

STAFFORD COUNTY PLANNING COMMISSION
WORK SESSION MINUTES
January 23, 2008

The work session of the Stafford County Planning Commission of Wednesday, January 23, 2008, was called to order at 5:30 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the County Administrative Center.

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

Members Absent:

Staff Present: Harvey, Judy, Stepowany, Baker, Hess, Hamock

Declarations of Disqualification

None

UNFINISHED BUSINESS:

1. 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)**

2. 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

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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)**

Mr. Harvey stated Kathy Baker would provide a summary to date of the project.

Kathy Baker presented a staff report for COM2700669 and RC2700668. She stated the Public Hearings were held at the December 5, 2007 Planning Commission meeting. She stated there were 43 parcels and 493 acres that would be potentially rezoned. She provided a map for the Commission and showed the current land use and proposed land use. She showed an aerial photograph of the affected area and stated the 2006 Economic Plan included a vision for the Courthouse Area as pedestrian friendly mixed use and development. She stated redevelopment administrator was negotiating with a consultant that would be looking the entire area and three (3) other redevelopment areas in the county and should be on board this spring. She stated there were no in-depth impact studies and staff noted potential impacts to existing properties if converted to B-2 zoning becoming non-conforming uses. She stated six (6) properties were assessed with the potential to become non-conforming under those circumstance and three (3) site plans in the affected area that could also become non-conforming.

Mr. Fields asked if the time limit on the report was requested form the Board.

Mr. Harvey stated Comprehensive Plan Amendments have 60 days.

Mr. Fields asked if the Commission could request an extension.

Mr. Harvey stated yes.

Mrs. Carlone stated this project was premature until reviewed by consultants. She stated the Commission does not have any information regarding the benefits and all of the concerns from the public were valid.

Ms. Kirkman asked if the Board referred the Economic Development Plan back to the Commission.

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Mrs. Baker stated the Board wanted to give the new Commission members a chance to hear the presentation.

Mr. Harvey stated the Board wanted to get more feedback from the Commission members on the Plan and their recommendations regarding initiating the redevelopment areas with redevelopment visions in the plan.

Mr. Fields asked if this was for the collective redevelopment areas Boswells Corner, Courthouse Area, Falmouth and Southern Gateway.

Mr. Harvey stated that was part of the plan and the plan also addresses broader economic issues in the county.

Mrs. Carlone stated, in her opinion, the Commission should ask for a deferral from the Board.

Mr. Fields stated there were three areas of concerns and the first concern was the public information meeting which had not been conducted.

Mr. Harvey stated there was a general discussion with the community regarding the overall vision document for the Courthouse area.

Mr. Fields stated the second concern was with the county initiating the rezoning and losing the ability to obtain proffers for the Commercial uses.

Mr. Harvey stated the proffers only apply to floating zones where property owners request a zoning change on their own action.

Mr. Fields stated his third concern would be asking for approval prior to the completion of the Comprehensive Plan seems to be premature.

Ms. Kirkman stated her concerns were that there had not been any impact study conducted on the proposed redevelopment area. She stated, in her opinion, the study would be an important part based on the size and scope of the project particularly, the traffic impacts. She stated the Commission would need to know the full scope of those impacts.

Mr. Fields stated to give away the ability to have proffers, in his opinion, the tax payers would foot the entire bill for infrastructure for the development. He stated there would be a severe restriction of the property owners land and viable business opportunities. He asked if the new B-2 zoning would be able to be used or would it be usable only after the new courthouse interchange.

Mr. Harvey stated he could not speak to future actions in real estate.

Mr. Fields asked if the Flex Office was permitted by right in the B-2 zoning district.

Mr. Harvey stated yes.

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Mr. Fields asked if there was a definition of warehouses to offices or shops to offices in the flex office category.

Mr. Harvey stated he did not believe there were restrictions and stated some of the differences would be commercial zones would not allow outdoor storage where industrial zones do allow outdoor storage. He stated Commercial zones had a higher Floor Area Ratio (FAR) then Industrial and less Open Space Ratio. He stated setbacks were not as rigorous with Commercial as they were with Industrial.

Ms. Kirkman stated she was concerned with the impacts. She asked staff if the area of Courthouse Road would be upgraded to four lanes, and if the rezoning was approved would the county have to pay for the acquisition of additional right of way to expand Courthouse Road.

Mr. Harvey stated fortunately most of the frontage was owned by the county so most of the Right of Way Dedication would be taken care of as the buildings were built.

Mr. Howard asked what were the four areas targeted for redevelopment.

Mr. Harvey stated Boswells Corner, Courthouse Area, Falmouth and Southern Gateway which was the intersection of Interstate 95 and Route 17.

Mr. Fields stated the Falmouth was geared more towards tourism and historical aspect and the three remaining areas would be very similar.

Mr. Howard stated he shared the concerns regarding the proffers and asked if it would lure significant businesses in the area as a possible opportunity to get into an expanding county.

Mr. Fields stated once a property was rezoned the effort to ask for proffers would be lost.

Mr. Mitchell made a motion to request an extension of time from the Board of Supervisors for COM2700669. Mr. Di Peppe seconded. The motion passed 7-0.

Ms. Kirkman asked Mr. Mitchell to consider an amendment to request a postponement until the Commission would receive impact statements.

Mr. Mitchell stated he would like to request an extension first.

Mr. Fields asked if a list of concerns could be provided to the Board of Supervisors.

Mr. Harvey stated that could be part of the motion to ask for additional time.

Mr. Fields asked Ms. Kirkman about the specific nature of the impact analysis she envisioned.

Ms. Kirkman stated in 2006 the General Assembly passed senate bill 699 and stated there was discussion of whether that applied to applications in process, but in Chapter 527 which requires all land use decisions to be reviewed by VDOT and specific requirements about traffic impacts and

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modeling would have to be completed based on the maximum build out proposed zoning classification. She stated the Commission needed that so the taxpayers do not end up paying for the infrastructure. She asked if staff would be in a better position to do some of the impact analysis once the Transportation Department has completed the traffic demand model.

Mr. Harvey stated there would be more information once the Transportation model was up and running. He stated part of the issue would be the interchange which would have a dramatic impact. He stated the unknown of the interchange was part of the reason staff would not have many answers and may be a year before there would be a concept that the county could comment on.

Mrs. Carlone stated the County needed to enumerate concerns.

Mr. Fields stated if the Commission enumerates the concerns without making them conditional.

Mr. Mitchell stated he would have no problem enumerating the concerns and asked Mr. Harvey to list the concerns discussed at the meeting.

Ms. Kirkman asked that the reclassification be included in the request for an extension.

Mr. Fields stated that would be fine.

Mr. Mitchell made a motion for an extension from the Board of Supervisors on RC2700668. Mr. Di Peppe seconded. The motion passed 7-0.

Mrs. Baker asked if the Commission had a date in mind to bring back to the Planning Commission, if the Board were to grant the extension.

Mr. Fields stated the first available date at which staff would be able to address the concerns expressed.

Mr. Harvey summarized the points which were a community meeting, inability to get proffers which staff would not be able to address and need for more detailed impacts studies which with the broad nature of the impact there may not be a traffic study done that would satisfy the needs of the community and waiting for Comprehensive Plan.

Ms. Kirkman stated she also would like to have the Economic Plan which had been referred back to the Commission.

Mr. Harvey stated putting a timeframe around that may be difficult.

Mr. Fields stated setting up a public information meeting would have to occur before the Commission would discuss this project again.

Mrs. Carlone stated a community meeting would be regarding a more defined area and asked what the scope of the area would be.

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Mr. Harvey stated notices would have to be sent to all of people affected by the Comprehensive Plan Change and general meeting information to the newspaper.

Mrs. Baker asked if the public information session should be specific to the Comprehensive Plan Amendment and rezoning or the overall area.

Mr. Fields stated the public should be informed of the overall area.

Mr. Di Peppe asked if the Commission would need the information from the impact study prior to the public meeting.

Mr. Harvey stated there was no impact study being done at this time.

Ms. Kirkman asked if there could be model using the most intensive use within the proposed classification so the Commission could at least know the maximum impacts.

Mr. Harvey stated that could be done and staff could put together ranges of traffic on Route 1, Wyche Road and Courthouse Road. He stated there could also be the same model for sewer and water.

Mr. Mitchell stated right now the extension was most important and other issues could be resolved once the extension was granted.

Mr. Howard asked how the Commission could give a value of the potential loss in proffers.

Mr. Harvey stated financially there would be no way to quantify the loss.

Mrs. Baker stated there were other options to proffers such as design guidelines, overlay district regulations and consultant study.

Mr. Howard stated there were ways to offset the cost for the community.

Mr. Harvey stated the consultant that was looking at the four redevelopment areas. He stated they were looking at ways to offset the cost and talk with the community. He stated each area would be different and unique.

3. 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**)

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4. 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 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)**

James Stepowany presented the staff report. He stated revised proffers and a revised General Development Plan (GDP) were being passed out. He stated this project went to public hearing December 19, 2007 and was deferred to the work session to try to work out some issues. He stated he would make a detailed presentation for the benefit of the new Commission members. He stated the rezoning proposal was for 240 independent units, 76 assisted living beds and 120 nursing home beds. He stated the full development potential based on the density of the zoning district would allow up to 340 dwelling units at a density of 15 units per acre. He stated one of the reasons the application was deferred was based on the initial land use recommendation. He stated staff supports the request with the new proffer limiting the use of the area south of the RPA. He stated the rezoning would rezone M-1, Light Industrial and A-1, Agricultural to LC, Life Care Retirement Zoning District. He gave a brief description of the Life Care Retirement Zoning District regulations. He stated the revised GDP shows the relocation of the nursing home and the applicant has proffered the architectural elevations, minimum and maximum beds for the assisted living and nursing home. He stated they do have cash proffers with contributions to Parks and Recreation. He the transportation consultant would address the interchange concerns from the December meeting. He stated with the revised proffers and GDP staff supports the request.

John Riley, Kimley-Horn and Associates, stated he would like to give the Commission two presentations. He stated the first would be the presentation was shown to the Commission at the December meeting and the second presentation would show the revision made by the applicant. He stated overall the emphasis of this project was on safety and mobility for the users, not only of the proposed community but everyone who uses Berea Church Road. He stated in working with staff, it was believed adding an additional lane of pavement between Fleet Road and U. S. Route 17, would allow the applicant to take the existing turn lane and split the right turns and if approved by VDOT install lighting.

Ms. Kirkman asked Mr. Riley why he would be going out on Berea Church Road instead of Brandywine Court to International Parkway.

Mr. Riley stated in separating the two uses, which are very distinct, the preference was to have residential have its own access.

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Ms. Kirkman stated she was trying to understand why Brandywine Court to International Parkway which seems to be a much wider and straighter road was not being used and instead Berea Church Road, which was much narrower and curvier, was the choice.

Mr. Riley stated he would have Mr. Bruce Hedrick, Stafford Health Investors, LLC, answer.

Mr. Hedrick stated because of the compatibility of uses of the residential and the industrial park, the applicant felt having the entrance/exit on a residential road instead of an industrial park that would have tractor trailers, would be a better choice. He stated the applicant would keep the Brandywine Court entrance open for emergencies.

Ms. Kirkman stated the traffic analysis was based on 96 detached dwelling units, 168 congregate care facility dwelling units, 52 assisted living beds and 120 nursing home beds. She asked if the applicant if they have proffered to build no more than each of those types of units.

Mr. Hedrick stated the proffer statement shown the number of units/beds proffered.

Mr. Howard asked if the applicant looked at Fleet Road as the access.

Mr. Riley stated Fleet Road only had right in and right out, so it was not considered. He stated there was currently a signal at the U. S. Route 17 intersection.

Mrs. Carlone asked about the ages of the citizens for the development.

Mr. Hedrick stated the average age across the campus would be 82 to 84 years old.

Mrs. Carlone stated the shuttle bus proffer states the applicant may transfer the responsibility for the operations of the shuttle bus to the Homeowners Association (HOA). She asked if the buses would be purchased.

Mr. Hedrick stated each of the levels of care would have a shuttle bus, to provide transportation to shopping or appointments, etc.

Mrs. Carlone stated the purchased vehicles would be turned over to the HOA and drivers would be provided.

Mr. Hedrick stated yes.

Mr. Di Peppe stated was looking for something more secure than split rail fence, which was listed.

Mr. Hedrick stated it would be a three rail fence with wire approximately eight feet in height.

Mr. Fields asked about the exemption of the proffers guidelines.

Mr. Hedrick stated the community was not a multi family project with children going to schools, parks or libraries. He stated they were contributing to the general fund, transportation and libraries.

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Mr. Fields stated he was not aware of any policy that would allow anyone to exempt themselves from the proffer guidelines.

Mr. Judy stated all proffers are voluntary.

Mr. Hedrick stated they were not impacting the schools system and it was their understanding of the proffers was only if you were impacting the services.

Mr. Fields stated that was not his understanding of how proffer guidelines work. He stated if in fact this type of housing does not fit within the guidelines, then proffers guidelines would need to be established for this housing type.

Ms. Kirkman asked if the Comprehensive Plan calls for a figure of .70 school children as an average across all housing types.

Mr. Harvey stated that follows what the school board has set when you look at the entire county, and they break it down further based on different types of housing. He stated the project at Aquia Towne Center proposed condo units, and the school board staff did their analysis and condo units generates 1/10 of a student, and some neighborhood have more that 1 student per household based on the type of house or the type of community.

Ms. Kirkman asked when applications come in that have two students per household, are more proffers paid because they generate more students. She stated if we are allowing applicants to pay less because their housing type would generate fewer students, are we asking applicants to pay more if we know their housing type would generate more students.

Mr. Harvey stated so far we have not gone to that level of review. He stated the guidelines are based on a countywide example.

Ms. Kirkman stated if we agree to lower the proffer amount more will come out of the taxpayer's pocket.

Mr. Harvey stated that was where the Commission and the Board of Supervisors would have to look at each case by case basis for each zoning application to see if they have mitigated their impacts with their project.

Mr. Hedrick stated seventy five to eighty percent of the residents would come from eight to ten miles around the site, so those are folks that have been contributing to the tax system and with the 62 and older in the buildings, there will be no children. He stated if the community was impacting county services they are willing to contribute.

Mr. Harvey stated he would like to bring the Commissions attention to the time and stated a break between sessions. He asked if the Commission would like to continue this item at the 7:30 session.

Ms. Kirkman asked if moved to the 7:30 meeting would it be moved out of the committee.

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Mr. Di Peppe stated he would like to make a motion to continue this item to the regular session to allow time for more discussion. Mr. Howard seconded. The motion to continue passed 7-0.

ORDINANCE COMMITTEE

1. Ordinance O08-02 – Heritage Protection District

Mr. Fields stated this item would be moved the evening session because of the time.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 7:11 p.m.

Peter Fields, Chairman

STAFFORD COUNTY PLANNING COMMISSION MINUTES

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The regular meeting of the Stafford County Planning Commission of Wednesday, January 23, 2008, was called to order at 7:30 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the Stafford County Administration Center.

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

MEMBERS ABSENT:

STAFF PRESENT: Harvey, Judy, Hornung, Schulte, Stepowany, Ennis, Hess, Wheatcraft, Baral and Hamock

DECLARATIONS OF DISQUALIFICATIONS:

None

PUBLIC PRESENTATIONS:

Patricia Kurpiel stated she was speaking on behalf of friends of Stafford creeks which she was a water quality monitor with the group. She stated she had a presentation with pictures for the Commission discussing muddy water and the affects on Brook Road after a hard rain. She stated her picture depicted a bulldozer removing mud from Brook Road. She stated the wetlands were valuable parcels which provide great habitat and the runoff was causing silt in the wetlands. She stated the silt in a part of the wetlands was twelve inches deep and the water in the creek had an excess of mud and some of the vegetation was covered in mud. She stated the Commission should pay close attention to item 10 on the agenda and asked that this item be reviewed carefully.

PUBLIC HEARINGS:

1. CUP2700768; Conditional Use Permit – Fair Havens - A request for a conditional use permit to allow a street crossing within a Flood Hazard (FH) Overlay District, specifically to provide access across Horsepen Run to the Fair Havens Subdivision on Assessor's Parcel 42-8 consisting of 2.0 acres, located at the end of Holly Berry Road, approximately 1,000 feet north of Holly Corner Road within the Hartwood Election District. **(Time Limit: April 22, 2008)**

Jaime Stepowany presented the staff report. He showed the current location of the project and provided an aerial photograph. He stated Fair Havens Subdivision was approved on March 8, 2003 for 22 lots and zoned A-1, Agricultural. He stated this project encroaches into a floodplain and the maximum base flood elevation would increase 0.26. He stated there would be no impacts to existing structures or adjacent properties. He provided a Generalized Development Plan (GDP) for the proposed subdivision and road crossing. He stated the proposed conditions and stated staff feels the request with the proposed conditions meet the standards for the issuance of a permit. He stated staff recommends approval of the application with the conditions specified and would be happy to answer any questions.

Mrs. Carlone stated there was a sharp bend in the stream bed and by making the stream straight would increase the velocity of the stream.

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Mr. Baral stated the bend in the stream does reduce the velocity of the stream. He stated upstream and down stream conditions would remain the same and there would be a minimal affect and that would affect the culvert area only.

Mrs. Carlone stated she was concerned that faster velocity may affect people down stream.

Mr. Baral stated during the subdivision plan review there would be a review for sediment and erosion control plan and would look at any issues with eroding soil conditions.

Ms. Kirkman asked for an explanation of a floodway district versus a flood plain.

Mr. Baral stated a flood way would be designated where there are detailed studies and FEMA had not done a detailed study on this segment.

Hamilton Palmer, representing the applicant, stated he would like this plan to be considered and voted on at this meeting. He stated the applicant has come before the Planning Commission to get a CUP for an associated flood plain.

Mr. Fields asked if the CUP fee was about \$10,000.00.

Mr. Palmer stated yes

Mrs. Carlone asked why the applicant wanted a decision tonight.

Mr. Palmer stated the applicant would not have to come back for revalidation. He stated he would ask the Commission to vote on this item at this meeting to allow it to move on to the Board of Supervisors.

Mrs. Carlone stated this was approved in 2003 and why the applicant took so long to come before the Commission.

Mr. Palmer stated there were some issues with the drain fields. He stated this was an earlier subdivision and the drain fields were not approved when the preliminary plan was submitted.

Mrs. Carlone asked if all the issues had been resolved.

Mr. Palmer stated yes.

Ms. Kirkman asked if there was on site soil testing.

Mr. Palmer stated yes.

Ms. Kirkman asked if all the systems would be conventional.

Mr. Palmer stated he did not believe all of the systems were conventional.

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Ms. Kirkman asked if the applicant incorporated the new guidance that came out in 2007 regarding delineating the Critical Resource Protection Area (CRPA).

Mr. Palmer stated yes.

Ms. Kirkman stated she had concerns with lot 18. She stated according to the plan provided it looks as if there would be a need for a creek crossing to get to some lots. She stated there had been no crossings incorporated in the analysis.

Mr. Baral stated the CUP was related only to the culvert. He stated the culvert was encroaching FEMA designated flood plain. He stated regular reviews would be done for the subdivision site and the construction plan.

Ms. Kirkman stated she had concerns about approving a CUP that would be encroaching on a flood plain when there would be two additional crossings.

Mr. Judy stated this did not fall within the designation of FEMA as a flood way or flood plain.

Ms. Kirkman asked if there was an additional flood plain associated with the creek.

Mr. Baral stated downstream area would be designated as a flood plain and upstream the designation would end.

Mr. Harvey stated Ms. Kirkman was referring to the lots downstream of the crossing and stated the applicant would have to come in with a separate application at the time or provide a joint driveway easement with lot 18 and 19.

Mr. Fields stated a drain field line could not cross wetlands.

Ms. Kirkman stated that was correct.

Mr. Harvey stated Lots 5 and 18 would most likely have a shared driveway with Lots 6 and 19 in order to gain access without crossing the creek.

Mr. Fields stated there are codes in place to protect the integrity of the flood plain and wetlands

Mr. Harvey stated this would be expensive enough for a crossing of this nature. He stated the CUP was specifically for the crossing that had been requested.

Mr. Howard asked what the probability that the flood plain would change based on the change of the creek.

Mr. Baral stated the impact to the change in delineation and the highest elevation change would be 0.26 of a foot.

Mr. Howard asked if there was a potential for the flood plain to move downstream.

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Mr. Baral stated no.

Mr. Fields opened the public hearing.

With no one coming forward the public hearing was closed.

Mrs. Carlone made a motion to recommend approval based on the explanation from Mr. Baral. Mr. Rhodes seconded. The motion passed 6-1. (Mr. Mitchell was opposed)

UNFINISHED BUSINESS

2. 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)**

Mr. Fields stated item 2 has been deferred to February 20, 2008.

3. 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 Regular Meeting)**
4. 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 Regular Meeting)**

Joey Hess presented the Comprehensive Plan portion of the staff report. He provided an aerial photograph and discussed the current and proposed Land Use Plans. He stated the project was consistent with the developing land use pattern in the area and met the intent of the draft Comprehensive Plan. He stated staff recommended approval of the Comprehensive Plan Amendment.

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Jon Schultis presented the Reclassification portion of the staff report. He discussed the existing zoning and reviewed the Generalized Development Plan (GDP) with the Commission. He showed the proposed elevations of the office building and bank. He discussed the outstanding issues of Dedication of Right of Way (ROW), Inter-parcel Connection, Virginia Department of Transportations (VDOT) suggestion of a Fredericksburg Regional Transit (FRED) bus stop and Transportation taxation district. He stated staff recommends approval of the reclassification subject to the approval of the Comprehensive Plan Amendment.

Mrs. Carlone asked why there would not be a small area provided for a FRED bus stop with a covered shelter.

Mr. Schultis stated he spoke with a representative from FRED that explained by requiring the applicant to provide a small area for future use would mean they would be required to eventually travel out that far and that was not a commitment FRED was willing to make at this time.

Mrs. Carlone stated FRED did not have control of a company who could set aside a small area for a bus stop.

Mr. Fields stated he was concerned with the applicant not dedicating ROW. He asked if there was engineering problem that would make the dedication difficult to negotiate or was it because the county does not require it.

Ms. Kirkman asked Mr. Judy if a dedication of ROW was not required by the Transportation Plan would there be any reason why the county could not ask the applicant to volunteer the dedication of ROW.

Mr. Judy stated the county could ask for the dedication but could not require it.

Ms. Kirkman stated she did not see the owner affidavit.

Mr. Schultis stated he thought everything that was in the application, but would make sure it was provided if it was not in the Commission packets.

Ms. Kirkman asked if VDOT comments had been received.

Mr. Schultis stated yes, the comments from VDOT came in after the original public hearing. He stated some the issues discussed at the meeting were in response to the VDOT comments.

Ms. Kirkman stated VDOT referenced a 2004 Traffic Impact Analysis and asked if that was updated for this application.

Mr. Schultis stated yes.

Kathy Cleaver, Bagby, Caldwell and Associates, stated dedicating ROW would change the setbacks which would change what could be done with the property. She stated the buffers and building setback line would be pushed back.

Mr. Fields asked how many feet another lane would be.

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Ms. Cleaver stated the lane with ROW would be approximately 15 feet.

Mr. Fields asked if 15 feet would be the difference whether the project worked or not.

Ms. Cleaver stated there could be a difference. She stated the applicant would not want to get rid of buffers in the back and take away space onsite for green space and bio-filters. She stated when companies leasing buildings there could not be too little parking and it may be hard to attract businesses to the county.

Mrs. Carlone stated once the application was approved there would not be an option for a bus stop. She stated the bus stop would not be a big and asked the applicant to at least proffer a bench.

Ms. Cleaver stated there was a meeting with Mr. Judy in which the applicant was advised there should not be proffers with conditions because the difficulty to enforce. She stated the applicant would consider a FRED bus stop in phase 2 of the development. She stated FRED did not want to feel obligated in providing a stop.

Mrs. Carlone stated there should be an area available.

Ms. Cleaver stated the plans had not been approved and could be approved for a phase 2 development.

Ms. Kirkman stated there were recommendations from VDOT regarding turning lanes that were not listed in the proffers.

Ms. Cleaver stated the applicant met with VDOT prior to submission and showed their entrance.

Ms. Kirkman asked if the VDOT standards had been met.

Ms. Cleaver stated yes.

Mr. Fields asked if the number of parking spaces was the minimum required by the county.

Ms. Cleaver stated no.

Mr. Fields asked what the parking spaces exceeded from the minimum.

Ms. Cleaver stated 50%.

Mrs. Carlone asked if the GDP would be proffered as is.

Ms. Cleaver stated that was already a proffer.

Mr. Howard made a motion to approve COM2700688. Mr. Mitchell seconded. The motion passed 7-0.

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Mr. Judy stated at the meeting with the applicant there was a discussion regarding proffers with conditions. He stated he did not recall the original proffer regarding the FRED Bus stop. He stated it was his understanding that FRED was not interested at this time. He stated that would not prevent the applicant from proffering a request that may come in the future to have a space designated for a bus stop.

Mr. Howard made a motion to approve RC2700545. Mr. Mitchell seconded.

Mr. Di Peppe asked if there could be an option in the proffers regarding a future bus stop for FRED.

Mr. Howard stated most people who work in this area may not have need for the FRED bus.

Mrs. Carlone stated there are people who do not have vehicles and it would be a good idea to add and option to the proffers.

Mr. Fields stated land use changes are forever and anything that does not work in Stafford County was because it was not asked for. He stated he would be willing to support this but feels the parking spaces are in excess and the county should ask for a concession. He stated the applicant should make an accommodation for public transit.

Ms. Cleaver asked if the applicant could state the bus stop would be located in phase 2 which, in her opinion, would be more appropriate.

Mr. Judy stated there may be a question of whether it was enforceable on a separate property.

Ms. Cleaver stated the applicant would be willing to proffer a bus stop in phase 2.

Mr. Di Peppe stated if an amendment could be made to the motion.

Mrs. Kirkman stated she was concerned with the language in the proffers. She asked if the applicant would be willing to state a specific height instead of floors.

Ms. Cleaver stated there were height restrictions already in place in the county ordinance.

Ms. Kirkman stated she was concerned with the dedication of ROW on Garrisonville Road. She stated traffic would continue to increase.

The motion passed 6-1 (Ms. Kirkman was opposed)

5. 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,

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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)**

Mr. Mitchell made a motion to request an extension on item 5 from the Board of Supervisors. Mr. Rhodes seconded. The motion passed 7-0.

6. 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)**

Mr. Mitchell made a motion to request an extension on item 6 from the Board of Supervisors. Mr. Rhodes seconded. The motion passed 7-0.

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7. 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)**

8. 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 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 used in the LC Community Zoning District. **(Time Limit: March 17, 2008) (Deferred to January 23, 2008 Work Session)**

Mr. Fields stated if this type of housing was special and different from active adult it would seem appropriate to establish proffers guidelines and not allow the applicant to define their own proffer guidelines.

Mr. Harvey stated based on the discussion at the work session staff had provided copies of the current proffer guidelines to the Commission.

Mr. Di Peppe asked if the proffer guidelines had been changed for Aquia Town Station.

Ms. Kirkman stated they did not come close to paying full proffers.

Mr. Di Peppe asked if the Commission was being arbitrary.

Mr. Judy stated this was not the proper forum to discuss this matter regarding proffers but when discussing proffers the Commission would need to look at the reason for the proffered conditions. He stated the Code stated clearly that proffered conditions are required to have some direct relationship, in some case indirect relationship, to the proposed zoning project. He stated if the proposed rezoning project was for something that would not impact a particular public function then there would be no need for the use. He stated the project had no impact on the school system and there would be no children in the units, only resident from the age range of 62 and up. He stated there would be no reason to believe there would be an impact made on the school system and would be in line with the Code of Virginia stated.

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Mr. Kirkman asked Mr. Judy if there needed to be a review of the entire proffer system because it was her understanding that proffers were based on averages rather than the specifics of the project.

Mr. Judy stated the proffer guidelines have been broken down into several categories. He stated there was already guidance provided to projects that may not fit into the normal residential requests. He asked if there would be a likelihood there may be an increase in emergency services versus a residential neighborhood and he stated was not sure and asked that be considered.

Ms. Kirkman stated most states gather ambulance run data and was not sure about Virginia. She stated there would be a high number of emergency vehicles going to those types of facilities.

Mr. Judy asked if there were some report with information Ms. Kirkman could share with Commission.

Mr. Fields stated he had voted against every age restricted project that ever existed in Stafford County. He stated every aspect of land use was specific to be limited to use and not by who lives there. He stated demographically Stafford County was the youngest county in the Commonwealth of Virginia with the lowest population under 65 then the other 95 counties. He stated, in his opinion, there needed to be a compelling reason to allow the project considering it was the youngest county in the Commonwealth.

Mr. Di Peppe stated there was a recent study by the General Assembly that looked at all the counties in Virginia and stated Stafford County would have the largest increase in the age population in the next 20 to 25 years. He stated, in his opinion, there would be a need for a project like this and in the entire state in percentage Stafford County would be the greatest.

Bruce Hedrick, Smith Packett, stated the reason for the continuing care retirement community would residents to age in place and a full continuum retirement would be the oldest and most successful model which allows for transition of care for residents. He stated it would maximize the resident's freedom and ability to live independently as best as possible. He stated there were 123 Stafford residents that currently live outside of the county in this type of facility. He stated there would be a need and residents of the county are leaving because there were no services available within the county. He stated the project started three years and found there was a need in the county and purchased the old Brook Facility, which was the worst in Virginia. He stated the applicants would receive a certificate of need for 90 beds. He stated the project would need to be accessible to family and medical services. He stated approximately 70% of residents would be indigent and on Medicaid. He stated this project would be contributing back to the county.

Mrs. Carlone asked what would happen to couples when one partner may become infirmed.

Mr. Hedrick stated they would live separately but would still pay the fees required.

Mr. Mitchell stated he was not in favor of additional proffers and did not see a reason for the school proffer because the residents would not have children in school. He stated the proffers should be aimed at the specifics of what the Commission was looking at. He stated he agreed with Commissioner Di Peppe and asked the Commission look at the real need.

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Mr. Howard asked what the age restriction was to live at the facility.

Mr. Hedrick state the age restricted would be 62 years and older but the average age was between 80 and 82.

Mr. Howard asked if at anytime could a resident live with children.

Mr. Hedrick stated no.

Mr. Howard asked if there was a child living with a parent as the care giver, would children be allowed.

Mr. Hedrick stated no.

Mr. Howard asked if the \$1.7 million proffered included the improvements noted at the work session for Berea Church Road.

Mr. Hedrick stated it did not include the improvements in front of there parcel.

Mr. Howard asked if the estimated would be \$500,000.

Mr. Hedrick stated it would be \$135,000 without the Right of Way (ROW) procurement.

John Riley, Kimley, Horne and Associates, stated the intersection improvement would be included in the proffers and estimated at approximately \$600,000.

Mr. Judy stated new proffers had been received at the meeting and asked the Commission if they wanted to accept the proffers or have time review and defer to another meeting. He stated he did not know exactly what the difference was in the previous proffers compared to the new proffers received.

Mr. Di Peppe stated he intended to request a deferral and hoped the Commission would take time to ask questions of the applicant to address at the next meeting. He stated this project would be a special situation and there was an ordinance written to allow this type of development. He stated it would be nice to have people aging in place and would hope the proffers could be considered in that light.

Mr. Fields stated the Commission should develop guidelines for the Life Care Zoning District. He stated he was concerned about the impacts to the county and would hope that there would be guidelines in place before a decision would be made for this project.

Mr. Hedrick stated Mr. Stepowany had the amendment to the traffic study mentioned earlier.

Mr. Di Peppe made a motion to defer this item to the February 6, 2008 Work Session. Mrs. Carlone seconded. The motion passed 7-0.

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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) (Deferred to February 6, 2008 Work Session)**

Mr. Fields stated item 9 was deferred to February 6, 2008.

NEW BUSINESS:

10. SUB2700649; Poplar Hills Section 5, Preliminary Subdivision Plan - A revalidation of an approved preliminary subdivision plan (220331) for 39 single family residential lots on well and septic, zoned A-1 and A-2 consisting of 182.99 acres, located on the north side of Brooke Road approximately 100 feet west of Marlborough Point Road on Assessor's Parcel 40-57 within the Aquia Election District.

Leann Ennis presented the staff report. She stated this project was a revalidation which was a new submission of a preliminary plan because of expiration on October 2, 2007. She stated the original preliminary plan was for sections 4 and 5 of Poplar Hills. She stated the plats had been recorded for section 4 and the construction plans approved.

Mr. Fields asked if the preliminary plan expired it would seem there would just be a new submission of a preliminary plan and not revalidating. He stated would like to suggest the term revalidation not be used.

Mrs. Ennis stated when plans expire and new plans are submitted the reviews would look at the revalidation as opposed to the preliminary plan initial submission. She stated it was a term staff used for tracking purposes. She states the construction plans had been submitted and in for final review and the plats were signed by VDOT and were waiting for the preliminary plan approval.

Ms. Kirkman asked since there was no preliminary plan approved how the construction plan comments could be addressed.

Mrs. Ennis stated the comments on the revised preliminary plan were addressed on the construction plan. She stated the comments would be looked at simultaneously.

Ms. Kirkman asked why the construction plan was being reviewed if there was not approved subdivision plan.

Mrs. Ennis stated the applicant had not moved forward since the preliminary was received. She stated the site has private well and septic and the primary access would be off of Brooke Road with approximately five (5) acres of open space along Brooke Road. She stated interpretive signs would be provided for the historic sites on the property and the applicant would try to preserve area through deed restrictions. She stated there was a campsite behind lot 107 and 108 containing Civil War artifacts. She stated staff believes the plan is in compliance with all of the Subdivision and Zoning Ordinances and would recommend approval.

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Mrs. Carlone stated there were lots that contained drain fields within the setback area.

Mrs. Ennis stated the drain fields were permitted to be within the building restrictions lines.

Ms. Kirkman stated there were five (5) lots in which the drain fields extend into the easements for the road and did not believe that could be done.

Mr. Di Peppe stated there were some lots almost entirely in the RPA.

Mrs. Ennis stated the environmental staff had reviewed the plans.

Ms. Kirkman stated there was no new perennial flow study done with this application and the study that was done was from 2002 and was not available in the file. She stated the terrain in that area with all the construction was unstable and there could have been some channeling or changes to the stream banks over the last 5 to 6 years. She asked if the Environmental planner go to the site to do a site determination of the RPA.

Mrs. Ennis stated the site had been revisited.

Ms. Kirkman asked if the Storm Water Management group review the plan because there were no notes in the file.

Mrs. Ennis stated they did review the plan at Technical Review Committee (TRC) in November.

Ms. Kirkman stated she did not see any storm water calculations within the storm water management plan.

Mrs. Ennis stated all calculation was listed on the plan.

Gary Kniseley, Dewberry and Davis, stated he would answer any questions.

Mrs. Carlone stated the lots looked disturbing asked what the percentage of buildable lots would be.

Mr. Kniseley stated the lots were combined to make larger lots because of the RPA.

Mrs. Carlone asked if the interpretative signs would be put up for buyer to see.

Mr. Kniseley stated there would be one sign for each lot.

Mr. Howard asked if there was a percentage number on the lots of what would be useable and buildable.

Mr. Kniseley stated the easements were defined and there was no per lot breakdown. He stated the RPA overall was approxiamately 40% of the project area and the roads were another 7 or 8 %.

Ms. Kirkman stated on there was a notation of variable width Right of Way (ROW) for Brooke and asked why the ROW was a variable width rather than the same width.

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Mr. Kniseley stated the original ROW followed the OLD RF&P Railroad ROW and there were areas where it was not concentric and the applicant had dedicated a distance of 80 feet which would be standardized. He stated the file should contain a book referencing the storm water plan.

Ms. Kirkman stated there were several items that were not in the files and had looked thru several files. She stated she hoped the Commission would have more time to review the file. She stated prior to the meeting she had received the Authorized On-site Soil Evaluation (AOSE) and had serious concerns of whether the AOSE testing was valid and believed the evaluator was an AOSE not in good standings.

Mr. Kniseley stated yes he was in good standing and the Department of Health regulate there evaluators.

Ms. Kirkman stated this issue needed to be clarified.

Mr. Kniseley stated the soil status provided was sent to Tommy Thompson in ensure it was in compliance with what was sign during the original final record plat process.

Ms. Kirkman asked if there was additional testing since 2004.

Mr. Kniseley stated yes.

Ms. Kirkman stated those results had not been received.

Mr. Kniseley stated that was part of the plat recordation process in 2007.

Ms. Kirkman stated the letter from the Department of Health stated they received the request and completed it and stated it was clear there was no qualitative review of the AOSE's work.

Mr. Kniseley stated the Department of Health reviews the paperwork and the field inspection would be completed by the AOSE and at such time the building permit would be pulled, there would be a permit attached to the building application.

Ms. Kirkman stated she would like to verify the Engineer was in current good standing with the Department of Health.

Mr. Judy asked Mrs. Ennis to get a letter in writing regarding the current good standing of the AOSE.

Ms. Kirkman stated she was concerned with the drain fields having seen septic washed away in other parts of the build out. She stated another concern was that some of the drain fields were in the easement.

Mr. Kniseley stated he would check on that issue and stated when the Department of Health reviews of the plan there should be no drain fields in the slope easement. He stated there was setback requirement reviewed.

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Ms. Kirkman stated the Commission would have to approve the plan stating it was in compliance with all zoning and subdivision laws. She stated if the Commission was aware there were at least 5 drain fields that sit in the slope and drainage easements then the Commission cannot say the plan met all the requirements.

Mr. Kniseley stated currently there were no slope and drainage easements and stated they would not be allowed in the plan.

Ms. Kirkman stated according to the construction plans they would have placed in the easement areas.

Mr. Kniseley stated part of the review process would be to make sure that does not occur.

Mr. Howard asked what caused the subdivision plan to expire.

Mr. Kniseley stated this was the last section of six and not everything was running parallel in the process. He stated there were a number of issues that brought the applicant to this point.

Ms. Kirkman asked if the storm water management engineer was at the meeting.

Mr. Kniseley stated no.

Ms. Kirkman stated on page 12 there was a note stating “for the low impact areas the bio-filters were designed only to accommodate the runoff from the impervious area of the roads and would not accommodate the runoff from the roof tops and driveways” and asked what would happen to that runoff. She stated the residents who travel Brooke Road on a daily basis know that when it rains there were sheets of water running off the hills onto Brooke Road. She stated she was concerned about the storm water management and concerned that the note indicated the Bio-filters would not accommodate the runoff.

Mr. Kniseley stated the rooftops would be set to drain to the back of the lots and filter through the RPA areas.

Ms. Kirkman asked if the RPA were to be used as storm water collector facilities.

Mr. Kniseley stated the quantity and quality from the lots go through the bio-filters in the front.

Ms. Kirkman asked what was done to address the runoff.

Mr. Kniseley stated the volume running through the filters would be set up based on the ration 2 ½ times the runoff volume.

Ms. Kirkman stated the bio-filters were in the front of the lots and the applicant stated the runoff would be to the back of the lots. She asked what bio-retention facility or LID would be on the back of the lots to slow the flow and capture sediment.

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Mr. Kniseley the runoff in the rear would be captured by RPA. He stated the runoff could be brought to the front by changing the gutters.

Ms. Kirkman stated that was not in the storm water management plan.

Mr. Kniseley stated the design of the filters was set up for the front of the properties and the roads.

Mr. Di Peppe asked if in the earlier section had properties that drained into the RPA.

Mr. Kniseley state the earlier sections were not part of the LID process and did not have the benefit of the rain gardens and bio-filtration system.

Mr. Mitchell made a motion to defer to the March 5, 2008 meeting. Mr. Howard seconded. The motion passed 7-0.

ORDINANCE COMMITTEE:

Mr. Stepowany gave a summary of the path of an ordinance and stated there were two methods to request ordinances. If the request was by the Board the Commission had ninety days to make a recommendation back to the Board.

Mr. Di Peppe asked Mr. Stepowany to discuss a recommendation made by a Commission member and what steps need to be taken to originate an Ordinance.

Mr. Stepowany stated staff would take the request at the Commission meetings and draft a proposed ordinance to bring back to the Commission for discussion at a future Ordinance Committee meeting.

Mr. Judy stated when a proposed Ordinance comes from the Board; the Commission cannot make change, but could suggest recommendations.

Ms. Wheatcraft stated the Ordinance would be a proposed new zoning category called the Heritage Protection District. She stated this zoning category would protect and accommodate heritage tourism sites in Stafford County. She stated this zoning would require a 20 year master plan at the time of rezoning to determine the use. She stated archeological studies would be required as well.

Mrs. Carlone stated this would be great and asked why docks and piers were both included in the Ordinance.

Ms. Wheatcraft stated it was listed in the Zoning Ordinance.

Mrs. Carlone asked if wires for phone and electrical could be buried to avoid distraction from the historical sites.

Mr. Harvey stated if normal standards were to be applied to Ferry Farm, a lot of the historical would be lost and the new Ordinance would help to preserve the historic sites in the county.

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Mr. Mitchell stated he had a concern about the outdoor lighting and the description was very generic.

Ms. Wheatcraft stated this was a work in progress and was written to avoid hurting the historical integrity of the site. She stated there would not be light that would compromise the integrity of the site but make sure there safety of the public would be taken into account.

Mr. Harvey stated most historic sites would not be open during the evening hours with the exception of special events.

Mr. Fields stated this would be the development of historic tourism and encourage development the site with a correct interpretation of Stafford County.

Ms. Kirkman stated her concern was there were no clear standards of what constitutes a historic site. She stated there should be standards in place to avoid just anyone applying for this rezoning.

Mr. Fields stated the 20 year master plan would weed requests that would not be valid.

Mr. Howard stated this was a great concept and could protect some of the historical resources in Stafford County.

Ms. Wheatcraft summarized the changes discussed.

Mr. Fields made a motion to hold this item in committee. Mrs. Carlone seconded. The motion passed 7-0.

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated the Board of Supervisors approved Aquia Towne Center with modifications to the proffers regarding the parking for Zip Cars and Tax Increment Financing. He stated the Board referred Berea Parkway to the Commission for consideration in part of the Comprehensive Plan and referred the Economic Strategic Plan to the Planning Commission. He asked if the Commission would like to hold another public hearing or bring up as new business on the agenda since it had previously been discussed by the Planning Commission.

Mr. Fields asked what the request from the Board was.

Mr. Harvey stated the Board wanted the Commissions comments and recommendations.

Mr. Fields stated this item could be brought back as a new business item.

Mr. Harvey stated the Board approved the Amendment to the Land Use Plan regarding parks with the exclusion of the Izaak Walton League and the Boy Scout property. He stated the Conditional Use Permit (CUP) for the Giant Gas Station at Town and Country in the George Washington District was approved. He stated the Board took action to disband the Transportation Commission and have sent the job duties to the Planning Commission. He stated in speaking with the Transportation Staff, they explained the Transportation Commission met once a month and the agendas were one to two hours in length which the Planning Commission could accommodate potentially in the normal schedule.

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Ms. Kirkman stated there would be a need to move forward quickly because as the Planning Commission representative to the Transportation Commission there was a Secondary Road Plan that was on a fast track of being reviewed by the Board at the beginning of March. She stated if the Commission would need to discuss the road plan it would need to be done quickly.

Mr. Harvey stated the Secondary Six Year Road Plan was a funding plan for secondary roads which were most of the local roads and does not include Route 1, Route 17 and Interstate 95. He stated the Planning Commission would be valuable, by looking at the projects listed on the Secondary Six Year Road Plan and prioritize the items to be reviewed. He stated at the last Planning Commission there were questions regarding training and the Commission received a CEPVA training calendar and form for the next certified commissioner's course. He stated staff had checked with Mr. Chandler regarding training opportunities and would be happy to accommodate the Commission in a full or half day training course; unfortunately, the weekends would be booked up well into March. He stated a training session could be schedule on a certain night if the Commission agrees and would need to discuss specifics of what he would need to discuss with the Commission. He stated to become a certified Commissioners, the Commission would still need to attend the training in Richmond.

Mrs. Carlone stated the course in Richmond would be very worth while.

COUNTY ATTORNEY'S REPORT

Mr. Judy stated he had no specific report, just a request of new and continuing Commission members, if the individual Commissioners would call him within the next week regarding personal interest statements. He stated he would like to clarify points brought up in the last few days.

SECRETARY/TREASURER REPORT

No report

STANDING COMMITTEE REPORTS

No report

CONSENT AGENDA

No report

SPECIAL COMMITTEE REPORTS

Mr. Fields stated there was not report.

Mr. Di Peppe asked if there should be a meeting with the Planning Director to discuss the Comprehensive Plan and what still needs to be accomplished.

Mr. Fields stated the Commission would need a status report collectively and the Commission could start achieving a Comprehensive Plan.

Mr. Di Peppe asked if he should meet with Mr. Harvey.

Mr. Fields stated the Committee should set up a meeting with Mr. Harvey.

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CHAIRMAN'S REPORT

Mr. Fields stated he would like Mr. Howard to replace Mr. Rhodes on the Chapter 896 Committee and have Mr. Rhodes serve with Mr. Fields and Ms. Kirkman on the Transportation Committee.

Mr. Harvey stated the Board of Supervisors would be holding a work session on February 19, 2008 regarding a number of transportation issues and the Planning Commission was invited to have a joint work session.

MINUTES:

October 3, 2007 Work Session

Mr. Di Peppe made a motion to approve the minutes as presented. Mr. Rhodes seconded. The motion passed 7-0.

October 3, 2007 Regular Meeting

Mr. Di Peppe made a motion to approve the minutes as presented. Mr. Rhodes seconded. The motion passed 7-0.

October 11, 2007 Special Work Session

Mr. Di Peppe made a motion to approve the minutes as presented. Mr. Rhodes seconded. The motion passed 7-0.

October 17, 2007 Work Session

Mr. Di Peppe made a motion to approve the minutes as presented. Mr. Rhodes seconded. The motion passed 7-0.

October 17, 2007 Regular Meeting

Mr. Di Peppe made a motion to approve the minutes as presented. Mr. Rhodes seconded. The motion passed 7-0.

November 1, 2007 Special Work Session

Mr. Di Peppe made a motion to approve the minutes as presented. Mr. Rhodes seconded. The motion passed 7-0.

ADJOURNMENT

With no further business the meeting was adjourned at 10:25 pm.

Peter Fields, Chairman