

STAFFORD COUNTY PLANNING COMMISSION MINUTES

March 9, 2016

The meeting of the Stafford County Planning Commission of Wednesday, March 9, 2016, was called to order at 6:30 p.m. by Chairman Steven Apicella in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Apicella, Coen, Bailey, Rhodes, English, Boswell, and Vanuch

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Stinnette, and Zuraf

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Are there any Declarations of Disqualifications on any agenda item? Seeing none, moving on. Are there any changes to the agenda? No changes, okay. It's now the Public Presentations portion of tonight's meeting. This is an opportunity for the public to speak on any matter except an item that's on the public hearing agenda schedule. The public will have a separate opportunity to comment on any public hearing agenda item that's on the schedule tonight. Please address your comments to the Planning Commission as a whole, not to any specific member. Start by identifying your name and address. When the green light comes on you have 3 minutes to speak. When the yellow light comes on it indicates you have 1 minute left. And when the red light comes on you need to wrap up your comments. Is there anyone who would like to come forward and speak on any item except an item on the public hearing schedule? Okay, seeing no one I will close the public comment portion of the meeting. Mr. Harvey?

PUBLIC PRESENTATIONS

PUBLIC HEARINGS

1. COM15150840; Comprehensive Plan Compliance Review - Telecom Tower Milestone at Mountain View - A request for review to determine compliance with the Comprehensive Plan in accordance with Virginia Code Section 15.2-2232, for the construction of a 180-foot tall self-supporting lattice telecommunications tower, with a 6-foot lightning rod, and 50 by 55-foot compound on Tax Map Parcel No. 18-64A, zoned A-1, Agricultural Zoning District. The property consists of 3.26 acres located on Mountain View Road, approximately 485 feet west of the intersection of Mountain View Road and Spyglass Lane, in the Rock Hill Election District. This property is the subject of a concurrent Conditional Use Permit request. **(Time Limit: May 26, 2016)**
2. CUP15150841; Conditional Use Permit - Telecom Tower Milestone at Mountain View - A request for a Conditional Use Permit (CUP) to permit a 180-foot tall self-supporting lattice telecommunications tower, with a 6-foot lightning rod, and 50 by 55-foot compound on Tax Map Parcel No. 18-64A, zoned A-1, Agricultural Zoning District. The property consists of 3.26 acres located on Mountain View Road, approximately 485 feet west of the intersection of Mountain View Road and Spyglass Lane, in the Rock Hill Election District. This property is the subject of a concurrent Comprehensive Plan compliance review request. **(Time Limit: May 26, 2016)**

Mr. Harvey: Thank you Mr. Chairman. For the first public hearing of tonight's meeting, Mike Zuraf will be giving the presentation.

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Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission, Mike Zuraf with the Planning and Zoning Department. And I would like to combine public hearings 1 and 2 for the presentation, if that's okay.

Mr. Apicella: Without objection? Please go ahead.

Mr. Zuraf: Okay. These first two items are associated with a telecommunications tower. It includes a Comprehensive Plan Compliance Review and Conditional Use Permit. It's a tower located along Mountain View Road. The applicant, Milestone Communications, they're represented by Donahoe and Stearns. They are requesting a determination in compliance for the Comprehensive Plan for a proposed telecommunications facility. And, concurrently, an application for a Conditional Use Permit has been filed as required for the facility to be located in the A-1, Agricultural Zoning District. This site is located within the Aquia Election District. The property itself is located on the north side of Mountain View Road, approximately...

Mr. Apicella: Mr. Zuraf, are we sure? I thought it was in Rock Hill?

Mr. Zuraf: Sorry, yes. Sorry. Thank you.

Mr. Apicella: No worries.

Mr. Zuraf: Yes, in the Rock Hill District, and the site is on the north side of Mountain View Road, approximately 500 feet west of the intersection with Spyglass Lane on 3.26 acres. The site is County-owned. It includes a 168-foot tall water tank. The surrounding properties are primarily large lot residential uses. This is the zoning map of the site. Much of the property surrounding the site is A-1, Agricultural. On the southwest corner there is some A-2 zoned property as well. And also, the entire area is designated within the Agricultural/Rural Area in the County's Comprehensive Plan. The compound for the tower is within a 2,750-foot area. It's proposed to be located on the western end of the property but centralized on that half of the site; it's within the red circle on the map. The right side of the property includes a 168-foot tall water tank; that area is circled in blue. Access to the proposed tower is provided via a gravel driveway extension off of the existing gravel drive that serves the water tank compound off of Mountain View Road. The proposed facility would consist of a 180-foot tall lattice tower and associated ancillary equipment within the compound at the base of the structure. The compound would be enclosed by an 8-foot tall chain link fence with barbed wire at the top. And the tower will have the provision for four additional carriers. The initial carrier would be Verizon and that'd be located at the top of the tower. The tower conforms as we consider the first item as it relates to the compliance to the Comprehensive Plan, we look at the Telecommunications Plan which is an element of the Comprehensive Plan. It includes several different siting and design criteria to consider with these types of requests. The tower itself conforms with two of the primary siting criteria that are identified. It's located on publicly-owned land that is occupied or plan to be occupied by public buildings or parks. And then also it is on agriculturally zoned property. There are several other secondary siting criteria within the plan and, as this tower relates to some of those criteria, the tower would have no adverse or visual impacts upon historic districts or properties and would not be located near airports. Also, the other criteria gives priority to locating in the proximity of major power transmission lines. Staff does note that there are no major power transmission lines in this area where that would be possible for the applicant to comply with that; also, priorities given to locating away from residential concentrations. Staff has noted the site is located in an agricultural district but it is surrounded by residences on larger 3-acre lots. The applicant has noted that the tower will be designed to have a fall radius of 90 feet, and that 90-foot radius is within the limits of the parcel. This slide illustrates... the orange circle on this slide illustrates and depicts the 90-foot fall radius as it is within the limits of the parcel. This design

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feature also is in response to one of the other design standard recommendations in the Telecommunications Plan that recommend towers be setback from property lines equal to the height of the communication facility. Some of the other siting criteria priority is given to facilities located interior to parcels. The tower is located on the western end of the site and as centralized as possible within that side of the property. As you can see, also there is a criteria that facility should not be located in or near wetlands. The blue shading illustrates an area of wetlands on this property; that's pretty much in the middle of the site and so it would be tough for the applicant to locate within that area. And the applicants worked to relocate the tower outside of those wetlands and the only impacts would be limited to the access drive that would bisect the wetland area to gain access to the compound. Also, as recommended in the Telecommunications Plan, the applicant has provided propagation maps that show the proposed facility, how the proposed facility will enhance existing deficiencies in network coverage. The proposed facility will help enhance coverage within the Verizon network along Mountain View Road and surrounding residences. This is the existing coverage map; the yellow circle identifies the location of where the proposed tower site would be located. And this next image illustrates the proposed coverage with the tower in place. There are other facility design standards as well. The existing tree cover is... it is recommended that the existing tree cover be retained to screen the base of the tower. And this is being proposed by the applicant, so it would screen the base of the tower and a portion of the tower as you go up. Also, the proposal exceeds the recommendation to provide a minimum of three carriers. This tower would be designed to support up to five carriers. Also, the facilities should be designed to minimize visual impacts on the surrounding area, particularly near residential uses. The existing vegetation on the site and in the surrounding area will serve to mitigate and disrupt views from most vantage points. And when the structure is within a viewshed, only the upper portion would be visible. The applicant has provided a few photo simulations of how the proposed tower would appear from the surrounding properties, which can be used to assess visual impact. This is the most visible location along the frontage of Mountain View Road. And then one of the other sites, nearby Treehaven Lane to the southwest of the site; Mountain View Road is in the foreground in this picture. Overall, regarding the Comprehensive Plan Compliance Review, the positive aspects, the proposed facility is consistent with most of the Telecommunication Plan elements of the Comp Plan, with the exception of the setback recommendation from the property line. Also, the approval of the request would result in enhanced coverage to the Verizon network and help correct existing deficiencies. And, as a negative aspect, the potential visual and safety concerns from the limited setback from the edge of the property. With the recommendation, staff does recommend approval pursuant to the Planning Commission Resolution 16-01 as the request is substantially in accord with the Comp Plan and, specifically, the Telecommunications Plan. Staff does believe the applicant has adequately addressed the potential visual and safety concerns from the limited tower setbacks by retaining existing trees on the site and designing the tower to limit the fall radius. Now regarding the Conditional Use Permit, the application was review in accordance with the criteria identified in the Section 28-185 of the Zoning Ordinance relating to Conditional Use Permits. The proposal is in accordance with these criteria as identified in the staff report. The resolution included in your report includes standard conditions that the County imposes on the telecommunications towers. This screen identifies highlights of some of the conditions. Just touching on a few, this would have to be a lattice type tower; it would be no higher than 180 feet; the location of the facility has to be in conformance with the location on the GDP; land clearing would be limited to that shown on the GDP to help maintain... that's to help maintain the trees, existing trees that are around the perimeter of where the tower is located; and also outside of the wetlands that is shown on the GDP. Also, there should be no lights on the tower unless they would be required by the FAA. The tower also would be designed to accommodate at least three carriers.

Mr. Apicella: Mr. Zuraf, in the staff report I thought I saw that they were going to design it for five carriers. Is there a reason we can't make it five? I think we did that previously with another telecommunications tower.

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Mr. Zuraf: There's no reason. I would just maybe defer to the applicant whether they're okay with that as well. But we want to just make sure they were consistent with at least what the Telecommunications Plan required.

Mr. Apicella: I understand. Sorry to cut you off there.

Mr. Zuraf: No problem. And also the tower would be designed with that break point to allow for a maximum fall radius of no more than 90 feet from the tower location. And then the other conditions have a lot of the standard language regarding signage limitations, tower removal should the tower use be... telecommunication use be discontinued, making sure there's a voidance of 9-1-1 communication signals, allowing County co-location is needed, and a 5-year requirement to obtain building permits or the Conditional Use Permit would expire. And with positive and negative aspects, the facility meets the standards of issuance for review of a Conditional Use Permit. Approval of the request would result in enhanced coverage and help correct existing deficiencies, and conditions would offset negative impacts and staff does not see any apparent negative aspects and would recommend approval with the conditions included in the resolution, subject to approval of the Comp Plan Compliance Review.

Mr. Apicella: Thank you. Any questions for staff?

Mrs. Vanuch: I have some questions.

Mr. Apicella: Mrs. Vanuch?

Mrs. Vanuch: Mr. Zuraf, did the company tell you the timeline on which they wanted to start the construction?

Mr. Zuraf: I'm not aware of the timeline.

Mrs. Vanuch: Okay, and you don't know of the timeline of the projection of like when they start to when they finish, how long the construction will be going on?

Mr. Zuraf: No, I want to defer to the applicant on that.

Mrs. Vanuch: Okay.

Mr. Zuraf: As far as the time length.

Mrs. Vanuch: Gotcha. And then, the driveway, I'm assuming, will be putting that in first and that'll be a construction entrance off of Mountain View Road as they start?

Mr. Zuraf: Well, there's already an existing access in to the water tower, so it likely would be a construction access from the point off of the existing driveway within the site over to the tower site.

Mrs. Vanuch: Okay.

Mr. Apicella: Thank you. Any other questions? Seeing none, will the applicant come forward?

Ms. Themak: Good evening members of the Commission, my name is Tracy Themak and I'm here on behalf of Milestone Communications. I also have Stephanie Petway from Verizon, Chris Harold from Milestone, and Andrew Miller is with our (inaudible) to answer any specific questions you guys might

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have. I had Mr. Zuraf had out a PowerPoint because I don't want to take you through a redundant staff presentation; I just wanted you to have the propagation maps in hard copy in front of you. And I wanted to be able to be available to answer any specific questions you have about the material that staff presented. But we are in agreement with staff's recommendation and the conditions. Again, with that change to five carriers, we're fine with. As far as the construction timeline, we're looking at commencing construction in the May/June timeframe, and the construction of the tower would take approximately 4 to 6 weeks is what we're looking at. There is a gate from the existing access drive and we would be utilizing that point on for the 10-foot access that would get us to our tower.

Mr. Apicella: Any other questions? Okay, seeing none, I'd like to open up the public hearing on this matter. This is an opportunity for the public to comment on this item. Please direct your comments to the Planning Commission as a whole, not to any specific member. You have 3 minutes to speak. Please state your name and address when the green light comes on, the yellow light means you have 1 minute left, and the red light means you need to quickly wrap up your comments. If anyone would like to come forward, please do so now. I don't see a rush. Okay, with no one coming forward, I'll close the public hearing and bring it back to the Commission.

Mrs. Vanuch: I'd like to make a motion to approve COM15150840 and CUP15150841.

Mr. Apicella: I believe we need to take them up separately.

Ms. McClendon: Yes, Mr. Chairman.

Mr. Apicella: And I would just ask if you might consider, before you make a motion on the CUP, changing that one item from three to five.

Mrs. Vanuch: Okay. Do we want to discuss it?

Mr. Apicella: Well, you need to restate a motion on just the one item.

Mrs. Vanuch: Okay, so I make a motion to approve COM15150840.

Mr. Apicella: Is there a second?

Mr. English: I'll second it.

Mr. Apicella: Okay, there's a motion and a second to approve. Any comments Mrs. Vanuch?

Mrs. Vanuch: I just will comment that I was able to contact a few of the neighbors that were directly impacted and nobody had mentioned any issues. They were actually very excited that a cell tower was coming and hoped that it would improve their cell service. So I don't see any issues.

Mr. Apicella: Okay, thank you. Mr. English?

Mr. English: No sir.

Mr. Apicella: Anyone else? Okay, there's a motion that's been properly seconded. All those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

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Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries, 7-0. Next item?

Mrs. Vanuch: So, I'll make a motion to amend CUP15150841 to require them to increase the amount from three to five carriers.

Mr. Apicella: Does that need to be a motion or can we just... since it's our condition?

Ms. McClendon: It can be a part of the recommendation for approval motion, so it can be done in one.

Mr. Apicella: Okay. So you can just incorporate into your motion without making a separate motion to change (inaudible).

Mrs. Vanuch: Okay, so it's incorporated in the motion.

Mr. Boswell: Second.

Mr. Apicella: Okay. So, there's a motion to approve the Conditional... recommend approval of the Conditional Use Permit, changing the language associated with the three accommodations I'll call it to five. All those... any discussion? Mrs. Vanuch? I can't remember who seconded; was it Mr. Boswell? Okay, anyone else? All those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries, 7-0. Congratulations. Okay, moving onto agenda item number 3; Mr. Harvey?

3. Amendment to the Zoning Ordinance - Proposed Ordinance O16-13 would amend the Zoning Ordinance, Stafford County Code Sec. 28-35, Table 3.1, "District uses and standards," and Sec. 28-39, "Special Regulations," to allow by-right and conditional uses in the M-1, Light Industrial Zoning District, to be conducted outside of an enclosed building, with the approval of a

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conditional use permit (CUP). Storage of merchandise, inventory, or equipment would not require a CUP to be conducted outside. Upon consideration of a CUP application and when imposing conditions, the proposed Ordinance would require consideration be given to the effects of the outdoor activities on the environment, health, safety, noise, pollution, and lighting, and any other impacts on adjacent residential properties. **(Time Limit: March 14, 2016)**

Mr. Harvey: Thank you Mr. Chairman. Agenda item number 3 is a proposed public hearing for Ordinance O16-13. That would amend the Zoning Ordinance of Stafford County to modify Sections 28-35, Table 3.1, which are District uses and standards, Section 28-39, Special Regulations, to allow outdoor uses in an M-1 zoning classification. Currently, staff has been made aware of a situation where an individual entity in the County was looking to propose an outdoor use. The M-1 zoning category currently doesn't allow outdoor uses. However, when we looked through our listing of table of uses in the zoning categories, we have a number of uses in the M-1 zone which actually have outdoor activities by their very nature, such as commercial kennels, fleet parking, motor vehicle rentals, parking and storage of tractor trailers, private airports, truck stops, and railroad sidings. Knowing this, staff worked with the Board of Supervisors and the Community and Economic Development Committee of the Board, it's been discussed at the Planning Commission a number of times, and it has now been moved forward for public hearing. Proposed Ordinance O16-13 would amend the district standards for the M-1, Light Industrial District, to specify that outdoor activities would require a Conditional Use Permit, with the exception of storage for merchandise, inventory, or equipment. Those are things that we traditionally see that are accessory to a number of activities and uses allowed in the M-1 zone. And staff is recommending approval of the proposed ordinance amendment. I will note that the time limit for the Commissions' consideration is March 14th.

Mr. Apicella: Any questions for staff? I do have a question just for clarification, Mr. Harvey. If you go to page 2 of 3, about midway through the page, the last sentence in that paragraph says, Staff suggests the provisions to screen the outdoor storage of merchandise, as stated in the special regulations section of the Zoning Ordinance, be applied to these uses. Is that a change to what we proposed or just reiterating what is already there?

Mr. Harvey: It's reiterating. Currently, the M-1 zoning classification in the special regulations section requires any outdoor storage of materials has to be screened from the public right-of-way and adjacent properties.

Mr. Apicella: Okay. And, as I recall, the BZA also raised the issue of the potential disconnect in the Zoning Ordinance and the table as well?

Mr. Harvey: I believe that's the case, yes sir.

Mr. Apicella: So, even if a requestor hadn't come forward on a specific project, at some point in time we would need to ensure alignment between the table and the Zoning Ordinance.

Mr. Harvey: Correct. That'd be good zoning practice.

Mr. Apicella: Okay. I'm going to ask the Commission if they would like to hear from the requestor or just to proceed forward. Okay, Mr. Payne?

Mr. Payne: Thank you Mr. Chairman, members of the Planning Commission. My name is Charlie Payne with the law firm Hirschler Fleischer. I appreciate your time this evening. I think Mr. Harvey has covered much of the request and the issues. Of course, there was a subcommittee that was also

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appointed that went through these issues as well that also made a recommendation back to the Planning Commission. Our initial request obviously was exactly as discussed, where the history of it, it was issues raised at the BZA hearing and through the CUP process that we quickly realized there was a disconnect between the underlying Zoning Ordinance and the subject ordinance here today for the change. We are in support of the draft that has been prepared and submitted by staff to the Planning Commission and then went through obviously the subcommittee. I do realize that there is a new section under 28-39(2). The only comment there is it appears to be, in my opinion, to be repetitive of what the authority that both the Planning Commission and also the Board of Supervisors have under 28-185 for Conditional Use Permit requirements. You also have a lot of this in other ordinances, including your noise ordinance. So, I just point that out that I wouldn't want 28-39(b)(2) to add any confusion or to have a potential conflict with other sections of the ordinance. And again, I think there is more than allowable discretion under 28-185 for the Planning Commission and Board to decide under a Conditional Use Permit application. And with that I'm happy to answer any questions you may have.

Mr. Apicella: Any questions for Mr. Payne? Okay, thank you Mr. Payne.

Mr. Payne: Thank you.

Mr. Apicella: There was also another party who had some specific interests or concerns about the original proposal. Would the Commission like to hear from that individual or would we like to hear that under public...? Okay. Mr. Coughlin.

Mr. Coughlin: Mr. Chairman, members of the Commission, my name's Michael Coughlin. I'm with the law firm of Walsh, Colucci, Lubeley and Walsh, and we represent Westlake Development, LLC, which is, as many of you know, currently owns property adjacent to the Crucible site that is planned for 701 single-family detached homes. In the letter that we submitted dated March 7th, there's an Exhibit B that helps illustrate how close these homes will be to the Crucible property, some as close as 50 feet from the property line. Westlake opposes the text amendment and submits that this Commission should recommend to the Board of Supervisors that the ordinance remain as is. This text amendment, as originally conceived, was not intended to correct a conflict in the ordinance as a whole. But instead, intended to solve a problem of one particular user, the Crucible, which we submit is the... one of the loudest, one of the more dangerous uses in the County. And so any change to the ordinance should, in my view, keep that in mind. However, the version of the text amendment that's been proposed and submitted and has been advertised I believe provides little guidance to the Planning Commission and to the Board should a Conditional Use Permit come forward for any of those outdoor activities. It also oddly provides no setback between outdoor uses in the M-1, Light Industrial District, and adjacent properties zoned A-2 and residential districts, whereas the M-2, Heavy Industrial District, does have a setback already built into the ordinance. So, if the Planning Commission is inclined to move this forward, to move the text amendment forward, we submit that version that should go forward would be Exhibit A, the one that we've submitted. Among other things, Westlake's proposal includes a 1,000-foot setback in the M-1 District from A-2 and other residentially zoned properties. That would still permit the Crucible to have some outdoor operations on its site as illustrated by Exhibit A to our proposal... I'm sorry, Exhibit B to our letter. And we noted in the staff report that there's a suggestion that in posing such a setback may constitute a taking. I think that's not legally correct because, even with such a setback, the Crucible would still have a reasonable use of its property and still have areas where it could actually shoot outdoors. So, but we think here, under the circumstances, the prudent thing to do is to leave the ordinance as is. I'm available for any questions.

Mr. Apicella: Any questions? Seeing none, thank you.

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Mr. Coughlin: Thank you.

Mr. Apicella: Okay, I would like to open up the public hearing on this matter. This is an opportunity for the public to comment on this item. I would just reiterate that we're operating under the same public comment protocols as mentioned under the previous items. So, if you'd like to come forward, please do so now.

Mrs. Carlone: Ruth Carlone. I did receive a call on this this morning and I didn't have... there's no documents back there on these that goes into detail. But anyway, I did receive a call from nearby residents to the Crucible and I'm surprised that there's someone here, that's good, that's shown up to question the... especially the noise and the setback. My question was the perimeter lighting. Just how tall can a fence be to cut that off? I know you can, you know, have the lighting go down to keep it from going... but there's always that disturbance. So, if someone could go into more type of projection... protection there is in this M-1. There was also concerns, some of our neighbors get home too late to come down here. One of the problems we have, and we're in a rural area so except whatever comes along, we all have a dog or dogs or bunch of dogs, but the kennel was one of the questions. I know that would probably be a CUP; is that correct? So, if that would be addressed. But, we really lose a lot of sleep and we, believe it or not, 300 feet off the road. Some of our neighbors are 50 and other are 100, and it's really quite loud. But, I'm not certain what else has been turned in since this was brought in. Is there more to it? Some additional changes to this that you know of?

Mr. Apicella: Mrs. Carlone, as you know, this is unfortunately not a back and forth discussion.

Mrs. Carlone: Yeah, I know but I'm just waiting for a nod maybe; yes, yes, no, no.

Mr. Apicella: Yeah, well, it was of course put on the Commission's website so you might want to take a look there just to see what the language is.

Mrs. Carlone: Okay. But that was it. It was mostly perimeter lighting and the fencing initially for this. And that's about it. Thanks.

Mr. Apicella: Thank you Mrs. Carlone. Is there anyone else? Okay, I'll close the public hearing and bring it back to the Commission for recommendation.

Mr. Rhodes: Mr. Chairman, if I could, just because there's a comment on the M-1 District not having a distance. As I thought I recall when we did it, the M-1, all the uses were to be indoors, and then any use, regardless of distance, was to be... if it were outdoors was to be by CUP. So I thought that was actually almost more protective, if you will, than adding the 500 foot. So, as I recall in our last conversation, that why I was very comfortable with it; not necessarily being particularly (inaudible) in the footage. That actually would be more... a lot more things be excluded if you had a footage distance in there. So, I felt pretty comfortable with that one unless there was something I was missing.

Mr. Apicella: Thank you. Anyone else?

Mr. English: Mr. Chairman, I'd like to make a motion to deny at this time, proposed Ordinance O16-13.

Mr. Apicella: Okay, there's a motion to deny. Is there a second?

Mr. Coen: Second.

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Mr. Apicella: Okay, there's a motion to deny; it's been seconded. Mr. English?

Mr. English: I just feel like that, the ordinance I feel like it needs to just say as it is right now and maybe we need to look at it even further down the road at this point. I don't think it's ... just right now I think we should keep it as it is. That's how I feel.

Mr. Apicella: Okay, Mr. Coen?

Mr. Coen: Yes, Mr. Chairman. I comment staff for the excellent work they did, and Ms. McClendon, in bringing forth issues, and the subcommittee, particularly Mr. English and Mr. Boswell, for the work they did on this. There's a couple things and to be consistent, I'm always leery of changing ordinances or language for one parcel when it's going to apply countywide, and I've done that on other things. So that's why I agree with Mr. English to deny this at this time. I do think that, and I acknowledge, that there is a disconnect between the language in the ordinance. And so I would hope that in part of the language, and Mr. Harvey can let me know if there's a certain way to do this, or Ms. McClendon, but I would hope that we would ask the Supervisors to give us a period of time for a little bit more measured review of this Zoning Ordinance and other Zoning Ordinances to look for any other disconnects that there may be and for any other elements that are in our Zoning Ordinances that we need to update or revise looking forward to Stafford's future.

Mr. Apicella: Anyone else?

Mr. Rhodes: Mr. Chairman? Regarding the motion to recommend disapproval of the proposed Ordinance O16-13 to the Board of Supervisors, I just to clarify will actually not support that motion. I think given the construct of it as we look to the applicability to the other M-1 and M-2 areas and the way that it was constructed to be more generally applicable, and the fact that it provides a CUP for all those circumstances which gives us the opportunity on a case by case basis on each situation where it might bring forward and apply, to be able to address them all on the merits of their individual cases, I personally feel comfortable with that. So I will actually not vote in favor of the motion. Thank you.

Mr. Apicella: Are there any other comments? I will say that I, too, will not support the motion. I think we spent a lot of time on this and I think the most important issue is that we have to somehow find a way to align the disconnect that currently exists between the Table of Contents and the Zoning Ordinance. I think we kind of knew of this for a while and came up with a very minimally impactful change while allowing some outdoor uses by a CUP, and I agree with the comments Mr. Rhodes just made. So with that in mind, all those...

Mr. Coen: One second Mr. Chairman. I just, for point of clarification, and I'm not sure if Mr. English needs it to be part of his motion that we ask the Board of Supervisors for the time to look at all of the Zoning Ordinances in a more measured fashion.

Mr. English: That's what I was going to ask.

Mr. Coen: Okay.

Mr. English: If that's possible, Jeff, that we can add that to it, reason to deny?

Mr. Harvey: Mr. Chairman, Mr. English, the Commission can communicate its desires to the Board and then it'd ultimately be up to the Board to communicate back as to whether the Commission should get

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this ordinance back to consider more time with it, or the Commission on its own volition can continue to study this issue and come up with another recommendation if you see fit.

Mr. Coen: And just, again, the point being that there are numerous other Zoning Ordinances that are worthy of looking at not just this particular one. In the subcommittee we understood that there was this disconnect, but there also were some concerns about the specificity and moving forward with the CUP, what type of guidance, and etcetera. And so that's why there were several of us in the subcommittee that raised that, our concern regarding that. And I think not only in this one, but in other Zoning Ordinances, I think we need to make this a little bit more comprehensive than just one particular element for one particular parcel and one particular instance. This should be something that we look into to try to bring the County Codes and Ordinances up into this century and make sure that everything is copasetic. And so that's why I will stress again, not just this one Ordinance, but Zoning Ordinances plural.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: I think that's a great point, Mr. Coen. I would just share, I think, in addition, we could just act on this individual motion or individual ordinance here. That wouldn't preclude us from doing that and certainly we could, I know we have in the past had separate subcommittees that actually focused on kind of diving through some of the ordinances and bringing those together. So I think that, in its own right, probably merits some consideration, even separated from the ordinance in either case. Thanks.

Mr. Apicella: Anyone else? I, too, would ask if you would consider separating the two items. I think there's merit to both points, but I think the second item, a more broader review of ordinances and trying to make sure that there is alignment makes a lot of sense. And it is a much broader mandate to request to the Board, so would you consider separating that from the original motion?

Mr. Coen: Since the original motion is from Mr. English and this is pertaining to Mr. English's district, I would... I'm not trying to throw you under the bus here or under a Humvee... but my thought is that it's sort of up to you. My question or my concern is, is that at least from my point of view of serving on the subcommittee, we had a finite timeframe to look at it. And it just seems to be that if we're going to do a comprehensive look at Zoning Ordinances, plural, we certainly could put this in there. It's not... I don't think it's going to be a deal breaker or a heartbreaker to sit there and look at this at the same time. We could make this the first one we look at as well as others. But I think that, to me, it's more sensible to make a comprehensive evaluation of numerous rather than sort of picking and choosing.

Mr. English: (Inaudible - microphone not on).

Mr. Coen: I'm sticking with you, Mr. English; whatever you want to do.

Mr. English: Again, I motion to deny and also that maybe that gives us more time to look at this because there's so many elements to this and look at the other ordinances too.

Mr. Apicella: Right, but I'm just trying to understand the motion, because it seems to have three different parts; one is to deny, the second is to ask for more time on this specific matter, and then a much broader request of the Board of Supervisors to authorize us to take a deeper dive and look at Zoning Ordinances across the board to see if there are any other disconnects.

Mr. English: Correct, that's it.

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Mr. Apicella: Okay.

Mr. English: A bunch of motions there to get to?

Mr. Apicella: Well, it's one motion...

Mrs. Vanuch: I thought mine was bad.

Mr. Apicella: So, I'll just leave it at that. All those in favor of the motion with its three parts signify by saying aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: All opposed?

Mr. Rhodes: Nay.

Mrs. Bailey: Nay.

Mr. Apicella: Nay. I'm not quite sure what happened on this side.

Mr. Boswell: It's 4-3.

Mr. Apicella: Four-three for or 4-3 opposed? Ok, so the motion carries 4-3.

Mr. Rhodes: Could we just be clear who the votes were? I'm not trying to challenge, I just heard sounds all over.

Mr. Coen: Does our Secretary get to call the roll? I don't think we've ever had that.

Mr. Apicella: Okay, will the Secretary call the roll? Thank you.

Mrs. Bailey: Mr. Rhodes?

Mr. Rhodes: Nay.

Mrs. Bailey: Mr. Coen?

Mr. Coen: Yea.

Mrs. Bailey: Mr. English?

Mr. English: Yea.

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Mrs. Bailey: Mr. Boswell?

Mr. Boswell: Yea.

Mrs. Bailey: Mrs. Vanuch?

Mrs. Vanuch: Yea.

Mrs. Bailey: Chairman Apicella?

Mr. Apicella: Nay.

Mrs. Bailey: So we had 4 yea and 3 nay; I'm the third nay.

Mr. Apicella: Okay, thank you. Okay, onto the next agenda item, item number 4.

4. Amendment to the Zoning Ordinance - Proposed O16-10 would amend the Zoning Ordinance, Stafford County Code Sec. 28-55, "Planned Development-2 District (PD-2) regulations," to reduce the minimum lot width from 50 feet to 40 feet and the minimum lot area from 5,000 square feet to 4,000 square feet, per dwelling unit. **(Time Limit: April 26, 2016)**

Mr. Harvey: Thank you Mr. Chairman. Item number 4 is a proposed Zoning Ordinance text amendment pursuant to Ordinance O16-10. It would affect the minimum lot width and minimum lot size for single-family detached homes in the Planned Development-2 Zoning District. Our Planned Development-2 Zoning District is a special zoning district, so to speak. There's only one of them in the County currently. It's fairly limited in scope in that eligible to development a property under the zoning category, you have to have a minimum of 500 acres and a maximum of 850 acres. And the overall zoning category is intended to create traditional neighborhood developments. The request initially came from Mr. Leming who represents Nash Stafford, LLC, and they have requested this based on some market analysis that they have done. That market analysis and information was included in the background report that was posted on the web. In general, Embrey Mill contains 2,079 dwelling units pursuant to an approved preliminary subdivision plan of which 1,291 are single-family detached homes. The zoning of the property would allow up to a maximum of 1,455 single-family detached homes. However, in order to achieve that level, they would have to come back and revise the preliminary plan and have it re-approved by the Planning Commission. As I mentioned, the proposed amendment would reduce the lot width and lot size for single-family detached lots. As part of the proposal, they also provided a fiscal impact analysis, which did a scenario showing 187 of those proposed future lots being reduced down to the 40-foot width and what that impact might be to the County. Staff would note that Policy 1.2.7 of the Comprehensive Plan recommends that residential development in the County should include a mix of housing types of all income levels. The proponent has indicated that the price point for these types of housing would be in between a standard single-family home and a townhome, and meets a certain market demand, and they can speak to that more specifically. Again, this amendment would only apply to the PD-2 zoning category and would be limited in scope to that effect at this point in time. Staff is recommending approval of the proposed amendment. I'm happy to answer any questions.

Mr. Apicella: Any questions for staff? Okay, I have some questions. Mr. Harvey, what's the smallest lot size in Stafford for a single-family detached home?

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Mr. Harvey: I believe for a cluster development it's 8,000 square feet. And I'd have to go back and revisit again in my mind what this is proposing, because they allow 60-foot wide lots for various zoning categories. So, I need to get back to you on that answer.

Mr. Apicella: Okay. What about surrounding jurisdictions? Do we know what their minimum size is?

Mr. Harvey: Yes, I have some information that I've compiled from some of the surrounding jurisdictions. Prince William County, when I looked at their regulations, they had a variety of different lots sizes and styles. When I tried to look at the comparables that they had, for the single-family detached, the smallest they had was a village home which had a 6,000 square-foot lot and a 60-foot wide lot width. I had a request from Mr. Coen to look at some areas in Arlington. Arlington has three zoning categories that allow a lot width down to 50 feet and lot sizes as small as 5,000 square feet. And then, looking at Spotsylvania County, they have one zoning category which is a planned development housing district which has no minimum size or lot width. In their Village district, they allow a 2,500 square-foot lot size as well as a 20-foot lot width. In their mixed use zone they allow a 3,000 square-foot lot size with a 30-foot lot width. The City of Fredericksburg, in their R8 zone, allows lot widths to vary from 35 to 45 feet, depending upon whether it's an interior or corner lot, and also their minimize lot size is 3,750 feet. It seemed when I was looking at the different jurisdictions, the ones further to the north have a longer history of suburbanization. They tended to have larger lot width and sizes than our area, which we are having some more newer style development.

Mr. Apicella: Okay. Do we know the size range of the houses that are being proposed?

Mr. Harvey: If I remember correctly, the information that was provided to us said between 1,500 and 1,800 square feet.

Mr. Apicella: And do we know what the cost range is?

Mr. Harvey: The estimated value of these 40-foot wide lots with houses on them would be approximately \$370,000. And the proponent's here with his team and they may be able to give us some more details. There were a number of examples of housing types that they provided in the information in the background report.

Mr. Apicella: Okay. Do we know how that size and cost compares with what was originally proposed or what we were told was going to happen on these 187 lots?

Mr. Harvey: Well, based on the information that was provided to the County from Mr. Leming, they're indicating that the average single-family home sales in Embrey Mill currently today is \$425,351. With the 40-foot wide lots, they were looking at around \$370,000, so that's a roughly \$55,000 difference in cost.

Mr. Apicella: Okay, so there is a price point difference by going to smaller homes.

Mr. Harvey: Yes.

Mr. Apicella: So, if you have a smaller house on a smaller lot and a lower price point, wouldn't the assessed value on the property also be lower?

Mr. Harvey: More than likely, yes.

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Mr. Apicella: So that would bring in less tax revenue?

Mr. Harvey: It could.

Mr. Apicella: Okay. Could we get, if this proceeds forward, can we get the Commissioner of Revenue to review the Fiscal Impact Analysis and give us his opinion?

Mr. Harvey: Yes, I'll certainly ask him to look at it.

Mr. Apicella: For newer single-family detached houses in subdivisions in Stafford County, are we going the small 1,500 to 1,800 square feet? I'm not talking about townhomes, I'm talking about single-family detached. Are we seeing that market here?

Mr. Harvey: Mr. Apicella, I'd have to confer with the Public Works Department to see what the size of the typical house is that's being built today. I know a few years ago it was averaging around 4,000 square feet for a single-family home. I don't know if that number has dropped any.

Mr. English: Jeff, the subdivision behind Lowe's on 610, what about the lot size of those? Those are single-family homes up there and they look like... do you know the lot size for those?

Mr. Harvey: Mr. English, I'd have to check into that neighborhood. I know they have a variety of single-family small lot homes, as well as townhomes.

Mr. English: They do. They've got a mix up there.

Mr. Harvey: And that property is zoned R-2.

Mr. Apicella: Last question for now. So, I'm still trying to understand. Is it necessary to change the ordinance so that they can build a smaller home? Or in the absence of approval of what they're requesting, can they still build a smaller house?

Mr. Harvey: Mr. Apicella, there is no minimum house size requirement in the County code, or a maximum. So it's up to the individual property owners to what size house they want to build on their lot, with the exception of they have to meet building setbacks, as well as maximum lot coverage; i.e., how much of the lot is under roof and/or pavement.

Mr. Apicella: Okay, so that actually begs another question. Could a change in this ordinance, not necessarily on this specific parcel but going forward into the future for PD-2 subdivisions, could it result in an increase in the potential yield?

Mr. Harvey: From a Zoning Ordinance perspective, no, because the zoning district has a maximum density of 3.25 dwellings per acre. But when you get into site specific conditions it possibly could, compared to larger wider lots.

Mr. Apicella: Okay, thanks. Any other questions for staff? Okay, seeing none, do we want to invite the requestor up to get their perspective? Okay, Mr. Leming?

Mr. Leming: Mr. Chairman, members of the Commission, good evening. I'm Clark Leming here on behalf of the applicant. The questions that you posed Mr. Chairman are very similar, almost identical to those posed by the Board's Committee on Community and Economic Development. And most of the

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materials that you see before you, including the fiscal analysis prepared by Dr. Bellas, who's here this evening, were prepared in response to that. I will... a couple I'll point out. Number one, our TND Ordinance do permit smaller lot widths. The only development that I'm familiar with in Stafford County with smaller lot widths is at Hills of Aquia. Some of you may recall that that was an old R-4 zoning and it was something of a compromise. It was Hills of Aquia rather than the mobile home park for which the property was zoned. But that is an example. The genesis of this, recall that Embrey Mill was originally zoned in Euclidian zoning districts back in the early 1990's. It was... there was a proffer amendment and the PD zoning came into effect in 2001. And as Jeff's indicated, this is the only PD District in the entire County. So it's a fairly rare bird, at least in terms of zoning. What has been... what has evolved is that the largest demand that the developer is currently experiencing is for the narrower single-family home on a 50-foot lot. Now, as Mr. Apicella points out, I could do a narrower home on a larger lot. And this issue also came up at the Board Committee discussion. The problem with that are the setbacks, the lack of uniformity, and the fact that most of the people that want the narrower homes, the smaller homes, also want smaller lots, and one of their primary objectives being less maintenance responsibility, indoors and outdoors. This particular developer, Newland, here Nash, has a comparable product in Clarksburg, Maryland, also in one of their North Carolina projects. And the photographs and the layouts that you see with your package are displays from the North Carolina area I believe. So, that is the... that is the basis for it; this does not result in a change in the preliminary plan. As Jeff indicated in the staff report, in order to obtain any kind of change in density, we'd have to come back before the Commission for an amendment to the preliminary plan. There is a higher number that is the proffer ceiling than is contained in the preliminary plan. Whether or not extra additional lots would be possible is a function of a lot of additional engineering and is not related to the present request which simply has to do with the demand as it is anticipated. On the economic side of things, and Dr. Bellas is here -- he can answer your questions or explain the study that he did -- what he did essentially was to compare the existing size home permitted versus the proposed size home on the narrower lots. There is... it is true that there is a reduction in price, reduction in lot price too. So the developer receives less money, the houses cost less, and yes, the assessed value I think would also be less. But the question was whether or not there is a net loss to the County as a result of this different housing type that is proposed. And the unequivocal answer by Dr. Bellas is no, that there's not. So, that is the basis for it as I've indicated. We have both our land designer here and Dr. Bellas. If you have questions that would be more appropriately posed to them, please ask them while they're here and can much more thoroughly and completely, or confidently let's say, explain the fiscal aspect of this and the design of this. There are some illustrations as to how the layout would occur in your package and what the homes would look like. This would not affect the design guidelines at all; they would still be governed by the overall design guidelines for Embrey Mill. The truth of the matter is, with Embrey Mill, that the larger single-family detached lots are the slowest sellers in the development. The townhouses and the 50-foot wide lots are those that are the biggest sellers, but of those the 50-foot lots. So, that's the basis for it. I'm happy. We're here to answer your questions. But I'll conclude my presentation.

Mr. Apicella: Any questions for Mr. Leming? Mr. Coen?

Mr. Coen: Nope, ladies first.

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: Mr. Leming, the revision would basically equate to the property looking almost like a little bit larger detached townhome.

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Mr. Leming: Well, except that it would be detached, yes, and there would be the same space in between the homes, the same setback that currently exists with the 50-foot lots. In other words, there would be a 5-foot setback from each lot, so there would be a continuous 10...

Mrs. Bailey: It would still be the 10-foot...

Mr. Leming: It would still be 10 feet between the homes, that's correct.

Mrs. Bailey: Because I think I read in here that they would be no more than 30 feet wide, and regular townhouses about 22 to 24 feet wide.

Mr. Leming: Yeah, about that. I mean, 30 feet would be a pretty wide townhouse but, you know, you're 6 feet off.

Mrs. Bailey: Right, okay. So, as I'm reading through this, we're talking about 187 units.

Mr. Leming: That is what is anticipated.

Mrs. Bailey: Approximately.

Mr. Leming: And most would be interior units. I think that issue came up earlier.

Mrs. Bailey: Okay. So, if you go from a 5,000 square-foot lot to a 4,000 square-foot lot, the savings comes from the development of the lots. You have a smaller area that you're going to be developing and that savings is then passed on to the home buyer hopefully?

Mr. Leming: Well, yes. I mean, there would be lower prices, the lots would be at lower prices too. So, you know, everything, the whole price structure comes down. I'm not sure if it's exactly proportional, so, what, a 20% reduction in lot size. I'm not sure you'd see a 20% reduction in price. But there would be a proportional reduction across the board for all aspects of it; cost to the house, cost of the development, profit to the developer, tax assessment.

Mrs. Bailey: To me it just seems that if you're building a smaller lot in a smaller area then your costs would be less and if we can try to pass that on, depending on site conditions.

Mr. Leming: Yes. And I think that's why you can sell the house for less, because the cost of development is less.

Mrs. Bailey: With this scenario, it looks like that there would be approximately 4 acres that would not be built on. So, given the fact that we would have smaller lots, we still have individuals that have at least 2 to 3 cars per family, what would we do with that overflow parking and what would that 4 acres potentially be used for?

Mr. Leming: Well, not everybody would... that buys a smaller home would have probably as many cars as those that buy the larger homes, although they could. There is no plan except open space for the additional land that would be saved at this point. So yes, you would be... you would pick up a couple of acres. But the preliminary plan is set, so that is the only blueprint along which they can proceed at this point. As you all know, I think, a fairly substantial portion of Embrey Mill has been built out. So, patterns have been set, plats have gone to record. You know, if there is a change in the future from what's approved on the preliminary plan, in terms of the number of units, the general layout, then the

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preliminary plan would have to be amended for its future sections. And they would have to come back in and then show you what they're doing with that. But for now the preliminary plan is fixed and all they can do is proceed as has been approved.

Mrs. Bailey: Right, I understand. My concern comes from driving through a subdivision like Idlewild, which is somewhat similar. I believe their lot sizes are a little bit larger than 4 to 5,000; I think they average 7 to 10,000. And I look at the parking dilemmas they have there, even though they have set aside areas where they can have overflow parking, I'm not sure how that could be addressed. But that would be a concern. And especially from a safety perspective as well.

Mr. Leming: I'll tell you what, Mrs. Bailey, before the lawyer says too much about those issues, Jeff is about to help you a little better and help me.

Mrs. Bailey: Okay, good.

Mr. Harvey: I can answer some of the parking questions from a code enforcement standpoint.

Mrs. Bailey: Great, thank you.

Mr. Leming: I was going to defer to somebody back here but please Jeff.

Mr. Harvey: Mr. Leming's client may be able to talk more about their design and how they accommodate it.

Mr. Leming: Yes.

Mr. Harvey: But our County code requires, for a single-family home, that they have a minimum of two parking spaces per dwelling. So we would look to make sure that in plan review that there's at least two parking spaces for every dwelling unit. For most houses, we see them putting enough driveway space to park two cars. If they don't, they have to show us that they have on-street parking to meet that minimum requirement. Probably what you've observed is if people that own houses have more than two cars, where are all the extra cars being parked. And that partly becomes a community design issue.

Mrs. Bailey: Or they entertain and have friends and family over.

Mr. Leming: And we can address that issue. I will tell you this -- most of you have been through Embrey Mill. Neither the townhouse section nor the existing single-family detached 50-foot wide lots have experienced that kind of issue. But, is there somebody that can talk about whether there are any accommodations for overflow parking or whether it's even perceived to be an issue? Design guy? They were taking a vote back there. Okay, introduce yourself.

Mr. Greene: I'm Colin Greene. I'm the team lead for planning for the firm of Streetsense and we're the planners and designers working for the development. I've prepared the sort of study that appears in your packet starting on page 6 I think. To address the question of the parking, typically what happens in this type of lot, because it's so narrow, it's actually rear-loaded. So it's loaded off an alley. So the two spaces that would be required on the lot are typically accommodated in the rear. The benefit of that is that all along the frontage, on the street, there are no driveway cuts. So you get actually a lot more capacity on the street in parallel parking for additional parking. You can get two cars in every frontage typically until you get to the corners. So it's actually a more efficient way to park both the public right-of-way and the lots in the back.

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Mr. English: What about a fire lane? What if there's a designated fire lane in front of the house like that? Then you've got issues, correct?

Mr. Greene: Would there be a fire lane in the types of streets that these houses would be required on? I'm not sure if that's...

Mr. Leming: I think that's an issue of the ordinance that there may be others that are able to respond to than us.

Mr. Harvey: Mr. English, in Embrey Mill, all the streets are public streets so they typically don't have a fire lane on a public street. The alleys may be classified as a fire lane where they won't allow anybody to park in a travelway, but they would also have driveway space off the alley for the parking of the cars, like Mr. Greene had mentioned.

Mr. English: Okay.

Mr. Apicella: Any other questions? Mr. Coen?

Mr. Coen: Okay. And I'm not sure whether it's design guy or lawyer guy.

Mr. Leming: We'll tell you.

Mr. Coen: Just a couple things. And you've answered the question so the parking will be in back through alleys primarily. And just... I'm not sure if you've bumped into this in other communities, but I know in other communities in major cities where they had alleys such as that, they've ended up having to come up with names for the alleys so that when the police needed to do responses they would be able to say a specific location instead of the alley between the houses. I just want to make sure I get... Mrs. Bailey very nicely sort of crystalized it that there's 4 acres now. I mean, initially if there was this much land that was going to be built on and we shrink down the size we have what Mrs. Bailey said was around 4 acres. And if I got you correctly, you said any additional lots would require additional engineering.

Mr. Leming: Correct.

Mr. Coen: Any elaboration you'd like to say about that phraseology?

Mr. Leming: Well, Embrey Mill is a large complicated development and partly built out and partly recorded. Now there are a number of sections that have gone to record plat that have not been recorded. So, I mean, that's going to be the... what's known in the foreseeable future. There are other sections. I mean, there is a scenario where, you know... frankly, I don't know. I think it's an engineering question. I guess you could somehow recoup the acreage from one section and change... maybe Jeff knows the answer to that... and move that acreage over to another section that, you know, hadn't been gone to record plat yet and, you know, utilize that for additional density. But you still would have to have another preliminary plan.

Mr. Coen: Okay. And that's what I sort of was getting at because we had a couple different instances over my tenure here where either the idea was the land can't really hold these homes and then all of a sudden it's, oh yeah, we can. And so they come back in wanting to put in some more. And then we had a parcel and Mr. Apicella went round and round with the applicant because theoretically the number they could have put was X, but they had promised X minus a certain number and then they were coming

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back in with X plus some, and then there was this big debate about which number was really the number. So, the argument of the theory here is, you promise X number of homes; if it's smaller lots, we're still looking at X number of homes, not looking at additional homes.

Mr. Leming: There is... the absolute thing, I can tell you, is that there is a proffer cap of 2,246 units and they cannot do that without... go above that number without coming back before you and the Board of Supervisors on a discretionary review, a proffer amendment, effectively a rezoning, and ask for more density. Now, when it came down to the preliminary plan that was approved here, the total number of lots that were engineered on that plan are 2,079. Now, conceivably what could happen, and this is all something of a shot in the dark because no one's thought about this at this point. But, conceivably, if there were unrecorded sections and they had the ability to do smaller lots, then I guess they could come back in with a new preliminary subdivision plan and show you units in excess of those shown on the approved preliminary plan. Now, they could not go over their proffer ceiling without a proffer amendment. But that gap in between the approved preliminary plan number and... there was never any guarantee that there wouldn't be a new preliminary plan at some point in the overall development of Embrey Mill where they would not seek an increase closer to their proffered cap. The proffered cap was developed largely as a matter of engineering done on a Generalized Development Plan. When you get into the real engineering on the preliminary plan, the number comes down. There was some RPA issues. There was some issues with the Corps of Engineers that had to be resolved, and some land bays that were diminished in size.

Mr. Coen: Okay. And then one last question. In looking at the various ones from I guess it's the North Carolina Development, how do those bedrooms match with what are already being built here in the larger size parcels?

Mr. Leming: Hey, design guy?

Mr. Coen: I just didn't want him to feel left out.

Mr. Greene: That's alright. Do you mean in terms of how many bedrooms?

Mr. Coen: Right. I mean, that was one of the questions, is -- and I looked at one of them and there seemed to be one main bedroom or two or three bedrooms in the diagram. And so I'm just curious if the larger size houses are sort of what they're going for is 4- or 5-bedroom units and this is a 3-bedroom or 2-bedroom, then that certainly would, you know, alter the calculations.

Mr. Greene: It does a bit. One of the things that we tried to produce in pulling this together is that broad variety. These houses typically trade bedrooms for some of the other rooms that you find in a 4,000 square-foot house. So, instead of a study or a library or some other unit floor plan that would produce that extra space, they're trading them for smaller bedrooms. By and large, these houses typically end up being a 3-bedroom standard but can easily be a 4-bedroom house when you think about basement conditions, etcetera. So, really what the trade tends to be is more bedroom and living space and fewer of the sort of extra spaces that fill the other houses. So, the typical purchaser of this type of house is a different segment than someone who would be looking for 4,000 square feet lots with bedrooms, etcetera. As Clark had said, you know, in addition to the less maintenance on the inside of the house, they're also looking to the smaller lot size. And it's a market that, again, these are from... everywhere from Maryland down to North Carolina. So we tried to sort of show projects that we actually have familiarity with. Some of these are even in 1½-story buildings, not that that's what we're proposing. We just wanted to make sure that it was very clear that these are very livable houses. What

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they tend to forego are some of those kind of extra rooms, or they combine a living/dining/breakfast area into a smaller space. So that's typically where the savings are, not necessarily the numbers of bedrooms.

Mr. Coen: Thank you sir.

Mr. Greene: Sure.

Mr. Apicella: Any other questions? Mrs. Bailey mentioned a development here in Fredericksburg with a slightly larger lot size. I happen to drive by Millstone in Fauquier County, Bealeton. Those lot sizes are 6,800 to 7,000 but the homes are very similar to what's being proposed here. Is there anything closer than Maryland or North Carolina that we could see or know about that has something similar to what you're proposing?

Mr. Leming: Ladysmith. Newland is actually doing... is Newland the entity? Newland is doing an entity in Ladysmith.

Mr. English: Right off Route 1 in Caroline County?

Mr. Leming: Jody, why don't you come on up so I'm not shouting at you and trying to hear what you say.

Mr. Lydoff: Good evening, my name is Jody Lydoff; I'm with Newland Communities. I'm actually the project manager for Ladysmith Village in Caroline County. It did go through a rezoning in 2006 with the County, and we adopted a 32-, a 42- and 50- and 60-foot lot sizes. So we have a breadth of lot sizes. There's a few streets that you can drive down and have a combination of townhomes, 32-foot lots, 50-foot lots, 40-foot lots, and a combination of (inaudible) 1-story living. So it's actually a really unique template and demonstrates the livability of these communities and kind of that density and the tradeoffs people make.

Mr. Apicella: So you mentioned some, I'll call it variability in the lot sizes. Would an average of 5,000 square feet work for you?

Mr. Leming: Huh, that's an interesting question; average of 5,000.

Mr. Lydoff: Based upon a block structure then, so if you took an average block, say 350 length of street, and you could average out the lot size... I've never looked at that calculation before, but that's actually an interesting (inaudible).

Mr. Leming: Depends on what the count... the average would be calculated from I think.

Mr. Apicella: From a County's perspective, is an average approach possible?

Mr. Harvey: Yes, Mr. Apicella, they raise a good point. We'd probably need to have some clarifying language as to how you get to the average, whether it's average across the entire subdivision or average on a block basis.

Mr. Apicella: Yeah, again, I think you probably hear some hesitation from my vantage point. We don't have anything like this in Stafford County. It'd be something very different. And also, irrespective of Mr. Bellas' analysis, I'm still concerned about the fiscal impact; I don't see how you can have a smaller

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house on a smaller lot, have a smaller assessment, and still come up with the same amount of property tax revenue across 187 homes. So, that's still a concern of mine.

Mr. Leming: We can see the point you know.

Mr. Apicella: I'm sorry?

Mr. Leming: We can see the point. What we don't can see though is that it results in a negative fiscal impact on the County. The differential in the prices simply doesn't come that... anywhere close to that point. So that's our point. I mean, yes, they will be... it's a less valuable house. They will be assessed less. The issue is whether or not these homes are still are at that breakeven point, and that's what Dr. -- and they're above it -- and that's what Dr. Bellas addresses in his analysis. And he can walk you through that if that would be helpful.

Mr. Apicella: I mean, I think his analysis is taking a very broad perspective; I'm honing in on one piece of the economic structure in Stafford County, which is property taxes. And so, when you multiply, again, 187 houses times I think it was 55,000 delta between what was originally proposed and what might happen here, across 187 houses that's (inaudible) amount of money.

Mr. Leming: That's what he did.

Mr. Apicella: Well, again, I can see where broadly speaking all the pieces of the pie or all the pieces of the puzzle that go into an economic analysis where you might be able to say that it doesn't have a huge impact when you're talking about millions of dollars across the board. But when you're talking about just tax revenue and you've said you can see the point, there will be less property tax revenue as a result of going to smaller houses than what was (inaudible).

Mr. Leming: Those houses would be assessed for that. But, permit me to do this, you know, again it's important to know your limitations. What I would like to do is to have Dr. Bellas respond to your question because I think he can answer it categorically.

Mr. Apicella: That's fine. And like I said, I'm hoping that we might be able to get Scott Mayausky to weigh in as well.

Mr. Leming: And Dr. Bellas has worked with Scott on a number of things. Dean, if you would come up. I'm sure you much more articulately can address Mr. Apicella's question and you can tell me what I told him that was wrong.

Dr. Bellas: Good evening. Dean Bellas, Urban Analytics, Alexandria, Virginia. I think Mr. Clark... Mr. Leming... Mr. Clark Leming, he may have slightly misspoke in his original presentation. There's a difference between the word loss and the word deficit. Normally when we talk about fiscal impact studies, (inaudible) create an actual deficit in the County. The answer is no.

Mr. Leming: I didn't say that.

Dr. Bellas: He didn't say that, right. He used the word loss. And simply what he was saying is he's agreeing to what you are saying. I ran the analysis both ways and we reduce the lot size to have a smaller priced home. The net result is that the tax revenues to decrease. That amount of \$105,582 per year. So, in the larger picture under the first scenario where we used the 50-foot lots, we estimated the revenue to be \$2,086,000 per year. When we reduce it to the 40-foot lots, the estimated revenue drops

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to \$1,980,000. So yes, it comes down \$105,000 a year. The bigger scheme of things, that's only a 5% reduction, it's not a major reduction in your tax base. You're still getting close to \$2 million a year.

Mr. Apicella: Thank you. Any questions for Dr. Bellas? No? Any questions for Mr. Leming or anyone else on the team there? Okay.

Mr. Leming: Thank you all for your time and the idea of the percent approach, I think, has some merit. And if I may say one last thing, Mr. Chairman, I think that the point here is variety and providing something other than the cookie cutter type of street layout. And this permits a greater degree of that than presently can be had under the ordinance.

Mr. Apicella: Okay, thank you. I'll now open the public hearing on this matter. This is an opportunity for the public to come forward and address their comments to the Commission as a whole, not to any specific member. You have up to 3 minutes to speak. Please state your name and address when the green light comes on, the yellow light means you have 1 minute left, and the red light means you need to quickly wrap up your comments. Please come forward if you have any comments. Mrs. Carlone?

Mrs. Carlone: Ruth Carlone. There's really no compelling reason to recommending approval of this change to the PD-2, to reduce sizes. There is no blessed reason, valid reason for doing so. You can buy a lot there and build a smaller house or a 1-level house if you so desire. If you want to downsize or young married couple come in and they just need a 2-bedroom or some elderly don't want a 2-story, they just want a 1-level new house, single level. I just feel this is wrong to go ahead and change the ordinance for this. Now, as far as setbacks in this neighborhood, there's a certain length of a setback and that's standard, that's consistent, whether it's a 1-level or a 2-level. But it's ludicrous to come in here and say based on the recommendation that these people want smaller lots so they don't have to do maintenance. You do maintenance no matter what; interior. People don't want to give up a little grassy area. This is just so unbelievable, I'm sorry. Also, you can... there's so much to cover here. But number one, it'll probably be deferred but I want you to look seriously and the Board to look seriously at whether you want to change the ordinance itself to lower lots. Now, comparing to Fredericksburg is also ludicrous. They're most infill, they don't have the property available for building. There are certain areas in Spotsylvania, yes. There is more space for building, but when they mentioned about the lot sizes, I talked with some individuals in Falls Run. Their properties run about 5,000 to 8,000, the ones that I had spoken to. They have a parking problem. They have a narrow road. There's a problem with fire response teams coming in with ambulances. There's a lot to be considered. I would recommend just denying the change to the ordinance totally. But I know it will be deferred and just look very carefully what you're doing here, what you're recommending. Alright, that's all. Thank you.

Mr. Apicella: Thank you. Is there anyone else? Okay, I'll close the public hearing and bring it back to the Commission. Mr. Coen?

Mr. Coen: Yes, on the advice of numerous people, I'm going to make a motion to defer this. I know we don't have a very full agenda next meeting, but, I'm not sure Mr. Harvey, what about a month from now?

Mr. Harvey: Mr. Coen, our agenda is still fairly flexible.

Mr. Coen: Okay. I guess if we defer it for a month that will give ample time to get some of the questions answered that people brought up, as well as members of this Commission. So, I'll defer it to our...

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Mr. Apicella: First meeting?

Mr. Coen: ... first meeting in...

Mr. Rhodes: April.

Mr. Coen: ... April.

Mr. Apicella: April. Okay, is there a second?

Mr. English: I'll second it. And I just want to add to it also that we've got to get some input from the Commissioner of Revenues Office on some of the questions that were asked.

Mr. Apicella: Okay, there's a motion to defer until the first meeting in April; it's been seconded. Anything further Mr. Coen?

Mr. Coen: Yeah. Just a couple of quick things; to add to that, the parking, I'd like if we could contact fire, particularly their viewpoints. I know we've had numerous discussions about lot size and lot width and sprinklers and no sprinklers. And I just would like their idea about this; definitely the idea about parking. The reason why I ask, quite honestly, Mr. Harvey, to look into Arlington is because when we first moved to Virginia we lived in Arlington, and north Arlington, in particular by Yorktown where I taught, had smaller lots. And way back when we started looking at the Comp Plan, Mr. Rhodes continually pointed out that we needed to plan for X number of units that are going to happen at some point in time. And the continual argument was either they go out in the rural sections or we have apartments or we have townhomes. And I kept thinking there has to be another way and thinking outside the box, and I kept referring back to Arlington where you had smaller lots and there are people who wanted less maintenance and less of this. And so, I'm not certain, and I've raised this over the last year numerous times at this Commission, if that's not something in general. And I've never talked to Mr. Leming about this, I just raised it here, that that would be a way to deal with our issues in the future. I'm not sure if that applies to Embrey Mill but I do think it's a concept that I raised over a year ago and it's rather nice to see that there does seem to be a move in our area, Prince William, and some of the other areas to go with these type of parcels. So, I've nagged staff about this for quite a while and I think it's nice to know that nagging... the world is coming back to it.

Mr. Apicella: Thank you for your nagging Mr. Coen. Mr. English?

Mr. English: Yeah, also I would like to know, he said there's some development in Caroline County. I'd like to see some plans on Caroline County, what they're talking about too. And so that's what I'd like to see.

Mr. Apicella: Alright, thank you Mr. English. Anyone else? Mrs. Bailey?

Mrs. Bailey: Yes, Mr. Apicella, going along with Mr. English, it would be interesting to see the comparisons in the ordinance for the parking and all of those details that we talked about earlier, how that would compare to what we have here in Stafford.

Mr. Apicella: Thank you Mrs. Bailey. Mr. Rhodes?

Mr. Rhodes: Mr. Chairman, I would just raise the point that if we think there is any more work to be done when we address this the next time, if we defer it to the first session in April that we will have to

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act on it that evening, by the time limit. So, if we thought that with the additional information, we're pretty confident we'll be able to execute on it some recommendation, then I think that's fine. But if we think that might generate the need to have further discussion, we may be better served considering the second session in March and then having another opportunity before we (inaudible).

Mr. Apicella: When is the second meeting in April?

Mr. Rhodes: The 27th.

Mr. Coen: The day after.

Mr. Apicella: There goes that time limit issue.

Mr. Coen: Is this one of those ones where the applicant can say, we're okay with the 27th.

Mr. Harvey: No sir.

Mr. Coen: Okay. I'll ask staff do you think that, if we get it in April, that's good or do you want the end of this month?

Mr. Harvey: It's at the Commission's discretion.

Mr. English: I was going to say, why don't we just get it the end of this month and then maybe we can vote on it in April if we have to?

Mr. Coen: Right, okay. So I am changing it to the 23rd of March.

Mr. Apicella: So, you're amending your motion to the next meeting in March.

Mr. Coen: Yes sir.

Mr. Apicella: Okay, any further comment?

Mr. English: I'm good with that.

Mr. Apicella: Okay, all those in favor of the motion to defer to the next meeting in March signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

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Mr. Apicella: Aye. Opposed? The motion carries 7-0. Thank you. Okay, Unfinished Business? None. New Business? None. Planning Director's Report; Mr. Harvey.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

➤ Zoning Ordinance Amendment - Building Height

Mr. Harvey: Thank you Mr. Chairman. I've had an issue that's gone through the Board's Community and Economic Development Committee dealing with building height. We've come across a situation where the Zoning Ordinance does not match the building code for building height calculation purposes. And it potentially can create some problems when someone's trying to get a new house built and they have a steep roof pitch where the house height may not match the Zoning Ordinance requirement, but it does match the building code. Most builders rely on the building code because most jurisdictions defer to that for building height measurement purposes. Staff would ask the Commission consider authorizing this for a public hearing as soon as possible.

Mr. Apicella: Any questions for Mr. Harvey? Okay, is there a motion?

Mr. Rhodes: Motion to advertise for public hearing.

Mrs. Bailey: Second.

Mr. Apicella: Okay, there's a motion to advertise for public hearing and it's been seconded. Any comment Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: No comment.

Mr. Apicella: Anyone else? Okay, all those in favor of the motion...

Mr. Coen: Do we have a date? Next...?

Mr. Apicella: It's already actually been scheduled for...

Mr. Coen: The 23rd?

Mr. Apicella: Yep.

Mr. Coen: For our fans watching.

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Mr. Apicella: Now I've lost my place. Do we go ahead and take a vote? Alright, all those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries 7-0.

Mr. Harvey: Mr. Chairman, I'd also like to report unfortunately we're going to be having a staff member leave us. Erica Ehly's last day will be Friday of this week. She's moving on to Pennsylvania, moving closer to her family roots. She'll be joining a regional planning commission district in Pennsylvania, so we wish her well, and we're actively recruiting for her replacement.

Mr. Apicella: Thank you for that update. We'll miss Ms. Ehly. She was great to work with, especially on the Airport Land Use Plan. Please give her our best wishes.

Mr. Harvey: Will do.

Mr. Apicella: Okay...

Mr. Harvey: That concludes my report.

Mr. Apicella: Thank you Mr. Harvey. County Attorney's Report?

COUNTY ATTORNEY'S REPORT

Ms. McClendon: I have no report at this time Mr. Chairman.

Mr. Apicella: Okay, thank you. Committee Reports; Mr. Coen. I didn't forget you this time.

COMMITTEE REPORTS

- Comprehensive Plan Update
Next meeting: March 12, 2016

Mr. Coen: Right, okay. So the subcommittee on the Comp Plan met back in February, and we'll give you some information, but we wanted to give you some basic broad line outline right now. First of all, as we know, we asked the Board of Supervisors several questions. They came back with answers. Mr. Zuraf is going to send sort of the question/answer material to you within the next day or so. But we asked them about the TGAs, number, size, whatnot. They made a couple changes to the TGAs. We asked about the UDAs, any guidance. They made some suggestions on that. Most of which were in line

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with what we had discussed as a whole. One of the questions was sort of layering TGAs and RDAs and stuff that we had sent to them way back in our first iteration. In this iteration they were very much in favor of what we had suggested quite a while ago. So that was very nice. The airport district issue, remember we had two ways to try to go about this. One was to have as a standalone section; the other one was to work it into the Comp Plan. The Supervisors actually were in favor of what we were talking about, of working it into the document as it is rather than being a standalone, which supports what we were preferring. We asked about the business district around the airport, affectionately called the Hornung Plan and they said it was worthwhile to look into; maybe not the delineations that Mr. Hornung came up with but they thought it had merit. And then of course we asked, one of the very first questions we asked was what growth numbers do we use. They expressed again a desire that we look at other numbers, so staff is looking at if there are any other numbers to look at as far as or do we stick with the FAMPO numbers. They understood that the FAMPO numbers may well be it, but they just wanted to know were there any other numbers out there. So, by and large, almost everything that this body as a whole and/or the Commission, the subcommittee had been looking at, the Supervisors were in support of. So at our meeting we addressed many of those and that will be in the packet. I'll give it to you so you can look at it and think about it and mull over it between now and when we meet again. The subcommittee was slated to meet this Saturday; however, staff requested that perhaps if we gave them a little bit more time they could provide us some more depth and more meaningful product than if it was just this weekend. So I don't think anybody in the subcommittee would be upset that we decided to cancel the meeting for this Saturday, so people can stay home in the nice weather -- and do yard work. But we have several options of what we can do as a subcommittee/full Commission. We could in theory meet the following Saturday, the 19th, early in the morning; we could meet March 23rd which is our normal business meeting for the Planning Commission. As Mr. Harvey very nicely pointed out, there is not a full, very large agenda for that meeting, so that we could fold over our committee meeting into the full committee so when we have this section where we talk about Committee Reports, we actually do discuss and vote. We could, if it was the will of this Commission since, and Mr. Harvey I know will correct me, but there's really only a couple things on the 23rd. We could have the full Commission meet, end, and then we have a subcommittee meeting as a whole, just by itself like we did once before with this body. Sort of what guides this thinking, and for that last option, if the subcommittee meets on the 23rd after the regular Commission meets, then we would bring back to the full Commission on April 13th things to let the full Commission vote on. The first option... the second option of meeting during the meeting, we could actually vote on issues because we'd be part of the whole meeting. That brings us to a timeline. If we meet on the 23rd and option b, we meet on the 23rd as a full Planning Commission, we take votes and discuss the Comp Plan revisions, move it to public hearing, we could have a public hearing on April 27th. It's about a month process, which would give us all of May if need be to tweak, alter, change, whatever. If just this committee, the Commission... the subcommittee meets on the 23rd, then we have to bring it to the full Planning Commission on the 13th, then we move to a public hearing; that public hearing wouldn't happen until May 11th. Still, we're ahead of schedule. We have until the end of June to do... to extend the Supervisors a plan. But the first option would move it to the Supervisors in a more expedited fashion. The second one would give us the 11th to have the public hearing, the second meeting in May to tinker, twitter, do with whatever, and then getting into June to make the final determination. And of course, hopefully, in the midst of all this we can get some more clarification on the impact of the new law in Virginia about proffers, which may well impact all of this as well. So, I'm throwing that out there to get a feel for this body. Since we tend to do things as a committee of the whole rather than just say the subcommittee do things, to see if anybody has a preference about either meeting on the 23rd like we do now, and then we take up issues, we vote, and possibly move to a public hearing on the 23rd, possibly in May, do it in April; or we meet, take care of the couple of public hearings on the 23rd, the meeting officially ends, then we have our subcommittee meeting, and then we have to bring back things in April definitively. So that's where I'm at Mr. Chairman.

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Mr. Apicella: Is there a preference?

Mr. Rhodes: I would just share that I'm inclined towards the former, towards the earlier movement for two reasons. One is, if there are more issues to be worked, it gives us more time rather than waiting to take it forward and see if there's more things to work. And secondly, if we can get it done earlier, all the better by moving it forward. So I'm inclined that way personally.

Mr. Apicella: Any other comments?

Mr. Coen: I thought that would make you happy Mr. Rhodes.

Mr. Apicella: Okay, so what I'm hearing and we can do this by consensus, is just add the Comp Plan as an agenda item for the meeting on the 23rd.

Mr. Harvey: Correct, and Mr. Chairman, for the Commission's information, the two items that we would have beyond the Comp Plan are the zoning text amendment for the time limits on rezonings and...

Mr. Apicella: I think that's going to take hours and hours of our time.

Mr. Harvey: ... and then plus what we deferred tonight on the PD-2 lot width. Those would be the two items in advance of the Comprehensive Plan discussion.

Mr. Apicella: Okay.

Mr. Coen: So, what I pass along to the members, and I thank Mr. Zuraf for compiling it, are different information items from what the subcommittee met and sort of agreed to consensus based on what the Supervisors gave us based on input from the public, both at our public input sessions and via emails and telephone calls. It also addresses some of the basic things of what we needed to do, that overlaying and etcetera that I mentioned earlier. And I wanted to give that to you earlier so that you could have between now and the 23rd to sort of look at it, mull about it, think about it, so that it'll help you in getting ready for the 23rd rather than hitting you with a bunch of information on that night. The idea being that on the 23rd, staff will come forward with, and Mr. Zuraf I'm certain will correct me if I misspeak, but if I remembered correctly and made notes correctly, the projections and growth numbers (inaudible) and whether we go with FAMPO or if they find some other numbers. We were looking at and asked staff to look at the suburban areas and smaller lot sizes, sort of which ties into the other item on that night. The Stafford Business District zone and the western end of it, also with the Airport Zone, one of the suggestions about how far west to put the Airport Zone to be. Staff had mentioned something about adding an area in Widewater. Some more information on the planning area districts and phasing and how we would actually do it. And then we had asked for the CIP and the capacity element, because that was something that people had raised repeatedly. And then planning area concept mapping. Some of those would be part... would have to be put in the language of the Comp Plan. Other things are just elements that as we're moving ahead we should take thought of. For example, we asked staff to look into the incentives to try to do that business zone around the airport, not that they would be specifically in the Comp Plan but logic would say that if we're going to say we want to entice this, we need to start thinking of it. And staff will know where to put their priorities. So, anything I missed Mr. Zuraf? Mr. Harvey? Mrs. Bailey? Okay, thank you.

Mr. Apicella: Thank you Mr. Coen. The Chairman's Report, By-Laws. Hopefully everyone has had a chance to look at the changes to the By-Laws, they are on page 2, just to clarify we added the Vice-

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Chair to part B, is that correct Mr. Harvey? I think it is supposed to read the Chair and Vice-Chair shall be elected at the annual meeting for a term of one year and may serve two consecutive terms.

CHAIRMAN'S REPORT

- By-Laws - Referred to March 9, 2016 for Final Adoption

Mr. Harvey: That is correct.

Mr. Apicella: Okay. Is there a motion to approve the amended By-Laws?

Mr. English: I make a motion.

Mr. Rhodes: Second.

Mr. Apicella: A motion has been made a seconded to amend the By-Laws. Mr. English?

Mr. English: No comment.

Mr. Apicella: Mr. Rhodes? All those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries 7-0. The next item, Stafford County Historic Preservation Awards. We have gotten quite a few emails from Ms. Baker, I am not quite sure I know what the deadline is, but I am sure she is anxious... actually it looks like it is March 25th. I think she is anxious for us to provide some comment, feedback, and preferably some recommendations. So with that in mind, does anybody have any recommendations?

- Stafford County Annual Historic Preservation Awards

Mr. Coen: Might I recommend the Sanford Slave Quarters that she listed on her list to us?

Mr. Apicella: Okay, any other recommendations?

Mr. English: My recommendation would be the Falmouth Intersection improvements.

Mr. Apicella: Okay. Is there a third? Actually I thought the Sherwood Forest...

Mrs. Vanuch: I was just going to say that.

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Mr. Apicella: ... looked like it was pretty good.

Mr. English: It was a toss-up.

Mr. Apicella: What is the protocol? Can we recommend more than one or do we have to come to a conclusion on one single recommendation?

Mr. Harvey: Mr. Chairman, there is a number of categories in which these things can fall under and which the Historic Commission issues awards, so you can have more than one recommendation.

Mr. Apicella: So for example, the Falmouth Intersection could be under the landscape award potentially? Isn't that one of the...

Mr. English: Yes.

Mr. Harvey: Yes.

Mr. Apicella: So do we need to signify which category or can we leave it the Historic Commission...

Mr. English: We don't have to tell them.

Mr. Apicella: ... to get it in the right place?

Mr. Harvey: I think it would ultimately be up to the Historic Commission as to which category they are issuing what award, to what property or what effort. If you have a list of two or three or a single recommendation, we will forward that to them and they will take that into consideration.

Mr. Apicella: Okay, are there any concerns with pushing forward with three, the three that were mentioned?

Mr. English: I think it might be easier if we kind of categorize it for them of just how we feel. I know, I don't know if that is going to be worth the while or not.

Mr. Apicella: Okay, I am trying to remember the Sanford, would that fit under the homeowner preservation award?

Mr. Harvey: I guess it possibly could or the Sherwood Forest would be similar, it is a property owner trying to preserve the historic resource.

Mr. Apicella: I am just trying to figure out between the Sherwood Forest and the Sanford, which between A and B would be the right category for either one of those, if we were to go forward with three. Any preference?

Mr. Coen: I guess my preference, I mean I like the first two mentioned, my preference is, but I would be okay with staff making any determination they want to, as the way they think it should fit.

Mr. Apicella: When you say staff, again we are talking about the Historical Commission?

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Mr. Coen: Either the Historical Commission or Kathy could say she thinks this slides into this, that or the other. I am okay with her making that decision or just saying we recommend, we think all these three have merit, so you go ahead.

Mr. English: Okay, I will make it easy. I will go with that.

Mr. Apicella: Okay. Any further thoughts? Okay, so what I am hearing we are doing this by consensus because I don't think we have to take a vote. Sanford, Falmouth Intersection, and Sherwood Forest and leave it up to staff and/or the Historical Commission to put it in the right category.

Mr. English: Yes, that's fine.

Mr. Apicella: Great. Thank you all. Other business, TRC; I assume everybody has gotten their packages. Last item on the agenda is the approval of minutes, February 10...

OTHER BUSINESS

5. TRC Information - March 23, 2016
- Stafford County Landfill-Milestone Communications - Aquia Election District
 - Dash Retail Center - Griffis-Widewater Election District

APPROVAL OF MINUTES

February 10, 2016

Mr. Rhodes: Motion to approve February 10th minutes.

Mr. Boswell: Second.

Mr. Apicella: Motion to approve, it's been seconded. Any further comments? Seeing none, all in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries, minutes approved.

Mr. Rhodes: Mr. Chairman, I just... I am very late to waking up and paying attention, I just noticed in the, I think it was the Millstone presentation, that they had a community outreach. Two hundred and fifty-six postcards mailed to all the others. That is not a requirement right? Was that something they did additionally?

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Mr. Harvey: No sir, that is not a requirement.

Mr. Rhodes: I thought that was very commendable. I wish I had thumbed through it early enough to make the comment to them. But I thought that was very impressive that they had 256 postcards to all the surrounding folks and had a community meeting at Margaret Brent Elementary, so I think they are to be commended for that.

Mr. Apicella: I appreciate you pointing that out and, as you may recall, we were trying to determine the extent to which we wanted and how far we wanted outreach to be. I don't think we ever pushed that forward, but that may be something we want to talk about down the road. And I appreciate you keeping us honest on the calendar as well, so that we didn't schedule the item for the day after we had our next meeting. Okay, all in favor of adjournment? We are adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:15 p.m.