numbers of units of homes that existed in those areas so it made it very easy to start laying out the matrix that they did on that chart there. They started highlighting the greatest opportunities for the least amount of connectivity of sidewalks and started going from there and evolving. Then they went to actually every one of these areas that seemed to be good opportunities and started looking in there for further validating, as you mentioned, where there were

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paths, where there were obviously pathways that people had already started using themselves. So it went from a combination of those factors.

Mr. Fields: Staff physically visited every one of these sites. We visited some of them, they took numerous photographs, we could not physically visit every one of them with the committee. We did look physically at different views and different aspects of each one of these.

Ms. Kirkman: And was there any discussion, given that you started from the point where existing sidewalks were, this may not fit but did you have any discussions of multi-use paths?

Mr. Howard: Bicycle and pedestrian.

Ms. Kirkman: Right. So typically those are wider than sidewalks and have a different type of surface and can support bicycles, runners in addition to walkers.

Mr. Fields: I think we probably thought about that some. Some of it is where there... some of these, I would have to go back over all my notes but some of them are probably a little too tightly constrained to do that.

Mr. Rhodes: We did have discussion on other trails and other opportunities. The dynamics that were here, again we were trying to find out where could we get the greatest connectivity of our existing ones and our existing ones are already being constrained by their limitations and widths. It was not really a rebuild of an entire area so that quickly got off that. We did have secondary discussions on other trail and other bikeway opportunities but that was a separate dynamic then this.

Mr. Howard: So I guess is the question that we are being asked is if we wanted to make this a committee of the Planning Commission and explore some of those other options or do we just want to make a recommendation to the Board of Supervisors based on this information that the sidewalk trails should actually be done where funding is available?

Mr. Rhodes: My suggestion would be a recommendation to move this forward to the Board of Supervisors to inform their further deliberations and considerations and certainly we can expand on anything further concurrently.

Mr. Howard: Is that a motion?

Mr. Rhodes: Yes, so that would be my motion.

Mr. Fields: Second.

Mr. Howard: Any discussion?

Mr. Fields: The main thing is to get this to the Board and let them have this information. Obviously, we would like them to consider building these as it is possible, if they could use transportation bond money that would be outstanding. But we primarily really just want them to have this document which represents a good tool for their ability to sift through all of the data.

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Mrs. Hazard: Mr. Chairman, I would just like to add, like my colleague said the amount of work that staff has put into this was extraordinary and behind each one of these lines on a draft is a whole file of what it looks like. I think we've compiled a good notebook of each one of these that I really would like us to move it forward so that the sidewalk area of that money is available that we can get it spent in the best way and that is why it was very impressed with our way of tiering it. We did not take one, two, three, that was now we decided to do. With the money the Board can decide if we wanted to three projects covering this much money one big project. We did not want to make that particular determination, I think part of us thought about it but we think it's best to put forward the projects that we think will get the most done and allow the funding choices to be made.

Mr. Howard: There was a lot of great work. The other question I had, since learned discussion I'll ask it but it is not going to have any bearing on my vote at this point, was there any detail or analysis done on pedestrian accidents or pedestrian fatalities? Do we know, I'm not even sure if we have that information, but do we know that and have we worked with the Sheriff's Department to understand that? If not that's okay, again that's not going to change my vote. It might be something when it comes back that we think through. I think you've covered from a personal understanding of where we've had some issues I think you covered some of them actually.

Mr. Harvey: Mr. Chairman we did not get into the safety reporting aspect from the Sheriff but that is a dynamic that we can look into.

Mr. Howard: We should leverage that. If and when it comes back we should definitely leverage that, in my opinion. And yet the discussion? You're hearing I will call for the vote. We are voting on sending this to the Board of Supervisors with our recommendation that these projects take place and we defer to their, how did you word that Mr. Rhodes?

Mr. Rhodes: It's to forward the list for their consideration as they are doing other planning on expenditures and opportunities that exist.

Mr. Howard: All those in favor signify by saying aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Ms. Kirkman: Aye.

Mr. Howard: Aye. Opposed say nay. The motion carries 7-0.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman?

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Ms. Kirkman: I would actually like to make an additional motion in reference to this.

Mr. Howard: Yes.

Ms. Kirkman: And my motion is that, folks can help figure out the exact wording, but the idea is that staff maintain this list and identifying Rezoning and CUP applications as they come in that are in the vicinity that may generate additional pedestrian impacts so that we either receive proffers or impose conditions.

Mr. Howard: Is there a second.

Mr. Fields: Second.

Mr. Howard: Any discussion? I will just asked the question of staff, I think it's a great motion by the way, is something that occurred to me that I think of something for come up later on, in a few minutes by the way when we talk about the proffer committee. I know it has to be done manually, I think that's doable right? I think we're asking to do something that you can do which is going to take some time to do that, is that correct Mr. Harvey?

Ms. Kirkman: I think you can do it, right if you created a map and to map the application as they come in?

Mr. Howard: How would you flag that?

Mr. Harvey: Yes.

Mr. Howard: We want to make a motion that is real so how would you flag that?

Mr. Harvey: What we would, as Ms. Kirkman suggested, we could keep the GIS coverage and as we get into it with individual applications, you could apply, well bring that forward for discussion. It may or may not be along the frontage of the property but it may be within that pedestrian corridor. Also, one element of our Comprehensive Plan that definitely needs to be revised if the bicycle and pedestrian facilities plan that has not been updated since 1996.

Mr. Howard: Wow.

Mr. Harvey: This is, sort of, step one in moving in that direction.

Mr. Howard: Okay. All those in favor of the motion signify by saying aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

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Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed say nay. The motion carries 7-0. Stacie, do you have the motion as described or do you want us to repeat that back?

Mrs. Stinnette: Repeat it.

Mr. Howard: Okay, so Ms. Kirkman was making the motion, and this Kirkman correct me if I'm wrong, that we map this data which is labeled sidewalks and trails, item number 10 on our agenda, in the GIS mapping system so that staff accesses this information before any, he said subdivisions or any development?

Ms. Kirkman: I actually would prefer to leave the method up to staff and just say, my motion was that staff would maintain this list and assess applications for Rezoning and CUP's as they come in for their proximity to these needed improvements to see if it would be appropriate to seek either proffers or impose conditions.

Mr. Howard: Good.

Ms. Kirkman: I would prefer to leave it up to staff to determine the best way to do that rather than directing them to map that.

11. Discussion of Transfer of Development Rights (TDRs)

Mr. Howard: Item number 11 is the discussion of Transfer of Development Rights and that Andrea is here tonight to give us a high-level overview.

Mrs. Hornung: Good evening Mr. Chairman and members of the Commission. Can have the computer please? Beside them is the topic of Transfer of Development Rights and on September 21, 2010 the Board adopted for resolutions for the Commission to consider. They are R10-296, which would be a TDR ordinance; R10-297, which would be Comprehensive Plan amendments for sending and receiving zones; R10-298, maps that would delineate the zones; then R10-299, which would be modification of density allowances. Some of the discussion questions, which you have a thick packet of this topic but I just want to highlight some of the things to keep in mind for future is that some of the discussion questions include: should a TDR applied to residential only, The state code does allow conversion to commercial, what would be the appropriate conversion factor for a commercial floor area ratio, sending zones, what would be appropriate zoning districts that would allow sending zones. There are noted that there are few M-1 properties within the George Washington election district which are outside of the Urban Service Area.

Ms. Kirkman: Could you clarify? Do those properties that remain outside of the USA under the proposed Comprehensive Plan?

Mr. Harvey: Yes they do. There are a few out here Caisson Road and, I think, Hollywood Farm Road that are old zoned from the late 60s or early 70s.

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Mr. Fields: Yes, they are dinosaurs but there are actually three, I count the Renaissance fair property, there are three fairly substantial properties totaling close to 1000 acres.

Mrs. Hornung: Thank you. And also receiving zones and what would be appropriate districts for receiving zones. Some other questions that are to consider would be levels of incentives, what type of incentives would you apply to TDR to encourage TDR? Would there be more credits are properties that would be inside the UDA versus the USA and how much? Also, would there be incentives for sending areas? At one point the comprehensive plan committee discussed proposing to give a fractional incentive based on distance from a USA boundary, one example would have been one-mile within the USA receives 1.1 TDR and then another example, which is not on here that I found when I was reading the questionnaire is actually in your packet, would be a 5 mile area that they could receive a 1.5 TDR. A draft ordinance does not allow a fractional computations of development rights so if this would be desired, they should be based on whole numbers. Also, should there be a cap increase added to receiving areas? The used density from residential districts and use those from a 10 going into per acre to a 12 dwelling unit per acre, similar to what's in the P-TND. Also, another question would be what is another appropriate eligible track size for sending area? One example that had been noted was 25 acres. Also, how should development rights be determined on sending areas? The ordinance could specify eliminating easements and bodies of water, there are different standards for PDR guidelines and then the zoning ordinance uses allocated density based on a net area. Additional questions are: should TDR's be exempt from the impact fees? We have a few areas in the county that require impact fees. Also, with preliminary subdivision plans a few questions that apply to those would be: what would happen to an approved plan that shows a TDR but a final plat does not extinguish the development as shown? and would that preliminary subdivision plan be void? And also an amendment to the subdivision ordinance would be needed if that plan was voided. This is a map that is included in your packet that could show some sending and receiving areas possibly based on the UDA's but that would be for further discussion. Here are two examples that were also included in your packet, one example to the left for a TDR process would be if Mr. Farmer had hundred acres, parcel ABC, then the application for the sending property certification would occur. The Director of Planning and Zoning would review that application and would determine if it qualifies for a TDR. If not, obviously, the process would stop. If it was eligible for TDR then looking at the home site and possibly the amount of TDR's, which in this case it is presumed at 30, the director would issue 30 TDR certificates and for each TDR there would be a Deed of Restrictive Covenants, which there is an example in your packet as well. Mr. Farmer would then sell the 30 TDR's two Mrs. Developer and then Mrs. Developer would apply those TDR's to her development project than she would record the subdivision plat with the 30 TDR's and the Deed expiring the TDR's. In the second example, which includes example 1 to the point of Mr. Farmer is selling his TDR's, you have two paths that could happen where Mr. Farmer selling the TDR's. One would be 20 TDR's sold to the developer and then the developer would apply those to the development project and then they would be recorded with the TDR's and then a deed would expire the TDR's for the other development. And then the other one would be 10 sold to a speculator and then the speculator would sell those to a contractor and the contractor would then apply those TDR's to possibly his multifamily project and then recording deed of those TDR's at the time of site plan approval. These are some things to consider, they are not necessarily final decisions. Also, in the meantime the chairman of the Board had developed a committee of three members, which is Mr. Dudenhefer, Mr. Crisp and Mr. Milde. He also recommended that that committee including a committee of the Planning Commission begin work on the TDR process in January once the Comprehensive Plan has been approved.

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Ms. Kirkman: Mr. Chairman, the Planning Commission has voted to request something along those lines in terms of not starting this until January after the Comprehensive Plan. Because this was sent to us by resolution by the Board, has the Board voted to give us that extension? Because as it stands now we have a deadline.

Mr. Howard: I don't know the answer to that particular question but I do know that the Board did appoint, as Mrs. Hornung pointed out, a three-member committee to work on the TDR in the hopes that we would appoint a three-member committee to work in tandem. Do you know Mr. Harvey if we in fact got that extension as requested?

Mr. Harvey: I am not aware of that issue being addressed recently at the board level.

Ms. Kirkman: Because we need something that stops the clock on the resolutions that they send us.

Mr. Howard: So can we... I don't recall the specific requests that we sent to the board on this. I do recall that we agreed that it did not make any sense to do anything with this at this moment because we...

Ms. Kirkman: We came up with a date that would be completed by I don't remember what that date was.

Mr. Hirons: I believe that just as the motion was to request the clock not start until January 1.

Mr. Howard: Correct.

Mr. Hirons: And sixty days from that point.

Ms. Kirkman: You would have to look in the minutes to find out what the exact motion was.

Mr. Howard: Typically ninety days if it's for resolution.

Ms. Kirkman: Right. But we do need some formal action from the Board and not just the Chairman since Paul sent us the resolutions. Correct?

Mr. Howard: We do. Are you making a motion?

Ms. Kirkman: We have already made the motion.

Mr. Howard: Okay, so you will have the answer for the next meeting?

Mr. Harvey: Yes Mr. Chairman. I will communicate with the County Administrator on that issue and I'm sure he will talk to the chairman of the Board.

Mr. Howard: I was going to appoint Holly Hazard, Scott Hirons and Ken Mitchell to the Planning Commission committee, and again, the clock did not start on that committee until January 1 but we have to find out whether we are granted the extension or not. Any other discussion on that? Mr. Fields?

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Mr. Fields: I would like to point to the committee members and of course will discuss with only bring this back but one of the key points in one of the reasons that even though I've been along, from the minute I've been on the board I have been a proponent of PDR's yet voted against the Stafford PDR ordinance. Though it is always been, and I'm not criticizing staff, did a great job with the presentation, but it's always been of course very, when you're talking about PDR's and TDR's very warm and fuzzy to say that Mr. Farmer sells his land to Mr. developer but the lion's share of all large tracts of A-1 land in Stafford are owned by corporate speculators so what I want to know is, just like with the PDR's, is there to be any type of mechanism that distinguishes between eligibility of the family farmer to sell his development rights or the corporate speculator of A-1 land. Of course, it's A-1, it is corporate speculatively owned land and it is of course being farmed because you can have invested for development and get it land-use taxation on it at the same time. It's going to appear, the important thing to remember is that it's going to appear to be a farm but the ownership is critical. If it's someone like Jerry Silver or Tommy Cropp applying for TDR is a whole different story if the Silver Companies is applying for the TDR, in my book. I would just like to suggest that the committee struggle with that question, it is not an easy question but the applicability of it. In the TDR's, there may be a corporate, it may be easier to say that the Corporation or these guys are gonna be swapping development rights among themselves anyway but I think it's an important factor.

Mr. Howard: Okay, thank you. I would encourage and you would let Mr. Crisp know that since he's on the Board.

Ms. Kirkman: Mr. Chairman I would suggest, unfortunately the process that was outlined by staff had no public input into it whatsoever.

Mr. Howard: Hopefully that is what the committee will come up with. I think you're right.

Ms. Kirkman: I do believe that important component would be some sort of public hearing and process.

Mr. Howard: Absolutely. That would have to occur anyway to adopt.

Ms. Kirkman: I am not suggesting for adoption of the ordinance because of course that would be needed, I'm suggesting that the process for identifying TDR's, the development rights, that there be some public input mechanism on that. I'm very concerned about it residing in the hands of a single person. We are capable person now but we've had problems in the past that have been very expensive for the County and very distrustful for residents where a single person has been in charge of making important decisions.

Mr. Howard: Okay. Thank you.

12. Discussion of Conditional Zoning (Proffers)

13. Discussion of Privatized Liquor Sales

Mr. Howard: Item 12 on the agenda is the discussion of conditional zoning proffers and then there's item 13 which is discussion of privatized liquor sales. Before staff talks about that, my thoughts were, I wanted to appoint a three-member planning commission committee, not to work with the Board but a

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committee to handle these two items. I want Mr. Fields to be part of that, as Kirkman will be part of it in the sense that she can participate in some of the dial in conversation.

Ms. Kirkman: Mr. Chairman I would be glad to comment on it when the rest of the Commission gets it. I am not going to be a part of that committee.

Mr. Howard: Can you say that again? You cut out on the microphone.

Ms. Kirkman: I am not agreeing to be a part of the committee.

Mr. Howard: But you agree to be a resource? Are you don't want to do that?

Ms. Kirkman: I will be a resource as a member of the Planning Commission has everyone else says.

Mr. Howard: Okay, thank you. So then I'm looking for third member? I was going to be the third member. So it would be, and these are two very significant issues by the way, so it's the discussion of conditional zoning, which would be a heavy discussion around proffers and then the discussion of privatized liquor sales as it really relates to do that become a conditional use permit requirement.

Mr. Mitchell: Mr. Chairman?

Mr. Howard: You are on a committee already and I was hoping to spread it out a little bit.

Mr. Rhodes: I'm sure if Ms. Kirkman can't do it then I am probably not mentally capable enough to do it but I will give it a shot.

Mr. Howard: Okay. So you're signing up for it?

Mr. Rhodes: Sure.

Mr. Howard: Thank you. And I don't know staff wanted to discuss these two issues were give us perspective or wait for us to get together as committee? It's up to you. I don't want anyone else to not hear something you want to tell us.

Mrs. Hornung: All I was going to say Mr. Chairman and members of the Commission, the Board also on September 21, 2010 referred to you Ordinance O10-56 by Resolution R10-307, the purpose of this conditional zoning proffers were to amend the section in our Ordinance.

Mr. Howard: How much time do we have on that?

Mrs. Hornung: It would be the ninety days, I believe, from when it was sent from the Board. Basically what this does is allows the county to accept proffers offsite.

Mr. Howard: Right.

Mrs. Hornung: That is the bottom line.

Mr. Fields: It is the similar zoning authority that Prince William, Fairfax and Loudon have.

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Mr. Howard: Yes.

Mrs. Hornung: Correct.

Ms. Kirkman: Mr. Chair, I would suggest, this was one of the recommendations of the Comprehensive Plan legal consultant and he may have some questions about some specific language.

Mr. Howard: Mr. Taves, right? Did he leave us with any specific recommendations on that?

Mr. Smith: Mr. Chairman, our office consulted with Mr. Taves in drafting the proposed ordinance that the Board referred down for the Planning Commissions consideration.

Mr. Howard: Great, so we can start with that. Thank you.

Mrs. Hornung: Thank you.

Mr. Howard: And then, obviously, we will include the privatized liquor sales into that committee as well to understand, is it viable to consider an option to allow the sales of alcohol through a Conditional Use Permit. Are other counties doing that that you know of Mr. Smith? Anyone else jump on that?

Mr. Smith: Mr. Chairman I am not aware that any other locality has moved in that direction yet. I just don't know one way or the other and I apologize that I don't have anything to present to the Planning Commission tonight on the issues that they raised at a previous meeting. I have begun researching that issue and I hope that I will have something to present to you all very soon.

Mr. Howard: Great, thank you.

Mr. Fields: As in a lot of things and also because of where I came from before I came here, looking over in across the river in southern Maryland, it has private liquor sales. Similar location, similar geography, similar demographic, its Maryland with a long history. You might, again not reinventing the wheel, might see what their ordinance is regarding privatized liquor sales are because they have had it for decades. I am sure they have worked through all of the ups and downs of it at this point. I mean there are lots of other counties in the country; I am just thinking that is an adjacent county.

Mrs. Hornung: Mr. Chairman and members of the Commission, the information that I have to date is that the Commonwealth of Virginia has not officially privatized the sale of liquor.

Mr. Howard: No they have not.

Mrs. Hornung: So they are still working on the different avenues of how to go about privatizing. Whether to consider a use permit and I have seen through emails that I get from the Governor's office that there are a number of individuals and organizations that do approve that.

Mr. Howard: Yes.

Mrs. Hornung: But that is all the information that we have. We know that the county wants to be... Excuse me...

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Ms. Kirkman: Mr. Chair, wasn't the purpose of this commission taking this up is not to regulate?

Mr. Howard: No, to go through the CUP process.

Ms. Kirkman: But, rather more to try and designate appropriate land use areas.

Mr. Howard: Yes, that's right.

Mrs. Hornung: And to be proactive depending on what the state says.

Mr. Howard: I think it is actually very smart to be looking at that.

Mr. Howard: Director's report?

Mr. Hirons: Mr. Chairman?

Mr. Howard: Mr. Hirons, I'm sorry.

Mr. Hirons: If I could go back to the, I guess I am number 11, the TDR committee that we created. I wanted to ask Mr. Harvey if he could ask the Commission of Revenue if there is a point person within his office that the committee will be able to work with as we are dealing with the TDR ordinance development? Because there are some significant issues so I am assuming in implementation and working with TDR's that they Commission of Revenue's office would be involved in. It would be helpful knowing someone we could work with prior rather than getting four weeks into the process and figuring out, oh we need to find someone, Scott who do you have? If you could, that would be appreciated.

Mr. Harvey: Yes Mr. Chairman, Mr. Hirons I will talk to the Commissioner of Revenue and see who he wants to appoint towards this effort.

Mr. Howard: Thank you. Planning Directors report?

7:30 P.M.

PUBLIC PRESENTATIONS

PUBLIC HEARINGS

None

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Mr. Chairman, there were two actions from the Board last night. One actions is that they referred a repeal of section 22-190 of the Subdivision Ordinance to the Commission. Section 22-190

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deals with subdivision street access standards. Currently VDOT in 2009 adopted a new secondary street access requirement standard. That standard and our local ordinance don't match necessarily, in many regards the VDOT standard is more restrictive. So that is a consideration for the Commission to repeal our current ordinance. Also the Board of Supervisors initiated a rezoning of just a little more than a tenth of an acre on a piece of property in the Garrisonville District and you have the information at your desk as well.

Mr. Howard: And both items will be on our agenda for the next meeting?

Mr. Harvey: Well the rezoning application, staff will be working to put that in an appropriate form to schedule for a public hearing. As far as the repeal, we will provide you with more information on that at your next meeting.

Mr. Howard: Okay, Thank you. County Attorney's Report?

COUNTY ATTORNEY'S REPORT

Mr. Smith: No report Mr. Chairman.

COMMITTEE REPORTS

CHAIRMAN'S REPORT

Mr. Howard: I also do not have a report but I will just say this about the Comprehensive Plan going to public hearing. I appreciate both sides, trust me I do, and I think on this commission that people have been professional and I appreciate that and I hope that continues through the process for all of us. I would remind everybody that it is a guiding document and it does need to be reviewed in five (5) years; it may even be required to be reviewed before that depending on how the census turns out and whether or not the UDA legislation changes at all. I thank everyone, including staff, for your hard word and effort on that. It has been an unbelievable process that you have gone through; all of you have been very professional under some interesting circumstances and I appreciate that and applaud you for that. I am thankful you are working in my county.

Mr. Rhodes: Mr. Chairman, if I might add. When the journey began, staff, Mike Zuraf who is the one lone standing individual who went all the way through I think, when the journey began we were at a terribly busy time in this county; different economic conditions, different housing market, staff was just churning tremendously on different plans and other reviews. They had a different size staff at the time but still it was not enough to offset all of what they were doing and yet they have just done a tremendous job with their entire portfolio of responsibilities to include the Comprehensive Plan and then we come into recent times when things have gotten a little thinner but still they have kept all that going. In addition, they have kept things as we have seen Transportation Committee going, that whole profile of supporting staff to include Jeff has changed very much in the last couple of years. But just doing tremendous additional work such as culminated in the sidewalk plan that we looked at tonight and then I see tonight that we have multiple members of this commission who are going to take on some other committees and working groups to address some other task. I thank everyone of them because they are very busy I know and so carving out more time is difficult but additionally that will be staff as well providing the energy, intelligence and strength behind that. We are truly very blessed with the tremendous staff. Thank you Mr. Chairman.

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Mr. Howard: Thank you Mr. Rhodes. Do we have minutes to approve in our package? We don't, okay good. The meeting is adjourned. Thank you.

OTHER BUSINESS

APPROVAL OF MINUTES

None

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 10:10 p.m.

Gordon Howard, Chairman
Planning Commission