

STAFFORD COUNTY PLANNING COMMISSION
NOMINATING COMMITTEE MINUTES
January 9, 2008

The work session of the Stafford County Planning Commission, Wednesday, January 9, 2008 was called to order at 6:45 p.m. by Chairman Jeffrey Harvey in the Board of Supervisors Chambers of the County Administrative Center.

Members Present: Rhodes, Mitchell, Di Peppe and Carlone

Members Absent:

Staff Present: Harvey, Judy and Hamock

Declarations of Disqualification

None

NOMINATING COMMITTEE:

Mr. Harvey called the meeting of the Nominating Committee to order.

Mr. Rhodes stated that the purpose for meeting today was to have a discussion on a starting slate to present to the Planning Commission at the full meeting and have further discussion at that time to discuss how to go forward. He stated that he was predisposed towards ensuring that the new Planning Commission, as they go forward, have a degree of experience in the leadership roles. Regardless of the position of any of the officers, with one vote out of seven, there would not be a change but there was a benefit to having a well-run meeting. He stated he was personally predisposed to developing a slate that has a nomination of Mr. Mitchell as the Chairman, Mr. Di Peppe as the Vice-Chairman and Ms. Carlone as the Secretary. He thought those individuals had experience with the issues that would be carried forward from the year prior. He stated he would recommend Mr. Mitchell for the nomination of Chairman because of his broad base of experience. He stated he served as Chairman on the Board of Supervisors, and would provide a steady hand in that role.

Mr. Di Peppe stated he would like to take nominations from the floor when the full Committee meets and would like the new members to be directly involved in the decision of officers.

Mr. Mitchell stated they were nominated at the December meeting by the former Chair, Mr. Cook, to come up with a slate and again present the slate.

Mr. Di Peppe stated that it was not his discomfort with any particular person in any particular role, just that he wanted the Commission to participate in this part of it.

Ms. Carlone stated that she thought the nominating committee would make recommendations but would decline being Secretary.

Mr. Rhodes stated the slate needed to be presented for discussion and the Committee would make recommendations.

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Mr. Mitchell stated he would like to nominate Mr. Rhodes as Secretary and then present the slate as is. He stated he appreciated and respected the opinion of Mr. Di Peppe; however, the full Commission would not be presented because Mr. Howard was absent.

Mr. Di Peppe stated that from time to time, members have conflicting activities and cannot make every meeting, but as long as there was a quorum of five, business could be conducted.

Mr. Rhodes stated the slate to be presented to the Planning Commission for discussion was Mr. Mitchell as Chairman, Mr. Di Peppe as Vice-Chairman and Mr. Rhodes as Secretary.

Mr. Harvey stated the By-Laws read: the Commission as a whole would recommend a Chairman. He stated then the Chairman proceeded with the elections for the rest of the slate.

Mr. Rhodes asked if the Nominating Committee needed to vote on the recommendation for Chairman for the discussion at the full Planning Commission.

Mr. Harvey stated the Committee should make a recommendation to the Commission as far as what sort of candidate for the position and why.

Mr. Rhodes stated that he was comfortable going forward and presenting the recommendation as a consensus item.

Mr. Harvey asked if they wanted to discuss the process and rationale for the other positions on the slate.

Mr. Rhodes asked if there was any objection to the slate as recommended.

Mr. Di Peppe stated that he thought, once they elected the Chair, ~~then~~ that process would pick up. He stated that his objection has nothing to do with who they were nominating.

Mr. Harvey stated that it appeared that the Chairman had concluded his business, so that would conclude this session of the Committee and that they would adjourn to the full Commission meeting.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 6:55 PM.

Peter Fields, Chairman

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The work session of the Stafford County Planning Commission of Wednesday, January 9, 2008 was called to order at 7:30 P.M. by Chairman Jeffrey Harvey in the Board of Supervisors Chambers of the County Administrative Center.

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

Members Absent: Howard

Staff Present: Harvey, Judy, Hamock, Schulte, Stepowany, Schultis and Hornung

Election of Officers

Mr. Rhodes stated that the Nominating Committee met earlier to discuss the nomination for Chairman to present to the Planning Commission. During that discussion, Mr. Di Peppe was concerned about the opportunity for the full Planning Commission to have a role in the nomination process. He stated the rationale that the Chairman should be someone who was experienced, had fulfilled that role in the past to the greatest degree possible and had some perspective on the issues that they would be carrying forward to the Planning Commission that came forward from last year. He stated the consensus from the nominating committee was and recommended Mr. Mitchell for Chairman. He stated Mr. Mitchell has served as Chairman on the Board of Supervisors, and it was thought he could run good meetings with a good perspective of the past issues.

Mr. Harvey asked if there were any other nominations from the floor.

Mr. Di Peppe nominated Pete Fields for Chairman.

Mrs. Carlone seconded.

Mr. Harvey stated there were two nominations on the floor and asked if there were any other nominations. Hearing none, there were two nominations for consideration by the Commission, one for Mr. Mitchell and one for Mr. Fields for Chair. He then asked if there were any motions.

Mr. Rhodes made a motion for Mr. Mitchell to be Chairman.

Mr. Mitchell seconded.

Mr. Harvey asked if there was a motion to close the nominations.

Mr. Fields made a motion to close the nominations.

Mr. Di Peppe seconded.

Mrs. Kirkman stated she wanted to clarify by asking each person who they wanted to vote for.

Mr. Harvey stated that there was a motion on the floor to close the list of nominees and seconded; he asked for a vote. The motion passed 6-0 (Mr. Howard was absent). He then asked how the Commission wanted to proceed with the roll call vote; should it be an individual roll call or would they prefer each individual member make their recommendation for their candidate for Chairman.

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Mr. Fields stated there should be a roll call vote for each nomination.

Mr. Harvey stated that Mr. Mitchell was the first name on the floor for nomination. He called roll for each vote.

Mrs. Carlone – No
Mr. Di Peppe – No
Mr. Fields – No
Mrs. Kirkman – No
Mr. Mitchell – Yes
Mr. Rhodes – Yes

Mr. Harvey stated the vote for Mr. Mitchell to be chairman was 2-4 (Mr. Howard was absent). He then called roll for the nomination for Mr. Fields to be chairman.

Mrs. Carlone – Yes
Mr. Di Peppe – Yes
Mr. Fields – Yes
Mrs. Kirkman – Yes
Mr. Mitchell – No
Mr. Rhodes – No

Mr. Harvey stated the vote to elect Mr. Fields passed 4-2 (Mr. Howard was absent).

Mr. Fields opened the floor for nominations for Vice Chairman of the Planning Commission.

Mrs. Carlone nominated Mr. Di Peppe.

Mr. Mitchell seconded.

Mr. Fields asked if there were any other nominations for Vice Chairman. There were no more nominations, he asked for a motion to select Mr. Di Peppe as Vice Chairman by acclamation.

Mr. Di Peppe stated, “so moved”.

Mr. Mitchell seconded.

Mr. Fields stated that Mr. Di Peppe was elected Vice Chairman by acclamation.

Mrs. Kirkman nominated Mr. Mitchell for Secretary of the Planning Commission.

Mr. Fields seconded.

Mr. Fields asked if there were any other nominations for Secretary; there were no more nominations, so he asked for a motion to select Mr. Mitchell as Secretary by acclamation.

Mr. Di Peppe stated, “so moved”.

Mr. Rhodes seconded.

Mr. Fields stated that Mr. Mitchell was elected Secretary.

Declarations of Disqualification

None

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UNIFINISHED BUSINESS:

1. SUB2600625; Williams Subdivision, Preliminary Subdivision Plan - A preliminary subdivision plan for 13 single family residential lots, zoned A-2, Rural Residential, consisting of 14.55 acres located on the north side of Enon Road approximately 1,500 feet west of Wyatt Lane on Assessor's Parcels 45-125 and 45-125B within the Hartwood Election District. **(Time Limit: February 28, 2007) (Deferred to February 20, 2008 Regular Meeting at the applicant's request)**
2. COM2700688 - Comprehensive Plan Amendment – North Stafford Center for Business and Technology – A proposed amendment to the Land Use Plan map component of the Comprehensive Plan. The proposed amendment would redesignate Assessor's Parcel's 19U-1, 19U-2, 19U-3, 19U-4, 19U-5, 19U-A, 19-50, and 19-57B from Suburban Residential, Rural Residential and Resource Protection to Suburban Commercial, Office, and Resource Protection Land Use and extend the Urban Services Area to comprise the above referenced parcels. The proposed amendment is for the purpose of expansion of an existing office and retail development. **(Time Limit: March 4, 2008) (Deferred to January 23, 2008 Work Session)**
3. RC2700545; Reclassification – North Stafford Center for Business and Technology – A proposed reclassification from A-1, Agricultural Zoning District and B-3, Office Zoning District to B-2, Urban Commercial Zoning District and an amendment to proffered conditions to allow the expansion of an existing office park to include an additional office building and a bank on Assessor's Parcels 19-57B and 19U-5 consisting of 6.07 acres, located on the northeast intersection of Garrisonville Road and Tech Parkway within the Rock Hill Election District. The Comprehensive Plan recommends the property for Suburban Residential use. The Suburban Residential designation would allow residential development at a maximum density of 3 dwelling units per acre. See the Zoning Ordinance for a full listing of permitted uses in the B-2 Zoning District. **(Time Limit: March 4, 2008) (Deferred to January 23, 2008 Work Session)**
4. COM2700669; Comprehensive Plan Amendment – Stafford County Courthouse Redevelopment Area - A proposed amendment to the Land Use Plan map component of the Comprehensive Plan. The proposed Amendment would redesignate Assessor's Parcels 29-92A, 92B, 93A, 93C and 93D; 29A-1-1, 2, 4, 7, 8, 8A, 8B, 10A, 11, 12, 13 and 14; 30-53, 53E, 53F, 53G, 54 and 54A; 38-73, 74A, 76, 76A, 76B, 76C, 76D, 76E, 76F, 76G, 76H, 76J, 77, 80, 80A, 81, 81A, 82, 83A, 83B, 83C, 83D, 83E, 83F, 83G, 83H, 83J, 83K, 86L, 84, 84A, 85, 85A, 86A, 86B, 86C, 87, 92, 92A, 92B, 93, 93A, 94C, 95, and 96; 39-1, 2, 3, 4, 4A, 8, 9, 10, 16, 16A, 16B, 16C, 16D, 16E, 16F, 16G, 16H, 16J, 16K, 16L, 56A, 56B, 56C, 56D, 56E, 57, 57A, 57B, 57C, 57D, 57E, 57F, 62, 62A, 63, 64, 64A, 66, 66A, 68A, 71 and 71A from Light Industrial and Heavy Industrial to Urban Commercial. The affected properties are all located in the general vicinity of the Stafford County Courthouse, in an area bound from the south by Accokeek Creek, to the north by Courthouse Road, to the west by Interstate 95, and the east by Stafford Middle School. The proposed amendment would be for the purpose of courthouse area redevelopment and construction of future county courthouse projects. **(Time Limit: February 3, 2008) (Deferred to January 23, 2008 Work Session)**

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5. RC2700668; Reclassification – Stafford County Courthouse Redevelopment Area - A proposed Reclassification from R-1, Suburban Residential Zoning to B-2, Urban Commercial Zoning District on Assessor's Parcels 30-50 and 53 and M-1, Light Industrial Zoning to B-2, Urban Commercial Zoning District on Assessor's Parcels 29-93A, 93C, 93D, 30-56, 38-77, 80, 80A, 81, 81A, 82, 83B, 83C, 83D, 83E, 83F, 83G, 83H, 83J, 83K, 83L, 86A, 86B, 86C, 92 (portion), 92A, 39-1 (portion), 4, 4A, 16, 16H, 16L and 56D and M-2, Heavy Industrial Zoning District to B-2, Urban Commercial Zoning District on Assessor's Parcels 29-92A, 92B, 29A-1-9A, 38-84, 85 and 85A and M-1, Light Industrial and B-1, Convenience Commercial to B-2, Urban Commercial Zoning District on Assessor's Parcels 38-95 and 96 and M-1, Light Industrial M-2, Heavy Industrial Zoning District to B-2, Urban Commercial Zoning District on Assessor's Parcel 38-83A with all properties within an area in close proximity of the Stafford County Courthouse, bound to the south by Accokeek Creek (property containing the creek), to the north by Courthouse Road, to the west by Interstate 95, and to the east by Stafford Middle School. These properties include industrial zoned properties on either side of Wyche Road and along Jefferson Davis Highway. The purpose of the proposed reclassification is to allow for the Courthouse area redevelopment and construction of future County Courthouse projects consisting of approximately 489 acres, located on the south side of Courthouse Road within the Aquia Election District. The Comprehensive Plan recommends the properties for Urban Commercial, Office, Light and Heavy Industrial and Resource Protection uses. The Urban Commercial designation would allow development of commercial retail and office uses. The Office designation would allow the development of professional offices and office parks. The Light Industrial designation would allow light industrial, light manufacturing and office uses. The Heavy Industrial designation would allow warehouses and the development of industrial parks. The Resource Protection designation would allow open space and conservation. See Section 28-35 of the Zoning Ordinance for a full listing of permitted used in the B-2 Zoning District. **(Time Limit: March 7, 2008) (Deferred to January 23, 2008 Work Session)**
6. COM2700707; Comprehensive Plan Amendment - Stafford Nursing Home and Retirement Community – A proposed amendment to the Land Use Plan map component of the Comprehensive Plan. The proposed amendment would redesignate Assessor's Parcel's 44-119M and 44-106C (portion) and 44-107 (portion) consisting of 22.69 acres Light Industrial and Resource Protection Land Use to Urban Residential and Resource Protection Land Use, located on the east side of Berea Church Road between Stafford Industrial Park and England Run within the Falmouth Election District. The proposed amendment would be for the purpose of developing a Life Care/Retirement Community (LC). **(Time Limit: February 16, 2008) (Deferred to January 23, 2008 Work Session)**
7. RC2700639; Reclassification - Stafford Nursing Home and Retirement Community - A proposed reclassification from M-1, Light Industrial Zoning District and A-1, Agricultural Zoning Districts to LC, Life Care/Retirement Community Zoning District to allow for the development of a retirement community that includes a nursing home, independent living units and assisted living facility on Assessor's Parcels 44-119M and 44-106C (portion) and 44-107 (portion) consisting of 22.69 acres, located on the east side of Berea Church Road between Stafford Industrial Park and England Run within the Falmouth Election District. The Comprehensive Plan recommends the property for Light

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Industrial and Resource Protection uses. The Light Industrial designation would allow light industrial, light manufacturing and office uses. The Life Care/Retirement Community designation would allow a continuous care retirement community. See section 28-35 of the Zoning Ordinance for a full listing of permitted uses in the LC Community Zoning District. **(Time Limit: March 17, 2008) (Deferred to January 23, 2008 Work Session)**

PLANNING DIRECTOR'S REPORT:

Mr. Rhodes suggested moving up the Planning Director's report to discuss a few general items.

Mr. Harvey stated each Planning Commission member was given a binder and briefly discussed the items in the binder such as Membership and Compensation.

Mr. Di Peppe stated he would like telephone numbers listed on the website.

Mr. Harvey stated it would be up to the Commission. In the past people would call the Planning Department and they would field questions or, if someone needed to speak to them directly, their call would be forwarded. The contact information can be placed on the website if requested.

Mr. Di Peppe stated that he brought it up because someone may not get home until 6:30 or 7:00 at night and may want to call to ask a question.

Mr. Harvey then discussed the By-Laws and stated that the Commission could make modifications. He stated if it was the desire of the Commission, the Chairman may appoint a By-Laws Committee to make modifications to the By-Laws, otherwise the By-Laws would be accepted unless the Committee decided to modify them. He then discussed the Staff support and pointed out an organizational chart with all the Staff members listed and stated Staff also supported approximately seven other Boards and Commissions within the County.

Mr. Fields asked if there was a preferred order of contact or chain of command that should be followed with Planning Commission requests and contacts and Planning Department staff.

Mr. Harvey stated that following the organizational chart would be the best way to get issues resolved.

Mrs. Carlone asked Mr. Harvey if he would prefer email requests rather than phone calls.

Mr. Harvey stated that email requests receive more complete answers than telephone calls as attachments can be sent through email, and that direct email addresses will be given to the Commissioners. He then discussed the Comprehensive Plan Update which was currently under review by the Planning Commission and would be discussing it more in the Fall. He continued with the Comprehensive Plan Elements and the Comprehensive Plan Compliance Reviews. The Zoning Ordinance was discussed with a summary of the history of zoning in Stafford County and maps were provided. Reclassifications and proffers were discussed, along with Conditional Use Permits, Subdivision Ordinance, Preliminary Plans, Private Access Easements (PAEs), Waiver requests, and Technical Review Committee (TRC). He stated the Zoning and the Subdivision Ordinances also stipulate that there should be a member of the Planning Commission attending TRC meetings. He explained TRC was comprised of staff from Planning, the Departments of Fire and Rescue, Utilities, and occasionally from Code Administration, the Virginia Department of Transportation and the Virginia Department of Health. He stated in the past there have been two Commissioners attending TRC, however, it would be up to the Chairman to decide who would be attending. He stated TRC meetings are conducted twice a month on Wednesdays during the day and they do require a significant commitment. He stated the last items to be

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discussed were the Annual Report and State Code. He then asked the Chairman how he would like the Annual Report to be conducted.

Mr. Fields inquired as to when the Annual Report is due.

Mr. Harvey stated it was traditionally prepared in January as a summary of what happened in the previous year. He stated staff could compile the information and asked if the information should come from the Chairman of the Planning Commission.

Mr. Fields stated he would like to look through the report. He stated he liked the idea of the report coming from the Commission through the Chairman to the Board of Supervisors.

Mr. Harvey stated he would be happy to meet with Mr. Fields to discuss format and those types of questions. He stated the final item he wanted to mention was that he had copies of the State Code as it pertains to planning and zoning matters. He stated this concluded his summary of information and would answer questions.

Mrs. Carlone stated she attended the Planning Commissioners course and that it was very helpful to her. She asked if it would be possible to hold a monthly class on Saturday in the County to explain some of the details required for a Commissioner.

Mr. Harvey stated there was a Certified Planning Commission course available through CPEAV which is highly recommended, though not required.

Mrs. Carlone asked if the instructor could come to Stafford or if there was a condensed version.

Mr. Di Peppe stated he thought it would be very helpful as part of an orientation if there was a way to sit down with new Planning Commissioners and go through a sample package of the kind of things that come before us and also even just a basic half hour course in how to read site plans.

Mrs. Carlone stated that after that, each Planning Commission member could join her at TRC, which would be great training.

Mr. Fields asked staff if they could present the Commissioners with a schedule from CPEAV of the course dates and inquire if Mike Chandler or another member of their organization would be willing to do a specific program for Stafford. He also asked Mr. Harvey how he would want to set up access to implement Mr. Di Peppe's suggestion concerning site plan review/reading classes.

Mr. Harvey stated he would have something prepared for the next Commission meeting.

Mrs. Kirkman stated she could not find the Transportation Plan section in the Comprehensive Plan and also wanted to get a copy of the Utilities Element of the current Comprehensive Plan.

Mr. Harvey stated that he would get the items requested and that the current version of the Utilities Master Plan was from the 1990's.

Mrs. Kirkman requested copies of Erosion and Sediment Control and Storm Water Management sections of the Ordinance. She stated she would also like a copy of a small transportation map and asked if the impact fee areas were shown on the transportation map.

Mr. Harvey stated that the transportation impact fees are not really an issue that comes before the Planning Commission, and the same with Erosion Control and Storm Water Management. He

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stated those are separate Code items that do not normally go before the Planning Commission. He stated those items go directly to the Board of Supervisors for their consideration.

Mrs. Kirkman stated she thought Storm Water Management and Erosion and Sediment Control were part of the things the Commission had to review.

Mr. Harvey stated that was considered part of the Preliminary Subdivision Plan. He then requested they conduct new business and then continue his report.

Mr. Fields stated it was time for part two of the Planning Director's report.

Mr. Harvey stated that three items were inadvertently scheduled for the work session on January 23, 2008 and asked if one of the items could be moved to the regular session. He stated that staff would recommend considering placing North Stafford Center for Business and Technology on the regular meeting agenda. He stated that project had been presented to the Planning Commission at its work session in December and a majority of the issues had been worked out between the Commission and the applicant's representative. He stated staff met with the applicant and a revised a proffer statement would be submitted.

Mr. Fields stated that it sounded reasonable to him.

Mrs. Kirkman asked if Mr. Harvey could please explain the difference of what gets done between the work session and the regular session.

Mr. Harvey stated that the work session was more of a one-on-one discussion with the applicant versus a public hearing format. He stated there was no official vote taken for approval or denial at a work session. The committee as a whole will make a recommendation for an official vote at the regular session. He continued with his report, stating there were a number of dual role positions the Planning Commissioners have. He stated the Board of Supervisors would expect appointments from the Commission to the Old Falmouth Renaissance Commission, Architectural Review Board (ARB), Parks and Rec Commission and the Transportation Commission, and the Technical Review Committee (TRC). He said Mr. Di Peppe was Chairman of the Ordinance Committee and Mr. Pitzel was Chairman of the Comprehensive Plan Committee. He stated they can structure the committees however they like, that the By-Laws give them latitude to make that work out as the Commission sees fit.

NEW BUSINESS:

8. **SUB2700058; Song Subdivision, Preliminary Subdivision Plan** - A preliminary subdivision plan for 5 single family residential lots, zoned A-1, Agricultural, consisting of 16.95 acres located on the north side of Walnut Drive approximately 800 feet east of Rita Drive on Assessor's Parcel 46-86 within the Falmouth Election District. **(Time Limit: April 3, 2008)**

Jon Schultis presented the staff report. He provided a copy of the preliminary subdivision plan. He stated that Song Court was the primary access to this site and the site was served by well and septic. He stated there are environmental features on this site, wetlands in particular. The western portion of lots 4 and 5 are preserved within the Resource Protection Area (RPA). A phase 1 agricultural study was completed, and the site revealed several areas or concentrations of artifacts which denoted encampment sites. These concentration areas have been preserved in preservation easements. He stated that this was a by right subdivision in the A-1 Agricultural

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district and meets all County Codes, and all TRC comments have been addressed. He stated staff recommends approval of this preliminary plan and would answer any questions.

Mrs. Carlone asked about the buffer distance between lots 4 and 5, and stated they were partly in the RPA.

Mr. Schultis deferred that question to the applicant.

Thomas Song, applicant, stated he would answer any questions.

Mrs. Carlone stated that when there was an RPA on lots, they ask the applicant to install small metal signs on each piece of property stating no disturbance of RPA. She asked Mr. Song if he would be willing to post these signs.

Mr. Song stated he does not have a problem posting signs.

Mrs. Carlone advised Mr. Song he could obtain the proper wording from the Planning office. She asked if the cultural resources would be protected.

Mr. Song stated that he would have signs around the corners of the protected area.

Mrs. Carlone asked if he had talked with Wendy Wheatcraft.

Mr. Song stated he had and was willing to do what she asked him.

Mrs. Carlone asked if he planned to erect any type of barrier.

Mr. Song stated that he could add a fence.

Mrs. Carlone asked him to please talk with Wendy.

Mr. Song stated there was about 100 feet of buffer from the main stream and about 200 feet from the railroad tracks and the area was full of mature trees.

Mrs. Carlone asked if a light would be placed on the entrance sign.

Mr. Song stated that would not a problem.

Mr. Fields stated his concern that the drain fields and the proposed house locations practically touch the easement. He asked the applicant if all of the drainfields were going to be conventional.

Mr. Song stated there were four conventional and one alternative drainfield. He stated the alternative would be on the second lot which was the largest lot.

Mr. Fields stated it looked like the corner of the drain field on two of these parcels essentially touches the easement. He stated he thought it would be significant that the easement remained intact.

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Mr. Song asked if Mrs. Carlone's suggestion to put a fence around the boundaries of the easement before any construction began would satisfy the requirement.

Mr. Fields stated that some type of temporary fence that.

Mr. Schultis stated that during the construction plan process, a super silt fence would be constructed around the preservation easements in order to protect them.

Mr. Fields asked if the reserve drain fields were conventional as well.

Mr. Song stated yes.

Mr. Fields asked if there would be one alternative system and if it was the primary for lot 2.

Mr. Song answered affirmatively.

Mr. Fields asked if the preservation easements were recorded on the deeds to the property.

Mr. Song stated that was in the next phase. He stated it would be in the deed and would meet with Wendy's approval.

Mrs. Kirkman asked if there would be a note on the subdivision plan with that requirement.

Mr. Song stated yes, that was the case and deferred the question to Mr. Schultis.

Mr. Schultis stated that they could include a note on the site plan and on the final plat. It will be in the deed that was recorded with the plat.

Mr. Fields asked if there were any more questions for the applicant. Hearing none, he then asked if there were any further questions for staff.

Mrs. Kirkman stated she would like staff to clarify that these have all had the Authorized Onsite Soil Evaluator (AOSE) actual evaluations done on these sites.

Mr. Schultis stated yes, that the AOSE soil scientist has signed the plans that he presented. If the plans were approved the Chairman could sign. The health department had reviewed and approved the plan.

Mrs. Kirkman stated that she did not see the location for the wells on the adjacent properties. She stated one of the lots have the drainfield up to the property line, and would like to see the adjacent property well location.

Mr. Schultis stated he would defer to the expertise of the health department and the AOSE; that approving their reviews on this subdivision, those requirements have been met.

Mrs. Kirkman asked to clarify that they could approve a subdivision plan that has a drain field on a property line next to a well on the other property.

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Mrs. Hornung stated that the health department has a requirement that drainfields have to be a certain distance from property lines and that they also have to be a minimum of 50 feet from any well.

Mr. Fields stated the drainfields that are not shown on adjacent properties could impact the well sites of the new subdivision, not the new drainfields. He then asked if these sites were guaranteed to be set back from all drain fields regardless if they are on this subdivision plan or not.

Mr. Schultis clarified that the issue here was with the wells and the drainfield locations of the existing development across the street in accordance with the ones that are proposed with this development and whether or not they infringe or violate any standard that the health department may have.

Mr. Fields asked if the existing drain fields in the existing subdivisions impact the proposed well sites in this proposed subdivision.

Mr. Song stated that the existing neighbors are at least 100 feet away.

Mr. Harvey stated that Mr. Rhodes asked whether the health department standards would be applied in this case where a new lot was adjacent to an old lot. He was concerned about their standards being a certain distance from the property line, and the distance from the house and nearest well.

Ms. Hornung stated that typically the health department would like to know what was within 200 feet of the drainfields and wells. She stated they would look into that when the permits are submitted for construction.

Mrs. Kirkman stated the actual placement of wells and drainfields would be taken into account when the health department actually issues the permit.

Ms. Hornung explained that by approving the preliminary plan it does not guarantee the exact location of the drainfield. She stated if something happened during construction and they had to relocate, the health department would not let them install that system if it is going to impact and degrade an existing system.

Mr. Di Peppe made a motion for approval. Mrs. Carlone seconded. The motion passed 6-0 (Mr. Howard was absent).

9. SUB2600748; McCarty Forest, Revalidation, Preliminary Plan - A revalidation of an approved subdivision preliminary plan for 12 single family residential lots, zoned A-1, Agricultural, consisting of 51.24 acres located on the west side of McCarty Road at the intersection of Colebrook Road on Assessor's Parcels 59-12 and 59-13 within the George Washington Election District. **(Time Limit: April 3, 2008)**

Jamie Stepowany presented the staff report. He provided a copy of the preliminary subdivision plan. He stated that the original preliminary plan for McCarty Forest was approved by the Planning Commission on June 1, 2005. He stated the Subdivision Ordinance requires a record

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plat for either one or all of the lots to be submitted to the Planning Department in complete form within one year of approval of the preliminary plan. In this case, a plat was not submitted within one year of the approval and therefore lost vesting. He stated this preliminary subdivision was originally approved in 2005, was submitted in October 2006 for re-approval, and went to TRC November 8, 2006. He stated the time limit for this application was April 4, 2008 and the property would be served by private well and septic. He stated that when the plan was first approved in 2005, the utilities code had no requirement to hook up to public water and sewer if the site was within an urban service area. The Board of Supervisors passed an ordinance prior to submission of this revalidation requiring any property within the urban service area to be hooked up to public water and sewer. He stated McCarty Forest received a waiver from the Board of Supervisors, stating they did not have to hook up to public water and sewer and they could proceed with the plan to use private well and septic system. He stated the plan does have some RPA and some wetlands that are adjacent to Little Falls Run to the west of the property. He stated this site does have inter-parcel connections to properties to the north and south and does not connect to the properties across the stream. He stated the plan was in compliance with all the requirements of the Subdivision and Zoning Ordinance, and the Utilities Ordinance in the sense that it got the waiver releasing it from the requirement of hookup to public water and sewer. He stated staff recommends approval of this preliminary plan.

Mrs. Carlone stated there were two connections and asked if that could be explained.

Mr. Stepowany stated that if the property to the north or to the south was to be developed, they would have mechanisms to connect into McCarty Road. When you have a corner lot you have to put a future street connection sign there stating it was a future street. The construction plan shows the whole section of those proposed streets to be graded as if it was going to be as street.

Mrs. Carlone asked if the curve would be cut out at grading.

Mr. Stepowany stated they would actually grade that strip so that it gives the appearance of a street and it would be dedicated to the County for public use. He stated it was not private property, it would become County property and the Office of Transportation was aware.

Mrs. Carlone asked if it was in writing.

Mr. Stepowany stated that it was a comment in the construction plan and they have complied with it.

Mrs. Carlone asked if there would be signs.

Mr. Stepowany stated that they could ask for signs on the RPA.

Mr. Di Peppe stated that some of the drainfields looked close to the road and wondered if it was just outside the right-of-way. He gave example of lots 1 and 9.

Mr. Stepowany stated that he did not know if there was an actual setback from the right-of-way.

Mr. Di Peppe stated, in his opinion, it was close to the road.

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Mr. Stepowany stated it cannot be in the right-of-way or where there was drainage involved for the right-of-way.

Mr. Di Peppe stated it looks close.

Mrs. Carlone asked if there was something in writing to protect the rain gardens.

Mr. Stepowany deferred that question to the applicant.

Mrs. Kirkman asked to explain the revalidation of the preliminary plan.

Mr. Stepowany stated that in the past they called it revalidation. He stated this was actually a brand new application subject to all current new regulations.

Mrs. Kirkman stated that this was looked at by TRC over a year ago and asked if the application had been reviewed in the last year.

Mr. Stepowany stated there was a quick preview of it but the only changes in the last two years that would affect this property was Storm Water Management and that was just reviewed within the last year.

Mrs. Kirkman stated that she did not understand how a construction plan could be accepted and reviewed when there was not a valid preliminary site plan.

Mr. Stepowany stated that it was submitted after the preliminary plan was submitted. He stated they got the construction plan in, that went through TRC and went through three reviews. When they asked about getting the final plat in it was discovered that they missed the deadline by a couple months and it lost its vesting. He stated you have to get the final plat in within one year from the date of the preliminary plan. He stated we could not accept the final plat but we already had the construction plan in and the construction plan already went through TRC and through multiple reviews. He stated the applicant had posted the securities for the Storm Water Management measurement and they were ready to get the construction plan approved when it was brought to their attention in writing from the Planning Director that it lost its vesting because they did not get the plat in within one year. The construction plan was the next part of the phase.

Mrs. Kirkman stated that one of her concerns was the AOSE certification states that each lot complies with the regulations of the Virginia Department of Health and all local Caroline County Ordinances, which would be great if this was being built in Caroline County. This leads to some concern about the quality of the review for instance that the Department of Health does if they are signing off on a statement like that.

Mr. Stepowany stated that he did not catch that and that they could be asked to correct it to Stafford County as they have the same regulations. The Department of Health controls all the Fredericksburg area, which includes Caroline, King George, Spotsylvania, Stafford and the City of Fredericksburg through the same office.

Mr. Fields stated that counties can make separate ordinances regulating drainfields, and there are drainfield regulations that we consider completely independent of other jurisdictions in the

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planning district. He asked Mr. Stepowany if he could state with absolute certainty that there was no difference between on-sight sewage disposal regulations in the County of Caroline and the County of Stafford.

Mr. Stepowany stated for the review of the preliminary plan he could state yes, there were no differences, it was all under the same State criteria.

Mr. Harvey stated that we will need to get the AOSE to make a correction on that statement as they will need to certify that it meets all the applicable ordinance requirements that apply in Stafford.

Mrs. Kirkman stated at this point, we do not have the valid certification which means it should be returned to the applicant as incomplete.

Mr. Judy stated that the process would be to put the plan in committee and have the error corrected so that it could be brought back for a vote.

Mrs. Kirkman stated that lot 3 shows a drainage easement that drains onto the adjacent property and she had some concerns and wants to know if the adjacent property owner was aware that the run-off from this project was draining directly onto his property and asked if there was something that needed to be done about that.

Mr. Stepowany stated that he would have to look at the construction plan to see which way the water was draining.

Mrs. Kirkman stated that she wanted to make sure that the adjacent property owner does not have storm water being dumped on his property. She also asked for clarification on the map concerning the wetlands. She asked if the buffer would have to start at the edge of the jurisdictional wetlands.

Mr. Stepowany asked if she was referring to the 100 foot RPA buffer and stated that through this review it was not required to be within the 100 foot RPA.

Mr. Harvey stated that the new standard for the RPA depends if the wetlands are associated with the resource itself. He stated it would require an environmental review to determine if those were associated wetlands with the stream since they may be isolated wetlands.

Mrs. Kirkman stated that one of her concerns is that this has been sitting for a year essentially while legislative action was taken regarding the waiver. She stated CBLAT issued that guidance over the course of the summer and she did not know if an environmental planner had looked at it in light of that new guidance.

Mr. Stepowany stated that he would have environmental take another look at it.

Mr. Fields asked whether the drainfields were conventional or a mixture of some alternative and conventional.

Mr. Stepowany stated that he assumed they were all conventional.

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Mrs. Kirkman stated that she requested that information but had not had a chance to review all of the evaluation sheets and that it looked like a fair amount of them are alternative systems.

Mr. Fields asked that if this were a parcel of land outside of the urban service area that was requesting to go on county water and sewer, would that require a comprehensive plan review.

Mr. Stepowany stated yes.

Mr. Fields asked if there was a reason why the inverse was not true or had there been a comprehensive plan review on why we would permit well and septic inside the urban service area.

Mr. Harvey stated that in this case of private well and septic there are no public facilities so you would not have a public review. He also stated that an issue did come up about the requirement to have public water and sewer at this location but the Board did grant them a waiver or an exception to the mandatory sewer requirement. So the reason why the inverse does not occur was because you do not have a public facility that you are reviewing.

Mr. Fields stated that the comprehensive plan was not for the integrity of the urban service area as a component of the comprehensive plan or good planning practice, it has to do with the usage of public facilities.

Mr. Judy read the statute in the Code of Virginia and stated that as Mr. Harvey said the converse has nothing to do with the location of public facilities since the sewer and the septic systems and the wells will not be public facilities.

Mr. Fields stated that it was no secret that he opposed the waiver when he was Supervisor for the George Washington District. He asked in our judgment to comply with the comprehensive plan and to comply with the zoning practice and approve these preliminary site division plans, is that waiver absolutely exclusionary of us making a separate determination.

Mr. Judy stated absolutely.

Mr. Fields asked if there were any questions for the applicant.

Mrs. Carlone stated that CPTED principles require a certain amount of lighting for the neighborhoods. She asked Mr. Howe if he was planning on putting any type of carriage post lamps out front.

Mr. Howe stated yes, that the intent was to have a very nice subdivision which would include street lighting and most of the amenities you would find within a higher-end subdivision.\

Mrs. Carlone requested that signs be placed on the Low Impact Development (LID) or something be put on the Deed for the purchasers to not disturb the LIDs.

Mr. Howe stated that the intent would be to have a Home Owners Association (HOA) agreement, that they would probably fence them off in some decorative fashion to make sure that

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they would be protected and that they would be responsible to repair any damages that would be done to those LIDs.

Mrs. Carlone reiterated that the LID information would be written into an HOA document and that they would consider carriage lamps and the RPA signs.

Mr. Fields asked Mr. Howe that since he had been granted the waiver to develop this land ahead of its normal trajectory on well and septic instead of on water and sewer would he be willing to forego the right to ever connect to water and sewer on this property.

Mr. Howe stated that he would need counsel prior to agreeing to that just to be safe.

Mr. Fields stated that he had no doubts that Mr. Howe intended to build a good subdivision and made a motion to defer this to committee. Mr. Rhodes seconded. The motion passed 6-0 (Mr. Howard was absent).

Mr. Harvey asked Mr. Fields when he would like to send this to committee.

Mr. Fields stated February 6.

MINUTES:

None

COUNTY ATTORNEY'S REPORT

Mr. Judy had no specific report but would like to welcome Mr. Fields, Mrs. Kirkman and Mr. Howard to the Planning Commission and to advise that he was available to assist in talking about legal issues pertaining to what was discussed at the meetings.

SECRETARY/TREASURER REPORT

No report.

STANDING COMMITTEE REPORTS

No report.

CONSENT AGENDA

No report.

SPECIAL COMMITTEE REPORTS

No report.

CHAIRMAN'S REPORT

Mr. Fields stated that his understanding of the By-Laws and the rules was that the Chairman makes the appointments to the various committees. He stated that Mrs. Carlone had requested to

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be the ARB representative, and also that there was a representative for the Centreport ARB but he did not know how active or involved that was.

Mr. Harvey stated that it met once in review of the FedEx site plan and the proffers for the Centreport project to specify that as development plans presented to the ARB for Centreport would meet to see if the plans meet the guidelines specified for the project.

Mr. Fields clarified that by Centreport what was meant was the 500 and some acre commercially zoned property surrounding the airport. He then stated that Mrs. Carlone was appointed to the Centreport ARB, Mr. Mitchell was appointed to the Parks and Rec Commission, Mrs. Kirkman was appointed to the Transportation Commission and Mr. Di Peppe was appointed to the Old Falmouth Renaissance Commission. He stated that he had several special committees and given the very dramatic nature of Chapter 896, he believed a special committee should begin researching the implications of what Chapter 896 means for Stafford County. In particular, what various phases and courses of implementation mean to the County in terms of the Comprehensive Plan and to help advise the Board of Supervisors. For that committee he would like to appoint Mr. Fields, Mrs. Carlone and Mr. Rhodes. For the Comp Plan committee he would like to appoint Mr. Di Peppe, Mrs. Kirkman and Mr. Mitchell.

Mrs. Carlone asked if it would be the propitious time to appoint Mr. Howard since he was absent and not able to defend himself.

Mr. Fields stated that with these two special committees, as with all committees, everyone was welcome to attend and welcome to participate.

Mr. Di Peppe stated that many of the Ordinance meetings take place during the work session and follow the regular meeting. He stated most of the preliminary work takes place in work sessions; it is not necessarily a special meeting.

Mr. Fields appointed Mr. Di Peppe to the Ordinance Committee. He stated that if adjustments are necessary or new committees need to be formed, that could be done. He asked if he could receive a presentation from staff on definitions of what level of service means in terms of the Comprehensive Plan.

Mr. Harvey asked if that was something Mr. Fields wanted to work through the Comprehensive Plan Committee or how he wanted it presented.

Mr. Fields stated that this first presentation should be educational for the Commission as a whole and for the public that was watching on television and attending. As that information was brought to the Commission as a whole, the Commission may wish to collectively to direct one of the committees or suggest different dispositions of that information.

Mrs. Kirkman asked if that was something that takes place during a work session or a regular session.

Mr. Fields stated that he had no preference, however, the evening session was somewhat expandable.

Mr. Harvey stated that there would be more time available in the regular sessions.

Mr. Fields stated that they would be part of the regular meeting.

Mrs. Kirkman asked if there could be a regular session to educate the Commission members on levels of service. She would like to have someone from Chesterfield County do a presentation. She stated it would be helpful to hear from some localities that have actually done it.

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Mr. Fields stated that the Board had a peer group of six counties and asked if they did that much on the Planning Commission to reference when we are dealing with new concepts or how they could apply to Stafford.

Mr. Harvey stated that those are used in the review for ordinance development and they often expand beyond that searching for new ideas. He stated most of the issues they deal with are not a one-on-one comparison with other jurisdictions, since the Planning Commission has felt the need to create regulations and direction that are unique to Stafford.

Mr. Fields stated that some of the comparisons were demographic and fiscal as well as planning and zoning. He stated that was the end of his report.

Mr. Harvey asked for clarification as to who the appointee for the TRC would be.

Mrs. Carlone made a suggestion that it would be beneficial to take turns to sit in with her at the TRC meetings.

Mr. Fields stated that over the course of the year they will try to develop a possible rotation.

Mr. Di Peppe asked if they would establish a seating.

Mr. Fields stated that they will wait until Mr. Howard was back and requested all to email him with any requests for seating.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:34 p.m.

Peter Fields, Chairman