

STAFFORD COUNTY PLANNING COMMISSION
WORK SESSION MINUTES
March 19, 2008

The work session of the Stafford County Planning Commission of Wednesday, March 19, 2008, was called to order at 5:33 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the County Administrative Center.

Members Present: Fields, Di Peppe, Mitchell, Carlone, Kirkman and Howard

Members Absent: Rhodes

Staff Present: Harvey, Judy, Zuraf, Stepowany, Kaminsky, Shulte, Hamock and Stinnette

Declarations of Disqualification

None

UNFINISHED BUSINESS:

1. SUB2600045; Beck Ridge, Preliminary Subdivision Plan - A preliminary subdivision plan for 12 single family residential lots, zoned A-1, Agricultural, consisting of 39.39 acres located on the east side of Richards Ferry Road approximately 4,000 feet southwest of Warrenton Road on Assessor's Parcel 35-16 within the Hartwood Election District. **(Time Limit: May 6, 2008) (Deferred to April 16, 2008 Work Session)**

Mr. Fields stated Beck Ridge was withdrawn for deferral and he had a letter stating the drainfield ordinance had created a change.

Mr. Zuraf stated with the change in the new drainfield ordinance there were three parcels that would not comply so they were requesting additional time to try to bring this plan into compliance. He stated the applicant was in the hospital, however, the engineer was present to answer any questions.

Mr. Fields asked if they knew when this would be brought back.

Kelly Brown, Bowman Consulting, stated they have to get a soil scientist out to do some of the work so they would like to have thirty days and that the second meeting in April would be sufficient.

Mr. Judy stated they could have until the first meeting in May and they could continue past the May 6 deadline if needed, but if they wanted to get it in before that deadline then the second meeting in April.

Mr. Fields stated the second meeting in April would be good, with the understanding that they could request an extension.

Mr. Brown stated when it comes up at the Planning Commission meeting itself that night that it would be deferred as well.

Ms. Kirkman arrived at 5:38 p.m.

COMMITTEE STRUCTURE

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ORDINANCE COMMITTEE

- Flood Hazard Overlay District

Mr. Stepowany stated the Board of Supervisors approved a resolution R08-155 at their March 4, 2008, meeting requiring an amendment to the zoning ordinance to require activities in the Flood Hazard Overlay District that may result in an increase in the floodway to be relieved by special exception instead of the current requirement of a Conditional Use Permit (CUP). He stated what they were requesting of the Ordinance Committee was to approve such an ordinance to go to public hearing. He stated as members of the Planning Commission they have had numerous Conditional Use Permits for developments where the floodplain had been increased. He stated prior to this becoming changed in an ordinance they were going to the Board of Zoning Appeals (BZA) for a special exception and this ordinance would basically reverse it and send it back for such activities to go back to the BZA for a special exception as opposed to a Conditional Use Permit. He stated he would be happy to answer any questions.

Mr. Fields stated in essence they were just going back to the status quo before it was changed to go to the Planning Commission. He asked if there was a difference from the way it was.

Mr. Stepowany stated in theory it was going back to status quo but it was adding Public Works as another type of use requiring it to go to the BZA for a special exception.

Ms. Kirkman stated she was dismayed to see this legislation ping-ponging back and forth every twelve to eighteen months. She stated as they were going through the process of updating the zoning and subdivision ordinances, particularly the zoning ordinance, there really was not any distinction between special exceptions and conditional use permits, that they were the same and in the ordinance the only difference was a CUP was decided by the Planning Commission and the Board of Supervisors and a special exception was decided upon by the BZA and they might want to get that straightened out generally where they want those things to reside. She stated one of the advantages of this residing of a CUP rather than a special exception was that it did give the public at least two opportunities to comment in a public hearing which was before the Planning Commission and before the Board of Supervisors, whereas under the special exception process through the BZA there was only one opportunity which was the BZA.

Mr. Fields made a motion to move the amendment to the evening meeting. Mrs. Carlone seconded. The motion passed 5-0 (Mr. Howard and Mr. Rhodes were absent).

COMPREHENSIVE PLAN COMMITTEE

- Project Timeline Update
- Level of Service
- Land Use Mapping

Mr. Howard arrived at 5:46 p.m.

Mr. Zuraf stated he would like to address all three items with a summary from the last two subcommittee meetings. He stated some of the main topics talked about had to do with general scheduling of the update, specific topics related to the plan dealing with level of service (LOS), land use mapping, and the document itself. He provided a status report which was provided to the Board

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of Supervisors at their meeting the day before. He stated the Board of Supervisors was expecting the Planning Commission to hand over the comprehensive plan by July 1. He stated the reason for that was that the Board of Supervisors believed that they would need at least six months themselves to be able to review the comp plan and to get the comp plan fully approved by the end of the year to be able to meet House Bill 3202 and specifically related to some of the provisions related to urban service districts and other transportation issues. He stated with the abbreviated timeframe that they had to finish things, there were three main tasks to complete which were LOS, the land use mapping and overall document revisions. He stated staff provided the subcommittee with an overview of the different levels of detail that they could possibly get into in addressing LOS for public facilities. He stated with the timeframe, they would work with what they have and build off of that, that they have a lot of LOS already established and they would go through and talk with other departments to make sure the numbers were still valid. He stated the second big task was land use mapping and then the associated build-out discussions. He stated there were concerns expressed that the current zoning build-out already permits more than 20 years projected growth in the county and what was determined at the last meeting was that Ms. Kirkman would come in and schedule some time with himself and other planning staff and work to revise the land use map. He stated some of the key elements of the revisions were going to be changes to the urban development area so that they account for 10 years of projected growth, that the State Code did say they needed to accommodate 10 to 20 years and they were going with the 10 year amount of growth. He stated what that would mean for the land use map was that they would have smaller urban development areas and with more specific locations where more high density mixed use urban areas were going to be recommended, whereas what they have now was a little more open across the proposed urban service area. He stated another change would be in the rural areas and that they would go back to recommending three acres per lot in the rural areas which would be consistent with the zoning lot sizes in those areas. He stated along with that they were going to be adjusting their build-out procedure. He stated they were asked to re-evaluate the percentage and look at recent cases since preliminary plans started to require detailed drainfield work and to pin down what that compensation factor should be based on the most recent preliminary plans that they were seeing. He stated they were not going to provide any compensation for land use areas inside the urban service area and that it would allow people to still maintain or achieve that recommended density. He stated another change in the build-out would be adding recently approved subdivisions and that the build-out was completed and based on vested subdivisions from a year ago. He stated they were adjusting their build-outs by taking approved subdivisions that might be considered low density that were approved inside the urban service area and not counting that as a vested subdivision. He stated several revisions that need to be made to the document and that needed to be made more user friendly and more understandable. He stated chapter 2, which had the goals, objectives and policies, had to be better coordinated. He stated they see this document being more of a broad policy document and that it would touch on all the elements of development in the county and that more revised detailed elements would follow. He stated they have four remaining meetings already set up.

Mr. Di Peppe stated Ms. Kirkman wanted to Planning Commission to come up with recommendations but that he would like to see staff's recommendation on what they think the Urban Development Areas (UDA) should be.

Ms. Kirkman stated with all due respect she thought they had gotten that already. She stated their recommendation that the UDA be the entire urban service area.

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Mr. Di Peppe stated all he was looking for was their comments based on the Planning Commission's recommendations.

Mr. Zuraf stated the map they had developed thus far was based on feedback that staff received from the Planning Commission previously back in October. He stated if there was a new process or goals, then they could seek to adjust the map based on those goals.

Mr. Fields asked if the UDA was 4 dwelling units per acre and what the current average dwelling unit density of the entire urban service area was.

Ms. Kirkman stated the other key component of the UDA was that they had to locate future growth in it, that it cannot just be current growth.

Mr. Fields stated he was trying to get a sense of what the current density of the urban service area was, that if the current urban service area were the UDA then it would be an extraordinary addition of density because there was a lot of open space in the urban service area. He asked Mr. Zuraf if he knew what the current average density was.

Mr. Zuraf stated the developed areas in the north and south part of the county were at 1 unit per acre density, and that those were just the developed areas.

Mr. Fields stated the UDA, like the Urban Transportation Service Districts (UTSD), unfortunately only addresses residential densities, that it does not address commercial and industrial properties.

Mr. Zuraf stated it did and that it recommended .4 Floor Area Ratio (FAR) for commercial development.

Ms. Kirkman stated Mr. Fields hit the nail on the head with the draft that they started with by designating the entire urban service area as a UDA would actually project out 2 to 3 times the build-out capacity that they needed based on population projections and that some good work that they got done was they looked at the VEC projected numbers which show roughly 28,000 additional households needed over the next 20 years. She stated if they did not add a single unit of density, they would be far above that already. She stated they were required to designate between 10 to 20 years worth of growth in a UDA. She stated they wanted to minimize the excess capacity in the build-out so they agreed that they would designate the UDAs to accommodate 10 years worth of growth which was permissible under the legislation which means they have to designate UDAs to accommodate about 14,000 additional households over the next 10 years. She stated they were hitting the key issue which was as drawn on the draft they would end up with far more build-out capacity than the population growth would indicate.

Mr. Fields asked if there was a draft version of where the projected urban service boundaries were for water and sewer.

Mr. Zuraf stated yes and that they have a current draft which was map 1-B.

Mr. Fields asked if they would be okay with getting numbers or getting something to work with for levels of service, that Transportation LOS was the big one and that they had some dialogs about Fire and Rescue LOS. He asked if there were any other challenges in terms of LOS information.

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Mr. Zuraf stated yes they would be okay and that other challenges were just time.

Ms. Kirkman stated also schools and that they decided they need to take a closer look at the school numbers that they have.

Mr. Fields stated they did have numbers but that they needed to re-examine the student generation per household. He asked what the current number the school system was using.

Ms. Kirkman stated she thought it was 6.67.

Mr. Zuraf stated there was a wide range based on the type and apparently it may also depend on variations based on existing dwelling units versus future.

Ms. Kirkman stated if they were using the VEC numbers for build-out numbers, at least they were using youth growth build-out numbers that were internally consistent.

Mr. Fields stated they needed to get started on the 896 which to a certain degree needs to dovetail with that work as they were somewhat interactive. He stated it had a slightly different set of questions that had to be asked with it. He asked if the comp plan committee be looking at the UTSD or would they be looking at the 896 Committee to do that work. He stated with the short timeframe he did not want to duplicate efforts. He stated the UDA as mandated was part of the comp plan, the UTSD was not. He stated the UTSD was something that seven counties had an option to enact if they chose to do so.

Mr. Zuraf stated document may provide some general policies as to how they may want to proceed towards the UTSD but not necessarily providing specific boundary limits.

Ms. Kirkman stated the reason why she was late that day was that she had a series of meetings to try and understand with transportation and the UDA and UTSD issue and she had a somewhat disconcerting experience hearing from more than one person that they had been told that Stafford had made the decision to not take over their secondary roads and would not be putting in a designation for UTSD. She stated if that decision had been made she thought it would be helpful to confirm that because it would eliminate a lot of work for everyone involved. She stated people seemed to believe it was coming from high up enough in the food chain that they believed it to be the case.

Mr. Judy stated the only food chain that counts would be four members of the Board of Supervisors and they have not taken it up.

Ms. Kirkman stated she had a number of meetings that day and that she heard it in more than one place.

Mrs. Carlone asked if that affected the Planning Commission.

Mr. Fields stated if they were not going to implement 896 then they did not need to deal with that.

Mr. Howard stated he thought during the Board of Supervisors public meeting the night before they did talk about the possibility of bringing back the bond referendum for transportation and then

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another one for recreation so he found that hard to believe that they would be talking about that and not be willing to have a committee to talk about the UTSD.

Mr. Fields stated the choice to implement 896 or some variation that potentially may grow out of the discussion of 896 may be a choice not for 896, that it may be simply to do what Henrico and Arlington did and opt out of the Byrd Act which they could do at any time and take over maintenance and construction of their own roads. He stated he thought that would be a big factor in how the bond referendum was phrased. He stated it had a large degree to do with what they could assume was their funding stream. He stated he wanted to try to set up a committee and four meetings that night for 896. He stated he did not mean to interrupt the comp plan but that there were four general meetings that need to start to occur with the 896 Committee, the first to focus on bringing everybody to an understanding of and educating on what it meant to actually own your own roads. He stated the previous Board had some workshops in devolution and they had started the ball rolling but they really need to understand what was involved in saying that they were going to take over. He stated the current drafts of a possible UTSD meant that out of approximately 1100 lane miles in Stafford that they would be taking over the responsibility of 628 of them which was a lot of miles of road.

Mrs. Carlone asked how it was presented by the Board members when they were discussing it the night before.

Mr. Howard stated all he knew was that it came up and there seemed to be some support from the Board that they would like to advance, once again, identifying the roads using one of the maps that they asked the Planning Commission to look at that night for the 610/Joshua project. He stated roads that were rated at F or below, which would be an F-, would be the roads which they would want to advance in terms of a bond referendum and then do the Parks and Rec separate, to separate the two because that seemed to be an issue for many voters. He stated it was more of a discussion at that point but there seemed to be a willingness to discuss that.

Mr. Fields stated the second meeting they needed to discuss the technicalities and what would be involved in both the UDA and the UTSD. He stated the third meeting needed to revolve around impact fees and access management. He stated if they were to implement 896 that it was his understanding that impact fees have to be part of the comprehensive plan. He asked Mr. Harvey if he was correct in that they would have to put the impact fees in the methodology and the justification as part of the comprehensive plan.

Mr. Harvey stated yes, that they have to have the capital costs identified.

Mr. Fields stated if they were going to take advantage of the broad all inclusive impact fees for by-right development in the rural areas that was sort of one of the rewards for the UTSD, that those things actually have to be in the comprehensive plan.

Ms. Kirkman stated was why they identified the level of services as one of the three things that they were going to get done on the comprehensive plan.

Mr. Fields stated the fourth meeting would be to actually come up with some sort of cost benefit analysis of what would be in it for Stafford County. He stated there was a cost benefit that was quantifiable in terms of what was it costing now and what they were spending now versus what

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would it cost them simply in dollars and cents. He stated it was brought to his attention that there was a deadline from VDOT of April 20 for a letter of intent to proceed with the Chapter 896 implementation that had to go to the Commissioner.

Mr. Harvey stated was what Mr. deLamorton informed them of.

Mr. Fields stated meant by April 20 somehow the Board of Supervisors would have to decide if they would attempt to go through with this.

Mr. Harvey stated correct, or at least begin the process to study it in more detail.

Mr. Fields asked if anyone had any current thoughts on the 896. He then asked if there were any current questions about 896. He stated he was operating on the assumption that it was a very complex piece of legislation that had many pros and cons and that the pros had potentially significant enough benefit for Stafford County that they would all be interested in exploring that to the fullest extent.

Mrs. Carlone stated she would just like to see them sit down and start looking at it.

Mr. Fields stated what he requested for the first meeting was to ask staff to bring in someone from Henrico County, who had been doing their own roads forever and very successfully, to give a sense of what would be involved in owning and maintaining a county road network. He stated the big question was what was the expectation of LOS because the devolution numbers that he had seen was about an \$8-9 million price tag per year to take over the whole secondary road system.

Mr. Harvey stated he thought that was the number for maintenance, not construction.

Mr. Howard asked if there was an infrastructure in place to support that.

Mr. Fields stated there was no infrastructure which was another big question they would ask Henrico about and how many people did they have in their Public Works Department and how much did they contract out. He stated one of the questions that they would have to answer as they go down the line and come to some resolution on this would be if they were going to maintain their own roads do they create their own Public Works Department or would they contract out the work. He stated the maintenance dollars were anywhere from \$10,000-16,000 per lane mile depending on the type of road under this piece of legislation versus the \$3,000 or so they get now under the current secondary plan. He stated all the devolution models were based on existing LOS provided by VDOT which was less than they probably would want to see, and that was the problem and once again the price would go up from there.

Ms. Kirkman stated where it tied into the comp committee work was the way the impact fees work was that they could only be imposed on currently zoned agricultural properties. She stated what they wanted to do was to be sure and not include currently zoned agricultural properties within the boundaries of any of the UTSD's. She stated should be one of the guiding principles in coming up with any suggested boundaries. She stated she would encourage the Chair to have some good hard discussions with some representatives from the Board and from VDOT before putting a lot of work into it. She stated this was work that should not be done in isolation. She asked if there was a representative from the Board on the committee.

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Mr. Harvey stated at one of the Board meetings it was mentioned that Mr. Brito was going to be on a committee and he did not know what the interaction between the Board and the Chairman had been on that.

Mr. Fields stated he had had no interaction at that point.

Ms. Kirkman stated VDOT had come up with a spreadsheet model for localities to use and that it was based only on secondary roads, it did not include primaries which would also have to be taken over within the UTSD. She stated it was a model where they had looked at things like FTEs and trucks that could spread salt and all the things that if you were going to take over your own roads you need to consider.

Mrs. Carlone stated Ms. Kirkman was on the right track because it was not just trucks, it was equipment and materials. She stated there was a lot they needed to get answers on.

Mr. Fields stated they would get the best answers they could.

Mrs. Carlone stated Henrico was the only one she knew of and asked if there were any other jurisdictions.

Mr. Fields stated Arlington but that Henrico had always maintained their own trajectory.

Ms. Kirkman stated they would never get enough money from VDOT on the per lane per mile basis to upkeep the roads. She stated part of the equation was what they get in return as being able to collect impact fees but they would have to have a really good number on what they would be collecting impact fees on. She stated no one at the State seems to own this legislation and she could not get any details.

Mr. Harvey stated Mr. deLamorton had a number of discussions with the VDOT staff in Richmond on specific issues dealing with the transportation side of things. He stated the statute itself, which Mr. Judy might have been able to elaborate a little more, since they were dealing with the State they would have to operate within the statute.

Mr. Judy stated they may just have experienced what happened when legislatures develop laws without consulting with staff because he did not think anyone on the VDOT staff was actively involved in producing that legislation. He stated he did not know if there was any procedure put behind it.

Mr. Fields stated one of the very basic issues was that the State was not involved in land use. He then asked if anyone had any thoughts on the scheduling issue, on changing when they did business.

Ms. Kirkman stated the Transportation Committee decided on a standing meeting time of the fourth Wednesday of each month at 6:00 p.m. with additional meetings added as needed or adjustments made.

Mr. Mitchell stated he liked the current way.

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Mr. Fields stated with the standing committees he did not want to spread it over extra days and weeks if possible. He stated he did not hear anybody trying to change things so they would go with what they had scheduled. He asked if they had to wait for the 7:30 meeting for some of the business or could they take it up then, like approving minutes.

Mr. Mitchell made a motion for approval of the work session minutes of December 5, 2008. Mr. Di Peppe seconded.

Mr. Fields stated they did not have a quorum of people who were there at the minutes and that he would generally abstain from voting on minutes on a meeting he did not attend. He asked Mr. Judy if there was an official policy.

Mr. Judy stated he was not aware of any official policy and that he did not have his Roberts Rule in front of him. He stated his initial suggestion was going to be that only those people who were there would vote but obviously there were only three there.

Ms. Kirkman stated while they were on the subject of minutes, she wanted to hear from Mr. Harvey if something could be done to get the minutes to them in a more timely fashion. She stated she was particularly concerned about drafts of their minutes going to the Board before they have had the opportunity to look at them.

Mr. Harvey stated they now were fully staffed and they would be able to get things to the Planning Commission in a more timely manner. He stated the Board required them to get a draft insert of the minutes to the Board package, often times typing it up the day after the meeting in order for staff to get it to the County Administrator's office in time to start the process of it. He stated was why staff would type "DRAFT" across the page.

Mr. Di Peppe asked if they needed to withdraw the motion.

Mr. Mitchell stated he was happy to withdraw the motion until Mr. Rhodes appeared.

Mr. Fields asked if they wanted to go to the Planning Director's Report or wait.

Mr. Harvey discussed the actions of the Board of Supervisors from the night before which included authorizing a contract to conduct Courthouse Redevelopment Studies; amended the Comp Plan for 400+ acres in the Courthouse Area to reflect Urban Commercial use; rezoned 43 parcels to B-3, Office in the Courthouse Area; passed new standards for drainfields that affects both existing and future lots and that no structures were allowed to be built over the primary or reserve field; approved enhanced subdivision ordinance standards for reverse frontage and shared driveways; approved changes to the non-conformities section of the zoning ordinance to include the two year rule and the process for abandoned signs; passed an ordinance to require Planning Commissioners to be certified; deferred vacating a subdivision plat for Colonial Port Section 1-C for 30 days as the applicant had secured bank financing to post securities.

Ms. Kirkman stated the vacating of a subdivision plat occurred in her district and her concern was that that particular developer completely circumvented the legal process and there had been a number of issues over at Colonial Port. She stated she did not know when the lots got recorded but if they had made any changes to the subdivision or zoning ordinance since they were recorded, she

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asked if there could be a discussion with the developer and that they would have to comply with current subdivision and zoning ordinances rather than those that were applicable at the time the lots were perhaps not correctly recorded.

Mr. Harvey stated the lots were recorded in December 2007 and that he was not aware of any changes in the subdivision ordinance that would affect those lots that were zoned R-1. He stated he had another item from the Board of Supervisors which was that they initiated a CUP and Certificate of Appropriateness applications for a wall to be built along Courthouse Road for a new prisoner entrance at the Courthouse.

Mr. Fields asked if there were any other comments or questions. He then asked if Mr. July had the County Attorney's Report.

Mr. Judy stated he had no report, however, he did have an answer to the question about approving the minutes. He read that in an organization which there would be a change or replacement of a portion of the membership since the last meeting which the minutes were taken, that an executive board or a committee appointed for the purpose should be authorized to approve the minutes. He stated since they did not have an executive board or a committee appointed for that, then the entire Commission could approve the minutes even though they were not there.

Mr. Fields stated given that, they would go back and pick that up.

Ms. Kirkman stated unless people have specific changes to make to the minutes, she thought they could adopt them as a group through one motion rather than having to go through each set.

Mr. Mitchell made a motion for all four minutes, December 5 Work Session, December 5 Regular Meeting, December 19 Work Session and December 19 Regular Meeting be approved. Mr. Di Peppe seconded. The motion passed 6-0 (Mr. Rhodes was absent).

Mr. Fields asked Mr. Mitchell if he had a Secretary's Report.

Mr. Mitchell stated no.

Mr. Fields asked if there were any other Standing Committee reports.

Ms. Kirkman stated as the Chair of the Transportation Committee, part of what they would be doing at their next meeting was figuring out both cycles around plan recommendations that need to be made as well as figuring out their work plan for the remainder of the year. She stated she would like some clarification from Mr. Harvey about what that was and what they were suppose to do with it.

Mr. Harvey stated he was out of the Board Chambers for a few minutes when that issue came up but it was his understanding that the diagram that they had was reflecting of the road network that had the LOS of F- and the Board wanted that to be referred to the Planning Commission for its information.

Ms. Kirkman stated she heard there was some discussion about a transportation bond and that previously the Board had asked for recommendations from a previous body working on transportation issues. She asked if she could get clarification if they were going to want recommendations from the Planning Commission on the transportation bond.

Mr. Harvey stated he would check with the administrator to see if the Board had any specific direction.

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Mr. Howard stated the map was to help facilitate discussion on the SSYP and also, if the 610/Joshua Road project came up, that indicated that that portion of 610 was rated at F- based on VDOT's model as it existed today, not what the future held for that road.

Ms. Kirkman stated if that was the reason it was presented to them, she would have to take issue with that line of thinking. She stated she downloaded the software application that calculates things and that this was not for existing LOS, that this was for 2015. She stated what was clear from looking, there were 60+ types of inputs that go into this modeling and the end result depends very much on what you put in. She stated one of the key inputs was land use and they had no idea what land use was put into that. She stated she would caution relying too heavily on those numbers because the county did not have control of what assumptions went into the model. She stated they really did not know what the numbers meant without knowing what assumptions went into the model and she thought that was the benefit of the model that they had contracted to build and that she had looked at that contract and had come to understand that model a little better. She stated they had a lot more control of the assumptions that go into that and the other benefit of the county's models was that it would take the county's TAZ's and subdivided them into much smaller areas so that you could get a much more accurate picture for specific sections of road.

Mr. Fields asked for any comments for the Transportation Committee. He stated he did not see a Consent Agenda.

ADJOURNMENT

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

Peter Fields, Chairman
Planning Commission

STAFFORD COUNTY PLANNING COMMISSION MINUTES
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The regular meeting of the Stafford County Planning Commission of Wednesday, March 19, 2008, was called to order at 7:31 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, Carlone, Kirkman and Howard

MEMBERS ABSENT:

STAFF PRESENT: Harvey, Judy, Hamock, Stinnette, Stepowany, Wheatcraft and deLamorton

DECLARATIONS OF DISQUALIFICATIONS:

None

PUBLIC PRESENTATIONS:

None

PUBLIC INPUT SESSION

1. FY2009 to FY2014 Secondary Road 6 Year Plan (SSYP) – A recommendation to the Board of Supervisors regarding future funding of secondary roads in the county.

Mr. deLamorton stated he received information from the Virginia Department of Highways (VDOT) and provided handouts representing the actual SSYP in VDOT format. He stated they had been working through a spreadsheet developed by staff that summarized the finances of the projects and also the priorities. He stated at the previous meeting he distributed a memo from the Secretary of Transportation with suggested revenue reductions on the SSYP, which in 2009 it would be forty-seven percent. He stated it appeared the allocations in the SSYP presented by VDOT to him that morning were the reductions were not as they appeared in that forty-seven percent reduction. He stated in summary, the SSYP that was developed by VDOT, for FY09 it allocates all the available secondary road funds to the completion of the Garrisonville Road Project at Joshua Road UPC 51919 and, because of the allocations, they were able to fund the remainder of that project in FY09 so there was no allocation for that project in FY10. He stated for FY2010 to 2014, all of the available secondary road funds were allocated to the Courthouse Road Project UPC 4632 west of 195. He stated was his brief summary and he did have follow-ups on additional information requests by the Commission.

Ms. Kirkman stated they had been given some traffic counts for some of the segments they were looking at and received another spreadsheet via email from staff that still had incorrect information in it. She stated it had the wrong segment for Project UPC 15458 which was the Courthouse Road bridge replacement project and it incorrectly listed an ADT of 4,700. She stated the correct segment and the correct ADT for that was 680. She stated it lists no ADT for Andrew Chapel Road, however, there was an ADT for Chapel Road and that was 3,300. She stated she had requested information on both the bridge funding and the safety of the bridge, as well as there had been some issues raised about the ability of Fire and Rescue to get across that bridge, and asked if Mr. deLamorton had anything to share on that.

Mr. deLamorton provided handouts. He stated the first was item 3 on the request of March 4, clarification on the ability of Fire and Rescue vehicles to cross the Route 630 bridge. He then read

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from the handout he provided an email from Chief Brown of the Stafford County Fire and Rescue Department stating Fire and Rescue apparatus did cross the bridge and, if they did not, they would be cut off from a significant number of properties and they wholeheartedly endorse replacement of the bridge. He stated another portion of the handout was a Facsimile Cover Sheet which he forwarded to VDOT and to which he received information on. He stated he was visited by the VDOT Assistant Residency Administrator who was able to provide some updates on the information. He read from another handout regarding the clarification of BR/STP funds and copies of the emails dated 4/25 and 5/07/07 regarding UPC 15458 which was in reference to a comment in the SSYP that appeared in this year's approved SSYP. He stated if you looked at the proposed SSYP presented by VDOT, that comment was gone. He stated the person who enters in that information at the residency was with the Assistant Residency Administrator and she indicated she did not change any of the comments so that may have been removed by somebody else within the agency. He stated it would be helpful if a copy of the last Courthouse Road bridge inspection report from VDOT could be obtained. He stated the Assistant Residency Administrator reported to him that morning the district bridge engineer was working on getting a copy of that report, there was some information that was sensitive to security and was being blacked out, and he indicated it would be received by the end of the week and would forward it to the Planning Commissioners. He stated in terms of clarification on any attempt to engage the SCC resolution process regarding the bridge that he had not had the opportunity as a staff and a legal team to delve too deep into that issue and he would continue to do so.

Mr. Mitchell stated about eight years ago he approached VDOT in reference to the bridge that officially at one time belonged to the railroad but now they did not claim ownership, and one item they looked at which was now long forgotten, they had looked at the possibility of a bailey bridge. He stated the bailey bridge was not a band aid but it could support a row of armored personnel carriers or full-size tanks. He stated VDOT had looked at that and their statement to him was they wanted a more permanent solution. He stated it was now eight years later and still there was not a permanent solution. He questioned if this was something they could approach, that the cost of the bailey bridge would be tremendously less than a full-fledged bridge yet it would still provide access for Fire and Rescue, ambulance, or any kind of service and he wanted to know if it was a viable option.

Mr. deLamorton stated if it was the desire of the Commission, he could follow up with VDOT. He stated there was new VDOT staff from eight years ago and they could begin to look at that again, and he did recall that being explored at one time.

Ms. Kirkman stated she met with the bridge people at VDOT that afternoon and did obtain copies of the inspection report. She stated she learned a lot about how the safety of bridges were rated and they should be really worried. She stated it had been presented that this particular bridge in one report was the most unsafe bridge in the Fredericksburg District and, in fact, there were bridges in the district that had been closed because they were unsafe. She stated that, in addition to that, there was a standardized methodology for assessing the sufficiency of a bridge and there were a number of bridges in Stafford County that had a much lower sufficiency rating than this particular bridge which serves 680 residents. She stated was important because the remainder of that project was being funded with what was called bridge replacement funds which were Federal funds divided into two categories, on system and off system. She stated the off system category would get \$300,000 per year for everywhere in the district and the on system category would get approximately \$3.1 million per year and it appeared a decision had been made in the Fredericksburg area, although that

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bridge had a much higher sufficiency rating than many of the bridges in the area, it had been designated as a number one priority for bridge replacement.

Mr. deLamorton stated as you review deeper the proposed SSYP as presented by VDOT that day and you look at that particular project, you would see on page 4 of 7 an allocation of \$254,556 and was due to the fact that on page 1 of 7 the secondary allocation was divided into ten different sources and then if you looked at the very last page which was a cover letter that was presented to him that morning it basically stated there was not other secondary bridge project to apply that money and that was why that money appeared at that UPC.

Mr. Fields opened the Public Input Session.

Mike Buehrie, President of Woodleigh Homeowners Association, stated he was there to discuss the half mile widening project on 610. He stated as designed, that project would take away the left turn lane into the subdivision and would cause more safety issues than it would resolve. He presented a slide showing people wanting to enter the Woodleigh Subdivision traveling east would have to travel further west on 610 and make a U-turn at the 610/Ridley Road intersection which was in the middle of a hill with limited sight distance. He stated drivers would have to turn and merge with oncoming traffic that was more than likely traveling faster than the posted speed limit which creates a potential safety hazard for all drivers, especially the young and inexperienced. He stated this U-turn lane would not be marked as a designated U-turn lane so drivers unfamiliar with this method of entering the subdivision would more than likely travel to Joshua Road to make a U-turn at that light adding to the congestion and creating another safety hazard at that intersection. He stated people traveling west on 610 out of the subdivision would first have to travel east and make a U-turn at the Tech Parkway/Furnace Road intersection. He stated emergency responders trying to enter the subdivision from westbound 610 would also have to make a U-turn at either Ripley Road or Joshua Road which would create another safety hazard with large fire trucks trying to make U-turns at those intersections and delay them getting into the subdivision. He stated also that this project would affect the property values because with no left turn lane potential buyers would pass a subdivision with limited access in favor of a more comparable subdivision with easier access. He stated he supported smart planning for the future through road improvement projects as long as they were done right and did not introduce more safety hazards than they mitigate. He stated there were roads already in much more need of repair and had a higher accident rate than this stretch of road does. He asked that they reconsider this project with those safety issues in mind.

Henry Hudson, Vice President St. George's Estates Homeowners Association Board of Directors, stated the subdivision was comprised of approximately 454 homes and 1,000 vehicles. The HOA was divided into two separate parcels, the greater section being the one that used St. Christopher's Drive daily and that it was the only entrance that had a sign. He stated Magnolia Estates also uses the St. Christopher's Drive entrance to gain entrance to their St. Mary's Lane, and that adds another 25-50 homes that use the entrance routinely to go to and from home and work. He stated the St. George's Estates Board of Directors had received numerous communications from families concerned about the proposed plan that would effectively seal off the entrance and questioned if there were any dangerous situations being solved. He stated they were not aware of any serious dangerous conditions at that time and it appears that the need to seal off the left hand turn was not solving a current dangerous issue, that it was more akin to being a necessary safety precaution or mitigation effort that was needed when you install a four lane road. He stated the homeowners were grateful that the county and VDOT were investing in a traffic corridor near their HOA, however, this current proposal it opposed by all 454 homeowners. He stated he spoke with Cord Sterling who

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introduced the idea that a slotted left hand turn lane may be possible which would allow a left hand turn into St. Christopher's Drive when traveling west on 610, however, it would still prevent vehicles from making a left hand turn when exiting St. Christopher's Drive but that situation would be more supportable than the current proposal. He stated the BOD would support such an option and was told that an option for a slotted left hand turn would be investigated.

Dana Brown, resident of St. George's Estates, stated she hoped the Planning Commission would consider safety and traffic counts. She stated money was incredibly short this year, they need to be very precise where they spend it and hoped they would recommend a project that serves the most needs of all Stafford County residents. She stated according to the SSYP, the total cost of the Joshua Road/610 Half Mile Widening Project was approximately \$8.4 million and she hoped that as part of the consideration process the Commission had physically viewed the site. She stated according to the Stafford County Office of Transportation, there was not current LOS report for the roads with the last one being completed in 2000. She stated she had requested three years of accident history from the Stafford County Sheriff's Department for the SSYP project at 610/Joshua and three projects for Courthouse Road which she had just received the day before this meeting. She stated she had not finished her analysis in time for this meeting and would instead have to present her findings to the Board of Supervisors. She stated the Joshua/610 project had the least amount of accidents compared to the three separate Courthouse Road projects with forty accidents alone in front of Colonial Forge High School. She stated many of her neighbors had sent emails stating how they feel about the Joshua/610 project and she requested that one of the Planning Commissioners submit a copy of all the emails to be entered into the public record.

Cord Sterling stated he introduced a map the night before at the Board of Supervisors meeting which showed the projected LOS in 2015 that was prepared by the Fredericksburg Area Metropolitan Organization. He stated it showed a number of road sections which were at F- including the one under consideration here. He asked that the Planning Commission, in making its decision on what recommendation to go forward, take seriously into consideration all of the map and the LOS that were demonstrated by that which was put together by professional modelers who used all the various information from the county as well as the state in determining what the transportation problems would be looking into the future. He stated in terms of this particular road section, it was projected to be a LOS of F-. He stated VDOT was currently examining and Harry Lee was overseeing whether or not a left-hand slotted turn could be put in there to improve rather than detract from safety. He stated he urged the Commission to take into account the LOS that were demonstrated and known and that were out there in making their decision on what road projects to go forward and recommendation to the Board of Supervisors.

Mr. Fields asked if there was anyone else that would like to make a comment and seeing none, the Public Input Session was closed. He stated it was his understanding that they still had to make the recommendation to the Board of Supervisors. He asked staff to address the developments in the revenue sharing plan.

Mr. deLamorton provided another handout, an email to the VDOT Residency Administrator on March 5, and which he had not heard back from, regarding whether Juggins Road qualifies under the revenue sharing program being a new facility and not in the transportation plan. He stated the Assistant Residency Administrator indicated that his boss was out for the rest of the week and he would follow-up with the Residency Administrator on this particular issue. He stated there had been no update on the revenue sharing other than that VDOT had pulled back the deadline and no new

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deadline had been set though they say they would give localities thirty to sixty days to respond when they establish the new deadline.

Ms. Kirkman asked if the reason for pulling back the deadline was that there was new legislation passed that changed the priority system for the revenue sharing program.

Mr. deLamorton stated he was not sure that was the exact reason why the deadline was pulled back. He stated it was his understanding it was because of the budget deliberations with the state budget.

Ms. Kirkman stated it was Bill 111 and what had happened was that VDOT had recently sent a letter out to all the localities to inform them that they were changing the deadline because the bill was likely to pass and it was going to have different priorities than what the Commission had looked at when they made their recommendation. She stated they were significantly changing that program.

Mr. Fields stated he wanted to make sure what the public understands was the debate, that the revenue sharing programs were somewhat on hold until the new order was established. He stated what they had before them was a recommendation from the Planning Commission to the Board of Supervisors on the 2009-2014 SSYP.

Ms. Kirkman suggested that they divide the question because there were some projects that she would rather vote on individually rather than as a package.

Mr. Fields stated they had before them a sheet listing all the projects on the SSYP and the pertinent information.

Mr. Rhodes stated the dollar numbers on the sheet for 2009 were different.

Mr. deLamorton stated the SSYP came from VDOT that morning and that he had not had an opportunity to revise the homegrown sheet.

Mr. Fields stated the allocation numbers gave them an indication of what was being done but he thought the real question before them was recommendation for inclusion or exclusion or transfer. He stated he got the impression that not even that document was etched in stone, that the General Assembly had still not passed or resolved the transportation issue yet and did not have a schedule for coming back into session to do so at that point.

Mrs. Carlone stated the document they received was highly suspect. She stated it implies 610 was an F with no improvements, however, two other documents that they received shows A and B at the same location and she thinks there were better priorities.

Mr. Rhodes stated when they were given that paper it was stated this was what they had right now and it was not worth the paper it was on and that was why the new modeling contract was in place. He stated he was just sharing the context when they were given that paper.

Mrs. Carlone stated she had three documents with the LOS on it for 2009 to 2014, and she had 2015 status with no improvements on it. She stated she had a problem with showing LOS to repeat on Garrisonville and regardless of the validity of this, there were other documents that also show A and B status. She stated this to her was not worth too much.

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Mr. Rhodes stated driving this exact section and this portion of the road every single day multiple times he was much more comfortable with this projection than he was with an A or B.

Mrs. Carlone stated if you go up there and take a drive on 610 and also take a drive based on if that divider was in place, there was a problem.

Mr. Howard stated the map was put together by FAMPO which was the Fredericksburg Area Metropolitan Planning Organization so the map was valid and it also took into account as the roads exist today but it was projecting to 2015. He stated it was taking into account many different things like what the population projection increase was suppose to be, employment data, and what the current zoning by-right that existed today which was always subject to change, but it was a proven methodology. He stated the map was a valid piece of information that they should be using to assist them in making a decision.

Mr. Fields stated he would like to move forward with making motions and that they would be going down the line:

Route 607, UPC 16263

Mr. Di Peppe made a motion to recommend to the Board of Supervisors.
Seconded by Mr. Rhodes. The motion passed 7-0.

Route 610, UPC 16267

Mr. deLamorton stated it was the proposed second left turn lane.
Mr. Rhodes made a motion to recommend to the Board of Supervisors.
Seconded by Mr. Mitchell. The motion passed 7-0.

Route 610, UPC 50794

Mr. deLamorton stated it was the ongoing Route 610 project between Mine Road and Onville Road.
Mr. Rhodes made a motion to recommend to the Board of Supervisors.
Seconded by Mr. Mitchell. The motion passed 7-0.

Route 610, UPC 51919

Mr. Howard made a motion to discuss.
Mr. Rhodes seconded.

Mr. Howard stated he appreciated all the residents who came out to voice their opinions and he believed they did a great job at conveying those concerns to VDOT, this Commission and as well as their Board of Supervisors representative and he assured them that VDOT would make every effort that they could to ensure that if it was safe to put that left hand lane in that they would do that if they could. He stated they would evaluate everything they could for those types of turns and/or intersections to make sure that was possible. They were looking at the second left turn as well and would apply the same thoughts and logic to that. He stated it was important that the public came out, that they voice their opinion, and that they stay involved. He stated the project had been on the list for several years and that it had been funded for the last three years and there was a lot of time and effort dedicated to this. He stated he believed that VDOT would make every effort possible to accommodate the residents of the St. George's Estates subdivision.

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Mrs. Carlone stated she did not see the Barry cursory accident rate and that it would really help to see it on the same sheet as far as prioritization for the numbers of trips to do a fraction or at least a pro-ration of the accidents to the road.

Mr. Di Peppe asked if it was possible that when they vote on this project that they could do it with a recommendation from the Planning Commission of what Mr. Howard was talking about. He stated he received more comments and communications on this than on anything else since he had been on the Board.

Mr. Fields stated what he would suggest was that if they feel they would like to further on their recommendation for the accommodation of certain design features that his personal preference would be that the recommendation on this document was more on the ten thousand foot view of project by project but that he would certainly think it would be appropriate of them when they were done with this document to make a separate motion saying that the Planning Commission would like to recommend to VDOT and to the Board of Supervisors that they consider the certain needs of this community and their design features. He stated a separate motion after they were done was how he would like to see it handled.

Mr. Howard made a motion to recommend to the Board of Supervisors.
Seconded by Mr. Rhodes. The motion passed 6-1 (Mrs. Carlone opposed).

Route 627, UPC 84609

Mr. deLamorton stated this was a project added to the SSYP two years ago, it was the widening of Mountain View Road from Shelton Shop Road to Choptank Road.

Mr. Rhodes made a motion to recommend to the Board of Supervisors.
Seconded by Mrs. Carlone. The motion passed 7-0.

Route 630, UPC 15458

Ms. Kirkman made a motion that they keep it in the plan for now, however, she would like to make a second motion afterwards regarding bridge needs in the county and in the region.

Seconded by Mr. Rhodes. The motion passed 7-0.

Route 629, UPC 73555

Mr. deLamorton stated was a new two lane connector road on the east side of the CSX railroad between Courthouse Road and Brooke Road.

Ms. Kirkman made a motion that they remove UPC 73555 from the SSYP.
Seconded by Mrs. Carlone.

Ms. Kirkman stated she made a motion to remove the plan as it was not reflected in the homegrown worksheet. She stated it had now ballooned to over \$11 million and that the stated purpose of the new road was to increase access to VRE but based on other considerations there could only be an additional 200 commuter slots added to VRE so we were paying over \$50,000 per commuter for a little used road and she did not think that was good use of funds. She stated they were CMAQ funds that were being requested which were CMAQ funds that could be applied to traffic flow at the Falmouth intersection and she thought that would be a much better use of CMAQ funds.

Mr. Mitchell stated because it was in his district that he could not support taking it off, whether it was funded or whether it was not funded, that could be a whole issue in itself. He stated whether the

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CMAQ funds were applied somewhere else, that would be find too but he could not support throwing it off just as a cost function as the cost function could be changed.

Mr. Rhodes stated he would like to comment that he understands what Ms. Kirkman said and that it all made very good sense, however, they would only be getting funding essentially to one project and they need to do a better job with the overall list. He stated there were many projects on there that at the current funding rate they were never going to address any of them. He stated he would be inclined not to take any projects off the list.

Ms. Kirkman stated if this was on the secondary road plan that other entities would come in and make the decision about funding it or not and she thought it was important that they express some recommendation about whether or not this road should be built period. She stated was why she would vote in favor of the motion to remove this project from the SSYP.

The motion passed 4-3 (Mr. Mitchell, Mr. Rhodes, Mr. Howard opposed).

Route 630, UPC T4553

Mr. deLamorton stated this project was added two years ago and was to widen Courthouse Road from I95, actually out to Cedar Lane to Route 1.

Mr. Mitchell made a motion to recommend to the Board of Supervisors.
Seconded by Mr. Rhodes. The motion passed 7-0.

Route 630, UPC 4632

Mr. deLamorton stated this was the section of Courthouse Road west of I95 from Cedar Lane to Winding Creek Road to multi-lane the road.

Mr. Rhodes made a motion to recommend to the Board of Supervisors.
Seconded by Mr. Mitchell. The motion passed 7-0.

Route 630, UPC 11671

Mr. deLamorton stated this was the companion to UPC 4632 and that this was the remainder from Winding Creek to Shelton Shop of Courthouse Road.

Mr. Rhodes made a motion to recommend to the Board of Supervisors.
Seconded by Mr. Howard. The motion passed 7-0.

Mrs. Carlone stated she had been in Stafford for 25 years and with two schools on Courthouse Road, this was vital.

Route 630, UPC 15459

Mr. deLamorton stated this was the recent two-lane construction of Courthouse Road east of the Courthouse area which was recently completed by VDOT and remains on the plan for close-out costs.

Mr. Mitchell made a motion to recommend to the Board of Supervisors.
Seconded by Mr. Rhodes. The motion passed 7-0.

Route 648, UPC 3568

Mr. deLamorton stated this was the widening of Shelton Shop Road in its entirety from just south of Garrisonville to Mountain View Road.

Mr. Rhodes made a motion to recommend to the Board of Supervisors.
Seconded by Mr. Mitchell. The motion passed 7-0.

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Route 711, UPC 65551

Mr. Rhodes made a motion to recommend to the Board of Supervisors. Seconded by Mr. Mitchell. The motion passed 7-0.

Mr. Fields stated there was a cost issue of over \$4 million and that they need to see a lot more hard data but felt it was prudent to leave in case there were other sources of funding available.

Ms. Kirkman stated it was not only cost but design considerations as well.

Mr. deLamorton stated the remainder of the SSYP included many budget items and that was to pay for some VDOT costs at the Residency Office or at the District Office which include installation of pipes at driveway entrances, the rural addition allocation, subdivision plan review, just various countywide budget items. He stated there was a notation for traffic signals and that was included as an annual allocation so that traffic signals could be funded through the SSYP.

Mr. Di Peppe made a motion for the remainder of the SSYP project. Seconded by Mr. Rhodes. The motion passed 7-0.

Mr. Rhodes asked if they needed to confirm the funding allocations.

Mr. Fields stated he didn't think they needed to.

Ms. Kirkman stated just as a point of order it might make sense to make it clear of what the vote was.

Mr. Rhodes made a recommendation that the funding allocation be such that all funds up to completing the cost of UPC 51919 be the priority of allocation for the first year of this SSYP program and any remaining funds, if they exist, would be allocated to UPC 4632, the Courthouse Road project.

Mr. Mitchell seconded. The recommendation passed 7-0.

Ms. Kirkman stated they did have several recommendations.

Mr. Fields stated there were two motions suggested during the course of discussion, the first of which Mr. Di Peppe brought up the idea of endorsing the consideration of the requests of the residents affected by the 610 project.

Mr. Di Peppe stated he would vote for a motion to ask VDOT to strongly consider the comments of the citizens in the area and preserving their entrances to their communities.

Mr. Rhodes stated a lot of the basis for this project dealt with just the volume and the LOS and you could see it was a very busy road and that it had been on the list for several years and that this was a confusing process. He stated the good part about the VDOT process was that they did have to address all the comments that they received through the process.

Mr. Howard stated he agreed with the comments and he would make a recommendation that the Commission notify VDOT that they were strongly urging them to consider those two left turns off of 610 as you head westbound so that it did not impact the residents and as long as all safety factors

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were considered and it was not creating a bigger issue. He stated he would like to have that official recommendation come from the Commission if all Commissioners agree.

Seconded by Mr. Mitchell.

Ms. Kirkman stated the motion was for them to write the letter and she thought the only thing they had been authorized to do was make recommendations to the Board and that what the motion should be was that they suggest the Board to that.

Mr. Fields stated he thought that, as a group of seven citizens, they were free to forward their own comments to VDOT.

Mr. deLamorton stated he inquired with VDOT just before the design public hearing and that if the Planning Commission or the Board would wish to weigh in on the project could they do so outside of the official ten day comment period and Mr. Harry Lee responded that the comments from the Board or the Planning Commission would have to be received by VDOT within that ten day period. He stated if the Planning Commission so desires that evening, they could ensure that a letter with those recommendations and your endorsement would be in VDOT's hands by the end of the week.

Mr. Fields stated he would like to see that letter, as well as a couple other things, as appendices to their recommendation to the Board of Supervisors so that when they get a recommendation they certainly see their endorsement of this.

Mrs. Carlone stated one of the other main issues was also coming out of Christopher and Woodleigh to go left onto 610, not just coming west and making a left.

Mr. Fields stated he thought the motion was to endorse that all possibilities and all concerns were taken into consideration.

The motion to send this communication both with their recommendation to the Board of Supervisors and to VDOT passed 7-0.

Ms. Kirkman stated she supported keeping the Courthouse Road project in. She stated her recommendation would be, because this was one of those projects that other people would determine the funding than us because it was going to be using bridge replacement funds and based on the couple hours she spent at VDOT that they did not get to decide those, VDOT does. She stated she thought the citizens of Stafford would want an opportunity to do some prioritization. She stated she was not sure how to approach this procedurally. She stated it was one of the two projects on this plan that needs a lot more study and that it really needs to be supported by the evidence of need.

Mr. Fields stated what he might recommend was a collective work session to get a pile of information in front of them probably being the next step.

Ms. Kirkman stated to Mr. deLamorton that it would be helpful to have a list of the bridges in Stafford County along with their sufficiency ratings.

Mr. Fields asked if there were any other issues related to the SSYP.

Ms. Kirkman stated they need to come up with a plan to get the information on Juggins Road.

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Mr. Fields asked if they were waiting for the TDM to be up and running or look for other sources for that.

Ms. Kirkman stated she was not sure how to proceed.

Mr. Fields stated he thought that once they got their TDM running that they could probably get some analysis on their own.

Mr. deLamorton stated yes. He stated the analysis would yield whether a road of 2/10 of a mile costing almost \$4 million would have a cost benefit ratio and improve LOS.

Mr. Fields stated in their new matrix the safety considerations of if the road existed if there was even a justifiable improvement in service would the safety issues related to having that road there also be there. He stated until they could get their TDM up and running he did not think they could get the performance data.

PUBLIC HEARINGS:

2. Amendment to Zoning Ordinance - Amendment to Section 28-25, Definitions of Specific Terms; Section 28-33, Districts Generally; Section 28-34, Purpose of Districts; Section 28-35, Table of Uses and Standards; Table 3.1, District Uses and Standards; Section 28-38, Performance Regulations; Section 28-39, Special Regulations; Section 28-59, Highway Corridor Overlay District; Section 28-83, Buffers for Historic Properties and Districts; Section 28-86, Landscaping Standards; Section 28-130, Permit to Erect; Section 28-131, Approval of Internal Illumination; Section 28-132, Exception from Setback Requirements; Section 28-133, Traffic Hazard; Section 28-134, Clearance for Projecting Signs; Section 28-135, Repair and Removal of Signs; and Section 28-256, Site Plans, Required Standards and Improvements Generally, of the Zoning Ordinance, pursuant to Ordinance O08-02.

The amendment establishes the Heritage Protection (HP) Zoning District. The purpose of the HP Zoning District is:

- to permit restoration, preservation, conservation, education, research and business activities related to the operation of a museum and other historic sites in Stafford County,
- to provide heritage tourism opportunities,
- to reserve areas in all regions of the County for interpretation of heritage sites and to retain the setting and feeling of the cultural landscape, and
- to promote the preservation and enhancement of unique Stafford County cultural resources.

Wendy Wheatcraft presented the staff report. She stated the George Washington's Fredericksburg Foundation requested a reclassification for the Ferry Farm property which was currently zoned A-1, Agricultural, and B-2, Urban Commercial, however, neither zoning was appropriate for a heritage tourism site. She stated the Planning Commission was authorized by the Board of Supervisors to make changes as needed. She stated existing zoning districts did not address the special protective measures and planning procedures needed and that the Heritage Protection (HP) District would allow property owners flexibility while protecting the County's unique cultural resources. She stated the ordinance also proposed eleven new definitions and new sign criteria. She stated Section 28-39 included the special regulations and the performance regulations which state that all heritage

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sites identified within the HP District must be listed on the Stafford County Cultural Resource Inventory and determined historically significant. She stated the application required a 20-year master plan be submitted, that any proposed grading or excavating shall require an archaeological study, and that it was within ADA compliance. She stated there were seven aspects of integrity but the most important with Heritage Tourism Sites was setting, which was the physical environment of a historic property. She stated HP Districts were exempt from certain requirements in the zoning ordinance. She stated the HP zoning district complied with the Stafford County Land Use Plan recommendations by protecting and preserving significant historic properties and promotes heritage tourism, along with complying with the professional preservation guidelines.

Mr. Howard asked if Section 28-39 was the inventory and if that was areas that were designated historical today, and he wanted to know what inventory she was referring to.

Ms. Wheatcraft stated the County did have an inventory called which they call their cultural resource database and that there were over 900 archaeological sites identified and about 500 architectural sites though some no longer exist. She stated they identify them and try to place them on the tax map and parcel, and she stated they attach a common name to them. She stated every other week she adds more to the inventory.

Mr. Howard asked if there was leeway in the wording.

Ms. Wheatcraft stated yes, that they add something new every month and that just by listing it that was one criteria.

Mr. Howard asked that it was not as the inventory exists today but the inventory period.

Ms. Wheatcraft stated yes because they keep adding to it.

Mr. Howard stated there was a process that would then need to be followed and meet at least one criteria and then go on the inventory.

Ms. Wheatcraft stated if it was not listed, it would be listed, and then they would determine the significance using the criteria.

Mr. Howard asked if it could be used against them if someone wanted to turn it around and say that there was no historical significance, that it was not part of the inventory, and that they don't agree with that. He asked if the wording in the ordinance was balanced out on both sides, that if a business wanted to come in and not follow that guideline or ordinance, was there a way because it did not exist today on the inventory. He asked if it was open-ended enough in the ordinance that it would allow her to identify that at a later date, meeting the criteria she described.

Ms. Wheatcraft stated yes.

Mr. Fields stated it was important to remember that this was a creation of a new zoning district for which somebody applies for a reclassification, that this was not an overlay on any existing property. He stated this was something that had to be redone through the zoning process.

Mr. Fields opened the public hearing.

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Glen Trimmer, representing the Friends of Stafford Civil War Sites, stated they would agree with 85% of what was just said because they endorse preservation in Stafford County and would like to see some preservation of civil war sites in Stafford County besides the camps they had already worked on. He stated looking at the ordinance you would think it made perfect sense but he was not sure it did, and that while there were new definitions, you need to get into those definitions and see what they drive in particular. He stated they were unlimited in scope and that the language could capture anything. He stated cultural landscapes were manmade expressions of visual and spatial relationships including, but not limited to, historic plantations, farms, gardens, parks, cemeteries, scenic highways, industrial sites, civil war encampments and entire villages. He stated the only thing not in there were dog lots, that everything else in Stafford was captured. He stated if you put the requirements that were in the definitions against those types of sites, he worried that they would have their biggest single project of trying to preserve the four fortifications around the landfill and the camps and quarry that were there. He stated they want them linked by a one-lane road that makes those sites accessible to the public. He stated their idea of preservation was not just cultural resource surveys, that it was making them available to the public. He stated any grading required more cultural resource studies and there had already been two full studies that proved what they said was there. He stated it was time to go on with the park and that if you grade just enough for that one lane road and you had to do more cultural resources, everywhere you disturb the ground you were not helping preservation in this County, you were delaying preservation. He stated the Planning Commission should modify this in some way that did not capture these sites and that did not mean that the requirement was that you had to do more cultural resource surveys. He stated the Planning Commission said that night that they were fiscally constrained and that these studies cost a lot of money. He stated they asked two years ago for the County to have a civil engineer go in and do a feasibility survey and it had yet to be done yet they had done multiple cultural resource surveys. He stated they had identified those sites, they wanted them preserved, they wanted them made available to the public and they did not want ten tons of regulation put on them. He asked to make it specific, to do what Ferry Farm needed and that was to grant their request, to do it through waivers or write it on their plan, but do not make it broad in general so that it could be applied to anything because you would harm preservation in this County, particularly the preservation his group was most interested in.

Anita Dodd, Chairperson for the Stafford County Historical Commission, stated the Commission was in support of the Heritage Protection Zoning District. She stated Stafford County had a rich and diverse history and that the heritage sites were as unique and diverse as their history and could provide a vehicle for the interpretation of that history and enhance historic tourism within the county. She stated the interpretation of heritage sites required a sensitive approach that recognized the need to preserve the setting and feeling of their cultural landscape, and that the zoning district recognized those special needs as it provided for the preservation, restoration and interpretation of the site. She stated currently heritage sites that plan to enhance the visitors experience must adhere to current zoning regulations which were not conducive to the needs of those unique properties and that they must apply for an exception within their zoning in order to continue to be responsible stewards of their site. She stated the ordinance that was before them would help to move the plans for those sites more smoothly through the planning process while retaining the integrity of the property. She stated the Stafford County Historical Commission believed that the Heritage Protection Zoning District was an important step towards the preservation of the county's heritage properties and that it would help to preserve site integrity while making it possible to create better experiences and interpretation for the visitors.

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Rebecca Wood, Director of Architectural Restoration for George Washington's Fredericksburg Foundation, stated they were a non-profit organization which owned and operated historic Kenmore in Fredericksburg and George Washington's Ferry Farm in Stafford County, and that they were in support of the Heritage Protection Zoning District. She stated it was significant to note that all of Stafford County's historical sites were unique, therefore, did not necessarily fit into the use definitions of any one of the present zoning categories. She stated a historic site was a blend of uses in meeting the needs for administrative offices, museum operations, visitor services, research facilities and school related programs, yet historic sites prior to now have had to be zoned in a compromised category best fitting their primary use. She stated when a historic site wishes to implement additional uses not permitted by that category, the property owner must go through a time consuming process of attempting to obtain an exception or have the proposed use defined as an accessory use, which was often a repetitive process. She stated for example, Stafford County was currently zoned a mix of A-1, Agricultural, and B-2, Commercial and that they had discovered that neither the A-1 nor the B-2 zoning categories were appropriate for what they want. She stated the B-2 allowed for office use but not for interpretive structures, not even as accessory uses, while an A-1 category did not allow for office use. She stated another difficulty had been that the zoning code had made no allowances enabling heritage sites to better protect their historic integrity. She stated the proposed new Heritage Protection Zoning District rectified that by defining terminology specific to historic sites and making allowances for such things as buffers, landscaping and paving to be implemented in sensitive ways that retain or enhance historic integrity. She stated to summarize, the proposed new Heritage Protection Zoning District would provide all historic sites in Stafford County the zoning category appropriate to their unique uses and needs and that this new zoning category would make it easier for historic sites to implement site improvements and varied uses necessary to telling the collective story of Stafford County's rich cultural heritage, while at the same time retaining historic integrity. She stated it would enable Stafford County Planning and Zoning officials to utilize their time and staff resources more efficiently.

Barbara Kirby stated Stafford County was born before the United States and in that area of first settlement it was being threatened with more houses and not one Phase 1. She stated heritage tourism was economic development and that losing their sites every day by lack of determination or benign neglect, it was imperative that this ordinance pass or they would continue to lose more sites, more history and that it was up to the Commission and the Board to name them, protect them, care for them, and put them in a plan for our future because we deserve it and we need it.

D. P. Newton stated he was speaking as a private citizen and that he took this to the people to get their opinion. He stated his concern and the concern of the people he talked to was that this ordinance was very vague and that it did not explain when this would be implemented. He asked whose property would it affect and would it bleed over into the public. He said they should put it in writing, simple and clear, that it would not apply to personal property because the definitions cover all of Stafford County.

Eddie McGregor stated the site best known to the general population was Ferry Farm. She stated publicly accessible historical sites were of little interest if they were polluted and damaged by modern zoning requirements that detract from or destroy the historical integrity of the area. She stated the County zoning codes governing public places did not fit with the needs of historical sites and that it was necessary to address the issue. She stated if bringing tourists to Stafford County was important then they must capitalize on the remaining historical sites that they have and did everything in their power to allow historic preservationists to restore and interpret these places for the public. She stated if tourists come to Stafford County, it would not be to see the many shopping

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centers and housing subdivisions that litter the landscape. She stated if the Planning Commission did something with the ordinance that it needed to be written in such a way that in order for it to apply to a piece of property someone must actually apply for the change in zoning, that it would not be something that could be just overlaid and become a hardship for the average citizen here in Stafford.

Mr. Fields closed the public hearing.

Ms. Wheatcraft stated most of the definitions came from the National Park Service. She stated cultural landscape was listed as a term in the ordinance, that it was not listed as a requirement for one of the sites. She stated a lot of the definitions were mentioned as terms in the ordinance but that they were not specifically requirements or uses and they were just a way to clarify what was written in the ordinance. She stated there was a question as to whether a zoning category would go out to the public and actually try to rezone a property without permission from the property owner and that was not the intention at all. She stated it was for people who would come in and request reclassification or for someone who would either through application or for other reasons. She stated besides being inappropriate uses for A-1 and B-2, they also would have proffers that went along with the B-2.

Mr. Di Peppe stated from what he understood from the speakers, he wondered if there was a concern that the County could come along and take a piece of personal property and decide that, because they deemed it historic, they could then change the zoning on it. He stated it was exactly the opposite and that the request had to come from the property owner. He stated Mr. Trimmer brought up a good point stating that he was worried that if the local government designated part of the landfill and then it delays this four more years because of all the things with this requirement. He stated he was thoroughly in favor of this ordinance and that with as much historic resources as Stafford has, they need a zoning category so that those who want to preserve the land were able to do it in the best possible way. He wondered if they could add a line that at no time could the local government rezone your private land.

Mr. Judy stated no one was entitled to the zoning on their land to be forever, that given the powers that localities had with regard to rezoning that when for public benefit it seemed necessary to rezone property, it could be rezoned. He stated no matter if they had the ordinance or not people always ran the risk of their property being rezoned, and that it did not mean that the county had the authority to take the property away from them, but their uses did become nonconforming which put restrictions on them. He stated they did not know specifically if there would be any prohibition of possibly putting in a line that said something to the effect that any proposed reclassification under this district would be only at the request or acquiescence of the landowner. He stated he would do research on it to see if it was possible and that in a sense they were limiting the Board's authority to rezone property and could one Board bind another Board to that.

Ms. Kirkman asked if there had been any discussion about the County applying this particular ordinance to the property that they own at the landfill.

Ms. Wheatcraft stated not that she was aware of and that she had not been a part of the landfill expansion and that project. She stated there was a public meeting on the following Tuesday.

Ms. Kirkman asked if the maximum height was forty (40) feet and she stated some of the places were agricultural areas where the maximum height was thirty-five (35) feet. She asked how Ms. Wheatcraft derived at the forty (40) feet.

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Ms. Wheatcraft stated they were trying to determine what two stories might be.

Ms. Kirkman stated thirty-five (35).

Ms. Wheatcraft stated it was allowing anything that would allow architectural leeway, if it would be something appropriate for that site architecturally then they could work with that. She stated towers or church towers.

Ms. Kirkman stated steeples were not included in height calculations.

Mr. Harvey stated steeples and flagpoles or similar contrivances were not but there may be a situation where part of a roof would be and if there was ornamentation there might be a concern. He stated with the height issue they were shooting in the dark because they did not know what historic resources they would run into with specific sites yet to be determined, but traditionally when you look at construction for most historic properties you were looking at one or two story buildings.

Ms. Kirkman stated she really did not know what they were trying to say under C-1 Intensity on page 5 and then it said "see Section 28-29Q1" which said that "all heritage sites identified shall be listed" and that she did not know what that had to do with intensity.

Ms. Wheatcraft stated she was glad Ms. Kirkman caught that, that it referred back to the 20 year plan. She stated it should have referred to number 2 but at the ordinance committee they added number 1.

Ms. Kirkman stated number 2 was not a definition of intensity.

Ms. Wheatcraft stated number 2 would determine the master plan of where everything would go, how many buildings you would have on site, how much room would be taken up with the plan. She stated you would know the intensity of growth or the intensity of build-out.

Ms. Kirkman asked who approved the master plan and was it part of the application for the rezoning.

Ms. Wheatcraft stated it was submitted at the time of reclassification application submittal.

Ms. Kirkman stated was no open space requirement, that basically it was driven by the master plan rather than any minimum or maximum standards.

Mr. Judy stated he got the impression that the master plan would be similar to a GDP.

Mr. Mitchell stated he supported the issue, the concept, the basic entity itself but he thought there should be a sentence in there that would state that it would only be done at the request of the property owner.

Mr. Rhodes stated he wondered about the unintended consequences, if there was a situation where they uncover and identify something that was of tremendous benefit to the county and then they had hand-cuffed themselves to their own structure.

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Mr. Judy stated was why he suggested it be either at the request or acquiescence of the property owner. He stated way if you had a property owner who was in agreement with allowing it to go forward but, at the same time, cannot afford the process.

Mr. Rhodes asked what if they did not acquiesce and it was of significant value to the entirety of the county. He stated if they were considering that then he would suggest that they not necessarily vote on it, that they go back and make sure they look at it.

Mr. Judy stated what Mr. Rhodes was talking about was using condemnation authority to take somebody's property for historic purposes and he did not think the law allowed that.

Mr. Rhodes stated he thought that if they were going to make that change that they ought to take some time to make sure they consider any second or third order effects to be sure of what they were committing themselves to.

Ms. Kirkman asked if they had to take that time because Mr. Judy needed to research whether they could even put that language in.

Mr. Judy stated he could present that information to the Board of Supervisors if they were running up against their timeline.

Mr. Harvey stated they had one hundred days from the time it was referred which was in December, so it was getting close.

Mr. Judy stated they may want to make a recommendation with a clause being included with that kind of language so long as it was legal.

Ms. Kirkman stated she shared Mr. Rhodes' concern and that she was uncomfortable with inserting that kind of language at the very last minute.

Mr. Fields stated he thought they should just get back and rephrase it or just simply reorganize how it was phrased to make sure that everybody understands. He stated he thought that the discussion kept evolving as if it were a Heritage Protection Ordinance and it was not. He stated the Heritage Protection Zoning District would provide appropriate guidelines for developing heritage tourism sites and permit proper restoration, preservation, conservation, education, research and business activities related to the operation of museums and other heritage tourism sites in Stafford County. He stated it was very important that maybe they need to explain a little bit of history or just rewrite it so that when somebody picks it up cold they could get a better sense of it. He stated the other very important thing was to realize that this was the exact opposite from being restrictive, that this was actually exceptionally permissive to allow the incredible flexibility of heritage tourism. He stated as an example Ferry Farm and the suggestion to figure out a waiver except what basically happened was that there was no version of special exceptions and waivers that lets you build a replica of an 18th century slave cabin in B-2 zoning. He stated they wanted to be able to place a modern interpretive center and then, as you walk down the path, there was a replica of an 18th century slave cabin which obviously would not meet any building standards in any zoning district that exists now, and then right down from that a reconstruction of the George Washington home and then after that the dock for the ferry. He stated all of those had different context, different times and that this was actually a widely permissive ordinance but what they were trying to do was carve it so only people serious about heritage tourism apply it. He stated he thought that was the context of the

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ordinance that he would stress over and over again and, if they need to rephrase that so that it was very obvious then he thought that would be very important to do. He stated he fully supported putting a caveat in the ordinance that the intent of the ordinance was such to be only initiated on the request or acquiescence of the property owner. He stated if they had the time, he would support taking another meeting to come back with this to make the final recommendation to see if they could get the wording so that the nature of this ordinance was very clear and that it was tiered to facilitate people who were interested in interpreting heritage sites.

Mr. Di Peppe moved to hold this proposed ordinance in committee.

Mr. Harvey stated he was informed that was basically the end of the time limit.

Mr. Di Peppe asked if they could send it forward with that recommendation.
Mr. Fields stated yes.

Mr. Howard asked if there was a way to enhance the wording for buffers so as not to cause undue harm to neighboring properties.

Mr. Di Peppe stated the buffer was not on the adjoining property but on the property that was getting the designation.

Mrs. Carlone stated there was a reference to the buffer.

Mr. Di Peppe stated it was only on the existing land that was being considered.

Mr. Howard asked if some of the historic significance was actually overlaying an adjacent parcel, how would it be reconciled.

Ms. Kirkman stated only if that adjacent parcel were also requesting the same zone.

Mr. Fields stated you cannot force an adjacent property owner to comply with something because of your initiated use.

Mr. Di Peppe made a motion to approve proposed Ordinance O08-02 with the proposed changes and recommendations. Mr. Mitchell seconded. The motion passed 6-1 (Mr. Rhodes opposed).

Mr. Di Peppe stated they needed to clear up the one paragraph.

Mr. Fields stated it was the fourth "Whereas" that needed to be reworded and/or moved so that it was extremely clearer to someone picking up this ordinance out of context of the entire book of zoning ordinances or out of context of the comp plan that this was intended for heritage interpretation, not preservation. He stated maybe that could be worded in the title of the ordinance and that the easiest way would be to call it the Heritage Interpretation District.

Ms. Wheatcraft asked if they could change the title.

Mr. Judy stated yes.

Mr. Mitchell stated he agreed with Mr. Di Peppe.

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Ms. Kirkman stated they could call it the Heritage Integrity District. She stated paragraph 5 should be fixed.

Mr. Howard stated he was good with all the changes.

Mr. Fields stated to recap, the two primary changes were wording the introduction and wording the description so that the interpretive nature was clear and that the intent of this ordinance move forward only at the request or acquiescence of the property owner.

3. Amendment to Zoning Ordinance - Amendment to Section 28-35, Table of Uses and Standards; and, Table 3.1., District Uses and Standards, of the Zoning Ordinance, pursuant to O08-30. The amendment permits commercial mulch and/or landscape stone sale as a by-right use in the A-1, Agricultural zoning district.

Mr. Stepowany presented the staff report. He stated the amendment was brought about to the Planning Commission by action of approved resolution R07-517 which was approved at the December 2, 2007, meeting by the Board of Supervisors. He stated plant and tree nurseries and/or greenhouses were by-right commercial uses in the A-1 zoning, that they often included the sale of mulch and landscape stone, and that the sale of mulch exclusive of plant or tree sales required a CUP only if associated with tree stump grinding services. He stated a commercial mulch sale was when the mulch and landscape stone was delivered to the premises by a wholesaler for retail sale and was not manufactured on the premises or at a different location by the operator of the business. He stated staff recommended approval of the proposed ordinance.

Ms. Kirkman stated she would like to know why staff recommends approval.

Mr. Stepowany stated the sale of mulch and landscape stone was similar to activities found at plant and tree nurseries which were by-right use in the A-1 zoning district and that it was no different of an impact to the A-1 zoning district as nurseries and greenhouses were already permitted.

Mr. Di Peppe asked why it was not a CUP in the first place.

Mr. Stepowany stated it was a CUP if it was associated with a commercial tree stump grinding service.

Ms. Kirkman asked if someone wanted to do commercial mulch sales and did not have a nursery and was not a tree stump grinding service, how would they do that in an A-1 district.

Mr. Stepowany stated they would not be permitted to sell just mulch unless the ordinance was approved to where they could just sell mulch.

Mr. Harvey stated it would be classified as retail sales and would not be permitted. He stated the ordinance specifically creates a new use within the A-1 zoning category for by-right mulch sales.

Ms. Kirkman asked if they could modify that to be by a CUP.

Mr. Harvey stated the ordinance was referred to the Planning Commission by the Board of Supervisors for by-right so in their deliberation she could recommend that it be a CUP. He stated since it was sent as specific parameters then they would have to vote on the by-right and make a recommendation for the CUP.

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Mr. Judy stated the recommendation would be to either approve or disapprove an ordinance allowing it by-right with a recommendation that it be a CUP.

Ms. Kirkman stated she wanted to make sure that right now there was no where in the ordinance where they could apply for a CUP for solely commercial mulch sales in an A-1.

Mr. Judy stated they had advised persons in the past that they could apply for a CUP to do that. He stated mulch sales were an accessory use to a plant and tree nursery.

Mr. Harvey stated normally they were and that an accessory depends upon scale of the activity that was occurring.

Ms. Kirkman asked that if it was not being done as an accessory use was there some process.

Mr. Judy stated there was no provision presently in the code and they considered it as a primary use.

Mr. Di Peppe stated suppose someone had an existing business and they did not have a CUP. He asked if they could meet the law by offering some trees for sale because they would then be an accessory use. He stated if they offered ten trees for sale then they would be a nursery and get the accessory use by-right. He stated he wondered if that would be the solution for some people.

Mr. Judy stated it would take more than ten trees to call yourself a nursery. He stated solution was proposed to one of the property owners and they rejected it.

Mrs. Carlone asked that, for a CUP, if it was not listed they could come in and request a CUP.

Mr. Stepowany stated the zoning ordinance had a provision or caveat that any use that was not specifically listed in any zoning districts, anybody could come in and submit a CUP for such a use.

Mrs. Carlone stated it should not be a by-right.

Mr. Rhodes asked what the cost was for a CUP.

Mr. Stepowany stated just the application alone was \$10,000.00.

Mr. Howard asked if the businesses that were operating today had been operating under this premise currently.

Mr. Judy stated one of the gentleman there to speak could answer that question.

Mr. Fields opened the public hearing.

Victor DeBord, owner of a mulch and stone facility, stated he had a fire on his property and his office was burnt down. He stated he served, resided and worked in the community and he had fifty-one people employed. He stated the Board of Supervisors applauded him. He stated he was not a nursery, that he had a horticultural degree, and his property was an eye-sore and he rebuilt it. He stated the land use said he was a nursery but that he was not and never was and that he followed the protocol and appeared before every person he was suppose to appear before. He stated every school in the county got mulch from him, as well as top soil and the special soil for the baseball fields. He stated his employees work on landscape jobs where they install rock, put down rock, but they did

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not manufacture it, that it was all delivered. He stated he served the community and had been doing it for a long time with no problems.

Mr. Fields closed the public hearing.

Mr. Howard made a motion to approve proposed ordinance O08-30. Seconded by Mr. Mitchell. The motion failed 4-3 (Mrs. Carlone, Mr. Rhodes, Mr. Di Peppe and Ms. Kirkman opposed).

Mrs. Carlone stated the problem with that was the fact that they were being pressured by the Board of Supervisors to make that as a by-right any place in the county. She stated this was all too encompassing, that it should be unless there was some other avenue a CUP. She stated it covered all A-1 property and was a by-right for any place in agriculture and she just could not approve it.

Mr. Mitchell stated he had known Mr. DeBord for many years and that he was an honest and sincere man. He stated there was a great big sign that said Certified Business Community when you enter Stafford from the north and south ends. He stated the county had to go through a complete process of certification by the Commonwealth of Virginia. He stated they were either pro-business or any business. He stated he supported the issue because there was a businessman there trying to do the right thing and he thought they should do the right thing.

Mr. Di Peppe stated he was trying to understand why Mr. DeBord was in the position he was in because if he had the right to do it before, he asked if zoning changed.

Mr. Stepowany stated he was a non-conforming use since it was a use that was not specifically listed. He stated he believed Mr. DeBord got a special use permit that had that as a description of his business.

Mr. Di Peppe asked if he lost that when the building burned down.

Mr. Stepowany stated he was non-conforming and non-conforming uses you could only restore up to fifty percent.

Mr. Di Peppe asked what changed for Mr. DeBord now that he was non-conforming.

Mr. Stepowany stated going back to some of the meetings he had with Mr. DeBord, years ago there was a provision that allowed for a special use permit before they had conditional use permits. He stated he believed that on the description of the special use permit it said that his property would only operate for mulch and landscape sales. He stated even though the use may have been nursery and garden center, the actual description of his business and the permit that he was given was for mulch and landscape sale, which he was still doing but was never a permitted use. He stated they gave him permission twenty years ago to continue operating the business but he had an office and now his office had burnt down.

Mr. Judy stated he did not add an office, that there was a house already on the property that had been there for quite some time. He stated the understanding that they had was that prior to Mr. DeBord purchasing the property there had been a nursery and plant business operated on that property. He stated as Mr. DeBord stated, when he took over the property he came to the county looking to do the right thing, making sure that he was following the rules and apparently, all the people he talked to were very supportive of what he was doing and no one ever offered to him any

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information at that point in time that a mulch and stone sale business was not allowable in that zoning district. He stated Mr. DeBord was given the necessary permits for certain things such as a paving waiver, and a number of approvals for certain things he was doing that was given to him by county officials. He stated not until last year when the house on the property that he used for his office burned down and he came in to replace that building did anyone advise him that the mulch and stone sales was not an appropriate use for that zoning district.

Ms. Kirkman stated she was very sympathetic to Mr. DeBord's situation and she thought that there were some solutions that could be worked out. She stated she wanted to suggest to the Planning Commission that she did not think they should be spending so much time talking about the specifics of the individuals' situation because she did not think they should be crafting an ordinance that affects every property owner in the A-1 district based on the situation of one individual. She stated she would oppose the motion to approve that as a by-right use because she believed that it was incompatible with the other agricultural uses primarily because of the amount of traffic it generates. She stated their agricultural districts, unlike those throughout much of the Commonwealth, were relatively very small, that they were only a minimum of three acres in size, that they had a large number of non-conforming lots that were small in A-1 which were an acre or less, and she thought it was inappropriate to put by-right use that could go in anywhere. She stated she would encourage the Planning Commission as a whole to talk about that in terms of the merits of the ordinance rather than the specifics of the individuals' case.

Mr. Howard stated they had to think about the individual who was there before them as well as the other businesses that were not there that were impacted. He stated they had allowed in the county the stone and mulch business to operate without requiring them to go through the CUP process. He stated this would obviously cause undue hardship on Mr. DeBord and he knew of at least three other businesses that had the exact same business. He stated that, as a county, if they had permitted this and they had allowed it, he asked what was different today and he did not think there was a difference. He stated it never would have been discovered if there was no fire and these businesses would continue to operate.

Mrs. Carlone stated something could be worked out for Mr. DeBord if the special use was still in effect, and asked if there was still a special use in effect that could allow him to continue.

Mr. Judy stated he did not think there ever was a special use permit.

Mr. Stepowany stated the situation was that the business had continued to operate because the county allowed him but he cannot rebuild his house.

Ms. Kirkman stated they were talking about an ordinance that applies countywide in every A-1 district and that she would really like them to focus on the merits of the ordinance rather than the specifics of an individual situation.

Mr. Di Peppe stated it appeared that the ordinance was written to solve Mr. DeBord's problem. He stated he agreed that the solution was not to grant everybody in the A-1's to do that to solve Mr. DeBord's problem. He stated he thought they had a moral obligation to solve the problem but to do it that way was the wrong way to do it. He stated he could not support the ordinance.

Mrs. Carlone made a motion to recommend for denial of O08-30. Ms. Kirkman seconded. The motion passed 4-3 (Mr. Fields, Mr. Mitchell and Mr. Howard opposed).

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Ms. Kirkman stated she was still not clear if they needed a recommendation to make that possible through a CUP or had they determined that it was possible through an application for a CUP.

Mr. Judy stated the Zoning Administrator had previously indicated that Mr. DeBord could apply for a CUP since it was not a permitted use and not a prohibited use and it was one that was not mentioned.

Mr. Di Peppe asked if that was \$10,000 for the CUP and if there was no other alternative.

Mr. Judy stated no.

UNFINISHED BUSINESS:

4. SUB2600625; Williams Subdivision, Preliminary Subdivision Plan - A preliminary subdivision plan for 13 single family residential lots, zoned A-2, Rural Residential, consisting of 14.55 acres located on the north side of Enon Road approximately 1,500 feet west of Wyatt Lane on Assessor's Parcels 45-125 and 45-125B within the Hartwood Election District. **(Time Limit: March 28, 2008) (Deferred to May 21, 2008 Regular Meeting at the applicant's request)**

Ms. Kirkman stated she had a question regarding the time constraints. She asked if they were bumping right up against the time constraint.

Mr. Judy stated they had been way beyond the time constraints but the applicant had been the one to ask for the deferral and the reason that they asked for it was that the Board of Supervisors was suppose to be taking the matter of that subdivision up with regard to waiver and they were still waiting for the Board to do that. He stated the property was in the Urban Service Area (USA).

Mrs. Carlone made a motion to defer as requested by the applicant. Seconded by Mr. Di Peppe. The motion passed 7-0.

5. SUB2600045; Beck Ridge, Preliminary Subdivision Plan - A preliminary subdivision plan for 12 single family residential lots, zoned A-1, Agricultural, consisting of 39.39 acres located on the east side of Richards Ferry Road approximately 4,000 feet southwest of Warrenton Road on Assessor's Parcel 35-16 within the Hartwood Election District. **(Time Limit: May 6, 2008) (Deferred to March 19, 2008 Work Session)**

NEW BUSINESS:

None

MINUTES

December 5, 2007 Work Session

December 5, 2007 Regular Meeting

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December 19, 2007 Regular Meeting
Approved during Work Session.

ORDINANCE COMMITTEE

Mr. Di Peppe made a motion for approval for a public hearing with the Planning Commission for an ordinance to amend Section 28-35, Table of Uses and Standards, Section 28-57, Flood Hazard Overlay District of the Zoning Ordinance per Resolution R08-155. The amendment would require a special exception instead of a Conditional Use Permit for specific uses which may increase the floodway elevation in the FH Overlay District. The Planning Commission finds that public necessity, convenience, general welfare or good zoning practice requires a governing body to consider an ordinance to amend the regulations. Mrs. Carlone seconded. The motion passed 6-1 (Mr. Howard opposed).

PLANNING DIRECTOR'S REPORT

Discussed during Work Session.

COUNTY ATTORNEY'S REPORT

Discussed during Work Session.

SECRETARY/TREASURER REPORT

Discussed during Work Session.

STANDING COMMITTEE REPORTS

Discussed during Work Session.

CONSENT AGENDA

Discussed during Work Session.

SPECIAL COMMITTEE REPORTS

No report

CHAIRMAN'S REPORT

No report

ADJOURNMENT

With no further business the meeting was adjourned at 10:22 p.m.

Peter Fields, Chairman
Planning Commission