

STAFFORD COUNTY PLANNING COMMISSION
WORK SESSION MINUTES
December 3, 2008

The work session of the Stafford County Planning Commission of Wednesday, December 3, 2008, was called to order at 5:34 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the County Administrative Center.

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

Members Absent:

Staff Present: Harvey, Roberts, Stinnette, Zuraf, Schulte, Schultis and Doolittle

Declarations of Disqualification

None

NEW BUSINESS

None

UNFINISHED BUSINESS:

1. Adoption of the Comprehensive Plan - A proposal to adopt the Stafford County Comprehensive Plan in accordance with Section 15.2-2223 of the Code of Virginia (1950), as amended. The Comprehensive Plan serves as a framework to guide coordinated and harmonious development of the County, in accordance with present and probable future needs and resources, and best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities. The plan consists of background data; goals, objectives and policies; land use policies and map; the costs of growth and development; and data projections and subsequent needs of the County. This proposal would include adoption of a Land Use Plan map, dated September 24, 2008. The proposal would also repeal the current Land Use Plan component of the Comprehensive Plan, including the text dated February 2003, and Land Use Plan map dated February 13, 2003, last revised August 19, 2008. **(History - Deferred at October 15, 2008 Regular Meeting to November 6, 2008 Work Session) (Deferred at November 6, 2008 Work Session to November 19, 2008 Work Session) (Deferred at November 19, 2008 Work Session to December 3, 2008 Work Session)**

Mr. Fields stated the first item to discuss was the Comprehensive Plan and the representatives from Quantico were present to continue that dialogue.

Mike Zuraf stated he would like to give the Commission a brief summary before the representatives from Quantico spoke. He stated at the last work session the representatives from Quantico were present and provided a brief presentation to better explain their comments provided on the Comprehensive Plan. At that meeting the representatives were asked to return to this meeting for a more detailed discussion and questions. He stated staff was requested, from the last meeting, to provide additional information and has provided to the Commission a detailed Range Compatibility Use Zone Study (RCUZS), the County Noise Ordinance and the County Airport Impact Overlay District Ordinance. He stated other information requested, which were provided this evening, was a Land Use map and two maps which identified the different Quantico Noise Zones, Range Compatibility Zones Overlay on top of the Zoning

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Ordinance and the Land Use Map. He showed the maps on the screen and explained the different color circles and notations on the map to the Commission. He stated specific recommendations were provided by Quantico which suggested the County provide a Military Overlay Zone, which he explained in detail and exhibited on the map. He stated the suggestion included, within the five mile radius area to have the residential density on A-1 Zoned property be one lot per ten acres and the remaining area of the Range Compatibility Zone 3 (RCZ3) have a density of three acres per residential lot in the A-1 Zoning District. He stated that summarized the main comments from Quantico and what the maps identified and would introduce Joe Provenzano and Charles Carrington, who were representing Quantico.

Mr. Provenzano stated he understood a lot of information was presented at the last briefing and would follow-up on specific questions the Commission may have.

Mr. Fields asked for the benefit for the Commission and general edification, when talking about the zones, if a brief description or type of training being done in the zones could be given without divulging national security secrets. He asked if both artillery and aerial training was being done.

Mr. Provenzano stated the mission for Quantico was to train Marine Lieutenants in infantry tactics, which was basically small arms firing in the training field areas and explained that could be M-16, machine guns of different calibers, 203 grenade launchers, 155mm Howitzers, and dropping 500 pound bombs. He stated on the demolition ranges, dynamite and TNT were being used to show military demolitions. He stated at any one time, in the training area, there could be an exercise where the Lieutenants would plot firing artillery, just like in the fleet and drop into the impact area. He stated it was basic training for a Marine Officer and that was what was being done at Quantico. He stated the training portion on the west side of the base did border Stafford County and that was where the impact would be.

Mr. Fields asked if the jets were housed at Quantico.

Mr. Provenzano stated the jets were housed at Cherry Point. He stated that was basically what happened at Quantico, and it tended to be noisy and rattled the ground. The RCUZS looked at the training and projects out to training in 2009, modeled the noise and mapped it out. Anything outside the five mile radius was below 115 decibels, by the scientific model, and would be the least likely annoyed by the noise. He stated it did not include the vibrations, just the noise.

Mr. Fields asked why the dialogue was being held now. Stafford County and Quantico had been here for quite some time. The training had been going on for a long time and that area of Stafford County had been built and was quite densely populated, so why now. He stated he did not mean to be confrontational, but was trying to grapple with the issue.

Mr. Provenzano stated a noise study had been ongoing since 1997, but was not as in-depth as an RCUZS. As encroachment began upon the Military Base and the Military mission became imperiled by the encroachment, the Department of Defense (DOD) and Headquarters Marine Corp needed to have formal studies done and therefore RCUZS was performed and presented in 2006. He stated the formal study showed the safe standards and that was what was being recommended in the future, because people cannot be moved from their homes.

Mrs. Carlone asked if there was an increase of noise or percentage of increase.

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Mr. Provenzano stated he did not foresee any additional weapons being brought in other than what was currently being used in the training.

Mrs. Carlone asked if there was a projection to say in 2012 there would be an increase in the noise level.

Mr. Provenzano stated there was not any formal study on the books that stated after 2009 this would be the projection in training. He stated he could tell the Commission that training at Quantico was based upon the throughput of the students at basic school.

Mrs. Carlone asked if the level would continue.

Mr. Provenzano stated the level would continue.

Ms. Kirkman stated the study was helpful but wanted to make sure she understood, first was the Range Safety Zone which dealt with air to ground artillery, then the Surface Danger Zone, which was ground to ground artillery, and then you have the noise level. There were three separate kinds of zones.

Mr. Provenzano stated correct. The zones were based upon noise, ricochet and air usage for aircraft to come in and arm.

Ms. Kirkman asked if there was a zone for vibration.

Mr. Provenzano stated vibration was part of the noise study.

Ms. Kirkman stated the Range Compatibility Zone took into account the three zones. She asked if staff presented what Quantico would like to see in a Military Overlay District was something that would encompass the five mile radius from the demolition centers and the Range Compatibility Zone.

Mr. Provenzano stated yes.

Mr. Di Peppe asked for an example of something that may be 115 decibels. He stated he was not trying to put anyone on the spot, just trying to relate it to real world. For example, would it be the slamming of the door that his Mother used to yell at him about.

Mr. Provenzano stated he would try to find something.

Mr. Fields stated the noise when a jet would take off.

Mr. Provenzano stated normal speech has a noise level of approximately 60 decibels, sound levels above 110 decibels would begin to be felt inside the human ear as discomfort, sound levels much above 120 decibels were felt as pain.

Mr. Di Peppe asked how far that would extend.

Mr. Provenzano stated at the five mile mark it was less than 114 decibels.

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Mr. Fields stated when talking about noise levels there was a distinction between peak transient noise levels versus sustained noise levels. He stated they were two different measurements and two different standards.

Mr. Provenzano stated correct.

Mr. Di Peppe stated we were talking about peak, not sustained.

Mr. Provenzano stated correct. He stated the distance from noise source of five miles, demolition of a 40 pound cratering charge, you would be looking at 114 decibels.

Mr. Di Peppe stated the arch comes in about three miles into the northern end of Stafford County.

Mr. Provenzano stated that would be about correct.

Mr. Zuraf stated he would like to add, in Appendix A-5, there was a table that addressed Mr. Di Peppe's question, that showed 110 decibels was equivalent to the maximum levels in the audience of a rock concert.

Ms. Kirkman stated as a comparison, the Noise Ordinance for residential areas had an upper threshold of 60 decibels for daytime and 55 decibels for nighttime.

Mr. Fields asked if that was for peak events.

Ms. Kirkman stated there was a difference, and it was the maximum permissible sound level. It did not specify peak.

Mr. Fields asked Mr. Harvey or Mr. Zuraf if they knew if a Deputy went out and measured that noise level at any point would that be considered a violation.

Mr. Harvey stated yes, the issue would be if it was a continual noise that could be measured.

Mr. Fields stated it could be problematic and told a quick story about concerts held on Sophia Street in the City of Fredericksburg. He stated the City Police would stand twenty feet in front of the band and measure 70 decibels and because of the acoustic phenomenon, when the noise came across the river in the area of Pratt Park, the Stafford County Sheriff's Department would measure 90 decibels. He stated there sometimes was acoustic phenomenon that could amplify the situation.

Mr. Provenzano stated that was correct.

Mr. Fields asked if the study was meticulously done with lots of real time data from sound pressure meters and those types of things.

Mr. Provenzano stated correct. He stated he looked at other Military Bases and their RCUZS studies from artillery pieces and the results were basically the same.

Mr. Fields asked if the noise line was verified, in Stafford County, with on the ground instruments and not based on other studies.

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Mr. Provenzano stated he would have to get back to the Commission concerning that question. He was not privy to how the study was done and knew a lot of modeling was done, and was sure some parts were extrapolated.

Mr. Fields stated he was not trying to be confrontational, but in his experience with the airport zones, it was not totally satisfactory because it was somewhat theoretical and in some cases we had noise that was not predicted by the model.

Mr. Provenzano stated he could find out for the Commission what methodologies were used to do the study. Weather and terrain also had a big influence on noises.

Mr. Fields stated he thought that would be a useful piece of information.

Ms. Kirkman asked Mr. Fields if his concern was that the noise impact would extend out beyond the red line.

Mr. Fields stated the request was asking the Commission to consider a major land use change for areas impacted by the noise. He stated he was trying to get an empirically accurate handle on where the line should or should not be in Stafford. He stated it was good to see a red line on a map, but when it was overlaid, it actually overlaid actual parcels of land and bisects parcels of land. He stated when suggesting changing from one per three acres to one per ten acres and the red line bisected the parcel, we need to know how precise the line was.

Mr. Provenzano stated he understood.

Mr. Di Peppe stated he thought it was important because a lot of people lived within the arch. He also asked staff how much of the land was vested. He asked if we went to one house every ten acres, how much land would be affected.

Mr. Zuraf stated the area within the five mile radius was developed, and a lot of subdivisions had already been created and built within those areas. The larger parcels had not been developed as of yet. He stated east of Interstate 95, on the Widewater peninsula, there were some parcels that would be affected.

Mr. Di Peppe asked Mr. Zuraf if there was a way to get a rough estimate of how much land would be affected, if the Commission were to recommend one house in every ten acres within the five mile area.

Mr. Zuraf stated he felt staff could get the total acreage, and then quantify the A-1 Zoned properties that had the potential to be subdivided.

Mr. Di Peppe stated that was what he was looking at.

Mr. Zuraf stated staff could do that.

Ms. Kirkman stated in the RCUZS study there was a combination of computer modeling and ten monitoring sites where they went through a series of dropping different size bombs and measuring the noise and the vibrations at the ten sites.

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Mr. Di Peppe asked if the recommendation was one house every three acres between the red line and the orange line.

Mr. Zuraf stated that was correct.

Mr. Di Peppe asked if there were any A-2 Zoned parcels in that area.

Mr. Zuraf stated there were very few.

Mr. Rhodes asked if the model based the interpretation on clear fields or forested areas.

Mr. Provenzano stated he would check. He did know the study performed for the Base concerning the placement of building on the west side of Interstate 95 showed that trees do not, contrary to popular belief, provide a sound buffer during explosions.

Mr. Fields stated he would like to go down the line and ask each Commission member, and they could answer with a yes or no, if they felt they would want to incorporate some language in the Comprehensive Plan regarding the information from Quantico. Did each member feel this would need to be developed and inserted into the Comprehensive Plan.

Mrs. Carlone stated yes

Mr. Rhodes stated encroachment issues, some part certainly. Overlay districts, down-zoning one house per every ten acres, he thought that degree of impact would need time spent looking at the ramifications associated with the overlay district and would depend on the Comprehensive Plan timeline. He stated if the Comprehensive Plan was to move forward in the next few sessions, he did not feel that degree of due diligence on the implications could be done, and that would be his concern.

Mr. Di Peppe stated he thought it greatly affected the Comprehensive Plan because we were neighbors and Quantico had a national mission. He stated he wanted to sit down and work through the issues and felt certain issues would need to be reflected in the Comprehensive Plan.

Mr. Mitchell stated he agreed with Mr. Rhodes, it could be a very time consuming involvement. He stated the Commission could move the Comprehensive Plan forward and bring these issues up at a later date.

Ms. Kirkman stated she felt this could be doable within the next meeting. She stated she would like to remind the Commission there was a difference between the broad policy guidance in the Comprehensive Plan and the very detailed work done when an Ordinance was drafted.

Mr. Howard stated before he answered the yes or no, he had one question. He asked Mr. Provenzano his expectation when he came before the Planning Commission in terms of what he expected Stafford County to do. He stated he did not feel he totally understood the objective.

Mr. Provenzano stated the objective was basically the fact that there was a study and provided comments to the Comprehensive Plan based on the study. He stated he would like to see the recommendations be included in any future development, in looking at safety, health and well being of

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the surrounding communities. He stated he was present to say this was set in stone, it was just a recommendation based upon a study.

Mr. Howard stated based upon your utilization of the property currently occupied, which was our neighbor.

Mr. Provenzano stated correct.

Mr. Howard stated hypothetically, if the County were to say thanks for the information and we would make it available to anyone who wanted it, but there was not much we would do with it at this time. He asked how would Quantico feel about that, what would happen.

Mr. Provenzano stated Quantico would feel that Stafford County took the recommendation on board. He stated they were not present to interfere with the Zoning of Stafford County, but were present to make recommendations and present the information to the Planning Commission. He stated they would hope the Commission would take the recommendations.

Mr. Howard stated he appreciated the candid answer and he would answer yes there would have to be elements as part of the Comprehensive Plan because Quantico was a neighbor and would hope they would stay neighbors, as they provided local employment and did great things nationally. He stated he felt it had become part of the character of Stafford County to have Quantico as a good neighbor and felt maybe the Commission should take a little bit longer to incorporate some of the elements into the Comprehensive Plan and should do the due diligence.

Mr. Fields stated he felt the Commission, on the fundamental questions, understood the significance of Quantico and would warrant inclusion within the Comprehensive Plan. He stated he would ask Mr. Harvey and Mr. Zuraf as to what they saw as the logical first step for incorporating what was discussed into the Comprehensive Plan.

Mr. Harvey stated the map that was presented and discussed tonight be presented and discussed in Chapter 3, Land Use Plan, of the Comprehensive Plan. He stated the area where more guidance from the Commission may be required would be Chapter 2, Goals and Objectives, as to what the Commission would want to present as future action for that information, whether it was public disclosure as to the noise impacts of Quantico or go forward with the recommendations made with regard to the land use densities.

Ms. Kirkman stated the Commission had goal 4, which was to insure the health, safety and well being of Stafford County residents. She suggested the Commission add an objective regarding minimizing the noise and vibration impacts and potential safety hazards generated by Quantico Marine Corp base aircraft over flight and the use of live fire ranges. She stated within that have some specific policy recommendations regarding amending the existing military facility overlay district to include the area within the five mile radius and amend the military facility impact overlay district to limit residential density to one dwelling unit per ten acres. She also suggested amending the military facility impact overlay district to include noise level reduction in the building code, as recommended in the study. She stated one of the recommendations in the RCUZS report that was not discussed, but was important, was to amend the Zoning Ordinance to establish the maximum height restriction to four hundred and fifty feet for towers and other structures within certain paths. She also suggested adopting regulations outside those specific areas where there might be some noise and vibration impacts and to have a policy

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regarding notification of the Commander of the Base if there was an extension of the Urban Services Area (USA) within that five mile radius. She stated those were some of the types of specific policies that she thought could be recommended in Chapter 2. She stated she was not recommending the Commission make a decision about that tonight, just suggesting those were the kinds of things the Commission could look at.

Mr. Fields stated the Commission would bring this back to the next work session. He stated Ms. Kirkman had some ideas and other Commission members might have ideas as well and submit what the Commission would want to include or not include, what would be included now or things that would take work to include. He stated in a couple of weeks there would be refinement on some of the methodology of the noise impact.

Mr. Harvey stated looking at the Commission's agenda the next work session was booked up by subdivisions that had been deferred, the evening session currently did not have any public hearings scheduled and asked if the Comprehensive Plan could be scheduled for the regular session instead of the work session.

Mr. Fields stated that would be fine.

Mr. Zuraf asked if any Commission members had any policy suggestions, if they could get those request to him as soon as possible.

Mr. Di Peppe stated Mr. Fields' question concerning the perimeter being based on modeling or actual was a really good question to have answered as the Commission moved forward.

Ms. Kirkman stated on all the maps and graphics, noise zones 3 and 2 were depicted, but did not see anything for noise zone 1. She asked if it encompassed the entire county. She asked the representative from Quantico if he could look into that and respond back to the Commission.

ORDINANCE COMMITTEE

Ms. Kirkman stated a new Urban Services Area (USA) was presented to the Commission in the packets. She stated part of those boundary line changes were based on votes that the Commission had taken, but there were a number of changes that the Commission had not actually voted on. She stated in terms of including into the USA, they were suggestions that were discussed. She stated she did not know if the Commission would want to review those now or at the next discussion of the Comprehensive Plan. She stated there would need to be a vote on each of those items.

Mr. Field asked if she was talking about the area in the draft with the red outline.

Ms. Kirkman stated no, the red area included those actually voted on by the Planning Commission and some of the individual suggestions. She stated page 2 of the memo the Commission received from staff was called "the latest suggested changes from November 19, 2008" which were the items the Commission had yet to vote on.

Mr. Zuraf stated attachment 4, that identified the areas in red, did reflect every change that had come up of late that had not been voted on, which included everything suggested and listed in the memo.

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Mr. Fields asked if the red dots did include both.

Mr. Zuraf stated yes, attachment 4 was the Land Use Map that highlighted those areas and attachment 5 was the end result. He stated he had those on PowerPoint if the Commission would like to go through them one by one.

Mr. Fields asked the Commission members if they wanted to go through these items one by one and take a vote or move forward and deal with it some other time.

Mr. Di Peppe asked if the Commission could take a look.

Ms. Kirkman stated in the past, the Commission would have staff present each of the suggested changes and someone would make a motion. She stated if the Commission did not want to do that tonight, it could certainly be deferred until the remainder of the Quantico discussion.

Mr. Fields stated he had eleven changes with eleven descriptions and eleven votes. He asked staff if they were prepared to discuss each of those items.

Mr. Zuraf stated yes.

Mr. Fields stated the Commission would do as much as possible before seven o'clock. He stated the map was WS 1, Attachment 4.

Mr. Zuraf stated last night at the Board of Supervisors meeting, the Board adopted a revision to the Land Use Plan which did revise the USA boundaries. That was one of the maps the Commission received today, which was noted revised December 2, 2008. He stated when the Board made that recommended approval, the Board also said the Planning Commission should use that USA on the Land Use Plan that was created as part of the Comprehensive Plan.

Ms. Kirkman stated they probably made a recommendation to the Planning Commission, but did not believe they were in a position to direct the Planning Commission to include that. She stated what they voted on was an amendment to the existing Comprehensive Plan.

Mr. Harvey stated the Board requested that the Commission consider using the new USA that the Board had agreed to. He stated they felt it was a consensus document amongst the Board and suggested if the Commission had areas in the new Comprehensive Plan that were different from the USA that the Board had agreed to, that the Commission give those as separate recommendations and give some feedback to the Board as reasons why it would be different.

Ms. Kirkman asked Mrs. Roberts for clarification that it was up to the Planning Commission to prepare the draft map for the Comprehensive Plan.

Mrs. Roberts stated yes.

Mr. Di Peppe asked if the map could be brought up on the computer.

Mr. Fields stated it looked like most of the recommended areas that were going to be voted on had already been adopted.

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Mr. Zuraf stated on the current Land Use Plan.

Mr. Fields stated now that they have been added to the current Land Use USA, did the Commission want to keep them in the new USA. He stated who would have thought that the extension of water and sewer would be so complicated.

Mr. Howard asked what the recorded Board vote was on this change.

Mr. Zuraf stated 6-1.

Mr. Di Peppe stated these changes were added to the current, not the one the Commission was working on. He stated the question was rather or not these would survive to the new Comprehensive Plan.

Ms. Kirkman stated given the fact that it had taken the Commission quite a bit of time to figure out this, she would suggest the Commission think about this and bring it back to the next meeting.

Mr. Fields stated since the vote last night changed things that would be fine. He stated the Commission would move on to Ordinance Committee.

2. Proposed Ordinance to permit a “club/lodge/fraternal organization” in the B-1 Zoning District

Natalie Doolittle stated she would start with the club/lodge/fraternal organization in the B-1 Zoning District. On November 5, 2008, the Board requested the Planning Commission consider an Ordinance amendment to Section 28-35 Table 3.1, District Uses and Standards, of the Zoning Ordinance to permit a club/lodge/fraternal organization as a use permitted by-right in a B-1, Convenience Commercial Zoning District. The Resolution was received today and handed out to the Commission. She stated she would be happy to answer any questions.

Mr. Howard stated he did not have any questions at this time.

Ms. Kirkman stated actually Director Harvey may be in a better position to answer questions instead of staff. She asked if there was a specific situation that prompted the action.

Mr. Harvey stated it was his understanding there was a lodge that looked at and purchased a piece of property that was zoned B-1, located in the Aquia District.

Mr. Howard stated staff indicated it was a Masonic Lodge.

Mr. Harvey stated that was correct.

Ms. Kirkman asked if it was the same Masonic Lodge that had a piece of property on Route 1 that came before the Board of Zoning Appeals (BZA) for a variance and as a result of some of the actions there the Zoning Amendment was changed to reduce the open space requirements for certain types of organizations in A-1 Zoning Districts. She asked if it was the same group.

Mr. Harvey stated he believed so, he had not had specific discussions and was hearing everything second hand.

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Ms. Kirkman stated the Zoning Ordinance had been modified once for this organization. She asked if the Lodge was not going to use that parcel, or what was happening.

Mr. Harvey stated there were a number of issues with the parcel located on Route 1. Part of it was it did not have adequate site distance for the entrance and they were relying on development of an adjacent property for an entrance. There were also issues concerning water and sewer because it was located inside the USA. He stated he did not know if those factors led to the purchase of additional property, he was not sure he had all the facts correct as he has heard things second and third hand.

Ms. Kirkman stated this was to change one of the by-right uses in the Zoning Ordinance. She stated she noticed in the staff report to the Board, regarding non-listed uses and Conditional Use Permits (CUP), staff suggested deferring any changes to the Zoning or Subdivision Ordinance until the complete rewrite. She did not see that type of recommendation for this change to the Zoning Ordinance and asked the position of staff at this point. She asked Mr. Harvey if the position of the Planning Department was that there should not be any changes to the Subdivision or Zoning Ordinance until the complete rewrite.

Mr. Harvey stated he did not recall that being in the staff report. There was discussion amongst the Board members about the issue with the Comprehensive Plan and the overall rewrite of the Zoning Ordinance. Assuming the Comprehensive Plan would be taken care of this winter, there would be a number of months working through the process with the Planning Commission and Board. He stated in past efforts to redo the Comprehensive Plan amending the Zoning Ordinance took a number of years. There were certain mechanical things that would be better for an overall review with the Zoning Ordinance and there would be land use issues that the Commission would have to take into consideration based on the Comprehensive Plan recommendations that would have to be put in the Zoning Ordinance.

Ms. Kirkman stated to refresh Mr. Harvey's memory, the staff report regarding the non-listed uses and CUP's concluded with the statement "With the Comprehensive Plan and the Zoning Ordinance in a state of flux, the Board may wish to defer action on this proposal and consider it with the re-write of the Zoning Ordinance". She was trying to understand why staff's position on this particular matter was different.

Mr. Harvey stated in this particular case, this was something the Board had requested the Commission to move forward.

Mr. Howard stated as a point of order, he would like the Commission to have clarification if that was a recommendation made by staff to the Board of Supervisors last night.

Mr. Harvey stated he would go back and read the staff report, because there were some edits from the time he read the initial report and when it was sent out.

Mr. Fields stated currently a club/lodge/fraternal organization would require a CUP.

Mr. Harvey stated currently it would not be permitted in the B-1 Zoning District, but was a by-right use in the Agricultural Zoning District and the B-2 Zoning District.

Mr. Fields asked if the Eagles Club on Cool Spring Road was B-2.

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Mr. Harvey stated yes.

Mr. Fields stated the main change would be currently it was not permitted at all, even with a CUP.

Mr. Harvey stated that was correct.

Mr. Fields asked Mr. Harvey, as his standpoint as a professional planner, if he felt there was any compelling reason or a negative from an overall land use perspective to having it in a B-1 either with a CUP or by-right.

Mr. Harvey stated the purpose of B-1 zone was intended to serve the nearby neighborhoods with goods and services. Typically you would find clubs and lodges in areas near neighborhoods because that would be where the membership was and the club would serve the nearby community. He did not see that it would be incompatible with the uses in the B-1 zone. He stated it would be a different story if it was an industrial zone. You would not want people congregating in an area where there was heavy equipment. Currently it was permitted in the Agricultural Zone, which he could understand in older developments where clubs would serve rural communities. He stated standards today you would need those types of social halls in areas that were served by public water and sewer.

Mr. Fields stated if we were talking about working towards a more integrated community of the future where you had more mixed uses, it could be a positive.

Mr. Harvey stated it could be, it would depend upon the mix of use. If you had a club that had a lot of activities that was near a residential neighborhood, you could have some negative issues, but it would depend on the nature of the club and the residential area.

Mr. Di Peppe asked Mr. Harvey, from a planning standpoint, would he rather see it as a CUP instead of by-right, so if issues came up they could be addressed.

Mr. Harvey stated in a business zone, typically it would not be an issue, but again it would depend on where the business abuts residential. There were standard buffer requirements, currently if it was by-right there would be no limitation on the hours. He stated there were pros and cons both ways. Most clubs were not intense as far as their usage and activities to where they would conflict a lot with a neighborhood, but there was always that potential because the definition was open-ended.

Mr. Fields stated his concern was, if a fraternal lodge was by-right, what guarantee would you have if the use had some compatibility. He stated you may want to negotiate the scope. If it was a small lodge just for the use of the members that would be fine, but the Elks in Spotsylvania and the Eagles on Cool Spring Road, they were designed to be large commercial banquet facilities and the club was an accessory use and that would be very different than a hall where the members congregate.

Mr. Harvey stated in that context, a commercial zone would probably be the most appropriate for those types of activities.

Ms. Kirkman asked for clarification on something Mr. Harvey stated. She asked if this could be done through a CUP because it was a non-listed use.

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Mr. Harvey stated it was listed in other Zoning Districts, therefore it was only allowed in the districts listed.

Ms. Kirkman stated, to clarify, if a use was listed in another district, you cannot apply for a CUP as a non-listed use in the district where it does not exist.

Mr. Harvey stated that was correct.

Mrs. Carlone stated she was reading some of the different by-right uses in B-1 and felt this should be by CUP. The Commission would lose the ability to propose changes or recommendations that would fit the area that it would be in. She stated within the by-right uses it stated districts were to provide areas for selected retail shopping and personal services to serve the needs of the adjacent residential areas. If the Commission was to make any change at all, she would suggest under CUP.

Mr. Di Peppe asked the Commission where they wanted to go with this.

Mr. Fields stated his personal feeling was it seemed logical to permit the use in B-1 but would prefer it be with a CUP.

Mr. Howard asked if it could be done with a CUP. He thought the Commission just learned it could not.

Mr. Fields stated the Commission would have to create an ordinance to allow by CUP as opposed to by-right. His recommendation was to move forward with an ordinance basically with the language to initiate a Zoning Text amendment to allow club/lodge/fraternal organization in B-1 Zoning Districts with a CUP.

Ms. Kirkman asked for clarification from the Attorney since the Board sent this Ordinance to the Commission it could not be amended, only voted up or down.

Mrs. Roberts stated that was correct. If the Commission wanted to hold a public hearing it had to be on what the Board sent down, but the Commission could always send their recommendation up that the Commission felt this use should be with a CUP.

Ms. Kirkman stated at the same time the Commission could initiate a text amendment for a CUP.

Mrs. Roberts stated correct.

Mr. Mitchell made a motion to move this item forward for a public hearing.

Mr. Fields seconded.

Ms. Kirkman made a substitute motion to move this forward and at the same time have a text amendment for a CUP ready for the Commission to act on and move forward to public hearing as well.

Mr. Di Peppe asked the timeline.

Ms. Kirkman stated ninety days.

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Mrs. Roberts stated to Ms. Kirkman that she was not sure what the Commission would gain by having two different ordinances. If the Commission were to make a recommendation, the Board could adopt the ordinance with a CUP because it would be less restrictive. She stated if the Commission were to send the one ordinance with the recommendation after public hearing the Board can decide it should be modified to have a CUP.

Ms. Kirkman stated it would make it much cleaner for the Board and there would not be issues about whether or not there were procedural issues because the ordinance would have originated here by the Commission and would have had all the proper public hearings.

Mrs. Roberts stated the Commission would still have the proper public hearings. The Board could modify the Ordinance after their public hearing because it would be less restrictive.

Ms. Kirkman asked if a CUP was more restrictive than by-right.

Mrs. Roberts stated correct.

Ms. Kirkman asked Mrs. Roberts if what she was saying was less restrictive the Board could do it.

Mrs. Roberts stated if the public hearing was advertised by-right you could limit it to a CUP.

Mr. Howard asked Mrs. Roberts if she was indicating that would be post the public hearing.

Mrs. Roberts stated correct, the Board would have to hold the public hearing on what the Commission sent up, which was what they sent down.

Ms. Kirkman stated the Board would not be able to hold a public hearing on the CUP.

Mrs. Roberts stated correct.

Ms. Kirkman stated that was why she would stick to her substitute motion which was to send forward both the Boards Resolution and an Ordinance initiated by the Commission for this use as a Conditional Use Permit in that zone.

Mr. Fields seconded.

Mr. Di Peppe stated for the sake of discussion, he did not think it would take long to have the wording for the CUP ordinance. He stated he thought the Commission could have it by the next meeting.

Ms. Kirkman stated the Commission could have it tonight. She stated all that would have to be done was substitute.

Mr. Di Peppe asked if that could be done and send that forward.

Ms. Kirkman stated she thought the Commission could send both forward tonight.

Mr. Harvey stated it would be an easy amendment.

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Mr. Di Peppe asked if staff could bring that to the regular meeting, since it was close to the seven o'clock hour. He asked if the Commission could have the CUP ordinance come back tonight so both ordinances could be sent to public hearing together.

The substitute motion passed 5-2 (Mr. Mitchell and Mr. Howard voted no).

Mr. Di Peppe suggested base on the time, closing the ordinance committee discussion.

3. Establishment of time limits for plans
4. Elimination of the Preliminary Subdivision Plan Process
5. Propane Distribution Facilities (Deferred to December 17, 2008 Work Session)
6. Agricultural Districts Lot Yield (Deferred to December 17, 2008 Work Session)
7. Reservoir Protection Overlay (Deferred to subcommittee - Archer Di Peppe, Ruth Carlone, Gail Roberts and Patricia Kurpiel)
8. Rappahannock River Overlay District (Deferred to subcommittee - Peter Fields, Ruth Carlone, FOR and RRBC)

ADJOURNMENT

Mr. Fields adjourned the meeting at 6:56 p.m.

Peter Fields, Chairman
Planning Commission

STAFFORD COUNTY PLANNING COMMISSION MINUTES

December 3, 2008

The regular meeting of the Stafford County Planning Commission of Thursday, December 3, 2008, was called to order at 7:32 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, Howard and Kirkman

MEMBERS ABSENT:

STAFF PRESENT: Harvey, Roberts, Stinnette, Baker, Schulte, Schultis, Ennis, DeLamorton and Woolfenden

DECLARATIONS OF DISQUALIFICATIONS:

None

PUBLIC PRESENTATIONS:

None

Mr. Fields stated he would like say now that he was approaching almost a year on the Planning Commission and it had been a privilege to serve with all the Commissioners. He stated in his opinion it was an intelligent, articulate, thoughtful and caring group of individuals. He knew they all had their differences of opinion, but it was clear from the comments and actions that the Commissioners had the best interest of Stafford County at heart. He stated he truly respected and was grateful to all of the Commissioners and staff for their efforts. He stated just to be clear about process, when the Commission would ask questions, to have a clearly defined line of process and protocol, the questions at first were directed to either planning staff or the County Attorney. If staff could not answer the questions if there was an applicant involved, then the Commission would ask questions of the applicant. Third, if a member of the Commission could answer the question, it would be allowed. He stated when asking questions, they should always be addressed to the staff person. When a motion was on the floor and the Commission was debating, they should be debating amongst themselves. He stated just to be clear he planned to use that as a basis and would move forward to public hearings.

PUBLIC HEARINGS:

1. RC2800710; Reclassification (Proffer Amendment) - Stafford Hospital Center - A proposed amendment to proffered conditions on Assessor's Parcel 39-62 consisting of 72.6 acres, zoned B-2, Urban Commercial Zoning District, located on the east side of Jefferson Davis Highway approximately 1,800 feet south of Courthouse Road within the Aquia Election District. The amendment specifically allows additional time for completion of the hospital access road, and would not affect the intensity of the use as allowed in the B-2 Zoning District. The Comprehensive Plan recommends the property for Urban Commercial and Office uses. The Urban Commercial designation would allow the development of commercial retail and office uses. The Office designation would allow a variety of office uses and low intensity commercial retail activities. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses in the B-2 Zoning District. **(Time Limit: March 3, 2009)**
2. CUP2800711; Conditional Use Permit - Stafford Hospital Center - A request to amend conditions associated with a conditional use permit which allows a hospital within the HC, Highway Corridor Overlay Zoning District; allows a hospital and medical clinic uses in a B-2, Urban Commercial Zoning District; and allows an exception to height requirements up to 90 feet in a B-2, Urban Commercial Zoning District, on Assessor's Parcel 39-62 consisting of 72.6

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acres, located on the east side of Jefferson Davis Highway approximately 1,800 feet south of Courthouse Road within the Aquia Election District. The amendment specifically amends conditions to allow additional time for completion of the hospital access road. **(Time Limit: March 3, 2009)**

Kathy Baker presented the staff report for items 1 and 2. She stated this request was to amend proffered conditions on property previously zoned B-2 and to amend a CUP which would allow a hospital and medical clinics in a B-2 zoning district and to allow a hospital in the HCOD. The Board authorized the County to act as the agent. The property was located on the east side of Jefferson Davis Highway south of Courthouse Road. She stated in 2006, MediCorp rezoned approximately 37 acres to B-2 and received a CUP. In 2007 they added additional acreage and received subsequent rezonings and CUPs on those acres. The existing proffers and conditions, encompassing the total 72 acres, would require a road connection from Route 1 to Courthouse Road prior to occupancy. The hospital was under construction and would be ready for occupancy in February 2009. She stated the proposed Stafford Hospital Boulevard would not be complete until April although it was completed up to the second entrance and they did have full access. This request was to amend the proffers and conditions to extend the time of road completion until April 30, 2009. She showed an existing zoning map, land use plan map, a pre-construction aerial photograph and a concept plan. The hospital center would be developed in two (2) sections with an east and a west campus on the entire 72 acres, with the hospital in the west campus. No plans had yet been submitted for the east campus. Stafford Hospital Boulevard would serve the entire site with a connection from Route 1 to Courthouse Road. She stated MediCorp was proposing to revise proffer number 3 and condition number 7 from the original Proffers and Conditions. They currently would require the road connection at the time of occupancy permit and they were proposing to change the proffer and condition to be completed by April 30, 2009. They were talking about a 2 to 2½ month delay in having that road connection provided. She stated the Transportation Impact Analysis (TIA) was submitted in 2006 with the original applications. The improvements recommended included a 4-lane access road (Stafford Hospital Boulevard), turn lanes on Route 1 and Courthouse Road, double ingress-egress lanes from Stafford Hospital Boulevard to Route 1 and to Courthouse Road, and traffic signals, if warranted, at Stafford Hospital Boulevard and intersections with Route 1 and Courthouse Road. The TIA recommended the Route 1 entrance be constructed with the first phase (hospital construction), and the Courthouse Road entrance would be constructed with the second phase. She stated Stafford Hospital Boulevard had been constructed up to the second hospital entrance with the turn lanes and frontage improvements complete on Route 1. The traffic signal on Route 1 had been installed and would be operational at the time of the hospital opening. She stated staff recommended approval of both applications. It would allow the earlier opening of the hospital. They have determined that the delay would have no long term traffic impacts and it was consistent with the recommendations of the TIA. She noted the hospital would not be at full capacity at the time of opening. The Board resolution required action by December 31, 2008.

Mr. Di Peppe stated he thought they had until the end of March.

Mrs. Baker stated that was the actual limit that would have normally been associated with this under statutory requirements but based on the resolution the Board was requesting action by December 31, 2008.

Ms. Kirkman asked for clarification from the County Attorney because she knew that existed around certain Ordinances that were sent to the Board that there were time limits that the Board could impose but she was not aware of where the Board could pose time limits beyond what the State Code authorized.

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Ms. Roberts stated by this Resolution the Board was saying in their opinion and they voted that it would be in the public necessity, convenience and general welfare, and good zoning to do this as soon as possible so they were requesting by resolution that the Planning Commission act before the end of the month.

Ms. Kirkman stated it was a request and asked if the Board could direct the Commission to act any quicker than the time limit of the State statute.

Ms. Roberts stated in a rezoning she was not aware of any State Code provision that would allow that.

Mrs. Carlone asked what the circumstances were beyond their control for the delay in the road construction.

Mrs. Baker stated she would have the representatives from MediCorp answer that question.

Mr. Fields asked the Commission if it was okay to hear from the representatives of MediCorp since the County was the applicant.

Mr. Di Peppe asked why the County was the applicant rather than MediCorp.

Mrs. Baker stated because the Board chose to act that way.

Mr. Di Peppe asked if she knew of any reason why.

Mrs. Baker stated the Board would do that on various occasions and did not know without asking them specifically.

Ms. Kirkman stated for clarification did the Commission want the representatives from MediCorp now or clear the questions for staff.

Mr. Fields stated to clear the questions for staff first.

Mrs. Carlone asked again what the circumstances were beyond their control.

Mrs. Baker deferred that question to MediCorp.

Ms. Kirkman stated this was the first time she had had one of these animals before her where it was seeking to change the conditions of a CUP and amend the proffers on a rezoning. She asked the County Attorney, if by bringing it before the Commission, would that open up a ball of wax. She asked in other words, at this point could the Commission also consider additional proffers or additional conditions.

Ms. Roberts stated that questions had been discussed that for years. Proffers were just proffers and were before the Commission. She stated she was sure the Commission was aware proffers were voluntary.

Ms. Kirkman asked staff what the cost for an application for a proffer amendment and for a change of conditions on a CUP was.

Mrs. Baker stated she did not recall and would have to look.

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Mrs. Schulte said she would look it up.

Mrs. Carlone asked when could they request consideration be added to their proffers.

Mr. Fields stated he would ask the County Attorney to help him with this but he was assuming if, by implication, once the proffers were opened they were open and he would assume before the public hearing if they were going to suggest other ones, but since they had not been advertised he was not sure where the line was of what they could do or not do.

Ms. Roberts stated that was what concerned her in this case. As she recalled, the notice specifically said it was for the sole purpose of the timing and that language, she did not think, was usually in there. She stated that would make her uncomfortable changing other proffers without re-advertising.

Mr. Fields stated it was not possible, but it would go beyond the scope of this advertisement from a technical standpoint.

Ms. Kirkman asked if they could get clarification because she did remember there had been several bouts in some court cases regarding proffers. She thought the language now read so long as they were not substantially different they could be changed at any time.

Ms. Roberts stated she was not concerned with the changing of the proffer, she was concerned with the adequacy of the notice for this hearing.

Ms. Kirkman asked if there was some change the Commission needed to make, they would just need to re-advertise.

Ms. Roberts stated that would be her recommendation, depending on the change. If it was just regarding the road she thought they could cover it in but she did not have the exact language of the ad. If it was something totally unrelated, she agreed it should be re-advertised.

Mr. Fields stated the language contained in R08-552 was what the Board requested to be on the table and what was advertised to be discussed at this public hearing and resolved at some point before December 31, 2008.

Mr. Harvey stated yes he was clear that the intent of the Board was specified in this Resolution, that was how the application was put together and had been forwarded and advertised and focused on the issue about the timing of the road and its completion.

Mr. Fields stated if they wanted to discuss some nuances of that proffer, that was consistent with what the Board's intent was which was to discuss the timing of the road. If they wanted to take some of the other proffers that were in the whole package, that would require essentially the initiation of a whole different prospect. Since it was now on the table, in theory, they could defer action on this and then add another public hearing if there was another issue. He stated he was just trying to understand.

Mr. Howard asked which road they were asking for postponement on for two months.

Mrs. Baker explained which road they were talking about from the GDP.

Mr. Howard stated the proposal was to delay the second point of entry into the complex for two months.

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Mrs. Baker stated yes, which was consistent with the original TIA.

Mr. Howard asked what was the projected traffic increase and what the TIA indicated for the first 3 months. He asked if it was done in any type of increments like a quarterly increment. He asked what the expectation of the traffic increase based on the hospital opening and were there different analysis based on phase one and phase two.

Mrs. Baker stated the analysis was based on different square footages of the hospital, the occupancy of the hospital and the square footage of the additional office complexes. Based on that, the amount of square footage and the amount of traffic generated by this phase which was the west campus, just having this entrance was acceptable for this portion of the development.

Mr. Howard stated the traffic analysis indicated that with only the entrance on Route 1 that would be adequate if just the west campus was built-out in terms of the square footage that was proposed and asked if that was correct.

Mrs. Baker stated that was correct.

Mr. Howard asked if that also included any of the modifications to Route 1 that she indicated verbally, some turn lanes and deceleration lanes that would have been part of the process. He asked if that was also part of this request.

Mrs. Baker stated all the improvements that were recommended with the TIA had already been constructed and completed with regard to the Route 1 improvements, the turn lanes, the frontage improvements and the signal installation.

Mr. Di Peppe stated it appeared that the entire length of the road, when completed from Route 1 to Courthouse, would be about 2/3 of a mile and asked if that was correct. He asked how far it was from Route 1 to the loop around the hospital.

Mrs. Baker stated it looked to be about 1800 feet to the second entrance.

Mr. Di Peppe stated then they were a little less than halfway to Courthouse Road.

Mrs. Baker stated yes.

Mrs. Carlone asked when this was proposed by the Board of Supervisors, then the fees would be waived for proffer amendments and asked how much they were for both these actions.

Mrs. Baker stated that was correct, that the fees were waived and asked Mrs. Schulte if she found the answer as to how much they were.

Mrs. Schulte stated the proffer amendment was a base fee of \$10,000 and for every acre over 5 acres was \$25 per acre. There was also an adjacent property notification fee which was based on the number of properties adjacent to the property in question and that was \$6.14 per property for notification. She stated she did not have time to look up the CUP but that was about \$8,400 for the base fee and it would also have adjacent property notification and acreage fees as well.

Mrs. Carlone stated it would be about \$19,000 that the Board waived and she did have a problem with that.

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Ms. Kirkman stated this went through 2 public hearings and asked why it was built into both the CUP and the reclassification that this road be completed prior to opening.

Mrs. Baker stated the proffers and the conditions mirrored each other for simplicity sake.

Ms. Kirkman stated she knew they mirrored each other but clearly it went through two separate legislative processes and both bodies thought that was important. She asked what the thinking was at that time about why it was important for the entire road to be open at the time of the hospital getting the occupancy permit.

Mrs. Baker stated just for the ease of access to both traffic coming from Courthouse Road as well as the Route 1 area, it would give an alternate access point. She did not recall all the specific reasons why it was requested that way.

Mr. Fields asked the representative from MediCorp to come forward. He stated the first question was a fundamental/technical reason for the delay.

Walt Kiwall, President of Stafford Hospital Center, stated the request was to open the hospital about 60 days before the completion of the upper road. In essence, it was not a delay in the opening in the upper road, it was the fact that they were completing the hospital 2 months ahead of schedule. They committed to work with County Administration and resources in order to move this project along because of the need to have inpatient/outpatient services for the citizens of Stafford County. He stated as they approach the winter season, Mary Washington Hospital would be at its capacity. They would not be able to place patients in their private room settings with all the appropriate equipment in place mainly because of volume. This project started more than four (4) years ago and the community has grown significantly and faster than some of the projections originally put in place. He stated the original projected opening timeframe was the beginning of the second quarter of 2009. That project timeframe was set approximately three (3) years ago. They were at a point now where they believed because of the demand and need in this community and the fact that they would be putting patients in less than optimal settings in MWH because of the demand and volume that it would be prudent for them to get Stafford Hospital Center open as quickly as they could during the winter of 2009. He stated they were committed to completing the road and were committed to completing four (4) lanes of road up to Route 630 when the proffer was actually for two (2) lanes to be completed up to Route 630. The additional two (2) lanes of traffic for more than half the distance would be approximately an additional ½ million dollars. He stated with all the work and coordination of staff they would be able to open up Stafford Hospital Center two (2) months ahead of its schedule. As for the road that would go up to the upper end of the campus, in the middle of winter was not the best time to be finishing roads. The road had been cut clear up to Route 630 and they would not stop working on it. All of the traffic signals on Route 1 in accordance with the requirements would be in place. They would have the Boulevard road connected up to Route 630, all the requirements on turn lanes and everything that was in the documents related to the construction of that road done by the end of April in their projections and that was what they were committed to do. He stated they were asking for this Commission and the County to permit them to open up Stafford Hospital Center approximately two (2) months before the original schedule so they could better serve the citizens of Stafford County.

Mr. Di Peppe stated he still had not heard why the road was not completed in two (2) years. He asked why they built a road they did not need and neglect a road that they promised to build.

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Mr. Kiwall stated a \$160 million project went far beyond the construction of the road. It was a very sophisticated project to get it up and all the building done and they were able to complete the building structure itself in a quicker manner than the general project timeline for the entire site. The road timeline was to be completed in April originally. The building itself moved along much faster than they anticipated and with the demands that were placed upon MWH, it would serve the patients better for them to get the facility open quicker. He stated they were not actually delaying the completion of the road.

Mr. Di Peppe stated he answered the question he wanted to answer instead of the question that was asked. They built a ½ mile of road they did not need to open instead of the 4/10 of a mile part of the road that they did promise, that they would have complete by the time they had occupancy.

Mr. Fields clarified that Mr. Di Peppe was asking if there was a decision process of this or that where the loop road that followed around the hospital was done instead of the completion of the road to Courthouse Road. Was the loop road on its own trajectory and the decision to do that, did that factor into the decision on the other completion.

Mr. Kiwall stated it did not. The original site work, there were two pieces of site work on the property, they had wetlands running through the middle of the property, the site work around the proper of the hospital was all part of the general hospital project. The Boulevard itself was on its own timeline, both original timelines looking to be completed by the end of April. He stated there was a lot of dirt that needed to be moved on the east campus with wetlands to go over and bridges to build. It was more complex then putting a minor loop road around the back of the hospital. They were two projects that were running parallel with the main project around the hospital to be completed, the Boulevard to be completed, the decision to make it four lanes, those two projects although they were one of a singular site, the road itself had its own project. They were both originally designed to be completed simultaneously in April. He stated they did not hold anything back, they were just able to complete the main hospital and the area around the hospital much quicker.

Mr. Di Peppe asked if the same people that were building the road through also building the loop.

Mr. Kiwall stated they were the same people but two (2) separate contracts.

Mr. Howard asked them to articulate the reason they had the interior road built. He asked what the purpose was for the interior roadway that circled the hospital.

Mr. Kiwall stated there was parking behind the hospital and if something were ever to happen on the Boulevard, they would need another way to get back in and around the hospital. They would always have more than one road around the hospital just in case something would happen. The loop road was the road that the supply trucks would use to get into the facility.

Mr. Howard stated it would allow for additional circulation around the hospital. He asked if that road had intended to be built from day one.

Mr. Kiwall stated yes.

Ms. Kirkman asked him to explain why the County was the applicant rather than MediCorp.

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Mr. Kiwall stated he sent a letter to the County explaining their request to make that change and the County Administration and Board and they made the decision to act on their behalf.

Ms. Kirkman stated they must have had some discussions with them and asked how it came out that they would be the applicant and not MediCorp. She stated she was sure they must have discussed that.

Mr. Kiwall stated they did have discussions and they said they would take the position to be the applicant. He did not know why.

Ms. Kirkman stated they spoke that the position was not that the road was being delayed but that they were planning on opening early. If there was no need for that, she asked if the need changed since last year.

Mr. Kiwall stated the need had changed quite a bit. The volume at Mary Washington Hospital (MWH) was more than 9 percent and volume projections, actual utilization, were now higher than originally anticipated. With reasonable winter surge that happened every year they clearly believed that the need would be there.

Ms. Kirkman asked if there were any indications the flu season would be any worse than it was last year.

Mr. Kiwall stated no, just the fact that every January through April the census climbs and it had done so for more than twenty (20) years.

Ms. Kirkman asked if they have ever had to shut down the ER because of a full inpatient.

Mr. Kiwall stated no they had not and they had done whatever they could to take care of the patients and not always in the most optimal settings.

Ms. Kirkman asked him to explain the sense of urgency to open two (2) months early and what he meant by not optimal.

Mr. Kiwall stated MWH had 190 medical/surgical beds available for the patients. They have to zone-cover the patient population which meant they could not put anybody just anywhere. It was anticipated they would be anywhere from 15 to 25 patients on any given day in the months of January through April beyond the configured inpatient beds at MWH. He stated there was an infrastructure in every room and beyond capacity they would have to find other areas to place inpatients. Those areas would not be equipped or designed in the same way that an inpatient room would be designed. They would have to use a lot of mobile and battery equipment and it was clearly less than optimal. He stated nearly every room was private. They were clearly committed to get all four (4) lanes of the Boulevard open. The traffic studies had shown that the entrance would handle all traffic. It would provide better access to the citizens of Stafford County. He stated they would have a state of the art facility to be in. They would not stop working on the road and he was not even sure if they would be able to get asphalt in January or February, depending on the weather.

Ms. Kirkman asked if they had ever stacked patients in ER.

Mr. Kiwall stated yes.

Ms. Kirkman asked if they had to stack them in the halls.

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Mr. Kiwall stated they did not do that, that they would double up in rooms and hallways and not sit in the emergency department.

Ms. Kirkman asked him to explain the statement of not opening up at full capacity.

Mr. Kiwall stated they would not have demand at full capacity. It would take more than five (5) years to get a hospital built from the time of planning to the time of authorization to the time of construction, and they always had to build them greater than needed. Their projections for the budget for next year for Stafford Hospital Center was an average daily census of about forty-two (42) to forty-four (44) patients and all one hundred (100) beds would be complete.

Ms. Kirkman asked if all construction inside the hospital would be complete.

Mr. Kiwall stated yes.

Ms. Kirkman stated there was a discussion about the road when they were looking at their transportation plan and unrelated to the need for volume or flow a second connector between Route 1 and Courthouse Road had been added by staff to the potential future road plan. It was stated that was done because they did not want to see a connection that ran from a Courthouse interchange and fed into the connector road around the hospital that they were building. She asked him to clarify that statement and if they objected to the Courthouse interchange hooking up to their road.

Mr. Kiwall stated they did not object to the Courthouse interchange hooking up to the road. The discussion was how much traffic volume would they want on a main road that came up to a hospital that served the region. Some of their concern was just traffic volume.

Ms. Kirkman stated her last question was these applications actually do cost the taxpayers and asked if they were willing to reimburse for the cost of the fees for these two applications.

Mr. Kiwall stated yes. They also decided to spend extra money on the roads as well which was beyond the proffers.

Mr. Di Peppe stated he was still trying to find out what were the circumstances beyond their control that kept them from building the road all the way through. It was because it was the main proffer when they negotiated this deal. He asked why in two (2) years they could not build 2/3 of a road.

Mr. Kiwall stated they were separate projects and were to be done at the same time and to get asphalt in the middle of winter would be an issue in itself. One of the reasons for the delay on the upper road was they had to procure another piece of property. They found out from VDOT that they needed extra space for acceleration lanes out of the Boulevard. They did not originally have the Wilson piece of property and they could not put the plan in to get the road done until they acquired that piece of property which included some spirited negotiations to get that done.

Mr. Di Peppe asked when they acquired that property.

Mr. Kiwall stated in August 2008.

Ms. Kirkman asked the fact that they did not acquire the property until August meant they could not submit the plan.

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Mr. Kiwall stated that was correct.

Mr. Fields opened the public hearing.

With no one coming forward, the public hearing was closed.

Ms. Kirkman stated the representative of MediCorp indicated that they would be willing to pay the costs of what would have been the fees had they been the applicant and asked how they could work that into this.

Mr. Harvey stated that was a voluntary agreement on their part. They could ask them if they would be willing to put it in writing.

Ms. Kirkman stated they were not the applicant so they could not agree to that proffer.

Ms. Roberts stated they could write up a separate agreement.

Mr. Howard asked what method or process would Mr. Harvey use in order to come up with the estimate for the applicant. He asked what fees they were going to charge MediCorp.

Mr. Harvey stated there was a formula in their application forms. As Mrs. Schulte stated there was a base fee and there were so many dollars per acre that would be impacted.

Mr. Howard asked if there was a way to give them an estimate tonight so they would know what they were signing up for.

Mr. Harvey stated yes.

Mr. Mitchell made a motion to recommend approval.

Mr. Rhodes seconded.

Mr. Di Peppe made a substitute motion to retain this item in committee. They still had not received answers to all the questions and he was very unhappy with the way this had turned out.

Mr. Fields stated it failed for lack of a second. He asked if there was any discussion regarding the original motion.

Mr. Howard asked if the person who made the motion accept a friendly change in wording to include that MediCorp had agreed to pay the fees. He asked if that would carry along with this approval.

Ms. Roberts stated it would be better dealt with in a separate agreement.

Mr. Howard withdrew his request.

Mr. Di Peppe stated he was disturbed that they spent all their time building two (2) ways in and out for supplies but not two (2) ways in and out for people in ambulances. He could not support this because the agreement was it would be open and they had people show up for the public hearing that for safety

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reasons, not safety of supplies but safety of people, that they would have two (2) ways in and out and he could not support the delay. He was also unhappy that the County was the applicant but at least they were trying to rectify that.

Mr. Mitchell stated he had mixed emotions on this particular issue but he had to look at the overriding need for healthcare and the overriding need for taking care of the citizens. He also had very mixed emotions on the reimbursement for the fees as the \$20,000 was not going to make or break this issue. They had historically given different organizations which do well for the County a break or refunded their fees. The County chose to be the applicant and the County chose to defer or waive the fees.

Ms. Kirkman stated she inquired about the fees and would MediCorp be willing and she was taking them on their commitment tonight regardless of the fact that they had not bound that into writing as of that moment. MediCorp generates revenues in excess of the millions and they were in far better shape than the County right now. She stated she certainly appreciated their willingness to do that.

Mrs. Carlone stated this was not punishment, this was just a fact of life that the County was in very bad shape.

Mr. Howard stated he agreed with Mr. Mitchell that the hospital was desperately needed. He thought MediCorp did a good job of explaining the need not only in Stafford County but the region and it would certainly benefit the County. He understood Mr. Di Peppe's concern about the road and he thought they all shared that same concern. He stated he thought they had the word of MediCorp and knowing the corporation from a distance they would come through with the road. He was grateful MediCorp stepped up and said they would be willing to participate in their fiscal issues and pay those fees and help support the County.

Mr. Fields stated those were all good points and he respected everybody's point of view. Part of the issue was MediCorp had made a reasonable case that they were not delaying the road but that they were opening the hospital early. He stated on the issue of the County being the applicant, he asked everyone to remember that the Board was tasked with a fairly awesome responsibility for the economic well-being of the County that sometimes go well beyond the scope of what the Planning Commission would deal with. He stated he was not sure he agreed with the Board of Supervisors being the applicant, he would support the issues.

Ms. Kirkman she was trying to find in the original proffer the Ordinance O06-29 where it stated that the Boulevard had to be completed prior to opening and asked if someone could point it out to her.

Mrs. Baker stated number 3 on Ordinance O06-29 at the very end and it required two (2) of the four (4) lanes be completed.

The motion passed 6-1 (Mr. Di Peppe opposed).

Mr. Mitchell made a motion for CUP2800711 Conditional Use Permit amendment for Stafford Hospital Center.

Mr. Rhodes seconded.

The motion passed 6-1 (Mr. Di Peppe opposed).

Mr. Di Peppe asked if the Commission could go to Ordinance Committee real quick.

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Mr. Fields stated the Commission would go back to Ordinance Committee to allow staff to leave instead of waiting.

Mr. Harvey stated he would like to point out there was an item of new business on the agenda.

Mr. Fields stated he would allow Ordinance Committee ten minutes.

Mr. Di Peppe stated the Committee would move to the establishment of time limits to plans.

Brenda Schulte stated at the last Planning Commission meeting staff was directed to evaluate and refine some proposed sections and specifically the criteria for what constitutes a revision as well as including the consequences for the application not meeting the proposed time limits. She stated staff added those in the three (3) sections by refining and reducing down from the earlier proposed nine (9) reasons for an extension and by also adding immediately following that section that criteria for the consequences for not meeting that time limit. She stated another concern that was raised was the State enabling legislation and the County Attorney's office provided State Codes 15.2-2240 and 15.2-2241, number 9 as meeting some of that State enabling legislation. She stated if the Commission had other questions or concerns she would be happy to help them.

Mrs. Carlone asked if something was misplaced when being routed, was there a date of extension prior to expiration of the time limit.

Mrs. Schulte stated this ordinance was more for establishing a time limit for response to comments. She stated the case planner would contact any department or agency if they had not responded.

Ms. Kirkman stated she had three comments regarding the reasons for extensions. Number 2, vacation, abandonment, condemnation of easements or right-of-way, she would suggest there needed to be a clarification that would need to specify, "that became necessary through the review process". She stated if the applicant knew items were required and just did not get them, in her opinion, was not a valid reason for extension. She stated she was not comfortable with number 6, other specific reason as deemed valid by the agent. She stated that would mean anything else and she was not comfortable with language that broad. Finally under I, she stated she had questions about the legality of saying the application would be denied. She stated under certain applications, only the Planning Commission had the authority to make a decision about denial or approval. She stated she was not sure what would be the correct wording, perhaps "the application shall be deemed incomplete and returned to the applicant or the application shall be withdrawn". She stated she was not sure of the correct term, but she did question whether or not deny was the correct term.

Mrs. Roberts stated she originally had that same concern, but when she read it again she realized that paragraph C only dealt with construction plans, which did not go before the Commission. She stated she would agree that maybe there was a word better than deny.

Ms. Kirkman stated this would apply to any application.

Mrs. Schulte stated it was in the section for site plans, in Section 22-261 for preliminary and also in Section 22-77 for construction plans.

Ms. Kirkman stated the issue was around preliminary plans.

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Mr. Di Peppe asked if the Commission would like to make a motion.

Ms. Kirkman asked if those items could be fixed and brought back next time.

Mr. Di Peppe stated maybe a motion with those changes.

Mr. Fields suggested giving staff one more chance to revise the language.

Mr. Rhodes stated he understood the comment concerning Number 6 being too broad and open. He stated there was always a circumstance that merits. If the Commission only had five circumstances, that would cause the plan to be rejected and returned and the applicant would have to reapply. He stated he thought there were some things that the Commission should trust the Planning Director or the agent to recognize. He stated he wondered if there might be other language or something that sets an understanding of a higher expectation possibly than just anything the applicant would come up with or some process to have an option. He stated the Commission would not think of every reasonable and appropriate circumstance.

Ms. Kirkman stated she was willing to consider language that would tighten it up and retain some flexibility. She stated she did want to point out that this section did not apply to the returning of the application. She stated it was the criteria to request an extension.

Mr. Di Peppe stated this would be retained in committee and allow staff on opportunity to revise the language. He asked if staff had any questions concerning what the committee was asking.

Mrs. Schulte stated she would review and consider some more specific but flexible language on number 6.

Jon Schultis stated with respect to the elimination of the preliminary plan, the last time the Commission met to discuss this subject he was directed to come up with an overall road map with all the different pieces and parts that would be involved in putting this together. He stated to give the committee a brief update, he met with the Utilities Department and the Stormwater crew concerning changes that would have to be made to facilitate this. Both have indicated that code changes would be needed which were outside the Planning Commissions' prevue, one would go before the Utilities Commission and the other would go directly before the Board of Supervisors. He stated in addition the Stormwater Manual would have to be changed and that would also go directly to the Board of Supervisors. He stated although that would be an extra step in the process it was certainly not impossible. He stated both indicated they could live without a preliminary plan, and in the case of Utilities, they would need to see some type of concept plan which would outline various issues including a hydrologic analysis, Urban Service boundaries with respect to the plan and other concept layout design features that were required with Utilities. He stated in the case of Stormwater, they felt a concept plan for residential development would be essential. He stated he hoped to speak to Fire and Rescue later in the week, but after speaking with the first two agencies, the trend he was seeing, outside of the code changes, was they could do without the preliminary plan but he feared that instead of one overall preliminary plan there would be eight different concept plans. He stated he was not sure at this point how the concept plans would be put together and not be a preliminary plan as defined by State Code.

Mrs. Carlone asked how many other jurisdictions had eliminated their preliminary subdivision plan.

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Mr. Schultis stated out of one hundred counties in Virginia he has not found one. He stated he had seventy-five confirmed that have not and was waiting on responses for the other twenty-five. He stated the most notable part of the research showed the larger counties in Virginia, those with over ninety thousand people, had a preliminary plan.

Ms. Kirkman stated conceptually speaking, she had seen some Subdivision Ordinances where prior to the submission of the preliminary plan, they were required to submit a concept plan. She asked if there was any reason why as part of the construction plan, the first step could not be a concept plan that did not have the same level of detail as a preliminary plan.

Mr. Schultis stated he would imagine so, but finding the wording that did not put you in a position where it would be a concept plan fulfilling conceptual items, but in lieu of this being ground breaking policy, his fear would be we would have these concept plans and an applicant that decided to pursue this legally could say the concept plans essentially equate a preliminary plan and were subject to the qualifications therein.

Ms. Kirkman stated she was not suggesting eight different concept plans because we did not require eight different preliminaries for each department. She stated she was suggesting a concept plan that was a precursor to the construction plan that did not require the level of detail that was required in preliminaries. She stated a list could be compiled which stated what Utilities would be needed in the concept plan specifically.

Mr. Schultis stated the meeting with Utilities was preliminary, but they did outline a few things. He stated with respect to eight different concept plans, what he meant by that was there were a number of different agencies that may require a concept plan if the preliminary was dismantled.

Ms. Kirkman stated there was no reason something that was less than a preliminary could be done which would meet the minimum information. She stated she was trying to understand if there was any reason why a concept could not be the first step for a construction plan, one concept plan that would require the minimum that was needed for those agencies, but not the maximum of what was included in the preliminary now.

Mr. Schultis stated he would research and present his findings to the committee the next time they meet. He stated that was something he was looking into with the research, how do we have these concept plans not be a preliminary.

Ms. Kirkman stated there were localities right now that require concept as a first step of a preliminary plan that was separate from the preliminary, so we know there was a way to distinguish between the two.

Mr. Fields stated as we go forward, this would be a question for County Attorney to come back to us with. If we ended up with a situation, even if it was a broad concept plan, would we end up with a situation that someone could argue that legally this would become a significant governmental act that would trigger their vesting.

Mrs. Roberts stated she had the question written down.

Mr. Field asked Mr. Schultis if he could find out if any of the counties in Virginia, with over fifty thousand people, that have experienced two percent growth or greater over the last decade have greater than three acres by-right density in their agriculturally zoned land.

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Mr. Schultis stated to make sure he had it correctly, counties with over fifty thousand people that have experienced two percent growth over, what was the time period?

Mr. Fields stated over the last decade. He stated since all counties required preliminary plans, how many of those counties had greater than three acres, most likely ten or twenty-five acre zoning in their A-1 land verses three acres.

Ms. Kirkman asked if his interest was there was a big difference in vesting between lots with one house per twenty-five acres verses one house per three acres.

Mr. Fields stated yes.

Mr. Schultis stated he would be sure to get that information.

Mr. Di Peppe stated he believed the committee was done with the ordinances.

Mr. Fields stated they would move on to new business, Southgate Section 2.

UNFINISHED BUSINESS:

3. SUB220849; Arkendale Estates - Preliminary Subdivision Plan - A preliminary subdivision plan for 132 single-family residential lots on public water and sewer, zoned A-1, Agricultural and B-2, Urban Commercial, consisting of 569.04 acres located at the intersection of Arkendale Road and Brent Point Road on Assessor's Parcels 31-50, 31-95 and 31-97 within the Griffis-Widewater Election District. **(Time Limit: December 24, 2008) (History - Deferred at October 1, 2008 Regular Meeting to November 6, 2008 Work Session) (Deferred at November 6, 2008 Work Session to December 17, 2008 Work Session)**
4. SUB2700206; Sycamore Hills - Preliminary Subdivision Plan - A preliminary subdivision plan for 30 single family residential lots zoned A-2, Rural Residential, consisting of 186.41 acres located on the north side of Raven Road approximately 4,500 feet south-east of Brooke Road on Assessor's Parcels 48-1 and 49-27 within the Aquia Election District. **(Time Limit: December 24, 2008) (History - Deferred at October 1, 2008 Regular Meeting to November 6, 2008 Work Session) (Deferred at November 6, 2008 Work Session to December 17, 2008 Work Session)**
5. Adoption of the Comprehensive Plan - A proposal to adopt the Stafford County Comprehensive Plan in accordance with Section 15.2-2223 of the Code of Virginia (1950), as amended. The Comprehensive Plan serves as a framework to guide coordinated and harmonious development of the County, in accordance with present and probable future needs and resources, and best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities. The plan consists of background data; goals, objectives and policies; land use policies and map; the costs of growth and development; and data projections and subsequent needs of the County. This proposal would include adoption of a Land Use Plan map, dated September 24, 2008. The proposal would also repeal the current Land Use Plan component of the Comprehensive Plan, including the text dated February 2003, and Land Use Plan map dated February 13, 2003, last revised August 19, 2008. **(History - Deferred at October 15, 2008 Regular Meeting to November 6, 2008 Work Session)**

**Session) (Deferred at November 6, 2008 Work Session to November 19, 2008 Work Session)
(Deferred at November 19, 2008 Work Session to December 3, 2008 Work Session)**

6. RC2800372; Reclassification - Hills of Aquia Commercial - A proposed reclassification from R-1, Suburban Residential to B-2, Urban Commercial Zoning District to allow for commercial development on Assessor's Parcel 21Y-2A-F consisting of 3.19 acres, located at the southeastern intersection of Coachman Circle with Jefferson Davis Highway within the Aquia Election District. The Comprehensive Plan recommends the property for Urban Commercial and Resource Protection Area use. The Urban Commercial designation would allow development of commercial, retail and office uses. The Resource Protection Area is intended for the preservation of natural resources. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses in the B-2 Zoning District. **(Time Limit: February 4, 2009) (History - Deferred at November 6, 2008 Regular Meeting to November 19, 2008 Work Session) (Deferred at November 19, 2008 Work Session to December 17, 2008 Work Session)**

NEW BUSINESS

7. SUB2600305; Southgate, Section 2 - A preliminary subdivision plan with 24 duplex units on 12 lots, zoned R-1, Suburban Residential, pursuant to the previously approved Cluster Concept Plan, consisting of 10.81 acres located on the west side of Cambridge Street approximately 1,500 feet south of Edward E. Drew Middle School on Assessor's Parcels 45-163 and 45-163A within the Hartwood Election District. **(Time Limit: March 4, 2009) (History - Deferred to December 3, 2008 Regular Meeting at Applicant's Request)**

Leann Ennis presented the staff report. She stated item 7 was a preliminary subdivision plan and the applicant was John Galutsi with MCC Southgate LLC. She stated the date of the application was April 13, 2006 and the date of the TRC review was May 10, 2006. The engineer was Justin Troidl with Bowman Consulting. She stated the property was located on Cambridge Street approximately 1,500 feet south of Drew Middle School, was approximately 10.9 acres and was zoned R-1, Suburban Residential. She stated the applicant was requesting twelve duplex lots located in the Hartwood Election District. She gave a PowerPoint presentation showing the location and an aerial view, and stated the applicant was proposing to cluster the development. All sites would be served by internal roads with no direct access to Route 1 and the site would be served by public water and sewer. Stormwater management would be contained by stormwater management ponds that would be constructed in Section One. She stated Resource Protection Area (RPA) was located in open space on the north side of the property and 1.2 acres of the usable open space would consist of a multi-purpose corridor walking trail and a gazebo. The open space consisted of approximately 7.83 acres and the Department of Parks and Recreation declined to have any maintenance of the facility within the cluster subdivision. She stated staff recommended approval and would answer any questions.

Mr. Di Peppe stated he saw in the letter Parks and Rec had some questions about whether they understood the open space requirement. They seemed to be trying to use open space from an adjoining park and he did not see that issue addressed.

Mrs. Ennis stated the applicant had their own open space within their ten acres. She stated it was the RPA and the bottom portion of the property.

Ms. Kirkman asked Mrs. Ennis to show her in the Ordinance where it stated pipe-stem lots were allowed.

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Mrs. Ennis stated it was in the cluster subdivision ordinance. Pipe-stems were allowed, but no more than ten percent of the subdivision was allowed to be pipe-stem lots.

Ms. Kirkman asked if cluster was in 28-38.

Mrs. Ennis stated it was in the Subdivision Ordinance 22-270.

Ms. Kirkman stated it was in the Subdivision not the Zoning Ordinance.

Mrs. Ennis stated yes, in the Subdivision. She stated that was also where you would find the definition of open space, under the cluster subdivision.

Ms. Kirkman said it stated “when permitted in the Zoning Ordinance, pipe-stem lots shall conform”. She stated that was her original question, where in the Zoning Ordinance did it state pipe-stem lots were allowed in this land use.

Mr. Fields asked if the research could be delegated while the Commission moved forward. He asked Mr. Harvey if some other staff could help.

Mr. Harvey stated okay.

Mrs. Carlone stated she would wait to talk to the applicant, because her questions were concerning open space amenities and using off site recreation for this project which was separate from Section One.

Mr. Di Peppe stated the memorandum to Mrs. Ennis from the Assistant Director of Parks and Recreation was what he was referring to earlier. He read “the developer is confusing total open space required for this type of development with cluster development guidelines required for acres with developed recreational amenities. The notes and plans also indicate the developer is providing 1.05 acres of usable open space. This space is not somewhat central to the development as the guidelines suggest, with slopes of 11 to 17 percent and no amenities provided on the usual open space, it is unclear that this is usable or for how it conforms to the guidelines for recreational acreage”.

Mrs. Ennis stated it did not have the walking trail on the usable open space when the memo was received. The amenities were provided based upon Parks and Rec recommendation. The applicant added the multi-purpose court as well as the walking trail.

Mr. Di Peppe asked if Parks and Rec was okay, did they take another look.

Mrs. Ennis stated Parks and Rec stated they did not want the property to maintain. She stated they required a minimum of twenty acres to maintain. She stated the request to Parks and Rec was asking if they would want to obtain this park into their department and they did not want it. She stated when Mr. Hoppe wrote the letter, he was new and not sure what he was supposed to provide, so it was more his recommendation. She later asked Mr. Hoppe if Parks and Rec wanted the open space and he provided the memo.

Mr. Di Peppe asked if the application met all the requirements for open space.

Mrs. Ennis stated yes.

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Ms. Kirkman stated in reading through 22-71 there seemed to be a concept plan and asked where that was.

Mrs. Ennis stated the cluster concept plan was approved and was not required to come before the Planning Commission, it was an agent approval.

Ms. Kirkman stated in looking through the Ordinance it seemed to say that number 1 concept plans and it ended with “the Planning Commission shall either approve, approve the conditions or deny the proposed plan and open space provisions”. She asked if there was a concept plan for this project that came through the Planning Commission.

Mr. Harvey stated no, State Code was changed a number of years ago which required it to be an administrative review for cluster projects. He stated it went through the administrative review and the cluster concept had been approved. He stated the Planning Commission was reviewing the Preliminary Plan. The cluster concept plan, like the discussion held earlier, did not have any binding vesting issues associated with it.

Ms. Kirkman asked if the Commission could look at the concept plan.

Mr. Harvey stated certainly, it looked very much like the plan the Commission had.

Mrs. Ennis stated it was a mirror of the plan the Commission had. She stated when she reviewed the preliminaries with the clustering, she did not approve it until all the comments were addressed from the preliminary plan, so it was an exact mirror.

Ms. Kirkman stated that was not what the process was supposed to be. She said it stated very clearly “the concept plan comes first, then the preliminary”. She stated Mrs. Ennis just said she did the preliminary and then approved the concept.

Mrs. Ennis stated they were reviewed simultaneously

Ms. Kirkman asked what was the point if you were doing it simultaneously. That was not what the Ordinance called for.

Mr. Fields asked for a response to that question.

Mr. Harvey stated from the administrative standpoint, a cluster concept staff looked at generally similar if not the same things as the preliminary plan. Cluster concept was approved before the preliminary plan was presented to the Planning Commission. He stated it was a separate application and a separate process, but was virtually the same review. The preliminary plans were more detailed because it involved stormwater review and VDOT review. Cluster concept looked at the configuration of the lots configuration of the open space and the amenities. The review was more focused on Planning and Parks and Recreation than the other technical requirements you would see with the preliminary plan. He stated often times engineers, in order to save time and energy, would submit virtually the same plan for cluster concept and the preliminary plan.

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Ms. Kirkman stated she wanted to understand the process because she was not convinced that it was in accordance with the ordinance. She asked if staff reviewed and approved a cluster concept plan prior to acceptance of a preliminary subdivision plan.

Mr. Harvey stated in this case, he would have to ask Mrs. Ennis if the plans were filed at the same time or not.

Mrs. Ennis stated the plans were filed at the same time.

Ms. Kirkman stated so you do not. She asked typically who approved the concept plan.

Mr. Harvey stated the concept plan was approved by the agent, so in this case I approved the plan.

Mr. Howard asked for a point of clarification from Mr. Harvey, was the concept plan approved prior to today.

Mr. Harvey stated yes sir.

Mr. Fields asked Mr. Harvey to correct him if he was wrong, but he seemed to remember this cluster concept being one of the issues he dealt with in Richmond over the last few years. He asked if he was remembering correctly the initiative was by the homebuilders to try to get around what they saw as unnecessary bureaucratic delays in the implementation of clusters.

Mr. Harvey stated there were two amendments for clusters in the last five years. The first was to make it an administrative process and the other was to mandate that localities provide clusters for agricultural zones. He stated since Stafford already had cluster provisions, we were exempt from the second amendment for agricultural zones.

Mr. Fields stated for the clarification of the Planning Commission, to a certain degree that requirement for cluster concepts was driven by a statewide political trajectory rather than the internal requirements of Stafford County.

Mr. Harvey stated to add more background, he recalled that staff had presented to the Planning Commission to change the process and the Commission chose not to forward that, but since the State Code was clear that it was now an administrative process, we were bound to follow that.

Ms. Kirkman stated none the less, whether the agent was the Planning Commission or the agent was the Planning Director, the current ordinance was very clear that a preliminary subdivision plan shall not be submitted until after approval of the concept plan. She stated she would encourage staff to follow the ordinance in the future.

Mr. Fields asked Ms. Kirkman by submit, did she mean her interpretation.

Ms. Kirkman stated no it said it in the ordinance.

Mr. Fields asked so the preliminary plan was not even received at all in the planning department until the concept plan was approved.

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Ms. Kirkman stated under Section 22-271 number 3 it said preliminary plans “following the endorsement of the cluster plan by the Planning Commission and, where necessary, approval of a conveyance by the Board of Supervisors or School Board, the applicant shall submit a preliminary subdivision plan”.

Mr. Fields stated staff may need to look at that process.

Ms. Kirkman stated if the Commission could, and assuming the Commissioner from Hartwood would want to defer this, she would like to have at the next meeting a copy of the state statute that made this a mandatory administrative process for the concept plan and the local ordinance would have to be brought in line.

Mr. Fields asked if there were any other questions of staff.

Ms. Kirkman stated they were waiting on the information concerning the pipe-stem.

Mr. Harvey stated the Zoning Ordinance defined pipe-stem lot and the cluster provision talked about the usable open space in relationship with other regulations and it stated it had to comply with this ordinance and other county ordinances. You have somewhat of a cross-reference, but nowhere in the cluster regulations did it specifically call out pipe-stem lots.

Mrs. Ennis stated in the Subdivision Ordinance.

Ms. Kirkman stated the Subdivision Ordinance stated they could only be done where it was allowed in the Zoning Ordinance, so that stated very specifically that the land use zone itself had to permit pipe-stem lots. If we did not state that for this land use, then the pipe-stem lot would have to go.

Mr. Fields asked Ms. Kirkman if the question she was asking was did the text for the R-1 Zoning District reference pipe-stem lots.

Ms. Kirkman stated somewhere in the ordinance it actually stated pipe-stems were not allowed, period. She stated then in the Subdivision Ordinance under the cluster provision it stated they were allowed where designated in the Zoning Ordinance. She stated there had to be permission somewhere in the Zoning Ordinance for that specifically. She asked if that was making any sense.

Mrs. Ennis stated she understood what Ms. Kirkman was saying.

Ms. Kirkman stated she would like to see either it was specified somewhere in the Zoning Ordinance for this land use the applicant could have a pipe-stem lot or the pipe-stem lot needed to go.

Mrs. Ennis stated the definition of clustering might say that. She stated table 3.1 allowed for clustering.

Ms. Kirkman stated it did not state pipe-stems were allowed in clustering. She stated the Commission did away with pipe-stem lots for a reason, because they caused problems.

Mr. Harvey stated pipe-stem lots throughout the Subdivision Ordinance have been limited over time, but the Planning Commission had reduced the percentage of what had been allowed. He stated it had been the practice in the Subdivision Ordinance since we had cluster regulations to have pipe-stem lots. Outside of a cluster subdivision they were not permitted.

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Ms. Kirkman stated in her opinion this needed to be resolved, but was not sure if it needed to be resolved right this minute.

Mr. Fields suggested the Commission move forward and hold this on the table for now. If there were no other questions for staff, perhaps the applicant could come forward.

Justin Troidl, Bowman Consulting, stated he would be happy to answer any questions.

Mrs. Carlone stated she would like to defer this item, but she had a couple of questions. She asked if there was a possibility of eliminating lot 11 to have a tot lot on this site instead of having it in another section of Southgate that was not connected with this subdivision.

Mr. Troidl stated that had been discussed. He stated currently there was a tot lot behind lot 1, which was behind Section 1. He stated the applicant felt this was more of a phase instead of a separate community. He stated it would be marketed as Southgate and would have one identity. He stated another tot lot could be added, but because of the tot lot in Section 1, they did not know if that would be overkill. He stated they felt having to walk one hundred feet to a tot lot was a need that was already met in the overall development.

Mrs. Carlone stated, in her opinion, this was a separate subdivision and needed a separate tot lot.

Mr. Troidl stated it would be under the same Homeowners Association (HOA).

Mrs. Carlone stated even though it had the same name, it was a separate development.

Mr. Troidl stated another tot lot could be added.

Mrs. Carlone stated the usable space consisting of a multi-purpose court, she did not know if it would be desirable or not to have parking at that location. She stated she would like to meet with Mr. Troidl to discuss her issues, as of now this plan was not acceptable.

Mr. Fields asked if there were any other questions for the applicant. He stated this was in the Hartwood District.

Mrs. Carlone stated she would like to make a motion to defer.

Mr. Fields asked when the next available date was.

Mr. Harvey stated the December 17, 2008 work session was full. He stated there was not much on the agenda for the evening meeting except what the Commission would carry over from the work session or the next available meeting would be January 7, 2009.

Ms. Kirkman stated it was getting close to the holidays, and it would be nice to get home before 10 p.m.

Mrs. Carlone stated the evening session on December 17, 2008 would be fine and she would like to meet with the applicant and staff, before the meeting, to work on some of the issues.

Mr. Fields asked Mrs. Carlone if her motion was to defer to the December 17, 2008 regular meeting.

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Mrs. Carlone stated yes.

Mr. Howard seconded.

Ms. Kirkman asked for consideration to defer to the January 7, 2009 only because it would be nice to wrap up the Comprehensive Plan at the next meeting.

Mrs. Carlone asked about January 7, 2009.

Mr. Harvey stated January 7, 2009 was clear at this time.

Mrs. Carlone stated that would be fine.

Mr. Fields stated the motion was to defer to January 7, 2009 and asked Mr. Howard if he agreed.

Mr. Howard stated he agreed

The motion to defer passed 7-0.

Ms. Kirkman stated to clarify for staff there were two pieces she was looking for, one was the State Statute on administrative review and the second piece was where in the Zoning Ordinance did it specify that pipe-stem lots were permitted in a cluster subdivision.

Mr. Harvey stated just to clarify for the January 7, 2009 that would be the 5:30 work session.

Mr. Fields stated sure, that would be the appropriate place.

8. 2018 Transportation Demand Model Forecast – A review of the Transportation Model results for projected 2018 Land Use based on the Draft Comprehensive Plan.

Sara Woolfenden, Office of Transportation, gave a PowerPoint presentation of the 2018 forecast of the Transportation Demand Model. She explained two principle inputs went into the Transportation Model which was Land Use and Transportation Network. She stated the base used the current houses on record and employment and the forecast used the Planning Commission Land Use Plan which included the Urban Development Area (UDA) and the history of employment growth which was modeled against the population. She stated previously a 2006 base year was presented and 2028 forecast and tonight she was using three 2018 scenarios which were no build scenarios using the 2008 network forecast, which was based on anticipated road network growth such as the transportation bond projects and a growth scenario. She stated previously there were a couple of different runs which included base year 2006 the County had 3 miles of road with a Level Of Service (LOS) F or below with twenty percent of roads were at failing. In the 2028 forecast 96 miles were at LOS F but only twenty-nine percent of roads were failing, which was based on the adopted Transportation Plan. She stated the recommended Transportation Plan was also used in which 99 miles were at LOS F with only twenty-two percent of the roads were failing and all were freeway miles except for 3 miles. She explained the LOS for Stafford County which were A through C were acceptable according to the Transportation Plan which was free-flow to delays up to 35 seconds and D through F which included noticeable congestion with delays from 38 to over 80 seconds delay.

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Ms. Kirkman asked if this was based on the Comprehensive Plan Land Use Map or the actual zoning.

Ms. Woolfenden stated it was based on zoning where land use was forecast, such as the UDA which would allow higher density as identified in the Comprehensive Plan. She stated it was principally based on zoning including approved subdivisions which have been vested. She stated after that some growth went to areas that had been identified by the Planning Commission as areas that should be receiving growth and the rest was based on zoning.

Ms. Kirkman stated Ms. Woolfenden took the total anticipated population growth between now and 2018 and allocated it. The basis that you allocated it on was first you assumed that the growth would go to approved vested subdivision plans and then your second assumption was you filled up all those vested subdivisions.

Ms. Woolfenden stated it was not anticipated that all of the subdivision would be fully developed, just a large portion was the assumption.

Ms. Kirkman stated the second allocation was the proposed, but not approved, UDA's.

Ms. Woolfenden stated yes, and the remaining was throughout the county.

Ms. Kirkman asked what the percentages of those allocations were. She asked Ms. Woolfenden to get that information to her by email, how it was allocated across those three groups.

Ms. Woolfenden stated she would forward that information to Ms. Kirkman. She moved on with her presentation by looking at the 2018 no build model and showed maps of the bandwidth, which were heavily traveled corridors, including U. S. Route 1, Route 17 and Route 3, as well as secondary corridors including Garrisonville Road, Courthouse Road, White Oak Road, Deacon Road, Cool Spring Road and all of the Rappahannock River crossings. She stated some of the key areas shown in the model as failing were again areas that you would probably expect, such as Warrenton Road, Garrisonville Road where it has not already been improved, Courthouse Road, Leeland Road, Ferry Road, Hope Road, Mountain View Road and portions of White Oak Road. She stated there were 97 miles of road that were at LOS F. She stated in the 2018 no build results, forty percent of roads were failing and would be an increase of thirteen percent over the 2006 base year results and an increase of 92 failing road miles. She stated there would be an increase of 9 miles of roads over 2006 which had been built in the last two years and there was a forty percent increase in vehicle miles between 2006 and 2018. She stated the 2018 forecast would include improvements in the Transportation bond projects, such as Garrisonville Road, Warrenton Road, a portion of Courthouse Road, and the High Occupancy Toll (HOT) lanes were included as being built by 2018. She stated in the forecast it would be anticipated that Courthouse Road, Garrisonville Road and Warrenton Road would be improved and changes in the traffic patterns would also help Berea Church Road, Lichfield Boulevard and Barrett Heights Road, but would increase the demand on Leeland Station Road and Cardinal Forest Road. She stated the results showed 81 miles of roads that would be at an LOS F and thirty-six percent of roads were failing, which would be a four percent decrease from the no build model, but an eight percent increase over 2006 and there would be a 1.5 million increase in vehicle miles traveled from 2006 to 2018.

Mr. Fields stated the no build was ninety-six miles and forty percent.

Ms. Woolfenden stated yes.

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Mr. Fields stated he was looking for a cost benefit ratio of a four percent improvement.. The bond referendum was seventy million and HOT lanes were four or five hundred million dollars. He asked what the total investment that the forecast represented in road construction was.

Ms. Woolfenden stated most of the forecast was for three principals being improved and showed the roads on a map. She stated you could see it did make a significant difference along the corridors. Most of the Bond improvements were also safety improvement and while they did help with capacity, at some level it was relatively small.

Ms. Kirkman stated she would have to disagree. The majority of funding for the Transportation bond was for flow and capacity improvements. A small percentage of the funds were for safety improvements.

Ms. Woolfenden stated the principal capacity improvements were Warrenton Road, Garrisonville Road and Courthouse Road. The other projects were the safety improvement projects, such as a turn lane on Route 1, improvements on Mountain View Road, Poplar Road and Ferry Road. She stated all of them had been identified as safety improvements, and may add capacity depending on how they were approached, but principally the concern was safety.

Mr. Rhodes asked how many of the eighty-one or ninety-six road miles were Route 1 and Interstate 95.

Ms. Woolfenden stated most of the failing roads were freeway roads.

Mr. Rhodes stated he thought four percent was dramatic if you take the highway miles out. It was a dramatic increase in the improvement of roads that a difference could be made on, since the County could not change Interstate 95.

Mr. Fields asked Ms. Woolfenden if she could understand his concern of a billion dollars for a four percent increase.

Ms. Woolfenden stated absolutely.

Ms. Kirkman asked Ms. Woolfenden if she could get the information to the Commission using secondary and primary roads and not include highway roads.

Ms. Woolfenden stated without the freeways only twenty-two percent of the roads were failing. She stated with growth bandwidth it was assumed all of the previous increases and finishing the remainder of Courthouse Road, widen Shelton Shop Road, extend Mine Road and Enon Road, widen Leeland Road and upgrade Truslow Road. She stated there was a piece of Warrenton Road that was still failing and by improving the other roads around that area, it would improve that failing section as well. She stated Courthouse Road would be passing at a level C or above as well as Garrisonville Road, Leeland Road and Shelton Shop Road. She stated other induced effects would include improvement to Brooke Road, Ramoth Church Road, and portions of Maintain View Road.

Mr. Howard stated one observation he had when he first looked at the presentation, this would take into account that a portion of Embrey Mill would be built in terms of vehicles per day and volume. He stated if you looked at Mine Road and Austin Ridge Road and that portion of Courthouse Road, because of the addition of or the continuation of Mine Road, you would improve the LOS on all three of those roadways despite the fact that you had increased population.

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Ms. Woolfenden stated correct.

Mr. Howard stated it goes to show that with the correct planning and understanding the road capacity and where you want the roads in terms of direction to go, you can balance road improvements as well in terms of capacity and safety.

Ms. Woolfenden stated when the traffic patterns were changed there were other induced effects, which you would see when Leeland Road would be improved there would be additional traffic, and although it would help Brooke Road it would degrade portions of Potomac Run Road, the Primmer House Road corridor and portions of Garrisonville Road. She stated the results of the 2018 growth model show there would be eighty miles of LOS F and thirty percent of roads failing. Without freeways only twenty-two percent of the roads were failing, with most being LOS D and E. She stated only one percent fewer roads at LOS F from the 2018 forecast and a six percent decrease from the 2018 forecast at LOS F.

Mr. Fields asked for clarification, if a significant amount was freeways, so even with HOT lanes the freeway would still be failing.

Ms. Woolfenden stated even with the HOT lanes there would be significant problems with Interstate 95.

Mr. Fields stated the HOT lanes would not improve the LOS on Interstate 95.

Ms. Woolfenden state the LOS would be improved but it would still be failing.

Mr. Fields asked if she was ball-parking the general concept of HOT lanes, because there would be a lot of detail, that was no where near complete.

Ms. Woolfenden stated the modeler was involved so he put in what he was familiar with concerning HOT lanes. In discussions with him, we had tried to let him know what we had learned from the project group on HOT lanes. She stated it included the most current information between the County and the modeler, but was not perfect by any means. She stated it was difficult to model the HOT lanes because they were directional. She stated since they were on the subject there were a couple of ramps that were very bad and consistently failing and they included the ramps at Route 17 and Interstate 95, and Garrisonville Road. Other failing roads were Mountain View Road between Stefaniga Road and Shelton Shop Road, which was currently proposed to be widened to four lanes on the adopted transportation plan. Hope Road and Ferry Road were also consistently having problems. She stated the Commission asked a question about freeway miles verses other miles. There was a much greater percentage of freeway miles that were failing and they were much worse. At an LOS F that were not freeway there were four miles of roadway and at no build there was a total of eight miles of road that was at LOS F and anticipated there were five miles that were at LOS F. She stated a significant portion of local roads that were at LOS D or E that were struggling, but LOS F there was only four miles.

Mr. Rhodes asked if LOS E was up to eighty seconds delay.

Ms. Woolfenden stated yes and eighty seconds or more was LOS F.

Mr. Fields stated he did not mean to be editorial, but he did like to keep things in perspective and in the big scheme of things eighty seconds was not the end of the world. He stated he felt it was good that the County was focusing on safety.

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Ms. Kirkman asked if the models included the projects that were part of the Transportation bond. She stated she was trying to understand what road improvements...

Ms. Woolfenden stated they talked to the modeler about including all of the projects. She stated the projects that were not adding lanes were difficult to model, so the roads were upgraded in those areas anticipating there would be some improvement, but the lanes were not added. The transportation model did not show a significant improvement because when you upgrade the road without adding lanes there would still be constriction and friction along the road. There would be a much better quality road which should improve the road, but did not add additional lanes so the capacity improvement would not be significant enough to drop the LOS from F to C.

Ms. Kirkman stated the Commission had three models in front of them, the 2018 forecast with no road improvements with the anticipated population growth.

Ms. Woolfenden stated correct.

Ms. Kirkman stated then the Commission had 2018 no build.

Mr. Fields stated he thought the 2018 forecast was with the Transportation bond and HOT lanes.

Ms. Woolfenden stated correct. She stated no build was no improvements from 2008 on.

Ms. Kirkman asked if 2018 was with improvements.

Ms. Woolfenden stated yes, and then the forecast had the Transportation bond improvements.

Ms. Kirkman stated the 2018 growth did not have the bond improvement.

Ms. Woolfenden stated it had the bond plus a few other roads, such as Shelton Shop Road, the remainder of Courthouse Road, Leeland Road...

Ms. Kirkman asked Courthouse Road east or west.

Ms. Woolfenden stated the remainder of Courthouse Road west, because the bond only completed the construction for a portion of Courthouse Road, it did not go all the way to Shelton Shop Road.

Ms. Kirkman stated 2018 was the bond plus.

Ms. Woolfenden stated 2018 growth was the bond plus.

Ms. Kirkman stated 2018 forecast was just the bond.

Ms. Woolfenden stated correct, that was the one that anticipated it would be built.

Ms. Kirkman stated if the Commission wanted to understand the impact of the bond, they should compare 2018 forecast to the 2018 no build.

Ms. Woolfenden stated yes.

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Ms. Kirkman stated thank you.

Mr. Fields stated the 2018 forecast also included the Secondary Six Year Plan (SSYP) as well, which was additional money beyond the bond projects.

Ms. Woolfenden stated the principal of the secondary road improvement projects money, she would anticipate in looking at the bond funding would go towards paying the bonds. She stated she did not anticipate there would be additional projects beyond those built in that time frame. If the County were able to pay off the bond during...

Mr. Fields stated that was additional money, you could not take the SSYP allocation and. pay the bond off.

Ms. Kirkman stated that was exactly what was done.

Mr. Fields stated you were not using any construction money from the bond, you could not use all of the SSYP....

Ms. Kirkman stated part of the construction costs from the bond projects was from the secondary funds.

Mr. Fields asked if that was additional money to the seventy million dollar bond borrow.

Ms. Kirkman stated yes, but it was for the same projects.

Mr. Fields stated he understood there were overlapping projects. He asked if the SSYP was twenty-two million dollars every six years.

Ms. Woolfenden stated that sounded correct and her understanding was during the life of the bond all of the money in the SSYP was anticipated to go toward those bond projects, so there would not be other projects outside...

Mr. Fields stated he understood that, he was saying the totality of funding was a combination of SSYP and bond proceeds.

Ms. Woolfenden stated correct. It was her understanding only one-third could be bonded, but the remainder they were anticipating...

Mr. Fields stated a third of the allocation could be leveraged to debt services and two thirds had to be spent on construction was his understanding.

Ms. Woolfenden stated she thought they had the same understanding.

Mr. Fields stated the forecast was certainly bond projects but also SSYP allocations.

Ms. Woolfenden stated correct.

Mr. Fields asked if there were any other allocations.

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Ms. Woolfenden stated there were things like Congestion Mitigation and Air Quality (CMAQ) Improvement Program and Federal Bonus Obligation, and if that was received at all, would probably go towards these same projects because that had to be allocated in a way that it would complete a phase and that would be what the County would be working on. She stated CMAQ projects could be things like turn lanes and may be separate from this.

Mr. Fields asked if there were any other questions.

Ms. Kirkman asked if the Commission could get a copy of the slides.

Ms. Woolfenden stated absolutely.

9. Transportation Impact Analysis Regulations – An overview of County and VDOT requirements for Traffic Impact Studies of new development projects and Comprehensive Plan Amendments.

Ms. Woolfenden stated she was up again and would make a presentation about Transportation Analysis. She stated this was about the 527 Regulations and Stafford County. She gave a brief overview and stated she would cover the purpose and history, when a Transportation Impact Analysis (TIA) was required, the VDOT and Stafford process and the usefulness and limitations of TIAs. She stated the Virginia Assembly adopted Chapter 527 regulations requiring VDOT to review TIA in 2006. VDOT then wrote Administrative guidelines for the 527 requirements, with phased implementation. With the phased implementation there were three areas, Stafford County was in the second area with the Fredericksburg District and Stafford implemented the 527 guidelines on January 1, 2008. She stated with the phased approach there were two phases that Stafford implemented. January 1 through June 30 there was a much higher threshold and there were very few applications which met the threshold. After July 1, Stafford implemented further guidelines and regulations, the thresholds as established in the regulations and so now there were things that were regularly coming in meeting the Chapter 527 TIA thresholds. She stated the goal of a TIA was to show where development would have an impact on the roads and examine mitigation strategies. This enabled the developer, the Planning Commission and staff to plan for the impact and to off-set or mitigate the impact. She stated TIAs were required for Comprehensive Plan changes over 5,000 vehicles per day (VPD), rezoning and Conditional Use Permits (CUP), site plans and plans of development. She stated the 527 regulations required a TIA when the development would generate more than 100 vehicles per hour (VPH), which was based on a peak hour for residential development or 250 VPH or 2,500 VPD for all non-residential development. She stated low volume roads were an exception and they must double traffic and generate more than 200 VPD. She stated Forest Lane, between Mccarty Road and State Route 3, might be a good example of a low volume road and carried about 190 VPD, according to the 2007 VDOT counts. The other direction up to Caisson Road carried 1,200 VPD, but if someone were to develop off of Forest Lane they may have to do a TIA if they had more than twenty single family dwellings. She stated the point was if you were on a low volume road you would create a greater impact and as a result the County should look at it closer. Stafford rezoning required a TIA to be submitted when they generate more that 500 VPD. TIA requirements are outlined in the Transportation Plan for Stafford County. She stated they were different from the 527 requirements and the two have been compared to see which one was more stringent. VDOT requirements were more extensive than the Stafford County requirements, so the interpretation was that from 500 VPD up to the VDOT requirement, the applicant would have to meet the Stafford requirements as outlined in the Transportation Plan for the TIAs. When they would meet theses thresholds, because the VDOT requirements were more extensive, then they would follow the VDOT requirements for TIAs. She briefly covered commercial development stating they would submit if they exceeded the threshold and would be reviewed at site plan. Frequently major site plans meet the

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threshold. She stated infrastructure plans were also subject to TIA review. For residential development, preliminary plans would be when a TIA determination form would be submitted, which enabled the Planning Commission to review the TIA prior to the approval of a preliminary plan. She stated not all preliminary plans would meet the threshold. When the 100 VPH is exceeded, a TIA must be submitted. She stated some examples would be comprehensive plan reviews over 5,000 VPD. For residential single-family dwellings of 100 dwelling units, 150 apartments or 190 townhouses, a hotel with 300 rooms or more, general office buildings of 150,000 square feet, shopping centers of 20,000 square feet, gas stations with at least 16 pumps.

Ms. Kirkman said it stated hoses not pumps, there was a difference.

Ms. Woolfenden stated the trip generation rate was based on pumps. She stated a fast food restaurant with a drive through only had to be 4,000 square feet, a drive-in bank with 5 bays. She stated if they came in as a development with several combines, they would most likely meet the thresholds, but as an individual they quite frequently would not meet the threshold. She stated when an application was submitted a TIA determination form or a TIA was submitted. VDOT was required to receive the TIA within ten days. Staff and VDOT would review the TIAs and comments would be sent back to the planner and shared with the applicant. If needed the applicant would update the TIA. She stated the TIA comments were shared with the Planning Commission when appropriate and were used in developing conditions and proffers. The TIAs inform the site plan reviewer of the need for traffic signals, turn lanes and other improvements. She stated a TIA was a useful tool and used best at rezoning and when significant impacts could occur. It showed cumulative impacts to an area, incorporated the traffic counts in modeling and helped Transportation Planning. She stated the limitations were it was only a tool, there were no additional regulatory authorities and it only helped in making informed decisions, not determining the decision. She asked if there were any questions.

Ms. Kirkman stated there had been some discussion on the Planning Commission concerning implementation of a TIA, particularly when it applied to applications submitted prior to the implementation date. She stated over a month ago she had requested written confirmation from VDOT that those applications were exempt from the requirements. She asked if that had been received.

Mr. Harvey stated no, he had not seen anything on that as of yet, but he had additional information on the overall requirements for 527 studies. He stated he was in a meeting last Tuesday afternoon with Mrs. Roberts and Mr. Howard regarding an application and 527 requirements. In reading the State Code, Mr. Howard gave the opinion that the County could not require a traffic study unless a local ordinance was adopted to require one. He stated currently there was a requirement for a traffic study with rezonings but not for other by-right development.

Ms. Kirkman stated she did not suppose you could explain how Mr. Howard came to that conclusion that the local statute overrides the state statute.

Mrs. Roberts stated actually this was a state statute, in part of 15.2-2222.1 where it talked about upon submission and sending it to VDOT within ten days. It stated "such application shall include a traffic impact statement if required by local ordinance or pursuant to regulations promulgated by the department".

Ms. Kirkman stated she did not understand what Mrs. Roberts was saying. She asked if she was saying VDOT had required this to be done, but the local ordinance we did not require...

Mrs. Roberts stated no, in State Code it said by ordinance.

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Ms. Kirkman asked if she was saying the County could not require, even though the clear intent of this legislation was to require them, we could not require them.

Mrs. Roberts stated she thought there was a difference between supplemental traffic analysis and the initial.

Mr. Harvey stated the initial traffic analysis was the sheet that....

Ms. Kirkman stated the sheet not the TIA.

Mr. Harvey stated correct.

Ms. Kirkman stated so we could not require the sheet, but we could require the TIA.

Mrs. Roberts stated it would be vice versa.

Mr. Harvey stated it would be the other way around. He stated staff would suggest, if the Commission wanted to move forward, staff could develop an ordinance amendment to specifically require these for the by-right types of development.

Ms. Kirkman stated her request, at this point, was that both VDOT say we could not require the TIAs despite the legislation that was passed and that, if we could, we could not apply it to applications that were in process. And since that will have relevance to the next meeting, if the Commission could get something from them by then it would be helpful.

Mr. Harvey stated we could certainly try.

Mr. Fields asked if there were any other questions on this issue. He stated that would take the Commission basically to the end, there were no minutes.

MINUTES

None

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated some of the actions by the Board from yesterday's meeting had been discussed earlier. He stated the Board referred the Electronic Signs Ordinance back to the Commission. He stated at the Board's public hearing last night, a gentleman from the International Sign Association spoke and voiced some concern regarding the .5 foot candle standard in the Ordinance and gave some technical explanations as to why he did not think that was sufficient. He stated the Board remanded it back to the Commission and asked that the Commission meet with representatives from the sign industry to go over technical specifications within the Ordinance.

Mr. Rhodes asked if there was a suggestion from the discussion at the Board meeting to what would be more appropriate.

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Mr. Harvey stated Mr. Peskin spoke and specified that in his industry standard, the measurement of foot candles was one hundred feet from the sign instead of the street right-of-way. He stated that was because the signs were perpendicular to the street to allow the sign face to be visible when from the street. He stated Mr. Peskin explained there were some standards that the sign industry had developed regarding four different gradations of lighting with those types of signs based upon urban and rural settings. He stated the Board was interested in hearing more on that subject and thought that might be something the Commission should discuss. He stated he was contacted by another person representing the sign industry that said they would be happy to help the Commission with the discussion.

Mr. Field stated he would make a request back to the Board would be to authorize the Commission to hire a consultant to help work through this Ordinance. He stated he was extremely uncomfortable with the "fox guarding the hen house". He stated he has seen this in Richmond time and time again with the idea that the industry that you are attempting to regulate gets to write the regulations. He stated if there were technical requirements that were germane to the nature of signage, then a consultant that was in the business of understanding signs should be at the table, not the paid representative of the sign industry. He stated in his opinion that would be a conflict of interest.

Mr. Di Peppe stated he had concerns that more signs would be installed while the Ordinance was delayed.

Ms. Kirkman stated the request from the Board was to meet with representative from the sign industry. She stated the Commission could meet with them, that did not mean what the representative said had to be incorporated into the Ordinance.

Mr. Howard stated none of the Commission members were sign experts and he agreed that allowing the industry dictate the regulation was not smart. He stated he was sure there were things the Commission missed or did not consider.

Mr. Fields stated he agreed, he was onboard to make sure the Ordinance was technically feasible and correct. He stated that was why there were consultants to help local government with those issues. He asked the Commission how they felt about sending a request back to the Board asking if the Commission needed to revise the Ordinance based on technical items, if the Commission could avail themselves with the expertise to do so.

Mr. Di Peppe asked if the Commission could ask representatives from the sign industry to come to one of the work sessions and make a presentation. He stated then the Commission would know where to go from that point, it may be something simple that all could agree upon.

Mr. Fields stated he understood the logic but his concern was if the industry states there was this one simple thing that was needed in the Ordinance, and the Commission, who has no expertise in signs, may not understand that something may be valid or self serving.

Mrs. Carlone asked if any other jurisdictions had the same issue with signs.

Mr. Harvey stated staff could check into that. He stated somewhat of a survey was done when the Ordinance was developed, but staff could certainly ask if other jurisdictions had a consultant or someone with some experience with the issues.

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Mr. Fields stated he would suggest some of the larger jurisdictions to the north, such as Prince William, Fairfax or Arlington, that would be valuable advice.

Ms. Kirkman asked when staff did the research, there were other jurisdictions that had this type of Ordinance.

Mr. Harvey stated yes, other states were surveyed. He stated this problem was expanding and language was taken from other sources.

Ms. Kirkman asked if that where the standards were from.

Mr. Harvey stated the standards were from various sources. He stated the .5 foot candle was from another Ordinance staff worked on for the TND Zoning District.

Ms. Kirkman stated, in her opinion, it would be helpful if staff could take the Ordinance and document the primary source was for each of the standards.

Mr. Di Peppe stated Mr. Stepowany did the research and he was sure the Commission could talk to him about the Ordinance.

Mr. Fields stated at the next meeting staff could present a report of potential sources before meeting with the industry.

Ms. Kirkman stated if staff could present the requested information at the December 17, 2008 meeting, she would like to suggest having the people from the sign industry scheduled for the work session January 7, 2009. She stated she would like to know where these people were during the Planning Commission's public hearing.

Mr. Fields asked if staff could site the sources for the specifications in the Ordinance and see if there were resources in any neighboring counties that could be of assistance in the process.

Mr. Harvey stated the Board also passed Ordinances dealing with the Flood Hazard modifications and the sign height requirements. He stated that concludes his report.

Ms. Kirkman asked what happened with the non-listed uses.

Mr. Harvey stated the Board wanted to hold off on that issue until after the Comprehensive Plan.

COUNTY ATTORNEY'S REPORT

No Report

SECRETARY'S REPORT

No Report

STANDING COMMITTEE REPORTS

Ms. Kirkman stated the Commission had to discuss the matter from the Ordinance Committee before adjourning.

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Mr. Di Peppe stated he would like to make a motion for approval for a public hearing with the Planning Commission for and Ordinance to amend Section 28-35 and Table 3.1 of the Zoning Ordinance per Resolution R08-550. The amendment will permit club, lodge or fraternal organizations in the B-1 zoning district. The Planning Commission finds that public necessity, convenience, general welfare and good zoning practice requires the governing body to consider an Ordinance to amend the regulations.

Mr. Mitchell seconded.

Mr. Fields stated this was for the request from the Board of Supervisors.

Mr. Di Peppe stated this was by-right.

The motion to advertise for public hearing passed 7-0.

Mr. Di Peppe he would like to make a motion for approval for a public hearing with the Planning Commission for and Ordinance to amend Section 28-35 and Table 3.1 of the Zoning Ordinance. The amendment will permit club, lodge or fraternal organizations in the B-1 Zoning District with a Conditional Use Permit. The Planning Commission finds that public necessity, convenience, general welfare and good zoning practice requires the governing body to consider an Ordinance to amend the regulations.

Ms. Kirkman seconded.

The motion to schedule a public hearing passed 6-1 (Mr. Mitchell no).

SPECIAL COMMITTEE REPORTS

No Report

CHAIRMAN'S REPORT

Mr. Fields stated he would like to thank Mr. Howard for the early Christmas gift.

ADJOURNMENT

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

Peter Fields, Chairman
Planning Commission