

**STAFFORD COUNTY PLANNING COMMISSION**  
**WORK SESSION MINUTES**  
**February 18, 2009**

The work session of the Stafford County Planning Commission of Wednesday, February 18, 2009, was called to order at 5:36 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the County Administrative Center.

Members Present: Fields, Di Peppe, Rhodes, Mitchell and Carlone

Members Absent: Howard and Kirkman

Staff Present: Harvey, Nugent, Roberts, Stinnette, Stepowany and Schulte

3. Declarations of Disqualification

Mr. Fields: Are there any declarations of disqualifications? Hearing none we will move forward.

4. Review of Proposed Ordinances

Mr. Fields: We have review of proposed ordinances, some of which are in different states. I notice we have materials on some in our work session and I will just move down the list and see if we have either Commission and/or staff reports or comments.

a. Elimination of the Preliminary Subdivision Plan Process

Mr. Fields: I think we are still just looking at the preliminary subdivision plan, I think that is where we left it at the last meeting. We have taken in the bulk of the information and we are sort of mulling it over unless staff has anything to add to that.

Mr. Harvey: Staff is waiting on any direction from the Commission.

Mr. Fields: I think we were not unanimous and still are chewing through that so unless anybody has something specific to add this evening to that issue, I think we can move on to the next thing. I think we all know where we are on it.

b. Electronic Signs

Mr. Stepowany: Thank you Mr. Chairman. I will address the Planning Commission on behalf of at least the next three proposed changes and maybe item (e). We can bring you up to date on where we are on that. For electronic signs, it is still with the County Attorney's office. We have had numerous meetings. We have actually had the latest draft that was sent to Mr. Di Peppe and Mrs. Carlone and we sent that to Ken Peskin also for review and comments. We have not heard back from Mr. Peskin. He was the gentleman from the International Sign Industry that came and raised his concerns. There are other issues that we are also looking at for clerical and consistency purposes that County Attorney's office and some of those issues are still being addressed. I would also like to bring to your attention that there was a concern about the ninety day process of the Planning Commission recommendation for anything sent to the Planning Commission from the Board and staff would like to ask you, Mr. Chairman, to request an extension per the resolution to continue to work on this.

Mr. Fields: Are we up against our time limit right now on this for the ninety day referral?

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Mr. Stepowany: We probably have exceeded it if there was a ninety day and I am not going to make excuses but this was a little bit different in the sense that it was not an ordinance sent for recommendation, it was sent to the Planning Commission for amendments to the County Code. But to be clean about it, we would like to request an extension of the ninety days because it probably would have expired by now. And to make sure that the Board understands that it is still within their time limit.

Mr. Fields: Okay.

Mr. Di Peppe: Mr. Chairman, this issue came up, I was speaking with Ms. Kirkman on the telephone, she called me from Texas, and she raised the issue and asked me to please check on this because she was concerned that it could be ninety days and that we did not want to make sure that we got somewhere down the line and because of failure to ask for an extension that we would be in some kind of trouble. I think the point is to go back and ask them. Also, our County Attorney said that we should probably, because we are not exactly sure if we are past the limit already and we can retroactively go back and ask to extend it, but that we should make sure that we ask to extend it long enough so that we have some more time to finish. We are not quite done on the wording. I got the email yesterday, I read it today, and I looked through it and it looked pretty good. In talking with our attorney today he said we still have a few more things to work out. So I would suggest that we look ahead a little bit and perhaps ask County Attorney if he thinks we should ask for some time in May or something like that. We can get it done before then, I just want to make sure. As you said, it is better to get it right than to get it done quickly and I think we all agree with that.

Mr. Nugent: Thank you Mr. Di Peppe. My suggestion would be to make a recommendation to a date certain and I would give us as much leeway as possible. You could even take that down to September. We are not going to need that much time I am certain of it. I think we are real close to getting it finalized. But I think it is a good idea to give us as much leeway as possible.

Mr. Fields: I have here, Mr. Rhodes, in his incredibly efficient way, does have the work session materials from when we first heard this. The public hearing with the Board was December 2<sup>nd</sup> and the language here, the Board deferred the ordinance to the Planning Commission for further discussion and possible amendments. That is different than a referral, right? So does that technically have the same time limit?

Mr. Nugent: It could be different but, since we are still working on it and we do need the time, it seems to me that it is an unnecessary risk to take. We ought to take the safest course, get the extension and follow through as we hope we can.

Mr. Fields: So, we should ask for an extension to what time? What is your recommendation either Mr. Di Peppe or County Attorney?

Mr. Di Peppe: I do not think we need until September. Would you say the middle of May or June? I know the workload is tremendous and I do not want to put you in a corner so I would defer to our attorney here because he knows his own workload. I have great confidence in his ability and I do not want to put you in a situation where you feel pressured.

Mr. Nugent: I can assure you that we are not going to need until September but it does not hurt to give us that much leeway just in case the unknown or the unforeseen happens.

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Mrs. Carlone: What would you recommend (inaudible).

Mr. Di Peppe: I think he is saying September, the first meeting in September.

Mr. Fields: With the understanding that probably... I will just make a note. That needs to come as an official letter from me? Hard copy to the Chairman of the Board of Supervisors? Is that the best way to do that?

Mr. Di Peppe: If you wish, I could also call Mr. Schwartz and give him a heads-up.

Mr. Fields: I will as well.

Mr. Nugent: We will need something official, Mr. Chairman, from the Board.

Mr. Fields: From the Board of Supervisors you mean to grant us that extension?

Mr. Nugent: Yes.

Mr. Fields: Okay, so they will need a resolution. Will they need a formal resolution to grant that time?

Mr. Nugent: I believe it should be done by resolution, yes.

Mr. Fields: Okay.

Mr. Harvey: Mr. Chairman, staff can try to assist with writing the letter if you would like. And then the next step after the letter is presented we will prepare a Board of Supervisors report and prepare a resolution for them to consider it.

Mr. Fields: Okay, that is great.

Mr. Di Peppe: We should still be within that, if it was December 2<sup>nd</sup> they did it, I think our clock starts our next meeting so we should still be within that ninety day time period.

Mr. Stepowany: December 2<sup>nd</sup> of 2008?

Mr. Di Peppe: Was it just this past December?

Mr. Fields: Yes.

Mr. Di Peppe: So, this is just February and we are at about seventy-five days now.

Mr. Rhodes: We could pass it though probably by about the first of March.

Mr. Di Peppe: Yes, but I think right now we are still safe. That is just the point that I think we are still within that. If there is a ninety day window I believe we are still within that window.

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Mr. Fields: And I do not think there is any contentiousness on this issue that I know of. The Board is just trying to do the right thing as are we.

Mr. Di Peppe: But I would love for them to get the letter before the ninety days.

Mr. Fields: Absolutely. So, that is where we are with that then? Is that essentially what we need to do? To defer that staff needs to keep working through it and County Attorney needs to work through it? Are there any questions on this then, process-wise?

Mr. Di Peppe: I will be happy to meet with the County Attorney's office in case they wanted to go over if there was anything such as glitches that they would want to discuss as it moves forward before it comes back to us. I have been involved with this since day one.

Mr. Fields: Is that the only staff work that needs to be done now or remains to be done is through the County Attorney's office or does Planning staff still need to work on it?

Mr. Di Peppe: I would probably want Jamie to be there if we have a meeting.

Mr. Fields: I am not saying you cannot be there but is Planning staff through doing the work?

Mr. Stepowany: I am working with the County Attorney's office along with Ms. Hudson. Where we are right now is a lot of the clerical terms to make sure they are consistent. We are just looking basically through every section, not just the paragraphs that we are amending, but the whole part of that section and if there is other, for consistency purposes, changes needed. So it is primarily the three of us, County Attorney's office, myself and Ms. Hudson that are still working on it and diligently working on it.

Mr. Fields: And you guys are basically working as a team at this point.

Mr. Stepowany: Yes.

Mr. Harvey: Mr. Chairman, also to let the Commission know, we are going to have to hold another public hearing due to the magnitude of the changes.

Mr. Fields: Okay. Any other reports or information on that? Very good.

c. Propane Distribution Facilities

Mr. Stepowany: Mr. Chairman, I discussed this briefly at the last meeting but for official action and direction I am presenting the proposed ordinance. We did establish a definition for propane heating and fuel distribution facility. As it is in the staff memo "a public facilities/utility which stores manufactures and natural gas in large containers and distributes the product to the customer. The facility may fill or refill enclosed portable containers or natural or manufactured gas to be sold at retail establishments. This term shall not include the sale of enclosed portable containers of natural or manufactured gas at retail establishments." That is the definition. The key part to this is "public facilities/utility". At the last meeting, Ms. Kirkman was not quite sure what the term was, whether it was a public facilities/utility or not a public facility. By our definition and by State Code, which is also in previous memos, it is a means of providing for gas and heat, therefore, and I believe the BZA

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agreed and Ms. Roberts might be able to help on that, that it is a public facilities/utility because it is a provider of heat by the definition of public facilities/utility. Therefore, what this ordinance does is consider it a public facilities/utility and in the zoning districts where it calls out certain public facilities/utility as not permitted, we added that to the list. Most of the zoning districts you are going to see public facilities/utility but not including propane and heating fuel distribution facilities, generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit. That is already in there and then we wanted it to be a conditional use permit in the M-1 and M-2. Under M-1 and M-2 it is listed as a public facilities/utility for propane and heating fuel distribution facilities along with the others, generating facilities, substations, switching stations and wastewater treatment facilities as a conditional use permit in the M-1 and M-2. I will be more than happy to answer any questions that the Planning Commission may have.

Mr. Fields: So, basically there is no place where a propane facility does not require a CUP?

Mr. Stepowany: The only place it would require a CUP is M-1 and M-2.

Mr. Fields: And it is by-right in all these others?

Mr. Stepowany: No, it is prohibited in all these others along with all the other specified listed uses as a type of public facilities/utility except for those types are permitted in the zoning ordinance.

Mr. Fields: Are there any questions for staff?

Mr. Di Peppe: Do we have to list for a TND Zoning District? I see a Planned Development 1 and 2. Since that is a separate zoning category, should we have something and I am assuming of course prohibited. Unless I missed it I did not see it here.

Mr. Stepowany: I am trying to think, I may have looked at that but let me go to the Table 3.1 for TND. The only public facilities permitted by-right in the TND is public facilities for water/sewer pump stations and water tanks. The TND only allows for that type of public facilities.

Mr. Di Peppe: I was just asking because it seems like in all the other zoning.

Mr. Stepowany: And then as a conditional use permit it is public facilities except for water/sewer and pump stations. So, that is something to think about. Any other type of public facility in the TND would have to come in for a conditional use permit.

Mr. Di Peppe: Do we want to, in that situation, prohibit it outright?

Mrs. Carlone: Yes.

Mr. Di Peppe: I would think. Unless somebody else on the Planning Commission has a problem with that but I think that that would not be a ...

Mr. Stepowany: We can amend it to add it to that list.

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Mrs. Carlone: Can we go ahead, Arch is absolutely right, that should not be in a TND because of the dense population and other activities. Now adding that in as prohibited, would that delay this in any way?

Mr. Di Peppe: If we agree to it, could we change the wording here. Could we just add, just like you did for all the other zoning categories, just put TND and use the exact same wording you have used for everything other than the M-1 and M-2? I think that would be very easy to add.

Mr. Stepowany: As I have said, it would not even need... because TND does not even have the full list. TND is just, as I have said, as a by-right public facilities for water/sewer pump station and water tanks. Those are the only two types of facilities permitted.

Mr. Di Peppe: Could you come back and ask for a CUP in the TND?

Mr. Stepowany: Correct. So we would have to add it as a CUP except for propane facilities and water/sewer pump stations. We would have to add this term to the conditional use permit.

Mr. Di Peppe: I just want to understand you correctly. We would be prohibiting it with that language in the TND. You would not be able to get a CUP for it.

Mr. Stepowany: Right. And it is not listed as being permitted.

Mr. Di Peppe: All right. Thank you.

Mr. Fields: Are there any other questions or concerns?

Mr. Stepowany: The question is should this be re-reviewed as edited for counsel to determine or can we just add the language tonight to move this forward?

Ms. Roberts: We can add the language and we review them before they are advertised anyway so that is fine.

Mr. Fields: Unless there is any concerns then we are in position to move this forward to the evening session.

Mr. Di Peppe: I would like to make the motion to move this forward to the evening session.

Mrs. Carlone: Second.

Mr. Di Peppe: With the amended.

Mr. Fields: As amended.

Mr. Stepowany: And I will try to revise it and get it back to the Planning Commission as it would appear.

Mr. Fields: All right. It has been motioned and seconded. Is there any discussion on the motion? Hearing none, all those in favor of moving this to the evening session signify by saying aye.

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Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Di Peppe: Yes.

Mr. Mitchell: Yes.

Mr. Fields: Yes. All opposed? All right. Moving forward here.

Mr. Stepowany: Should I clarify on the process once that happens or are we clear on that?

Mr. Harvey: I was planning on waiting until later for discussion when they talk about the date for which we have to advertise. Mr. Chairman, if you would like we can discuss this now about the available funding to advertise public hearings and timeliness.

Mr. Fields: Sure.

Mr. Harvey: Right now we are tentatively scheduled to have the Buildable Area Ordinance for public hearing on March 18<sup>th</sup>. We have not finalized the list of abutting owners so we do not have a firm cost to see how much money we have left over to advertise additional public hearings. So staff would request until we can secure the funds that we authorize a public hearing but do not set a date certain.

Mr. Fields: For this you are talking about?

Mr. Harvey: Yes.

Mr. Fields: Okay.

Mr. Di Peppe: Can I ask a question? I do not know if this is possible, but if it is since there are certain... would certain of these ordinances require mailings to the same households? Meaning could we save the county a lot of money that if certain ordinances we knew they had to mail out to certain areas, could more than one announcement go out in an envelope so that you were giving notice to people so you would not have to do separate mailings for each one? For example, if we did this on a quarterly basis as opposed to every single ordinance being mailed singly, is that a way because then you save all that postage.

Mr. Harvey: I would assume that that could be done as long as you had as many notices as you had ordinance amendments that required notice. In this case, this ordinance amendment does not require notice, just an advertisement in the newspaper.

Mr. Di Peppe: But what you are saying is there might be no money left over even for something...

Mr. Harvey: Yes.

Mr. Di Peppe: This particular type of notice is how much money?

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Mr. Harvey: It can be as little as a few hundred dollars depending upon if it is a single ad or with multiple ads. The more public hearings we have in an ad the lower the cost is because you have a fixed cost with the required preamble and the required end paragraph statement.

Mr. Di Peppe: So then are you saying that after this next ordinance goes out that it is possible we could not advertise another ordinance the rest of the fiscal year until June 1?

Mr. Harvey: Correct. And that was some of the discussion I had with the Commission in previous meetings as to whether the Commission was going to request additional funds from the Board for advertising.

Mr. Fields: We have had this discussion before. The process that has been identified is that we certainly have to go to the Board to request the funds. This is a situation similar to many other things where it is a question of you certainly request the appropriation of funds but, in the final analysis, you cannot really end up having a prohibited effect on the work of either the legislative or this advisory body simply for budgetary reasons. I mean, that would to a certain degree trump the inherent constitutional democratic process that the code envisions. This is similar to, and this is a smaller scale, I faced this issue when I was on the Community Policy and Management Team which deals with funding a lot of comprehensive at-risk youth programs as many of you know. Certain things are mandated by taking care of kids with severe disabilities and challenges is mandated as a matter of law so you cannot just run out of money at CPMT and then these kids move to the county and go gosh there is no money left for it. It is not really your choice because you are obligated to do this. But we did have to go back to the Board a couple of times when I was on the CPMT, and I was on the Board also, but we did have to come to the Board and go well we did not plan for it but these people moved to Stafford County and we need another \$700,000 this year. I look at it as a similar situation. We will have to go back to the Board and ask. I am not sure that in the final analysis we will be prohibited from moving forward rational reasonable pieces of legislation, certainly the ones that are part of a consensus between the Board and the Planning Commission. But we are going to have to negotiate the budget of it and I think ways that we can find to be efficient with it are certainly going to be necessary.

Mr. Di Peppe: Could we have staff look at those. Since they have seen in the past how many ordinances we have written, could they look back and say this ordinance and this ordinance could have gone out in the same mail.

Mr. Stepowany: And that was brought to the Planning Commission from the staff recommendation. There may be a couple different public hearings for one particular night, for either a CUP or a rezoning, and this may be instead of putting it on the meeting before, put it on that meeting.

Mr. Di Peppe: That is my point.

Mr. Stepowany: That, I think, is why Mr. Harvey is saying we cannot really be date specific because we still have to send it to the Board to acknowledge through resolution and ordinance that this is being initiated by the Planning Commission to go to public hearing, has been approved by the Planning Commission to go to public hearing and hopefully they authorize it and agree to go to public hearing. That is why Mr. Harvey is saying do not get time specific, like if we want this on the first meeting in April because it may be better for the first meeting in May because we may have another public hearing scheduled for that night and we would add that to that meeting agenda and public hearing

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notice to keep the cost down. And those are the variables we are talking about that I know in the past you liked to say we want this to go to public hearing on such and such a day.

Mr. Harvey: Mr. Stepowany is reminding me of the process. I guess before we authorize a public hearing we need to first refer it to the Board.

Mr. Stepowany: I agree, when they approve to go to public hearing we have to send it to the Board and then they come back with yes go to public hearing. That is what we meant by the process.

Mr. Fields: That is not how I understood the new process to work. I was there for the debate at the Board. My understanding was that we certainly have to talk about the appropriation, we need to go to the Board to ask for funds but we do not need to refer the ordinance to the Board to refer it to public hearing.

Mr. Harvey: We have that issue in our ordinance where the ordinance says the Board must first refer it to the Commission. So the Commission can initiate and then we would give the Board of Supervisors a resolution on their consent agenda for them to refer it back to you for public hearing. I know we had some discussion about that and the Subdivision and Zoning Ordinance both say the same thing.

Mr. Fields: The Stafford Ordinance says that, not the State Ordinance.

Mr. Harvey: Yes.

Mr. Di Peppe: Did Mr. Nugent weigh on that? We were having that discussion tonight where we may have misinterpreted that?

Mr. Fields: I thought it was somewhat ambiguous or contradictory.

Mr. Di Peppe: We were having a similar discussion before tonight's meeting but it might bear on this discussion.

Mr. Nugent: The answer is that it is ambiguous and if you can avoid the risk by following the safest course that would be my recommendation certainly if it does not create any unusual delay. At this point if it is ambiguity it is nothing more than an argument. There is no guarantee as to whether or not the argument would prevail as a matter of law.

Mr. Fields: Then this evening, what we will do is the motion will be to refer this to the Board, is that correct? To be referred back to us to send to public hearing.

Mr. Harvey: The Commission would have a motion to initiate the ordinance and request the Board's referral for public hearing.

Mr. Fields: That is a little bit different than the language that we have been using. Do we have new language so that when we make the motion we will be technically correct?

Mr. Stepowany: I just wrote it down. We will modify the motion.

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Mr. Fields: Mr. Di Peppe does not have to make that motion anymore. We are not doing the Ordinance Committee, speaking of tradition. Anybody could make it but we want to make sure, as we have in the past, we certainly want to make sure that that language is correct.

Mr. Stepowany: I will work on it as soon as (inaudible).

Mr. Fields: This seems to be wildly controversial.

Mr. Di Peppe: And I have had so much practice reading the enabling motions.

Mr. Fields: Okay, so that is where we are. This is on the evening session and everyone is clear on what the motion will be in the evening session.

Mr. Di Peppe: Did we vote to move it?

Mr. Fields: Yes we voted.

Mr. Stepowany: Yes you did, and I just clarified on the timetable. That is why I brought that up.

Mr. Fields: So it is on the evening session and there is really nothing to add to that and if we need to discuss it more we can discuss it there. All right, Agricultural Districts Lot Yield.

d. Agricultural Districts Lot Yield

Mr. Stepowany: Mr. Chairman, we discussed this briefly at the last meeting. I just wanted to bring up some minor modifications. Again, getting back into this is an ordinance that would limit how many lots a subdivision would have basically regardless of the overall size of the tract of land at the time this ordinance is approved. If it was A-1 and your normal 43 acres, you might get 10 lots that is larger than 10 lots is a potential all they are going to get is 10 lots. I was asked to revise A-2. The last time we had 1.2 as the factor. Reviewing the Comp Plan and some of the applications that they did in the Comp Plan the number was 3.3. I did not have that number when I asked GIS for updated information because it gets complicated. They gave me a number of lots zoned A-2 larger than 43 acres. We asked for a total number of A-2 lots larger than 15 acres. For acreage it is 4,995.22 total number of potential lots, which is the total acreage divided by 3.33 is 1,500. The number of properties zoned A-2 larger than 15 acres but less than 40 acres is 28 lots for a total of 646.04 acres. The number of properties zoned A-2 larger than 40, there are 22 properties for a total of 4,339 plus acres. Total number of potential lots based on the proposed amendment which is 28 plus 22 multiplied by 10 is 500 lots. So, by the equation in the Comp Plan, with the acreage if it was divided out fully at 3.3 acres per lot, you would have 1,500 lots. But with this proposed amendment the county may only see 500 lots. And in the A-1 it was very similar. The total number of potential lots and the dividing factor was 4.3 which again was the basis of the Comp Plan and we also used 4.3 for the allocated density presentation which was 7,278 lots based on 31,295 acres and based on the proposed ordinance it may generate only 3,160 lots. And the last paragraph is "the proposed amendment would likely reduce the number of potential lots in the agricultural zoning districts. Neither the current Comprehensive Plan nor the proposed Comprehensive Plan has a goal or objective to reduce the number of potential lots in the agricultural zoning districts. The proposed Comprehensive Plan is based upon the assumption that all properties in the agricultural zoning districts may be divided to their full potential." As it would appear in the zoning ordinance we defined lot yield as "the maximum number of residential lots subdivided from a

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parcel. The lots shall comply with the minimum lot size requirements.” How it would appear in the A-1 and A-2 is “...from the parent parcel existing as of the...” whatever day that the proposed amendment was approved by the Board of Supervisors. I will be more than happy to answer any questions.

Mr. Fields: Any questions for Mr. Stepowany? None? Okay. This is essentially similar to what Spotsylvania has in place, correct? (inaudible)

Mr. Stepowany: Correct. They have a couple of zoning districts, they have A-1, A-2 and A-3 that was in the previous memo. The A-1 is three acre lots but from co-workers who worked on it when they were in Spotsylvania their A-1 properties were rezoned to RU so on their zoning maps they do not have actual A-1 zoned properties, they are all RU. They have A-2 which is a new zoning district they created which is 5 acre minimum per lot and then they have A-3 which is also a newly created zoning which is 10 acre lots. The reason why we have asked for a consideration to be looked into the Comprehensive Plan because that is a strategy in Spotsylvania that they do not increase their total development by 2 percent and their rationale for the ten lot yield is to control the maximum percentage of development within the county.

Mr. Fields: They want to achieve a not greater than 2 percent rate of growth.

Mr. Stepowany: Right. And that has been put into place because the Board of Supervisors in Spotsylvania is asking for an additional 3 acre lot within these subdivisions for families and other things and staff has raised how that would affect, it would put them above the 2 percent threshold. That is where they are right now. It is actually being re-evaluated in Spotsylvania because they want these lots that were created under this 10 lot rule to be allowed to add another lot. Obviously that would double the lot yield it was initially set out to do.

Mr. Fields: Doubled what they intended to do.

Mr. Stepowany: Right. Instead of 10, you possibly can get 20 lots if you had 13 acre, 6 acre, 10 acre lots.

Mr. Rhodes: Could you re-say, what is their logic for reconsidering?

Mr. Stepowany: They have had concerns I believe it has to do with family subdivisions that by this 10 lot yield you cannot do a family subdivision. So if someone would buy a 10 acre lot, and this has been brought up by the Board of Supervisors in Spotsylvania, to reconsider allowing a lot established in the subdivision to add one more 3 acre lot for a family subdivision. Mr. Harvey may know more about this than I do, but the current discussions in Spotsylvania on this are that they are re-evaluating the whole regulation. And the concern that was raised by staff is that if they allowed that 3 acre subdivided lot out of these established lots that it increases that 2 percent growth threshold and they are not meeting the goals of the current Comprehensive Plan.

Mr. Rhodes: Given that this impacts 366 lots potentially in the A-1 and A-2 and over 36,000 acres, are there other locales other than Spotsylvania that we know of that have done similarly?

Mr. Stepowany: We looked at, and I have to go back to the original, similar was Fauquier County. But I have to go back to one of the first memos that we presented and then I was asked not to include

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Fauquier County. But Fauquier County was, I am not going to say density bonus, but it had a lot of open space requirements in agricultural and farming and they had a stepping thing with more acres. If you had so many acres you could have so many lots. If you had more acres you could have a couple more lots so by the time you got to 500 acres you may have 15 or 20 lots. Actually, the more acres the less lots you have in Fauquier County. So they had a stepping system.

Mr. Fields: We call it a sliding scale. There are a few other counties that have tried that across the country. They were on top of that a long time ago. The idea being that you are grappling with, there is no easy solution, you are grappling with the issue here of if you set... Fauquier I think, and Jeff correct me if I am wrong, I know we have talked about this here over the years plenty of times, they are grappling with the issue is if you just set large minimum lot sizes then if subdivision occurs you really are chopping up the rural area into pretty loose low density type of things. Ten acre lots really are not... The problem is 10 acre lots even are not really rural in character. If you have a lot of houses built on 10 acre lots it does not look or feel rural. Unless it is heavily wooded in which case you cannot see it. If it is all open somewhere between 10 and 25, when you go to 25 acre lots, if you have a 25 acre minimum lot size it looks pretty rural even if you divide up the land into these even lot sizes. The sliding scale zoning is trying to get at the idea that the preservation of open space, however, contiguous open space you are trying to keep a smaller minimum lot size but not allow a 500 acre parcel to end up being like 200 houses. You are trying to say that on the smaller lots it is reasonable to have a larger number of subdivisions because a 40 acre parcel is probably not truly an agricultural piece of land but a 500 acre parcel is still potentially even if it is not being used that way. And that is what you are always trying to get at, minimum lot size versus actual total amount of develop ability to a large parcel of agricultural land. This is just another way of looking at that issue. I mean, certainly we know that in trying to make things more compact that is a more environmentally correct and sustainable way of doing things in that keeping a smaller minimum lot size but limiting the total number of divisions of a large parent parcel is a better way to achieve it, in my personal opinion, than certainly going to even 10 acre lots. There are some places that go to 50 acre lots. When you are the president of VACO, he was from Oregon and they of course, let the country in progressive land use, he says the county he lives in which is right outside of Portland is outside of the urban area and its minimum lot size is 160 acres. But that is the west. There is a lot of land in Oregon. Just for some perspective, I know that the debate has raged. Believe me, I have been in the middle of it for years. The debate has raged about what to do about agricultural land and down-zoning and what effect it has. I know as long as you have 3 acre lots across 31,000 acres you have 7,200 houses out there that can be built and it seems like a lot to me since they are not going to have to pay any proffers or in any way mitigate their impact.

Mr. Rhodes: But what you do on the A-1, the larger properties there, those average about 170 acres each property so that would be, if you had 10 lots you would have 17 acre lots.

Mr. Fields: If you divided in equal lots I think you would still maintain the smaller lot size. Would we still maintain the minimum 3 acre lot size?

Mr. Rhodes: Yes, but just a maximum of 10 lots is what we are saying.

Mr. Fields: In theory, what you would hope to achieve is, let's say on 100 acres is not ten 10 acre lots but nine 3 acre lots and one large parcel that may have a house and the rest open space. That is certainly the preferred (inaudible).

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Mrs. Carlone: I just wanted to ask Jamie, didn't Fauquier have the base of 10 acres?

Mr. Stepowany: I would have to go back and look at it. For your reference, if we go to the first memo where we discussed it, it might have been in October but I would have to look it up, we included Fauquier County's sliding scale provisions. I would have to go back and see how that memo was.

Mr. Rhodes: It must have been October, it was not November.

Mrs. Carlone: That figure came to mind.

Mr. Stepowany: This was requested in September, so it was at least a meeting or two meetings after September. It was requested at the special meeting at Colonial Forge High School was when we started working on this.

Mr. Fields: The biggest problem, the success story, is you know Fauquier is 610 square miles, subtracting Quantico it is essentially three times the size of Stafford County. The problem with all of these counties that have done, to a certain degree, a viable rural preservation that is different than Stafford County is they have viable agriculture as a business. Agriculture as a business in Stafford, other than my good friend Jerry Silver and my good friend Jerry Young in the George Washington District and a couple people probably in Hartwood, is all but vanished from Stafford and that puts the demands on the rural area. As much of a proponent that I am of rural preservation, I certainly want people to understand that I acknowledge that if you inherit a 200 acre parcel of land and you are not a farmer and you do not intend to forest it, you have somewhat of a quandary as to what you are supposed to do with 200 acres worth of land. I would prefer not to see forty houses on it. I would prefer to see viable uses for it.

Mr. Di Peppe: Can I ask a question?

Mr. Fields: Yes, sure. I know I am rambling.

Mr. Di Peppe: No, I think these are important discussions to have. But one of the questions I think we need to ask ourselves now is we have had this A-1 and A-2 designation that we call agricultural and exactly for the points you have brought up, we have very little agriculture. Should we not think about renaming these to rural, R-1 and R-2, and talk about rural preservation and really have that discussion that it is not really agricultural anymore?

Mr. Fields: I know what you are saying. The thing is that is important is a lot of these are certainly not full time commercial agriculture but a lot of them are part time agriculture. And the part time agriculture, either forestall or agricultural, allows them to participate in the land use program which allows people to hang onto land. It does allow the people that do want to at least hang onto the land as long as possible to hang onto it for tax purposes. I think a lot of the designation, you want people to have horses, a lot of people want to raise...they want to get a 10 acre parcel way out in the country and have a goat or a horse or some chickens or something like that. I do think that we need to be realistic about some of these things because we have seen some collisions and will continue to see more, assuming we ever get a resurgence of low density sprawl in Stafford, of this collision. We have seen it on some issues before. And though I understand peoples' concerns, I have seen some people come in and say you are going to let this thing go in and we live in a residential area. But they live in a 3 acre A-1 zoned thing so, as you know, if you live in A-1, even though you live in a bunch of 3 acre houses,

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your neighbor can have a goat and chickens and horses and all that kinds of stuff because that is by-right use in agricultural areas. I agree we should be more realistic about some of that stuff. We are starting to address that some by district use buffers, right Jeff, as opposed to just arbitrary buffers that the uses actually help define the buffering as opposed to just the zoning district?

Mr. Stepowany: Transitional buffers are based on (inaudible).

Mr. Fields: Transitional buffers, like if you talk about A-1 it is definitely going to be a housing subdivision butted up next to a farm.

Mr. Stepowany: There is a transitional buffer requirement between a residential use and a farm.

Mr. Fields: Even if it is A-1 and A-1, right?

Mr. Stepowany: Just like if it is a public facility in the A-1 and you have a house in the A-1, that is why the landscape manual is based on the use and not the zoning district.

Mr. Fields: Right. I thought we moved forward and I think that was a really good move.

Mr. Di Peppe: Could you have the land use even if you called it rural, if you changed the name rural? Because I am not in any way, shape or form saying we should eliminate land use. I agree with you, it enables people to hang onto parcels of land and not be taxed out of them. So I am not suggesting that, if we changed the name from A-1 to a rural, an RU, I was just wondering could you still have land use just because you changed the name. Or does it have to be called agricultural?

Mr. Fields: I do not know the regulations on that but I assume if you define a district and say this is permitted by-right, agricultural, you can do it, no matter what you call it.

Mr. Harvey: I think there are State Code provisions that you have to account for agriculture in your Comprehensive Plan. So, if you have an agricultural use in your plan, you need to have an agricultural zoning district to go along with it.

Mr. Fields: I see. You actually have to have the district that is called agricultural. I did not mean to take up a lot of time on that. Where do we want to go from here? Do we want to move this forward? Do we want to think about it some more? Any opinions on this? We have heard my opinion. The statement that you make that this and which is correct that we have not defined this as a goal in the current Comprehensive Plan is a little bit problematic for the ordinance itself, correct?

Mr. Stepowany: Correct. And you asked what Spotsylvania did. That is what Spotsylvania did, they made it a goal in their Comprehensive Plan. How we word it, it is something they addressed in their Comprehensive Plan and then presented the ordinance as made in compliance with the goal. I know Ms. Kirkman brought up at the last meeting that it would be in a separate implementation of the different goals and objectives of the Comprehensive Plan. So then staff's response would be well, when you come up with the implementation plan this should follow as part of an implementation plan. That is staff's concern, it was not addressed.

Mr. Fields: I certainly know from yesterday's discussion that it was becoming painfully clear that the amount of by-right in the A-1 was problematic towards achieving certain goals in the Comprehensive

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Plan and in terms of the build-out. Particularly, as you know, when you add the UDA requirements and look at the by-right development that exists in the county, no matter how hard you try, you do not have to do it by this year but by 2011, it gets difficult to not add to, the goal of the Comprehensive Plan I think all of us agreed was to not add to the existing zoning because the vested zoning was so high in Stafford. We did not want to add any more units. However, the Comprehensive Plan adds units because of the UDA requirement combined with the vested zoning. Certainly a strategy for changing that equation by considerably is to add something like this to the A-1 districts. I know that that is not a popular idea among many members of the Board of Supervisors or the Planning Commission. I wonder if we should forward... I do not really want to move definitively on this if that is okay with the other Commissioners until Mr. Howard and Ms. Kirkman also have a chance to weigh in. This is a pretty big deal. I would hope all seven of us are here for this. But something that may, and given the current constraints on advertising on something like this, this may be something that we want to tweak, debate and then take a vote on to refer to the Board of Supervisors with the context of this as you work through the Comprehensive Plan and look at the goals of the build-out of the county, this may be one of the tools you want to consider versus thinking that this could be a stand-alone ordinance advertisement public hearing. Does that make sense? I am not trying to dilute it in any way, I am just thinking in current reality here what we have to work with.

Mr. Rhodes: I would just state that such time that we were to work on this, if and when that occurs, my further pursuit would be along the lines of the stair-stepping type of provision. If you have the largest parcel and that is held to a 10 yield versus the same as in the A-2s that are forty 3 acre parcels, just somewhere in there I think there is probably a better approach that might include some variation of the stair-stepping based on the overall size of the parcel.

Mrs. Carlone: Sliding scale.

Mr. Stepowany: The sliding scale is almost like handicapped parking spaces. (inaudible)

Mr. Rhodes: (inaudible)

Mr. Fields: It takes a long time to work through this. This was one of the first things I did within the first two months when I got on the Board of Supervisors in 2000 was just try to introduce the sliding scale concept. But still, it is an idea worth pursuing.

Mr. Di Peppe: So we could move to just hold this in committee?

Mr. Fields: Lets hold this and maybe get the information on the Fauquier sliding scale to us. Is that okay?

Mr. Stepowany: Sure. And if we have time at the second meeting I may be able to get it through our shared drive.

Mr. Fields: Like I said, I do not want to act too much beyond this until we have Ms. Kirkman and Mr. Howard here because they deserve a cut at this.

Mr. Di Peppe: Could I ask staff that if this were to move forward, what exactly would the Comprehensive Plan have to say?

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Mr. Stepowany: I will refer to Mr. Harvey.

Mr. Di Peppe: Because I think we need to know that and send that recommendation to the Board that if they want to address this it would have to be addressed in the Comprehensive Plan since it is in front of them right now. I would like to know what would be required of the Comprehensive Plan if we did choose to move forward, what kind of wording.

Mr. Fields: So we have two requests, what kind of language would need to be included in the Comprehensive Plan to make this more consistent and look at Fauquier's sliding scale process. All right, Reservoir Protection Overlay. Any news?

- e. Reservoir Protection Overlay (Deferred to subcommittee - Archer Di Peppe, Ruth Carlone and Gail Roberts)

Mrs. Carlone: Yes, I talked with the two individuals in Utilities about the wording and I see that they are still working on it. We discussed the operational level instead of mean water level and that is being apparently worked on within Utilities, what term would be replacing mean water level. And that is about it.

Mr. Fields: By the Utilities Commission or Utilities Department?

Mrs. Carlone: Utilities Department.

Mr. Stepowany: Actually it was the Utilities Department forwarded the question to the Utilities Commission at their meeting last week and staff is waiting for a response from the Utilities Department.

Mr. Fields: The Utilities Commission is looking at this actively as well, right?

Mr. Stepowany: Yes. There was a question about the one provision in the proposed ordinance that would prohibit any building or structures in the buffer zone which is the first 200 feet and how that would affect existing vacant lots that have not been built upon. That was asked by the Utilities Commission to discuss also. If it came to a point where somebody had an existing lot and they could not get a permit on it, how would the county respond to that. The third request to the Utilities Department, I could tell the Planning Commission right before that resolution came out by the Board in December Mr. Critzer, the Utilities Director, agreed to provide a presentation to the Planning Commission on how and when the reservoirs are tested for contamination. As opposed to just sending me a response and I forward it to you, we asked if he was willing to make that presentation to the Planning Commission in response to Mr. Howard's question, how often is the water tested and what are the types of contaminants and what other source of contaminants. We did ask Mr. Critzer, the Director of Utilities, that question and we offered to allow him to come to a Planning Commission meeting to address you with that. If you wish we can ask him again if he can come back in the near future if the Planning Commission desires to answer that question.

Mrs. Carlone: Jamie, did they give any kind of timeline on making that presentation? Because even after that then we still have to go through the process on this.

Mr. Stepowany: A timeline on the presentation?

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Mrs. Carlone: On the presentation that we can (inaudible).

Mr. Stepowany: If the work session has time available we can work with the Utilities Department at our next work session to address it. From a staff standpoint, I would be more comfortable if the Director of Utilities answered that question to the Planning Commission because you may have more specific questions on how, where and why certain things are as opposed to me just giving you a response that he had. That was the intent back in December. He was going to come in December but we were not able to discuss it so we held off on inviting him. Now that we are discussing it again I am asking him to come.

Mrs. Carlone: But did they mention perhaps when they would be at a point that they could come?

Mr. Stepowany: I have to ask him again.

Mrs. Carlone: Could you do that?

Mr. Stepowany: We just cancelled the last opportunity for him to come in because we could not discuss it. I have not asked him again and that is why I am asking if the Planning Commission would like to have Mr. Critzer come in.

Mr. Fields: Absolutely.

Mr. Stepowany: I will get in touch with him tomorrow and work with Mr. Harvey on the next available work session for him to come and address that with you. Those were the three items that we have asked the Utilities Department and the Utilities Commission to answer. There were eight questions that were forwarded and I think the other five have been answered and we have been discussing them through the subcommittees.

Mr. Fields: Very good. Okay, that is where we are with that. Anything else on that issue? All right, Rappahannock River Overlay.

- f. Rappahannock River Overlay District (Deferred to subcommittee - Peter Fields, Ruth Carlone, Friends of the Rappahannock and Rappahannock River Basin Commission)

Mr. Fields: The Potomac River Overlay is being litigated right now as we speak, right? I mean, we can keep this on the agenda but I think it is pretty much an obvious statement there is no point even beginning to talk about the Rappahannock River Overlay until all litigation is finished on the Potomac Overlay. Unless there is an objection, we can probably take this off the agenda for now. There is no reason for it to keep appearing as sort of this infinitely deferred item. It was referred by the Board of Supervisors, but are we all in agreement that it would be actually imprudent and unwise to work on this while there is pending litigation on the other?

Mrs. Carlone: I am tired of feeling guilty when I do not (inaudible).

Mr. Fields: I know, that is kind of what I am saying. I do not want to keep looking at my name on a deferred subcommittee and not have a report. So, I think staff, you can just take, until we have resolved, we will keep on top of that, but just take that off of list at this point.

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Mr. Harvey: Mr. Chairman, I was talking to legal counsel and she was suggesting that it would probably be good for the Commission to consider requesting from the Board of Supervisors an indefinite postponement.

Mr. Fields: Okay, request an indefinite postponement.

Mr. Harvey: Until litigation has been resolved.

Mr. Fields: Okay.

Mrs. Carlone: In writing?

Mr. Fields: Sure. I do not want to overstep my authority.

Mr. Nugent: Or other reasons exist for moving it forward.

Mr. Fields: Right. Again, we can have a letter-writing party with this and the other one I have to ask for so if staff will help me with that, the language.

5. Review of Pending Rezoning/Conditional Use Permits

None

6. Review of Pending Subdivision Plans

None

7. Review of Proposed Comprehensive Plan Amendments

None

8. Other Unfinished Business

a. 2009 Calendar Year Work Plan Items

Mr. Fields: So, we have on the calendar year work plan, the items include things we want to work on, the Implementation Plan element of the Comprehensive Plan. Obviously that waits on the adoption approval of the Comprehensive Plan at this point, correct? Or did we want to get a jump start on it or did we decide we had to wait until we have it adopted?

Mr. Harvey: The Commission asked us to move forward with working towards that goal. Since we have been involved with the Board of Supervisors in getting them up to speed, we really have not been able to put much emphasis on it.

Mr. Fields: I know you have a lot. You have a very large task because they have their turnaround times and until that time is met, I am sure your efforts have to be focused on that, correct?

Mr. Harvey: Yes.

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Mr. Fields: The Subdivision Ordinance, we are going to talk about that in a minute. Reservoir Protection, okay, that is in process. Transportation Plan update and Corridors, that is in our committee, the Transportation Committee. And communication efforts, that was the Board/Planning Commission communication, correct? Is that what we meant by that?

Mr. Harvey: I think there was also discussion about from the Commissions' standpoint on how to get information out to the public.

Mr. Fields: Okay, are there any questions or comments on this item at this point? These are the things we articulated on, are we leaving anything out that anybody had thought about? It seems like we are at least under way with that. Let us go over to the Subdivision Ordinance now.

b. Subdivision Ordinance Timeline

Mr. Fields: This is your proposed timeline. Do you want to present it to us and give your thoughts on it or rationale?

Mr. Harvey: Yes, Mr. Chairman. In consultation with the County Attorney's office we have come up with a proposed timeline of twelve to eighteen months to revamp the Subdivision Ordinance. The County Attorney's office would be the lead agency and they would be doing a number of things throughout the process as well as eventually coming back to the Commission on policy issues. But specifically they would be working on a matrix of the State Code versus Subdivision Ordinance requirements so we can see that our ordinance is technically correctly grounded. Also, we would be reviewing the State Code pertaining to the Subdivision Ordinance because some things are required mandatory and some things are permissible and are not mandatory and verify provisions. And again we will come back to the Commission at different points in time regarding policy issues such as items like private access easements, construction standards, and those types of things that are not specifically called out in the state code. The Attorney's office would provide monthly updates to the Commission. We have Mr. Nugent and Ms. Roberts here to give you more details if you need it.

Mr. Fields: So, we think, and I know your work load is tremendous, I think some of us are maybe hoping for a little quicker timeframe but is this what you feel to be prudent and realistic given all the other things on your plate? I do not want to seem impatient or inconsiderate of your needs, I am just kind of wondering.

Mr. Nugent: If the pace continues as it currently is moving, this may not be enough time.

Mr. Rhodes: Just to clarify is the thought to work things iteratively and be taking actions on some things iteratively or to get the whole, almost... I guess one extreme would be you have got the whole rewrite and you have ensured that everything compliments each other throughout the Subdivision Ordinance and then we just start working on all of them at once or it would be to do sections and then hand it over and start to take action. What do you envision with this timeline?

Ms. Roberts: I think I would prefer not to do the piecemeal. That is kind of how we got into this mess as it is. I have started the chart. I am hoping to get it by the time we meet next. It has been extremely tedious and I have been trying to put an hour a day away to do it but it has been taking a lot longer than anticipated.

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Mr. Fields: So the idea would be then... I was thinking that perhaps it would be... well, that makes sense.

Mr. Rhodes: Maybe we just readdress it with a very brief update during the County Attorney's Report once every quarter or so, just how it is coming, does twelve to eighteen look reasonable, does it look like it is slipping, does it look like it is going ahead or something like that.

Mr. Fields: Again, not to put undue pressure because believe me I am not trying to... I am very sympathetic but I do want to stay very, very on top of this. I think it is a very high priority for us now that we have the Comp Plan. Implementation of the Comp Plan will be high but getting these Subdivision Ordinances in line and up to speed is really, really long overdue and so I will stress that I think we... like I said I think this is, with all due respect and understanding your thing and only the County Attorney and the Board can actually direct your time specifically but I would certainly strongly request if at all possible we would be extremely grateful if we could move forward with this. At least to make sure that we are up-to-date on where you are at on it.

Ms. Roberts: Okay, yes Mr. Chairman, I will take it home this weekend.

Mr. Fields: Now you are making me feel guilty. I just want to reiterate I think it is very important and I do not want to see this dropped. I just do not want to see it get pushed back with... as they often say, you have seen, probably everybody has seen that classic four quadrants of time management type of matrix and this can be in that very important but not absolutely urgent category of stuff that needs to desperately be done but will not be the fire that you have to put out in front of you. It has gone on for a decade or more that it has not been addressed so I am determined in my time on the Planning Commission whether as Chair or member to see that this gets accomplished. I appreciate everything you guys do. All right, anything else?

9. Approval of Minutes

October 1, 2008 Work Session

January 21, 2009 Work Session

Mr. Fields: We have a couple sets of work session minutes, October 1 and January 21. Are there any additions, deletions, corrections to the minutes?

Mrs. Carlone: I have just a couple of minor ones, nothing significant.

Mr. Fields: Do you need to amend the minutes though before we approve them?

Mrs. Carlone: They are so minor I do not think so.

Mr. Rhodes: It is always exciting to re-read all of them.

Mrs. Carlone: Just like on page 13 from October 1. It is Ms. Kirkman, not Mr. And then there was just one other minor one.

Mr. Fields: Which one, October or January?

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Mrs. Carlone: We are still on October. This is an exciting reading. On page 8 of 16, I just had a question. I did actually get through this all the way. The second to the last paragraph, the fourth sentence down, "unless the cluster plan was uses" or used. That is it.

Mr. Fields: All right, any other comments, corrections?

Mr. Di Peppe: I would just like to acknowledge Stacie because this is an extremely difficult job.

Mr. Fields: Yes it is.

Mrs. Carlone: Yes, it really is.

Mr. Di Peppe: Especially dealing with us.

Mrs. Carlone: Trying to understand us.

Mr. Di Peppe: And I think she does a terrific job and once-in-a-while we need to say that because this is tough.

Mr. Fields: I am always a fan of saying that.

Mr. Di Peppe: I want that on the record.

Mr. Rhodes: Especially the change to the verbatim way.

Mr. Di Peppe: Well, and this is very difficult and I think she does a terrific job and I think we need to acknowledge that.

Mrs. Carlone: Now you make me feel apologetic for finding these but these are so minor.

Mr. Mitchell: Motion for approval, Mr. Chairman.

Mr. Fields: Mr. Mitchell moves to approve the minutes.

Mr. Di Peppe: Second.

Mr. Fields: Second by Mr. Di Peppe. Any discussion on the motion? All those in favor signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Di Peppe: Yes.

Mr. Mitchell: Yes.

Mr. Fields: Yes. Opposed? All right. Well, we are done a little ahead of time.

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10. Adjournment

With no further business to discuss, the meeting was adjourned at 6:45 p.m.

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Peter Fields, Chairman  
Planning Commission

# ***STAFFORD COUNTY PLANNING COMMISSION MINUTES***

## ***February 18, 2009***

The regular meeting of the Stafford County Planning Commission of Wednesday, February 18, 2009, was called to order at 7:30 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the Stafford County Administration Center.

MEMBERS PRESENT: Fields, Di Peppe, Mitchell, Rhodes and Carlone

MEMBERS ABSENT: Howard and Kirkman

STAFF PRESENT: Harvey, Nugent, Roberts, Stinnette, Stepowany, Schulte, Schultis, Lott and Waslov

### DECLARATIONS OF DISQUALIFICATIONS:

None.

### PUBLIC PRESENTATIONS:

Mr. Fields: We come to public presentations. At this point members of the public are asked if they want to address the Planning Commission on any issue of concern. There is, of course, normally a restriction that you cannot address an item for public hearing at this time but there are no public hearings. You have three minutes and the light system goes on, the green light goes on when you want to speak, when you start speaking, the yellow light goes on when you have a minute left and when the red light goes on you are out of time. Everybody will have three minutes. When you come to the podium we ask that you state your name and your address for the record. At this time I will open up the public presentations. Is there anybody that would like to speak please just come on forward.

Daniel Callison: I am here tonight to speak in favor of the proposed preliminary plan and waiver. I bought in the Woodstream community because I liked its development plan and proximity to shopping and transportation. My family and I understand that the Woodstream community is a development of mixed uses and the plan and waiver that are before the Planning Commission tonight are consistent with the mixed use development. In particular, I am most please with the waiver because it allows Brookfield to deliver townhomes that are the same size consistent with what currently exists within the community. If the waiver is not granted then Brookfield will be forced to construct small townhouse units than what currently exists. That would impose the hardship on the values of the existing properties in the community. Based on all of this, I ask that you vote tonight in favor of the plan and waiver. Thank you very much.

Thomas Boyle: I am here tonight to talk on behalf of our community. I am one of the most active members walking around knocking on doors and I am very active with Brookfield. We are in favor of them receiving the waiver so they can build the same size townhomes as they already currently build in the community. We do not want the smaller townhomes that bring a lot of other issues that we, as a community, are not ready or want in our neighborhood. I went around and got some signatures that I would like to submit from the neighborhood with their addresses that state that they are in support of having Brookfield being granted the waiver.

Mr. Fields: That is great. When you are done you can just take those to the clerk and submit those and we will take a look at them. Thank you very much. Is there anyone else that would like to speak on any topic?

Janice Hablas: I was given some of the information last night from the gentlemen going around with the waiver for people to sign. I did want to speak because I believe on the docket also is about apartments, multi-use apartments, that are going to be in the far section. I just want to comment, as a homeowner and going in there to purchase not one thing was mentioned about that. It was always going to be townhouses and single-family homes. And I purchased because of being able to have a

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safe place for the kids to play and not have apartments in one section where people would be driving by fast and things like that. So I do not know if that is part of it in the discussion tonight but I wanted to voice my opinion. Other neighbors have been told the exact same thing when you go in to purchase and they do not mention one thing about that. It is not even on the drawing. So, I wanted to let you know.

Mr. Fields: Thank you. We do not engage in a dialogue. I know you are sort of asking a question. At public presentations, for obvious reasons, we do not really respond directly to questions. I do not want to seem like I am not listening to you.

Ms. Hablas: Sure. I just did not have anything planned and this was just spur of the moment that I came.

Mr. Fields: That is fine. You have three minutes to say whatever you want about Stafford County. You can say what a great place it is, what a terrible, whatever you want to do.

Ms. Hablas: I work in Stafford County so I understand. Thank you.

Mr. Fields: Thanks a lot. Would anybody else like to speak? All right, if there are no more comments, we will close the public presentations. Since we have no public hearings on this evening's agenda and since we have no unfinished business we can move directly to new business and the new business is, as one might infer from the comments, the Woodstream V Preliminary Subdivision Plan.

**PUBLIC HEARINGS:**

None.

**UNFINISHED BUSINESS:**

None.

**NEW BUSINESS**

1. SUB2800611; Woodstream V, Preliminary Subdivision Plan - A preliminary subdivision plan for 124 single-family attached residential units and an area reserved for future multi-family dwelling units, zoned R-2, Urban Residential, consisting of 28.8 acres of the total 142 acres of the Woodstream subdivision, located on the east side of Staffordboro Boulevard approximately 2,400 feet north of Garrisonville Road on Assessors Parcel 21-8F within the Aquia Election District. **(Time Limit: May 13, 2009)**

Jon Schultis: Mr. Chairman, members of the Commission. I am here before you tonight to present the preliminary plan Woodstream V subdivision, 2800611. The applicant is Brookfield Homes, the application was received on September 5, 2008, and the design engineer is Stanley Orndorff with The Engineering Groupe. The site is located adjacent to I-95. Directly to the north is Smith Lake Park, directly to the south is Stafford Marketplace and directly to the west is the Foxwoods Trailer Park. The proposal is essentially to replace 60 duplex units which were shown on a previous preliminary plan on 14.2 acres on parcel 21N-1 with 124 townhome dwellings. Additionally, this proposal includes 130 townhouse dwelling units being removed on 14.6 acres and in its place an area reserved for multi-family dwellings. This proposal alters the road layout in Woodstream by shortening Woodstream Boulevard and eliminating the private streets which would serve the townhomes that are being eliminated in place of an area reserved for multi-family homes. Public water and sewer will serve this subdivision. This is a rendering of essentially what the preliminary subdivision looks like. To the left, my left, the proposed townhome dwelling units will be in an area where it was once duplex

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units and to the right is the proposed area for the future multi-family dwelling units. The multi-family dwelling units can encompass a number of by-right uses including age-restricted homes and will be submitted as a major site plan when the developers decide to pursue this development. This essentially is a rendering of how it looked before and after. I think the clearer side is the townhomes that are going to be eliminated for the multi-family dwellings. Woodstream does have a complicated background and history. The total development is 142 acres and there were four previously approved preliminary plans for this subdivision, thus calling it Woodstream V. It is vested to the 1978 Zoning Ordinance and it was done this way through a zoning determination by the Zoning Administrator in 2003. Essentially, the reasoning behind this was a 1985 Consent Decree ordered by the Stafford County Circuit Court to ensure that a density of seven units per acre would be provided on in this development. At the time, the 1978 Zoning Ordinance was the Zoning Ordinance in place. The vesting letter which you all received in your packet states that it is vested from any subsequent zoning amendments and that is what keeps it a 1978 zoning. And, as I stated, the Court order density is seven units per acre which is consistent with the R-2 zoning district listed in the 1978 Code. Staff has reviewed this compliance with the 1978 Zoning Ordinance and the current Subdivision Ordinance and other applicable county code chapters. Staff believes that this is in compliance with those chapters and therefore recommends approval. With that, Mr. Chairman, I would like to mention that Environmental Planning staff and Stormwater Engineering staff is here with me for questioning and the Brookfield Homes has also brought a contingent of folks to answer questioning. With that, I conclude my presentation and am open for questioning myself.

Mr. Fields: Are there any questions for staff at this time?

Mrs. Carlone: Yes, I do. I am curious, I looked at some of the blue-lined waterways and I did not see any RPA designated for one.

Michael Lott: I am an Environmental Planner with Stafford County. In my history with this project, because it was vested with the 1978 Ordinance, Ches Bay did not come into play until 1989 so there were never any perennial flow studies done on this project. They had gone through the Army Corps of Engineers for their permitting for this project. There are a number of streams, the one immediately north of where the multi-family would go has a conservation easement and there is a perennial stream on the far northern edge of the project that also has a large conservation easement, larger than an RPA would be. We have put RPA on that stream on our mapping so that projects adjacent to it, the RPA extends off of the Woodstream property onto adjacent properties and the RPA would be enforced on that.

Mr. Fields: I want to interject a question here. I am a little curious, and you will have to bear with us because it will take a little while to unravel all the details of this because obviously this is a very complex thing, but as I was reading the subdivision ordinance, it is my understanding that the vesting is vested to the 1978 Zoning Ordinance but the contemporary subdivision ordinance is applicable. Am I understanding that correctly?

Mr. Schultis: Yes sir, that is absolutely correct.

Mr. Fields: So in Section 22-90 of our Subdivision Ordinance it says “any plan of development submitted for any proposed activity within the Chesapeake Bay Preservation Area must satisfy all of the requirements listed in Section 28-62 of this Code”. While technically it is vested immediately out of our Zoning Ordinance which is Section 28, this reference in Section 22 of the Subdivision Ordinance would imply that it must comply with all of the Chesapeake Bay requirements that are listed in Section 28-62. Am I understanding that correctly?

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Mr. Schultis: As I understand it, and I will let Mike expand on anything that I come up short in explaining, the reasoning behind that is the subdivision code essentially mentions an article in the zoning code that was not applicable in 1978. So, essentially it references the Zoning Ordinance but the 1978 Zoning Ordinance is what is used so it is not applicable.

Mr. Fields: Is that the County Attorney's opinion on that? Excuse me for pre-empting you but I really do want an answer on that.

Mr. Nugent: Mr. Chairman, there are a number of issues that might impact the Commissions' decision with regard to this proposal this evening. Certainly it is the Commissions' option, in spite of my recommendation, to deal with this either on the floor or in closed session and some of these might be better addressed in closed session, if you are so inclined.

Mr. Fields: All right. We will hold those questions then and let us continue with this technical question on the thing. I think obviously this is a very, very significant issue and we have got to come to terms with it. Go ahead Mrs. Carlone.

Mrs. Carlone: Mike, I guess this goes back to what we were talking about. There are several other blue-line perennial streams. This is of importance to me and it should be to all of us.

Mr. Lott: I guess I am not sure exactly which blue-line stream you are referring to.

Mrs. Carlone: Look at the one closest to the limits of the preliminary plan and down at the bottom it has proposed...

Mr. Fields: Are we on three of twelve Mrs. Carlone?

Mrs. Carlone: Sorry, yes. I guess this would be one of the discussion items. I looked all through this and I could not find any designations of RPA. In particular, that one area there are several streams going through the property, so I guess we better wait on this.

Mr. Lott: Like I said, there were no perennial flow studies done on this. I can speak to what the Army Corps and their work they had done at the time. Granted, the procedure they followed was not exactly the same as doing a perennial flow study. The stream on the far northern end, to the north of the mobile home park, is a perennial stream and that one has also been found to be perennial upstream of Woodstream so there would be RPA put on that.

Mr. Fields: Excuse me, I do not want to interrupt but staff, could we have the computer up so when we refer to this map we can let everybody in the audience and also watching on television so they have some clue as to what we are talking about. Do we have a bigger version of this map that we could put up on the computer?

Mr. Schultis: Not outside the presentation.

Mr. Lott: So, where the cursor is now there is a stream to the north of the mobile home park. That stream is a perennial flow stream. The other perennial stream in Woodstream is on the far western side and as part of their Army Corps permit they had to do some stream restoration on that stream as well, as part of their permit. The stream immediately to the north of where the multi-family portion he was talking about by the (inaudible) jurisdiction was identified as an intermittent stream and it has a Corps conservation easement on that as well. There is another stream down in this area that has a Corps

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conservation easement on a portion of that. I would say about the time I was involved with this project the permits had already been put in place so, from a practical standpoint, a lot of the impact to the streams had already occurred. So, looking to do a perennial flow study at that stage when many of these permits had already been granted for their impacts to be taken just was not and several preliminary plans had gone through at that stage as well and the question had not been raised whether to do a perennial flow study at that time. Like I said, the stream to the north, we will have RPA on that even though it is not shown on the plan because there are adjacent parcels. Several have come in for work and they would have to comply with the RPA on that stream. The stream on the conservation easement is larger than the RPA would be and it is not necessarily so on the perennial stream on the west end. Is there another stream that you were interested in?

Mrs. Carlone: No. Actually there were four but this was going back to the soil down at the 95 but you said that has already been taken care of by the Corps? On the east side if you follow the lines of the limits of the preliminary plan that looks like an existing stream.

Mr. Lott: This one where the cursor is now? This portion, you see that line there, I believe are the limits of the conservation easement that was put on that portion of the stream. The stream above that, their Corps permit allows impacts to the stream above that position.

Mrs. Carlone: Okay. Just another thing, there may be intermittents but throughout the project there are streams there. Thanks.

Mr. Fields: In terms of the impacts to the streams, like I said, forgive me, this is a very unique and unusual case and we are probably going to have a lot of questions I am sure. Because of this situation, when this plan kicks in I assume from an environmental standpoint that the current stormwater regulations, including low impact development as first choice, also applies to this property?

Mr. Lott: I will defer to my colleague on the stormwater question.

Robert Waslov: I am the Stormwater Management and Erosion Control Reviewer with the Planning Department. This plan does meet current, including the 2008 version of our Stormwater Management Design Manual. The Stormwater Management facilities that will serve this particular section were constructed under previous sections. They were re-reviewed for compliance with the latest version of our new Design Manual and the ponds will have to be modified slightly and retrofitted to meet the new requirement. LID was considered, as every other project in this county, and it was deemed that LID in its fullest sense was impracticable for this site. They have used all other allowable techniques and they do meet current requirements.

Mr. Fields: In a situation like this, and just to help me understand here, since no matter what I assume that, and a little bit of knowledge is a dangerous thing so Planning Commissioners and Supervisors are pretty scary in that respect, but my understanding in all stormwaters ultimately to achieve a post-development hydrograph that is relatively similar to pre-development in some context. Obviously in LID the idea is to really replicate it is my understanding. In a situation like this where you come in and redo a preliminary plan and you have sections of this now that have already been built out, how do you sort of come to terms with what the pre-development is since the pre-development now includes some development? These plans were not all approved and the Stormwater Concept Plans all approved at some point where this was all non-built and so now part of it is built and how do you determine what the values are going to be and what sort of standards are you trying to achieve on?

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Mr. Waslov: There was an analysis before everything started. There was an overall preliminary plan some time ago that included the entire project. Each section comes in with its own preliminary plan that is reviewed, compared to the overall plan as well as each individual section standing on itself. This plan was reviewed in that fashion.

Mr. Fields: That is the only stormwater question I have. Does anybody else have a stormwater question?

Mr. Rhodes: Not stormwater.

Mr. Fields: You have a staff question?

Mr. Rhodes: Yes sir. When we did the 2007 preliminary plan, did you review what was discussed then? I am trying to recall that discussion when we were here and there were a number of commitments dealing with the streams, dealing with where they were crossing the stream and the configuration of the road, what could and could not be done, and there were a number of commitments made at that point. I was just wondering if this continues to comply with all those or have we looked back at the minutes to see if it does. There was a lot of discussion surrounding where we crossed the stream there and went to that little road there by itself and at one point there was a rec center or something for the community that was going to be at the end of that road. And there was a lot of discussion about the stream and there was a lot of commitments of the cleaning up of the stream and all that was going to happen because of this and we had to cross over at this one location, it could not be down further and now it is down further, and I was just wondering if we have lost something in a couple years.

Mr. Schultis: Well, sir, to address that question with this Woodstream V, when Woodstream IV came in in 2007 that area in question where that road coming off diverging to the east there had a rec center at the end and Woodstream IV essentially moved that rec center from the location at the end of that road to the other side of the development.

Mr. Rhodes: Right.

Mr. Schultis: And that was the mainstay of that where that stream crossing is. The area affected in Woodstream V is separate from the areas that were included in Woodstream IV.

Mr. Rhodes: But I seem to recall a number of discussions and commitments about the crossing and the point of crossing and the impacts from the point of crossing that little stream that were associated with the location that was what is now on the large map about an inch to the left and now it shifted over. I guess I have to look back in minutes and do a little better research on that because there is a lot of discussion on the spot where it was going to cross the stream and lot of discussion on some commitments associated with that stream. I just need to recall those. I could not find them in my very frantic files at home.

Mr. Fields: I think that is probably, as I am sure we are moving through this, we have to work on this for quite some time, making a list of things we request from staff. I am noting that obviously if you can provide us those of us that were on the Planning Commission in 2007, if you could provide us with all the applicable minutes from the discussion of Woodstream IV that is obviously very germane to some of this, from at least what Mr. Rhodes is indicating. Any other questions for staff? I am going to let the applicant speak here and address some issues but I want to make sure we got all staff questions. We will go into closed session because we need to have questions answered from the County Attorney

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but I am saving that until we have discussed everything first. So, are there any other questions of staff? Is the applicant here and would you like to speak to the Commission and answer questions?

Ty Lawson: I am here on behalf of the applicant. As staff indicated, we did bring quite a contingent. We have folks that have worked on the environmental permitting issues that may be able to respond to questions with those regards with regard to Stormwater Management, LID, road design, we have engineers that are here for that. We have the land planner that has worked on the project as well as Transportation. I do not want to bring up issues but if there are questions about transportation, we do have that gentleman here as well. But, we are here to respond to any questions that you all may have.

Mr. Fields: Not having looked at it and since you brought up the transportation that is certainly something that we would want to address. We understand that because of situations, it was determined that normally something of this magnitude would require six outlets but it has been determined that two is all that is practicable. When that determination was made, I guess the agent made that determination that you could downgrade from six to two and my understanding in reading that memo was it was because of the constraints of 95 and the lake and the park and all that. When that determination was made was the intent to upgrade the density of this section from townhomes to multi-family in play? Or was that determination made, assuming that this section is now slated as reserved for multi-family, while still regarded as townhomes. So, in other words, when the determination was made for two outlets versus six, was the person making that determination operating under a different number of vehicle trips per day model?

Mr. Lawson: Actually, I think if you go way back when when the approvals were given to limit the number of connections, and you are correct to point out the obvious limitations with the park on one end and Interstate 95 on another and then of course the trailer park on another side, I believe actually what they were working under was the vesting, the density vesting, that came from the 1985 court order which actually provided for a number that is somewhere north of 900 units. And actually with the design that you have in front of you as well as with the reservation for multi-family, we come in less dense than what was approved. So, as far as the impacts and the interconnectivity and so on, we are actually less than what you would have. And then as staff has pointed out the multi-family is something that will be reviewed when it is submitted and your ordinances address that. There could be all types of multi-family and when I gave you the densities actually that number could come down depending on what it is. It could be assisted living for example and the impacts, transportation impacts, from such a facility are very, very small and would be much less further still, if I could put it that way.

Mr. Fields: The new Transportation Impact Analysis requirements I assume are not triggered because of the number of units, is that correct?

Mr. Harvey: Correct.

Mr. Fields: Chapter 527. It does not meet the threshold?

Mr. Schultis: Yes sir. I had the Office of Transportation check into that specifically and the number that is being presented with this did not trigger the Chapter 527 review.

Mr. Fields: The number being presented however being one component of, of course, a greater project.

Mr. Schultis: Yes.

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Mr. Fields: The number being considered for triggering is the 124 of this one section of this larger project.

Mr. Schultis: And the reserve for the multi-family.

Mr. Fields: And, water under the bridge, but for example just for the sake of analysis and conversation if this whole project came in under whatever figure something resembling this current configuration came in today for a rezoning application or consideration of the plan as a whole, would all the units shown as the entire Woodstream, this entire project, trigger the threshold for a 527 review? If you know the answer, I am not trying to put you on the spot.

Mr. Schultis: Not being my area of expertise, I will not venture to say yes or no. I will say given the total number of units provided in Woodstream it would be likely, but I would have to double-check.

Mr. Fields: I understand. I am not trying to corner you on that, I am just from my own perspective trying to get some information. I appreciate that information. Are there any questions of the applicant?

Mrs. Carlone: I have some questions. You do show on Woodstream IV a recreation center, is that correct?

Mr. Lawson: Yes ma'am.

Mrs. Carlone: Now, you are adding another 124 then a possibility of 350 and yet I do not see anything within here that might be to the benefit of the future residents such as tot lots. I do not see anything in here for these individuals. Also, you had mentioned perhaps age-restricted in the multi-family structures. I do not think if I were someone that was going into an age-restricted, that because of the traffic count, I just do not think I would... was there any other possibilities, you said mixed use. Do you have anything else in mind right now? This is for the multi-family.

Mr. Lawson: Yes ma'am, I understand.

Mrs. Carlone: Would you please let me know?

Mr. Lawson: We would be pleased to let you know. The short answer is we do not know. And as I understand your ordinance, when we have that, there is a process that we need to follow and submit to the county for the approval of such thing. But what I mentioned was it could be assisted living, it could be age-restricted, or it could be apartments. The impact and the good news is that the total impact will actually be less than what was approved and what was vested under the 1985 court order. With regard to the recreational improvements, as I understand what occurred with number IV was there was an effort to concentrate not only a tot lot, a sport court, but also a pool and a bathhouse in one area and that is as you come in it is on your left. So as you come in it would be to the west. And the thought is to have all the amenities in one place and in a centralized location and it would be better utilized in that way. And, of course, the community has sidewalks and so on so that you can access that area by walking or biking or what have you. Or, if you wanted to drive there, you could certainly do that as well.

Mrs. Carlone: It is just the sheer numbers of what you are planning here that you have it all concentrated in one spot and it really should have more tot lots and tables or a playing field, something

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scattered throughout here. It is a disservice really to the families in here. You need to have something else.

Mr. Lawson: One other thing I should point out, as I understand it with a multi-family use, for example, if that were an apartment almost certainly that would come with its own amenities. I think not only would that be a requirement but it would be something that would be desirable. Again, that does not exist under this plan as staff pointed out.

Mrs. Carlone: I understand that but I am looking at what you have right here, the spacing.

Mr. Lawson: Yes ma'am.

Mrs. Carlone: And then there is nothing here in this area and I think that is not right. Also, the traffic count is kind of disturbing. I did check with staff, we have an area that does not have anything to do with you but is an example of what we call PPP Planning. It has individual houses right on this road that originally was not planned for the traffic that is here. And I see that the traffic count is, I guess with the 350 units, is 2,300 vehicles per day then it goes on up to 3,298. I am concerned, after talking with staff they said VDOT would not necessarily state that it should be reverse frontage but it is kind of a bad situation there with these driveways right out onto the increased traffic because of this new multi-tenant. And that is my comment on the transportation. If you go on Eustace Road you will see an example of what is worst case scenario and poor planning about future traffic and cutting through and adding a new section. That is about it right now.

Mr. Di Peppe: You have mentioned twice that it is less than the 1985 plan. How much less impact is it?

Mr. Schultis: If I may, Mr. Di Peppe, I ran the numbers on this real quickly. The court order says 7 units per acre. This current plan, the density is 3.42 units per acre which is less than what is currently required for R-2, if that answers your question.

Mr. Di Peppe: Thank you.

Mr. Fields: Is the number you are quoting, are we talking apples to apples? Are we talking gross density, not net? If you are talking about 124 units here on this parcel, you are talking about the actual engineered density or taking into account all of the facts and subtractions you have to make versus the court order density which is simply a gross density, correct?

Mr. Schultis: The figure I am stating here, 3.42, is for the total Woodstream development, all 142 acres and its dwelling unit per acre. Essentially the way the calculation would go would be to take all of the dwelling units, subtract right-of-way and open space and compare it to the total acreage.

Mr. Di Peppe: I do not think that is what I meant. I am talking about this particular section.

Mr. Schultis: Okay, so Woodstream V on the 28.8 acres.

Mr. Di Peppe: Yes. Maybe I am wrong but I thought that was what was being implied that this particular section, the way it is configured now is less dense than what the 1985 plan would have allowed. You are telling me the overall density for the entire project, and maybe I misunderstood but I thought he was referring to, because it was said twice that this particular part of the plan was less dense than the 1985 would have allowed and I was wondering on this part.

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Mr. Lawson: Actually, what I was referring to was the total and I was actually including in that count the 350 multi-family which we have already discussed do not exist. So I was throwing that number into the mix as well and we still come in under the total vested number which was 900 and some.

Mr. Schultis: The consent decree states 1,239 and Woodstream has a number of 945. I am not sure what the discrepancy is between the two. I used the 1,239 in my staff report.

Mr. Rhodes: And it is 142 acres?

Mr. Schultis: The total Woodstream site is 142 acres.

Mr. Rhodes: At 7 units an acre, that would be 994. What was the 1,239?

Mr. Schultis: That may have included property that would have been subdivided off in the course of its history.

Mr. Harvey: Yes, Mr. Chairman, this property was part of the Staffordboro development so you actually had one section of townhouses that was platted as Staffordboro townhomes and another section was platted which got rezoned and vacated which became part of Stafford Marketplace. So it was part of a larger tract at one point in time.

Mr. Fields: Thank you Jeff.

Mr. Di Peppe: I still did not get the answer.

Mr. Fields: I think, Mr. Di Peppe, you are asking... the court order obviously was on an even larger tract than the current Woodstream. So, I do not know, is it possible to even say... the court order does not really refer to this smaller section. I am not arguing with you but I think that is the problem, you cannot really say the court order was the whole thing. It cannot exceed that density, which it does not exceed the density permissible by our subdivision regulations.

Mr. Lawson: That is well put. That is how the court order addressed it.

Mr. Fields: Are there any other questions for the applicant or any questions for staff before we go into closed meeting?

Mr. Mitchell: In your presentation, I think you mentioned that the little homeowners building or area where they could gather or whatever would be centrally located, but it is at the entrance to the unit. I am a little...

Mr. Lawson: I do not know if you have the plan in front of you but after you come in and go around a roundabout and come into the project it is on the left. And if you are familiar with it, it is where the sport court is currently located and also there is a tot lot, it will be right there. There is open ground there.

Mr. Mitchell: No offense, but it is not centrally located. If I look left to right and then center, it is partially near or somewhat near the center but to me it is closer to the entrance than it is to the center.

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Mr. Lawson: And I do not mean to overspeak the plats, I am just trying to give you a sense of direction as you come into the project and was responding to the question about the newer section. But it is exactly in that location.

Mr. Mitchell: Also, at my other job, I serve on the Parks and Rec Commission and, like I say, doing something to enhance the ability of children to play would be what assists the new moms and dads with young children. That would need to be addresses per se and I am a little concerned that the mixed use could be, could be, I am using your words, could be assisted living or age-restricted. We are kind of looking at something that is possible maybe.

Mr. Lawson: It is important to point out for what is in front of you, and I think staff did a great job presenting this, is actually a deletion of the townhomes that currently exist in the plans that stand before you. And so although there is a reservation for multi, to give you an idea of what is there, the definition of that will come when it is submitted and your ordinances are already in place to address that and the applicant would have to go through a process to get that approved, whatever it may be, assisted living or apartments or age-restricted.

Mr. Rhodes: What drove pulling it out from the 2007 plan?

Mr. Lawson: Well, the biggest amendment of course is changing the duplexes, we refer to them as singles, to the townhouse and that is being driven by economic market conditions. That is the primary driver of this.

Mr. Rhodes: At least with the 2007 we saw something towards the end and not just an open empty spot of who knows what it might be. What are the timelines for that?

Mr. Lawson: We really do not have any plans for it. Again, once we have those and once we have definition, we will submit that to the county to go through the approval process.

Mr. Rhodes: So months, years?

Mr. Lawson: We really do not know.

Mr. Rhodes: (inaudible) or any concept to what it would look like like we did in 2007?

Mr. Lawson: We really do not. And again the market, as I am sure you can appreciate, has thrown us for a real loop.

Mr. Fields: Does anyone else have questions for the applicant or questions for staff?

Mr. Rhodes: One more for staff. The boulevards here, are they all two lanes through there?

Mr. Schultis: Yes sir, they are all two lanes.

Mr. Rhodes: And, just curious, and I could probably ask the TRC, the wonderful person that does all the TRCs for us, fire/rescue, any reservations at all with the density and the depth of just cul-de-sacs back here?

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Mr. Schultis: Fire and rescue has, the Fire Marshall has reviewed the plans and has approved them and did not make any mention to me of any concerns that they had had. I believe that they did have comments and those were included with the packet and the applicant has addressed those.

Mr. Rhodes: Okay, thank you.

Mr. Fields: Anything else?

Mr. Nugent: Mr. Chairman, Mrs. Roberts is bringing the resolution necessary to move to closed session.

Mr. Fields: I will bring up, my understanding the second item of course refers to a waiver for this. The waiver, and correct me if my understanding is wrong, but the waiver is of course only really applicable once the preliminary plan is approved. Is that correct?

Mr. Harvey: Mr. Chairman, the waiver is not contingent upon this plan. If the Planning Commission grants the waiver the applicant will be required to submit a plan pursuant to that waiver.

Mr. Fields: We have a preliminary subdivision plan that is before us. And then we have a waiver of requirements of the 1978 Zoning Ordinance requirements, correct?

Mr. Harvey: No, the waiver request is for a 5 to 1 lot shape requirement.

Mr. Fields: But that is partly triggered by the '78 Ordinance? I thought I saw something about that.

Mr. Harvey: The '78 Ordinance contributes to the issue.

Mr. Fields: Contributes, but it is not the causing factor?

Mr. Harvey: I will let Mr. Schultis give more details on that.

Mr. Schultis: Essentially with what they have designed, the '78 Zoning Ordinance is a large caused factor in that because on a public right-of-way the '78 Zoning Ordinance calls for a 40 foot setback which, in today's Zoning Ordinance, is an 8 foot. So in keeping with the 40 foot setback and the 25 foot rear setback, in order to be consistent with the townhomes that they are designing, they need a 6-point 2 to 1 as opposed to a 5 to 1 lot ratio.

Mr. Fields: The waiver is for the lot shape and not the setback?

Mr. Schultis: The waiver is for 22-143 Shape, particularly the 5 to 1 ratio.

Mr. Fields: And they are going to maintain a 40 foot setback?

Mr. Schultis: Yes sir.

Mr. Fields: That seems absurd. It does not seem like it has any characteristics (inaudible).

Mr. Schultis: '78 was a wild time.

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Mrs. Carlone: I have just a comment. This is really something else, that they are coming forward on a waiver, requesting a waiver to an actual court order of 1978.

Mr. Schultis: Actually ma'am, the court order speaks specifically to the density. So, the 1985 consent decree requires that they have to... there is not anything that can get in the way of them providing seven units per acre which essentially puts them in the '78 Zoning Ordinance. With this waiver, they are going to be consistent. They are going to be obeying the '78 Zoning Ordinance by providing the 40 foot setback, by providing the 25 foot rear setback. It is the current Subdivision Ordinance that they are requesting the waiver from.

Mr. Fields: Which is related to lot shape. Okay. Do we have the resolution for closed meeting?

Mrs. Roberts: Yes. We would need a motion to go into closed meeting for rendering legal advice under Virginia Code Section 2.2-3711 A.7 to discuss application SUB2800611, the Woodstream Preliminary Subdivision Plan.

Mr. Rhodes: So moved.

Mr. Fields: Moved by Mr. Rhodes.

Mr. Mitchell: Second.

Mr. Fields: Second by Mr. Mitchell. All those in favor of going into closed session pursuant to that motion signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Di Peppe: Yes.

Mr. Mitchell: Yes.

Mr. Fields: Yes. Opposed? All right, is the back room open? If you will forgive us, we are going in to closed session now and when we come back out we will vote to certify the closed session.

CLOSED SESSION: 8:19 p.m. until 8:33 p.m.

Mr. Fields: At this time I am going to make a resolution to certify the actions of the Stafford County Planning Commission in closed meeting on February 18, 2009. Whereas, the Planning Commission has, on this the 18<sup>th</sup> day of February, 2009, adjourned into a closed meeting in accordance with a formal vote of the Planning Commission and in accordance with the provisions of the Virginia Freedom of Information Act; and Whereas, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such closed meeting was conducted in conformity with law; Now, Therefore, be it resolved that the Stafford Planning Commission does hereby certify, on this the 18<sup>th</sup> day of February, 2009, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the closed meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the said closed meeting was

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convened were heard, discussed, or considered by the Commission. No member dissents from the aforesaid certification. Do I hear a motion to that effect?

Mrs. Carlone: (inaudible)

Mr. Fields: Mrs. Carlone moves.

Mr. Rhodes: Second.

Mr. Fields: All right, all those in favor signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Di Peppe: Yes.

Mr. Mitchell: Yes.

Mr. Fields: Yes. All those opposed? We have certified the closed meeting. Are there any more questions of staff or the applicant at this point?

Mrs. Carlone: I would like to talk to the applicant very briefly. Would you be willing to consider a couple of tot lots within this area?

Mr. Lawson: I suppose the answer is we would be pleased to look into that. I understand it is not a requirement.

Mrs. Carlone: You do not have to do it.

Mr. Lawson: I understand. The only concern I would have would be because it is before you tonight if we did such a thing, maybe staff could answer, would that trigger a whole other preliminary plan process.

Mr. Harvey: Mr. Chairman, the Code requires that the plan has to be available for the public view for five days prior to the Planning Commissions' actions so if the applicant was to amend the plan to add tot lots it would have to have the final version that they are proposing for the Commissions' actions into our office five days before the Commissions' action.

Mrs. Carlone: I was kind of hoping we could do that. (inaudible)

Mr. Fields: Are there any other questions for the applicant or any other questions for staff? Mr. Mitchell, this is the Aquia District.

Mr. Mitchell: Mr. Chairman, I believe there are several unanswered questions and like Mr. Rhodes I remember specifically there was a lengthy discussion in reference to the creek crossings. So there are a number of questions I feel still need to be answered. I would like to make a motion for deferral until some of these are actually answered. I would request staff provide us with the minutes and some of the information. My motion from the Aquia District is to defer it.

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Mr. Fields: Motion to defer the Woodstream V preliminary plan.

Mr. Rhodes: Second.

Mr. Fields: Second by Mr. Rhodes. Is there any discussion? All those in favor signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Di Peppe: Yes.

Mr. Mitchell: Yes.

Mr. Fields: Yes. Opposed? The motion is deferred. If you have any other questions be sure to submit those to staff and when staff has the information we will schedule this for the logical available work session, whether it is the next one or the one after, depending on what staff does with the information.

Mr. Harvey: Mr. Chairman, based on the current docket, we could schedule it for the March meeting.

Mr. Fields: Okay, well let us see. If we are looking okay on that then we can try it then. We will certainly keep the applicant informed. If you or a representative can be at the work session that would of course be helpful because obviously we are trying to have a dialogue here. With that, it seems logical then that we would want to also probably make a motion to defer the next item which is a waiver until we have disposed of the preliminary plan.

2. WAV2900031; Woodstream V, Waiver of Section 22-143 of the Subdivision Ordinance - A request for a waiver to modify lot width to lot depth ratio requirement of Section 22-143 of the Subdivision Ordinance related to certain townhouse lots in Woodstream (lots 247-250, 253-256, 260-262, 265-268, 272-275, 278-281, 272-275, 278-281, 284-287, 290-293, 306-309, 312-315, 318-321, 338-340, 343, 344, 353-356, 359-362, 365-368, 371-374, 377-380 and 383-386). **(Time Limit: May 13, 2009)**

Mr. Mitchell: Mr. Chairman, I would make a motion to defer the Waiver of Section 22-143 of the Subdivision Ordinance until the same time as the Section V.

Mrs. Carlone: Second.

Mr. Fields: Moved by Mr. Mitchell, seconded by Mrs. Carlone. Any discussion? All those in favor signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Di Peppe: Yes.

Mr. Mitchell: Yes.

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Mr. Fields: Yes. Opposed? Thank you all for your time. I thank the citizens for coming here and being part of the dialogue. This was not a public hearing but the public presentation afforded a good opportunity, I think, for people to raise issues and express their opinions. And I hope that the dialogue we were having and the questions asked were informative and helpful to you. Do not hesitate... all of the Planning Commissioners are part of a district, I assume most of you live in the Aquia District so I do not want to put an extra load on Mr. Mitchell but you should call any of us or call your Supervisors or call staff if you have any questions. The county is here to make this work for all of you so do not feel in any way that you do not have a part, your questions are not important or vital, or that your comments are not important either. Even if we do not have a public hearing, you should always feel that there is plenty of opportunity to ask the questions and get the answers that you need.

Mr. Di Peppe: And our numbers and emails are on the website.

Mr. Fields: Our numbers and emails are on the county website. We stand here to serve the community. That concludes the Woodstream matter. That is deferred now until a work session. So the next thing that I have is that we have a Master Redevelopment Plan presentation.

3. Master Redevelopment Plan Presentation

Brad Johnson: I am the Redevelopment Administrator and I am pleased to be here tonight and I thank you for inviting me to come and share with you our progress on the Master Redevelopment.

Mr. Fields: Thank you for coming.

Mr. Johnson: I have a short presentation I can go through and I will be available to answer questions. If you have questions during it please stop me and I will try to answer them.

Mr. Fields: We will do that, thank you.

Mr. Johnson: You should have a copy of this presentation in the material that was handed out to you. The first question we are often asked is why exactly are we doing this. It is kind of a long and roundabout answer but back in 2006, when we were looking at the Economic Development Strategic Plan. That document identified a couple of areas of the county that they felt had some unique threats and we thought we could get that to yield some unique opportunities in those areas. I will go through the details of that in just a short synopsis. That was the first thing that we looked at, we found some areas that had some unique threats and we thought those could yield some unique opportunities. Secondly, the Vision Plans that were presented in that Economic Development Plan have now been through the public process and been out there and we have generally gotten very good support from the public about what we are trying to do. Not unanimous but never anything is. And the third thing that has come up as we have been going through these processes, the sentiment that we keep hearing is if we continue along the same path we are going to get the same results. So what we are trying to do is see if there is not some better way to do things. To get into some specific background for you and some bullet points to bring you up to speed on where we are, back in July of 2006 the Board of Supervisors was briefed on the Economic Development Strategic Plan update of the Comprehensive Plan. The original plan that was in effect at the time I think was done in 1994 or something. It was certainly overdue. As we looked through the recommendations in the Economic Development Strategic Plan we found that almost 60 percent of the recommendations dealt with redevelopment in one way or another. The Board liked what was presented and basically told staff well, let us make this happen. Staff pointed out that we were going to need a little help so staff came back to the Board in October of 2006 with a resolution that would authorize the hiring of a new position, Redevelopment

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Administrator, and secondly authorizing preparation of a request for proposals to hire some outside talent to try to put together an actual Master Redevelopment Plan. As this went through the Boards' process, the two documents on top are the two original vision plans. They were for Boswell's Corner and the Courthouse. As it went through the Board process, the Board suggested that we add to additional areas, one in the bottom left-hand side is Falmouth and the one on the right is what we are referring to as the Southern Gateway. So we had four redevelopment areas that we were looking at and as we moved forward in January of 2007 the first of a series of public forums was held. This one was held in Boswell's Corner. We had about 100 people show up and the comments we received from the public on these visions plans was essentially pretty positive. In February of 2007 is when I was hired to handle the role of Redevelopment Administrator and I began working on a scope of work for the request for proposals. In June of 2007 we had another public forum here in the Courthouse area. That also we had about 100 people, the chamber here was almost full, and again most of the comments were very positive. In fact, I have said often that most of the phone calls I got from the public were "when is the county going to come buy my house so I can retire and go to Florida". And we basically told them that was not what we had in mind but we appreciated them coming and listening to us. Between that public forum and September, we put together a core project team from county staff and I have in front of you the agencies that were represented. Code Administration was on our team, Economic Development was on the team, Fire and Rescue, Geographic Information Systems, Planning and Zoning which at the time were two different agencies, Transportation and Utilities. We also found that in order to put an RFP together we needed to refine the boundaries a little bit and be a little bit more specific than what were on the vision plans. What we came up with, on these slides, this slide and the next one, on the left-hand side you will see the original vision. At the top you have got Boswell's Corner and on the right-hand side are the boundaries that we actually put together and advertised in the request for proposals. Essentially, what we tried to do in going through that was we basically stayed with parcel lines and tried to take the vision plan on the left and match it up as best as we could with parcel lines that were actually in the database. We also considered such external factors such as VDOT projects that might be anticipated in the area. You will see on the Courthouse, on the bottom, we extended the Courthouse area out to the west beyond 95 and often we have been asked why did we do that. What we were trying to do was get the area that would be encompassed by a VDOT interchange project. So that is why it went that far and we also went further south and again it was because we wanted to make sure that we wanted to cover the footprint that VDOT might come up with for an interchange. We also have been thinking that, as we were doing this, we often refer to these boundaries as being rubber bands. They are very likely to change and one thing that has come up recently is the Urban Service Areas. We are very, very close to the Urban Service Areas but since we went based on parcel lines and the Urban Service boundary was not drawn along parcel lines, what we intend to do is if those get approved and moved into the process we will snap to them so that things match up. Another thing we wanted to do and Courthouse was a very good example. We talked often about having a town of Stafford in the Courthouse area. Well, we are not going to have that Courthouse, that town center, all the way down near where the jail is. There is going to be transitional space so another reason that we extended these boundaries out was to try to get the transitional buffer area between what we are proposing and the existing land uses that surround it. On this slide you see Falmouth at the top with the original concept and the boundaries that we selected, and on the bottom you see the Southern Gateway area. And, that was probably the one that we extended the most because we wanted to make sure we had, again, logical connections and logical boundaries. Also considering the VDOT and, at the time, the Celebrate Virginia improvements that were being talked about along 17, we just wanted to make sure for the purposes of the RFP that we encompassed as much of the area as we thought was going to be affected. Getting back to the timeline, by September of 2007 we had finished up the request for proposal. That was a major chore because as we did research on putting a scope together for the RFP we could not find any place across the country where something similar to what we were talking about had been done. Generally, what we found was that public

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agencies were either going out and buying property and specifically looking at building housing projects or encouraging housing projects or it was something else where they would collect property in the public sector and then either sell it, lease it, rent it or something to others and that really was not what we had in mind so we spent a lot of time doing research. But by September we had what we thought was a very good request for proposals and scope and released it. By the middle of November when the RFP process closed we had received proposals from six teams of consultants. During December our core project team reviewed those proposals and came up with three teams to interview and in January the team came up with a preferred selection. Of that final three it came down to a foot race between two teams. It was very, very close and we had a lot of back and forth with both of these final teams, but we finally found one which we thought was best prepared to move forward. We began a series of discussions with them on a specific scope of work and in February we completed that discussion and started working on the contract documents. Also in February of 2008, the Economic Development Plan came before this body for discussion and we were very happy that you unanimously endorsed that plan at that time. But I read through the minutes of that meeting and although there were a number of questions that went back and forth on the presentation, two seemed to stand out that were sort of related to redevelopment more than they were the Economic Plan as a whole. And one of those questions dealt with land use. There was some question about what were we doing with land use planning and how were we going to handle that and I just wanted to reiterate to you tonight our goal has been and still is we are not going to be doing a land use plan, we are going to be looking to the land use plan as developed as part of the Comprehensive Plan as our boundaries. What we will do is we will look at those land uses that are in your land use plan and refine them a little bit more. So, whereas, if you are talking about a mixed use in the Comprehensive Plan, we will look at a little bit more specific detail well what kind of mixed use might work best in this area based on market studies. After the Planning Commission endorsed the Economic Development Plan it was moved on to the Board of Supervisors and they did approve it and it is now part of the Comprehensive Plan document. In March we finalized the contract for services and the scope of work and went back to the Board of Supervisors and asked for the County Administrator to execute the contract. The consulting team that we selected is lead by CMSS Architects out of Virginia Beach. They are joined in this effort by Economic Research Associates out of Northern Virginia, Cultural Resources, Inc. out of Fredericksburg, Urban Engineering and Wells & Associates out of Northern Virginia. And one of the questions was why did we pick the CMSS team. We had some very specific reasons and like I had mentioned there was a lot of discussion about this team and another one. The reason that we generally decided to go with the CMSS team, CMSS was able to prove to us, and these three projects that I am showing you are some of the examples they gave us in their application, they had very good experience with public and private sector projects, they had very good experience with mixed use projects, they had good Virginia experience, they were a Virginia-based firm, and the thing that seemed to throw them over the edge with the core teams doing the selection was their projects actually get built. These projects are either all under construction or constructed and that was very important to the review team. We wanted to make sure that the recommendations we were going to get out of this team were something that we could bring to the Planning Commission and to the Board as something that made sense. And we could back it up with some practical real world experience. The work plan that we came up with for the Master Redevelopment Plan, we basically split it into two pieces, a Phase I and a Phase II. And these were split along pretty classic lines. The first phase was research, data collection and analysis, and Phase II was the actual planning document. In Phase I, our instructions to the consulting team were there are eighteen components of the existing Comprehensive Plan and we want them to assess every single one of them as to how they relate to our four redevelopment areas. We also wanted them to go in and assess any current updates to the Comp Plan elements that were currently in the process. And, for example, the Transportation Plan, the Land Use Plan, and I think the Parks and Recreation Plan was out there working through an update process. So we wanted those inside the umbrella as well. We also wanted them to take a look at VDOT's plans and projects and

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keep abreast of what they were doing affected our areas. At least three of the four areas have VDOT projects in them that directly affect what we are trying to do. In the fourth area would be BRAC redeployments and how they relate to what is going on in Boswell's Corner. We had them bring in the Economic Research Associates team to look at market trends and forecasts and this is not site level analysis but it is more detailed than we generally do on a Comp Plan process. We also wanted the Cultural Resources team to look at the cultural resources in each of the four areas. The key deliverables from this part of the Phase I work was a series of technical reports and assessments on each of the areas, as well as a communication plan. One of the things that the communication plan gave us was it outlined the role of the county and the consultant as to who deals with the public, who makes public releases of information, we clarified all that and another recommendation was that we establish a Redevelopment Advisory Committee. We did do that and Mr. Di Peppe sits on that group from the Planning Commission, we have two members from the Board of Supervisors and two members from the Economic Development Authority. That group has been very helpful as we have gone through this process. They met to review the material that has gone out to the public workshops and, in fact, I am going to be in the next couple of days looking at setting up another meeting for sometime in March to go over the results and the findings of what has come in from those workshops. The second part of Phase I was the analysis work and what the consultant was directed to do was establish and assess the relationships between those various Comp Plan components and each other, as well as to our redevelopment area and assess any applications that are approved or in the pipeline. They were to look at submarket trends and forecasts to give us a little bit better idea of within retail, for example, what kind of retail or within an office, what kind of office, a medical office or just general office, look at a little bit finer level of detail. We also asked them to come up with some initial ideas of uses that might be appropriate for the areas. We instructed them at this initial cut what we were looking for was if we did not change anything we just left the Zoning Ordinance alone and left the Comp Plan alone and just continued along, what might we get in these mixed uses. We also had the first round of public workshops. We had talked about having three public workshops in each of the redevelopments areas over the course of the project and we went ahead and had the first set of public workshops under Phase I. The key deliverable from this part of Phase I was going to be a community assessment for each of the areas. I will talk a little bit about that later in my presentation. The Phase II work also is somewhat split into two pieces. We have a draft plan that we are going to be working on now that we have started to get input from the public and we will be looking at refining the engineering studies of the vision plans. As you will recall, there were a number of paper roads on there and one of the things we have asked the consultants to do was give us an idea of which of those paper roads do we actually need to have in order to meet the vision. And so they are looking at that. This analysis is not exactly a VDOT TIA as we have come to know them. It is a little difficult to do a TIA on this big of an area but it is a much finer level of detail than you would get, it is not something you could run through the model. What we are finding is that we have to work with the Transportation Model as well as the traffic engineering software that is available and get them to work together. The consultants will also begin creating and updating any appropriate GIS data layers because they are required to provide that as part of the deliverables. And we will also make an initial cut at our action plan recommendations and again I will talk about that here in a minute. This will all be based on assessing input from the initial public workshops as well as the original vision plans. The key deliverable for this is going to be a draft plan. Once that is put together we are going to have a second round of public workshops. Right now we are estimating that will be sometime in the spring. We do not have a specific date yet because we do not have a contract yet for Phase II. But we will be having a second round of workshops and they will refine this draft plan based on that input. Then once that plan is refined, they will be providing us with a final plan for them and that, by contract, will be by June 30. At that point in the process we get a little bit flexible because we still have a number of projects and studies out there that are under way. Our intention is that once we receive this deliverable at the end of June, we will move it into the process to get it incorporated into the Comprehensive Plan.

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We have talked about having a third public workshop and one of the things we would like your input on, do you want us to go ahead and have that third workshop ourselves or would you like us to have that as part of the Comp Plan review process. And we do not need an answer tonight but there are some things that we would like to have your input on. But the point of the presentation is the deliverable from Phase II will be the final plan and its associated recommendations. A lot of people have asked what exactly is the final redevelopment plan and what is it going to look like. What we have been telling folks is we have four redevelopment areas so there would be four chapters or elements, one for each of the areas. Then there would be another chapter or element that related to anything that covers more than one redevelopment area or perhaps the county as a whole. And on the slide here I tried to give you some ideas of what that might be. We might come up, for example, with a Zoning Ordinance change. And I am not saying we will, I am just saying we could. If it is a Zoning Ordinance change that would affect the entire county then it would be in this document that covers the general county. If it is something that would fit a specific redevelopment area and, for example, let us say for the sake of argument that the consultant recommends that we set up a redevelopment zoning district per se in the courthouse area. Well, then obviously anything related to that would be in the book that related to the courthouse area. It just helps organize things a little bit.

Mr. Fields: Let me pause you if I could with a couple of questions here. My colleagues are tired of hearing me saying this but one of the things that I am excited about is another role I serve as President of Virginians for the Arts and our current campaign is the Arts Builds Communities. One of the things we are of course advocating is that the Arts and Entertainment District Legislation that is passing through the General Assembly this year which has been communities can only participate by specifically getting their names added to that legislation, there is a bill that would make it optional for any community in Virginia which I think will pass and I think we have obviously endorsed. That brings to me a certain degree a lot of that legislation is somewhat redundant in a Dylan Rule in the sense that it seems clear that a great deal of that we already have the authority to do. But there are some things about it that apply to redevelopment in the Arts and I was wondering if you have thought about other state legislation that exists or needs to be overlay that would allow the overlay district probably through an overlay fundamental rezoning, a very site specific modification of certain types of Planning and Zoning standards that really enhance the mission of the redevelopment that you think would be vital to the mission of the redevelopment area but you actually are a little too permissive in other parts unless the community was getting a big bang for the buck so to speak and getting a fairly good shot at getting economic return. Has that been part of the dialogue? Or do you know of other types of incentive districts that are on the horizon potentially?

Mr. Johnson: Not the example that you cited specifically, but what we have asked them to look into are merging legislation is coming through the General Assembly. One of the examples that we have used is in the case of design guidelines, unless you are in a historic district you do not have a whole lot of teeth. What we have asked them to do is provide us with an assessment of what are some negotiating points that we might want to use. What are good things to talk about with the development community in a voluntary basis and one of those that has come up as an example, and I am not saying this will be in the plan, but the example has been in a town of Stafford we do not have anything in the Zoning Ordinance right now that deals with town zoning and specifically parking. Right now we require a developer to provide parking on site. You get someplace like Falmouth or here in the town center area, the lots are such that if you make them provide parking on the lot they basically do not have any buildable area. So one of the things we thought about was maybe it would be in the public interest in this kind of a town center environment to have public parking but have that funded somehow by the development community. So, a logical part to start that discussion would be what is the value to the developer of not having them to require them to put parking on their own site and can we talk with them about donating that sum of money toward a more public parking enterprise. I do not

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have the answer, I have a lot of questions but that is the sort of thing that we want them to look into. And I think talking about an Arts and Entertainment district or overlay is something that would fall nicely with our concept for heritage tourism down in Falmouth. One of the ideas they had was perhaps an artist in residence, a kind of a program down in Falmouth. I think the short answer to your question is that it is within that umbrella.

Mr. Fields: Do you guys feel that you have good tools and metrics for looking at the economic multiplier return to the community effective different type of businesses when people come in with an idea or proposal? Do you feel comfortable that you can evaluate a let us see if we have a good sense of what they will return to the community, not just in a strict basis of the tax revenue from that business but what kind of multiplier effect you might have in other ways.

Mr. Johnson: I know we have some existing tools right now. One of the reasons we liked Economic Research Associates as a team member is they have a very good reputation nationally on doing economic analysis and they are going to be doing a pro forma analysis as part of this planning process with the recommendation that they come up with, if that answers your question.

Mr. Fields: Well, yes. I did not mean to interrupt you, it just popped into my mind.

Mr. Johnson: We are kind of new into this so I am picking up leads as I go along on some things that are coming out that we had not thought of and I just add them to the list and say work this in.

Mr. Fields: Great. Thank you very much.

Mr. Johnson: Certainly. Getting back to the scope of work, the scope of work that we took to the Board of Supervisors last March had a project that would last about 15 months. Like we said, it started in April and it will conclude by the end of June. Funding for the project came from a variety of sources. As you see on here, we have five different sources of funds for this project. There was no magic on how we picked them but generally the thought was, you will see we have Tourism, Transportation and Utilities. Those are specific subject matter areas that we are looking at in the plan itself. That represents roughly 50 percent of the cost. I think it works out to about 48 percent but it is about 50 percent. The other 50 percent we are kind of pulling from more general funds. We have the County General Fund for 30 percent and we also asked the Economic Development Authority for funding and that represented 22 percent of the overall total. So, there are a lot of players involved in this process and they have been very active as we have been going through it because they have a nickel into the project. Another question that we have been asked often is what is the difference between the Comprehensive Plan and the Redevelopment Plan. The short answer is the Redevelopment Plan that we are working on is more closely aligned with what is called a Sector Plan. The Comprehensive Plan is a 20 year document that looks out into the future 20 years or so and takes a snapshot of what we would like to see at that point in time. The Redevelopment Plan, on the other hand, is looking at more of a 10 year window and within that probably 5 year increments. My hesitation here is that we are following the market and so what we could tell you today was going to happen in 5 years could be not worth anything come June as part of the process. But the concept as we go through this is use that 20 year snapshot as the goal line and be able to come back and say within 10 years this is how we are working against that 20 year window. If we are right up against that 20 year window that is something that we all need to know about. If, on the other hand, the economy is such that within 10 years we do not think we are going to be a third of the way to that 20 year window that is also something we need to know about. Another difference between the Comp Plan and the Redevelopment Plan is the geographic scope. Obviously, the Comp Plan covers the entire county, it looks at it in general terms and in broad concepts. What we are doing is we are looking specifically in

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four areas. We are looking at them at a parcel and site level of analyses but that is not to say I am looking at any individual parcel or any individual site, but we are down at the parcel and site level and that is why we drew the boundaries at the parcel level. What we might be doing is looking at a collection of parcels and saying yes, if we are going to have a mixed use in this area, this collection of parcels might be a better collection of parcels than another collection of parcels. But it is not to get into the business of trying to plan somebody else's land. In fact, on the vision plans, people look at them and say where is my house, and the response is this is like the 30,000 foot view of what this area could be in the future. The scope of work that we put together and the fees are directly tied to the scope of work. As we explained to the Board in March, the scope of work may change. There were a number of things that were just getting started last March, the Transportation Plan update, the Land Use Plan update, the Zoning Ordinance update was underway, BRAC was still working on their final EIS document, the Virginia National Defense Industry Association had just funded a multi-model study for transportation improvements along Route 1 and VDOT funding and studies, those change almost every week. The point was, we had a lot of variables out there with projects that we were trying to connect with so we told the Board up front this scope of work may change. We also told the Board that the price may change but we were pretty confident that what we were asking for, for a dollar amount at that time, was the maximum and it would not cost more than that. Getting back to the timeline, the Board did approve our request back in March and in April we had a kickoff meeting to get things started with our stakeholders. We also had the third of our public redevelopment forums, this one was in Falmouth. It was held in Belmont and there were about 100 people there. For those of you who may have attended, most of the discussion revolved around VDOT that evening because there had been an announcement about the Falmouth interchange just days before we had the forum, so most everybody wanted to talk about the interchange. In September we had the fourth of our public forums and this was for the Southern Gateway and we had that at Riverside the end of September and again about 100 people showed up. Again, most of the comments were pretty positive. In October we started receiving some of these draft technical background reports I referred to as deliverables in the first part of Phase I. In November staff had reviewed those documents and returned comments to the consultant for them to make changes. From December until now, the consultant has been addressing those staff comments and also getting their information together for the workshops that they had. We did have a meeting of our Redevelopment Advisory Committee, I believe it was toward the end of November. I think we squeezed a meeting in before Thanksgiving and took to the redevelopment meeting the concept for the workshop. The concept was we would have a presentation to the public of what we had been doing and the second half of the workshop would involve a design charrette where we would have a number of exhibits and questionnaires and surveys for people to look at and comment on. We also decided that instead of having four of these workshops, we had gotten some interest in combining Falmouth and Southern Gateway so we thought well, let us see. So we decided to combine the Falmouth and Southern Gateway into one workshop. On January 24 of this year we had the first workshop at Boswell's Corner and it was a blustery Saturday morning. We had about 50 people show up. It was our first attempt at a public workshop and there were a couple glitches in the way things came together. We had some false starts and some disorganization but we got with the consultants afterwards and made some changes and the remaining workshops turned out much better. We nevertheless did get some very good comments from the public at Boswell's Corner and those are currently being assessed by the consultant. On February 2, about a week later, we had the second workshop. This was for Falmouth and Southern Gateway and we held that at Belmont. We had a good turnout, about 50 people. One of our disappointments was even though we sent out invitations to all the property owners within those boundaries, as well as the property owners adjacent to those boundaries, most of the folks who showed up were from Falmouth. We did not have a very good turnout from the Southern Gateway folks. And our initial thought on that is there are not as many residential areas in the Southern Gateway boundary as there are business and we are thinking maybe that had something to do with it. Although when we had the forum we had a very good turnout. It was

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on par with the rest of them. So we are looking at that and we want to look at the surveys and questionnaires and see what they tell us. We had the last of our public workshops on February 9 over at the Rowser Building. Some have said that is probably the best organized one so far so the more we did it, the better we got at it. In fact, I think that one finished up, we had scheduled a two hour block of time and I think everybody was done saying what they had to say about 15 minutes early. They were gone, we were happy and we had a good turnout. We had some good comments and questions. Currently, what we are working on right now is the consultant, like I said, is working on the public input that we received from the workshops. Specifically, we asked at the public workshops, we gave everybody a questionnaire that asked them a series of questions, we also gave them a visual preference survey and we gave them a series of photographs. And for each of the photographs we had a question on it did you like it, do you not like it or are you neutral. There were several pages of these and what the consultant is doing is they are compiling those right now. They are going to begin their analysis but what they are going to be giving us shortly is just a summary of how many people said they liked this photo versus that photo and how many people had similar responses on the questionnaires. They are also working on finalizing their deliverables for Phase I because we are essentially finished with Phase I. It is basically cleaning up and doing the final deliverables. As of yesterday, we took the contract for Phase II to the Board of Supervisors and they did authorize the County Administrator to execute that contract. We are very happy to tell the Board of Supervisors that we had indeed saved them some money. We had saved \$60,000 through working schedules and as things had turned out over the last few months we were able to realize a \$60,000 savings so the cost of Phase II was reduced by about 8 percent. The next steps in this process, as I had mentioned earlier, we are going to start working on the draft plan and that plan will be developed based on the original vision plans. The Phase I analyses was completed, public input from the first round of workshops and, if the Board of Supervisors approves the Land Use Plan before we have this workshop then we will try to work that in there as well. The conclusion of that would be the second round of workshops where we would present these ideas to the public and again ask for their thoughts, preferences, comments, what do they like, what do they not like. And also, as I stated earlier, following the second round of public workshops the consultant will refine their plan and give us a final document for their purposes by the end of June. Exactly how we want to move forward is something that we would like your thoughts on. We have told everybody we will do another round of public workshops on the final document to tell them this is what we think you said, what do you think now. And if they have got some final sets of changes, staff will go ahead and make those changes as we go through this Comprehensive Plan inclusion process, but we would certainly like your thoughts on how you would like us to dovetail that together with the Transportation Plan and any other of the documents that are out floating around. We have some contingencies either way. We can either lead or we can follow, but we have talked some options and we would be happy to have a dialogue on that. So again, why are we doing this Master Redevelopment Plan? We have these unique threats and we want to turn those into some unique opportunities. So far, public support has been very, very good as we have gone through the public process and, again, if we continue along the same path we are afraid we are going to get more of the same so we think in these redevelopment areas maybe there are some ways to do things a little differently. Any questions?

Mr. Fields: Any questions? Mr. Mitchell?

Mr. Mitchell: Just a comment. Going back to the January '07 meeting, I may be wrong but I think that is where I first met you and there were about 100 people down there. I attended at the request of Mr. Boswell, Sr. and Mr. Boswell, Jr. who were at the meeting. The three of us sat together. I believe that Mrs. Carlone was there and if my memory serves me right Supervisor Milde was there and Supervisor Cord Sterling was there. But, with all of that said, about six months prior to that meeting, six months prior to, so June, July timeframe '06, a local real estate/developer went through that area. He went all

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the way down both sides of the road, contacted all the owners of the property and said I want to buy your property, give me a price. Well, of all the people that he talked to, it is my understanding that only one said yes I will sell my property. Everyone else said no. One of the primary people who said no was the Boswell family. The Boswell family goes back to the turn of the century and I mean last century. They have indicated to me point blank that they have no intention of selling. I believe our economic people went down there and talked to them after that timeframe and before that timeframe and their scenario is they have worked there, they have two businesses there, Boswell Towing and Boswell Motor Company sit on the southeast corner, and both Mr. Boswell, Sr. and Mr. Boswell, Jr. have both indicated that selling is not an option for them. Redeveloping their corner is not an option and it is not the money. It is a family-owned business. Mr. Boswell, Jr. has four boys and I think three of them will go to college and one of them will take over the business but that is my vision. I see the development plan and I realize that it is a visionary scenario, it is not something cast in stone. But, of all the people that were contacted prior to the January '07 meeting, it has not been a real.... I mean, the public asked questions and I think they responded well. Also, I personally went up and talked to the VDOT people and said okay, you see the visionary plan, what do you plan to do. And their answer to me was nothing. We are going to do nothing to this corner. And I said wait a minute, we are looking at a visionary plan to enhance Boswell's Corner and you all are going to do nothing. And he said that is correct. I do not know if you were there close when I was asking the question but VDOT has not plan, no matter what we do, it is our corners to take care of. So I am just a little amazed that we are looking at a study, other than visionary, that presents a scenario that even in 10 year increments with 5 year updates, even that may never transpire. The people across the street who own the shop west of Boswell, there is a shop there, have expressed no interest in selling. There is a shop on the northwest corner, it was recently sold about a year ago to a new owner and, to my knowledge, he has not expressed any desire to sell. I talked to Mr. Boswell in early January of this year and I said I understand there is a meeting on the 24<sup>th</sup>. He said you go if you want to, I have no desire to be there. So, he may have attended, I do not know if he did, but he told me flatfooted he had no desire to be a part of the redevelopment. So, I am just amazed that we are presenting a redevelopment yet we do not have the input of the owners of the property to be a part of the development. Can you address, other than.... I mean, I see the public is for it and, no offense because it is a beautiful plan, it looks great with all the shiny buildings and all the Marine Corps people occupying all four corners, but we do not have the consent or desire from the landowners. Could you help me address that a little?

Mr. Johnson: Let me try. I do remember that meeting and meeting you. In fact, I had not even joined county staff yet. I had come down just to see what I was getting into. I do not believe I talked to Mr. Boswell at that meeting. I was told that he was there but I obviously did not meet him yet. In a broader context, what we have asked the consultant to do is to specifically track the comments that we have received at all of these forums and all of the workshops and tabulate it. And as they go down through that list, what happened to that comment. Did we incorporate it? Did we decide that no that does not work and so why do we think that is not going to work. So, that is one of the charges that they have. Another thing I should throw out is we do have our website and we are going to try to post as much of the workshop material that we can, as well as the other news of what we are doing onto that website. We have some staffing issues right now but we are working on that. Some of the workshop presentation materials that we received, because they are very high resolution, are very large files and we are in the process of trying to make those a little bit more manageable in the web environment. Another thing, with respect to Mr. Boswell and those that are like him that do not really want to move, one of the things that we are looking at with this 10 year window is there may not be a market for anything on that corner other than what he is doing today in that 10 year window. We do get a lot of conversations, particularly in Boswell's Corner, about particular land uses people would like to do up there, but it is not on any one of those four-corner properties, it is other property that is available. And, like I said, we are not going to be proposing that we go out and go after somebody's property to do

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something as a public agency with the only caveat being if it got to the point where we needed a little bit of land for a turn lane that is recommended, we may come forward and ask about that. But we may not. It just depends on the circumstances. The other thing I should probably add with regard to Boswell's Corner that has happened since that workshop is BRAC got a little bit further down the road and they started looking at road improvements. I think on at least one of the lists of possible improvements there are some turn lane improvements at the intersection of Route 1 and Telegraph Road that are being looked at. We have an existing left-turn lane from northbound Route 1 to westbound Telegraph and one of the recommendations is they might need to lengthen that a little bit. On Telegraph Road I think they have some turn lane recommendations. When you get into things like that sometimes there is a right-of-way requirement, sometimes not, it depends on what is available. But you are right, VDOT still does not have anything in their six-year plan for Boswell's Corner. I hope that helps answer your question.

Mr. Mitchell: Thank you very much.

Mr. Fields: Are there any other questions? Mrs. Carlone?

Mrs. Carlone: I think I had asked this before at one of the meetings but as far as the timeline for the six-laning, anything new?

Mr. Johnson: No. Anything in particular or in specifics?

Mrs. Carlone: Well, I was thinking in particular for the courthouse. Some of the other areas can absorb six lanes better but when you get down to courthouse it gets (inaudible).

Mr. Johnson: The courthouse piece of Route 1 is very special to us because we feel that in order to meet the vision we need to keep Route 1 as a four-lane road, not a six-lane road. And we do understand the current Transportation Plan does call for that being six lanes. The conversations that we have had with VDOT and Transportation staff they have kind of put the monkey on our back. If we can prove that we can keep the level of service on Route 1 and Courthouse Road at an acceptable level of service with four lanes then they will consider it. So what we have charged our consultant with, those paper roads that were on the vision plans, we have basically told them how many of those roads do we need to have in order to keep this road at a four-lane boulevard.

Mrs. Carlone: That is going to be pretty hard.

Mr. Johnson: And that is one of the reasons that we asked them to do it is do we need all of those roads in order to relieve that intersection or maybe only some of them. One of them that we talked about a lot is Red Oak Extended or Jason Mooney Drive, bringing that down to Route 1. That would complete a southwest quadrant of that intersection. We have also, with the hospital project going to have their road connect Route 1 over to Courthouse Road east which will give us a southeast quadrant of a loop around that intersection. Another big one that will affect that intersection is what VDOT does with their interchange and the connection from Route 1 to that interchange and where they put that. So, the case is not closed on six lanes on Route 1 yet but we want to have a look at that and see what would it take to keep that four lanes.

Mrs. Carlone: Thank you.

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Mr. Fields: Are there any other questions? Much more far-reaching but I know this has always been a possible discussion, just in general, is the notion of actually creating a Redevelopment Authority ever been part of this or is that far beyond the scope of what this has been doing?

Mr. Johnson: Not specifically. Something that the consultant has offered to provide us in the final document are what they refer to as staffing strategies and that could encompass a number of things. We do not have that specific level of detail in the final recommendation and scope of work. If that something that we would like to have explored it is certainly something that we could pass along to the consultants and say what would that do, what would that mean.

Mr. Fields: It is my understanding that with redevelopment or housing authority you actually achieve a certain sort of statutory ability to do things, specifically to actually buy and sell property. The reason this has come up, having represented Falmouth on at least the village part of it or the bulk of the village part of it on the Board of Supervisors and the dialogues that have started with Falmouth and the historic districts and the revitalization for years really, it was often wondered you look at a lot of examples across the Commonwealth and across the country of course of revitalization and redevelopment and, of course, quite often they are far more urban than what we have got here, at some point it seems that if you rely exclusively on the market in the private sector to buy, sell and redevelopment properties you can be waiting an awfully long time. So, I know it is a very complex thing because now you are talking about a whole authority, you are talking a group that usually has bonding authority like the EDA but sometimes that is what is required. Just from the Arts redevelopment thing I look at the communities that have been very successful, Staunton or to some degree Charlottesville, Roanoke, these cities have forked over a lot of money. When Charlottesville did the downtown they basically footed the bill for the (inaudible) the entire conference. They never got all of it back, just strictly paid back. It usually takes a big leap on a communities' part to somehow do that. I would hope that as these plans evolve that some at least nod to the realistic aspect of it as if there is no mechanism for a, I do not want to say the government per se but it is certainly a government related entity, to act as certainly an intermediary and not as the end user but certainly as sometimes obviously someone who buys and eventually resells the property, but a transitional economic force in the movement of the property, it seems like... I don't know. I would just like to see a part of the consideration because I am not sure it could have ultimately the kind of results we are envisioning unless you have that ability to do that.

Mr. Johnson: We have asked the consultant to do that if their recommendations include recommendations to expend public money, particularly on capital improvement projects. We are going to need a full analysis on why is that a good idea for the public to spend that money as opposed to somebody else, and what are some available public sources to fund that other than putting the burden on the local taxpayer. So, they are not going to actually put together financing application packets but they will be doing literature telling us these are the options and we may find someplace like, and I am not saying this will be in the plan, but perhaps with Falmouth the county already owns a couple of properties down in Falmouth. We have stated in the Economic Development Plan that we believe that heritage tourism is something that could be taken advantage of for Falmouth Bottom, for the village. Maybe something comes out of that, just because of the existing conditions and constraints that we have in Falmouth maybe there is a larger role for the county. And that is one of the things we have asked them to provide us with for each redevelopment area. What is the appropriate role for the county in Falmouth? What is the appropriate role in Boswell's Corner? Do we want to get in the middle of a fight between the federal elephant and the state elephant or do we just, you know, guys this is the vision that we would like to see and will help to get there but this is something that is outside the county. And I am not saying that is going to happen. That is why we said each of these areas may have a different role for the county and that is something that we want to put everything in that

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framework so when we go to the Board and come back to you with specific recommendations we can say this is why we are proposing “x”, we believe that our role is this and we think this is the natural extension.

Mr. Fields: When the Redevelopment Authority exists and can issue bonds for capital projects, are those bonds, because they are issued by the Authority, different from general obligation bonds, right? They have a different mechanism rather than having to pledge the... The question is always when you pledge the full faith in credit of the County of Stafford, the taxpayers are directly on the hook for the end result versus I assume, and I see Mr. Baroody here, when the EDA issues the bond the county is not specifically on the hook. It may be a participant but it is not the full faith and credit of the county. Am I right Tim? It is usually a lease revenue bond or something like that. The bond’s value is based on the economic return of the investment versus just the county. Obviously, that is where you get into those questions and I am glad that you are asking those questions. If you are talking about the county putting out money it certainly would be illogical to me to assume that the government itself, it would almost have to be another entity. But, we have other things to do. Any other questions? Mr. Di Peppe I am sure will be on top of all this as he is a very valuable and capable liason.

Mr. Di Peppe: They have been very good meetings, very good discussions.

Mr. Johnson: Thank you.

Mr. Fields: Any other questions? We are good? Okay. Thank you so much for taking the time.

Mr. Johnson: Thank you very much for having me.

Mr. Fields: We really appreciate it. We only have a couple more things but I have a request for a little restroom break here and we will get back to it in five minutes. We have been going a long time.

BREAK: 9:32 p.m. to 9:38 p.m.

Mr. Fields: We are back on.

4. CMAQ, RSTP, & Federal Bonus Obligation Project Recommendations for FY2010

Sara Woolfenden: I am with the Office of Transportation. I am the last item on the agenda and will make it fast hopefully. It is to discuss CMAQ, RSTP and Bonus Obligation options. These are three funding programs that are provided with coordination with FAMPO, the Fredericksburg Area Metropolitan Planning Organization. The programs are CMAQ, Congestion Mitigation and Air Quality Improvement, RSTP, Regional Service Transportation Planning, and Federal Bonus Obligation Funding. Each of these is in coordination with federal funds. Congestion Mitigation and Air Quality is for air quality in particular and we were out of alignment with it and came back in. Just recently we have been notified that we may not be in compliance any longer because the EPA regulations changed. So, we are still, at this point, in attainment but we will have to see. That is coming up possibly. Timeline. CMAQ is designated in March and April, RSTP is designated as part of the FAMPO process which is also coming up in we think the April timeframe and the Federal Bonus Obligation is designated in the fall, but the projects must be submitted to VDOT by the summer. And designating early benefits the county which is why we are here today, and we thought that it would be better to have them all come in together at the same time so that we could get a more comprehensive look at the different projects and the funding procedures for you. CMAQ. This project has received previous federal funds and particularly CMAQ funds for it and these projects were all brought to the Planning

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Commission Transportation Committee and this is the project that they felt was the strongest candidate. It is the second left on Garrisonville Road to southbound Mine Road. The \$850,000 is not the figure for the total, it is the suggested requested figure. This would be half of the remaining funding at this point. It has gone to VDOT, they are doing an estimation, and we expect that figure to come back in March but the \$850,000 will be needed and as a result we suggested it be requested. The next project is for RSTP funds. This is the CSX bridge replacement project. This has also received, actually it had received CMAQ funds but it was converted to RSTP. Because it has received RSTP funds in the past it makes it a much better candidate to receive RSTP funds again. This bridge has been receiving bridge replacement funds as well and it is also in the road bond project list. It has already been through design and right-of-way phases and the money for it is just for construction. And so the remaining funds that are needed are for construction. For Federal Bonus Obligation projects, there are three different categories that can be used for Federal Bonus Obligation, trails, bridges and roads. For the trails, in this case again it has received previous federal funds through a grant program. The reason why this is important is it makes it eligible to receive federal funds again and also if it has been federalized there are certain things that have to follow along with a federal project and so we prefer to keep federal projects with federal funds. In this case, Phase I is in the Belmont area and Phase III is connecting the earlier phases to that area. The \$900,000 would finish construction. The second category is bridge category and this is for the replacement of US 1 at Aquia Creek bridge which you can see here and \$130,000 is what VDOT has told us it would cost to do the design. The Bonus Obligation for roads. We have two in this category, Courthouse Road and Jason Mooney Drive. This is in conjunction with the new firehouse out here that is being built and also with the proposed courthouse which is in this area. The firehouse is currently using the emergency access entrance as its only entrance and in order for it to be fully completed this portion of Jason Mooney Drive has to be constructed. Because we also have a federal grant for sidewalks in this area it was considered to be best to design this road and this road and it can be done for \$900,000 and so it was requested that that be forwarded as a Bonus Obligation project. The last project is for US 17 widening and, as you may be aware, there are funding questions about Warrenton Road with the changes to the Six-Year Plan by VDOT. This would complete the right-of-way phasing of US 17. And this project has received Federal Bonus Obligations in the past. Are there any questions?

Mr. Fields: Are there any questions for staff?

Mrs. Carlone: This is just a little comment. I did receive an email about a series of meetings on the contiguous trail.

Ms. Woolfenden: On the Belmont/Ferry Farm Trail?

Mrs. Carlone: Yes. All the way, above D.C. all the way down south. Have you gotten a copy of that? It might be good if you can. It is next week. It might tie in with the trail the ARB has been working on.

Ms. Woolfenden: Good to know, thank you.

Mr. Fields: If there are no comments, I think you guys need a vote from us tonight endorsing these three, RSTP, CMAQ and Federal Bonus Obligation projects. If you need to see a summary you should notice it is on page 4 of the packet. Mr. Rhodes, Mr. Howard and I, as the Transportation Committee, have looked at this in detail and asked many questions and we are satisfied that this is the logical and best use of it. I will entertain a motion to that effect.

Mr. Rhodes: So moved.

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Mr. Mitchell: Second.

Mr. Fields: Moved by Mr. Rhodes, second by Mr. Mitchell. Any discussion? All those in favor signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Di Peppe: Yes.

Mr. Mitchell: Yes.

Mr. Fields: Yes. Opposed? All right. Moving forward. Thank you. Mike and I will see you next week. We have a resolution on the propane ordinance.

Mr. Di Peppe: Yes sir Mr. Chairman. I make a motion for approval for a public hearing with the Planning Commission for an ordinance to amend Sections 28-25, 28-35 and Table 3.1 of the Zoning Ordinance with an amendment to prohibit propane and heating distribution facility in the P-TND zoning district. The Planning Commission requests the Board of Supervisors to refer the proposed amendment to the Planning Commission for its recommendation. The amendment establishes regulations pertaining to propane and heating distribution facilities. The Planning Commission finds that public necessity, convenience, general welfare, and good zoning practice requires the governing body to consider an ordinance to amend the regulations.

Mr. Fields: Is there a second?

Mr. Rhodes: Second.

Mr. Fields: Second by Mr. Rhodes. Is there any discussion on the motion? All those in favor signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Di Peppe: Yes.

Mr. Mitchell: Yes.

Mr. Fields: Yes. Opposed? All right, we have that. Moving on, we have the Planning Director's report.

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Mr. Chairman, as I mentioned earlier tonight, we have tentatively scheduled the buildable area public hearing for the 18<sup>th</sup> of March. I guess the question that staff would have for the Commission is where would you like to conduct the public hearing. Would it be appropriate that it be in these chambers or would you like us to see if we can secure a school location?

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Mr. Fields: The last few that we have had in large locations have not been overwhelming, however, what do you guys think? Do you want to try it here? We can get about 200 people in here, right? That is a pretty good crowd and then they have the outside. You want to give it a try here? Okay, that looks like the will of the Commission here.

Mr. Harvey: Will do. And then yesterday the Board continued discussion on the Comp Plan. Mr. Fields and Mr. Di Peppe were there to answer questions and there was a lot of good dialogue going back and forth between the Board and Mr. Fields and Mr. Di Peppe. Basically, what we got to in the discussion level with the Board was the Urban Service Area and also the Urban Development Areas and the Board gave staff direction to look at some existing approved projects that have not been built that may be eligible for Urban Development Areas as well. And that concludes my report.

Mr. Fields: Any questions of the Planning Director? Okay, County Attorney?

COUNTY ATTORNEY'S REPORT

Mr. Nugent: Nothing to report beyond what has already been discussed, thank you.

Mrs. Carlone: I thought it was very tactful to say dialogue.

Mr. Fields: It was a dialogue. Mr. Secretary?

SECRETARY'S REPORT

Mr. Mitchell: No report sir.

COMMITTEE REPORTS

Mr. Fields: Any Committee reports that I am not aware of?

CHAIRMAN'S REPORT

Mr. Fields: Chairman's report. Very briefly, I just would like to say that I thought it was constructive, though it can get lively sometimes with the Board of Supervisors and the Planning Commission. At the end of the day I really feel that it was very constructive. I think that by Mr. Di Peppe and I being there and helping to sort of back up staff and act as a shield, it is important that certain ideas get out there and get discussed. There is a perspective that Planning Commissioners have that the Supervisors do not have, and a perspective that the Supervisors have that the Planning Commissioners do not have. Staff is not, they are somewhat constrained by the nature of their work to not be able to necessarily get into the dialogue that the Board sometimes wants to have and so I think it is very constructive to have Commissioners there to do that. Not that staff is reticent but staff is not there to really debate the Board, they are there to answer questions. We are not there to necessarily debate the Board but by having Planning Commissioners there I think it was good. He is correct, the two things to come out of that that I certainly heard, and Mr. Di Peppe can correct me, two things is that I am certain that the Board will finally adopt an Urban Service Area that is consistent with one that they sent down to us that we did not send back to them. They seemed to be pretty clear about that. The other is that there will be a lot of debate, and I encourage in this new spirit of cooperation that I am charged with as Chairman, I encourage each of you to call your Supervisor and have a discussion about the Urban Development Areas. I think that was an overriding concern. There is a lot of different ways to skin that cat, so to speak. There are numerical ways and there are other ways of doing it. I think some

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Supervisors may want to see this as simply coming up with a numerical formula to satisfy the letter of the code. I think what we adopted through the Planning Commission I tried to articulate was a little bit different from simply that but it was attempting to adopt the spirit of new urbanism and sustainable compact design that we think is what really drove the code. So I would encourage you to call and talk to your Supervisor and have a dialogue about that because it seems to me that for them, just like it was for us, it is an important concept that they will have to be working through. That is all I have. With that, we are adjourned.

OTHER BUSINESS

APPROVAL OF MINUTES

None.

ADJOURNMENT

With no further business the meeting was adjourned at 9:52 p.m.

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Peter Fields, Chairman  
Planning Commission