

STAFFORD COUNTY PLANNING COMMISSION MINUTES
July 16, 2008

The regular meeting of the Stafford County Planning Commission of Wednesday, July 16, 2008, was called to order at 7:31 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the Stafford County Administration Center.

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

MEMBERS ABSENT:

STAFF PRESENT: Harvey, Judy, Knighting, Baker, Zuraf, Schultis, Hornung and Hess

DECLARATIONS OF DISQUALIFICATIONS:

None

PUBLIC PRESENTATIONS:

None

PUBLIC HEARINGS:

1. Amendment to the Comprehensive Plan; Urban Services Area – A proposed amendment to the Land Use Plan Map component of the Comprehensive Plan. The proposed map amendment would reduce the extent of the Urban Services Area boundary countywide. The Urban Services Area designates where improvements to the County’ utility system, specifically public sewer lines, and higher density development is recommended.

Mike Zuraf presented the staff report. The request was to amend the Land Use Plan to change the extent of the designated Urban Services Area (USA) and the Planning Commission authorized this public hearing. The change would reflect the USA boundary being considered as part of the Draft Land Use Map that was being developed by the Comprehensive Plan Steering Committee. He stated the Planning Commission found it necessary to incorporate this new USA as a measure to manage growth and reflect the direction of the new plan as the entire document was in the process of being finalized. The USA dictates areas where public sewer lines and higher density development was often recommended. This amendment would not update the Land Use designations or Plan text. He stated the Comp Plan revision process, started in 2006, and shifted direction in early 2008, which included further reduction of the USA. He provided maps of the existing and proposed USA and a Land Use Map showing both existing and proposed, along with maps of the more significant changes of the areas and a 2019 Phased Expansion area map. The new USA generally follows the limits of previously zoned and developed land. He stated the change was based on findings that 20 years of projected growth can be accommodated under existing zoning. This change may create conflict with the intent of future land use outside of the USA and it would remove areas currently served by water and sewer from the USA. Staff suggests these areas be retained within the USA. The Wadewater area which corresponds with the Wadewater Plan was the subject of a separate amendment. He stated US Route 1 in the center of the county was a developing business corridor and with proximity to a new interchange would likely be future demand for business development in this area. Ewalt Farm was recently added into the USA as a site for a future school and staff recommends the site be retained in the USA to be consistent with capital facility plans. Along Kings Highway, the staff report notes that plans to build a utility infrastructure in this corridor was not finalized, however, they have been informed the infrastructure had been approved for construction. In the area around Westlake, there was presently no infrastructure in

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place. Zoning had been in place for 20 years with no development occurring. Embrey Mill has received approval for Section 1 of the project which would include 136 lots and utility infrastructure and recommending a 10 year phased expansion in this area would be in conflict with this project. He stated because of those points, staff recommends several areas be retained in the USA due to their unique characteristics. Those areas include US Route 1/Central Stafford near Potomac Creek, Enon Road area between I-95 and US Route 1, Ewalt Farm property and Embrey Mill Section 1. Also, staff would recommend a phasing plan for the USA in the Embrey Mill and Kings Highway area be considered for those locations. He showed slides pointing out specific recommendations that would go along with those four areas, recommendations to expand the proposed USA.

Mr. Howard asked Mr. Zuraf in explaining retaining some areas in the USA, did he say Augustine was not included until 2019.

Mr. Zuraf stated that was correct.

Mr. Howard asked why that would not be included today if there was water and sewer.

Mr. Zuraf stated that area had not been in the USA as it was on the current plan today.

Mr. Howard stated he understood but all the requirements were there. He asked what the reason was for the exclusion.

Mr. Zuraf stated all he could say was it was never part of it initially.

Mr. Howard asked if Embrey Mills was ever a part of it.

Mr. Zuraf stated yes.

Mr. Harvey stated when the Commission looked at the existing zoning pattern for Augustine you would notice that it was fairly stretched so it would be hard to draw an urban service boundary specifically around the urbanized areas. There were also some other properties undeveloped in that area and unless you carry a broad brush approach it was going to be very hard to stick to the philosophy of following the zoned properties.

Mr. Howard asked if he was referring to the Colonial Forge development that has not yet been started.

Mr. Harvey stated he was referring to the existing Augustine property. It has a golf course that meanders throughout the project and golf courses are zoned agricultural. He stated for the most part the committee that was working on this looked at residential and higher density zones being within the USA. If you try to stretch out the USA along the residential zones it would just look like a jigsaw puzzle. There was a little bit of a mapping issue with that area.

Mr. Howard asked what would happen in 2019 when that issue goes away.

Mr. Harvey stated that would allow surrounding properties to expand the sewer network so they could be served by sewer and eventually develop under whatever the future plan would hold in 2019.

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Mr. Rhodes asked Mr. Zuraf when he referenced the fact that the USA as proposed would accommodate all of the 20 year growth, how much of the 20 year growth would it accommodate or what remaining capacity would exist based on the 20 year growth projections.

Mr. Zuraf stated it would exceed it a little. The 20 year growth projections were for about 24,000 dwelling units and the land use build-out called for about 35,000 dwelling units.

Mr. Rhodes stated it would give in excess roughly about 10,000.

Mr. Zuraf stated yes, that the build-out was assuming that every property would build out to its full potential.

Ms. Kirkman stated on the build-out numbers, she seemed to recall the 35,000 did not include some 14,000 units that they have in the urban development areas.

Mr. Zuraf stated it did include those.

Ms. Kirkman stated there were 35,000 inside the USA.

Mr. Zuraf stated no, total.

Ms. Kirkman stated build-out on the proposed land use map was far more than 35,000 residential units and she thought there were upward of 50,000 to 60,000 the last time they did the numbers in the committee. She stated the numbers Mr. Zuraf gave do not include the additional units under the urban development area. She thought the 35,000 was probably only for existing zoning.

Mr. Zuraf stated he believed it was land use but that he would have to check.

Ms. Kirkman stated the bottom was there was excess capacity and the numbers they have looked at in the committee was high. Given the current zoning and the requirements for the UDAs, they were going to have far more capacity than they need. She requested they go back to the slide for US Route 1 in Central Stafford and asked what the gray area was currently zoned.

Mr. Zuraf stated A-1.

Ms. Kirkman requested they go to the slide for Enon Road and asked what the gray area there was currently zoned.

Mr. Zuraf stated he believe it was A-1.

Mr. Harvey stated properties zoned north of the high school were generally zoned R-1.

Mr. Howard asked, regarding Courthouse Road, if Amy Clay and Berkshire, the two subdivisions next to Rodney Thompson Middle School, were part of this as he could not tell the way it was drawn. They were also developments that were basically complete and had sewer and water

Mr. Zuraf stated they were in the current and proposed USA.

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Mr. Fields asked if Embrey Mills Section 1 was 136 dwelling units and wondered if it was just single-family homes or the building of the infrastructure and the start of the town center.

Mr. Zuraf stated this would be the residential portion immediately north of the town center area and it would be a mix of townhomes and single-family homes.

Ms. Kirkman stated she had the current zoning map and the area north of Enon Road was zoned A-1.

Mr. Di Peppe stated for a little clarification one of the difficulties they had going from the current USA to the new USA was that they were charged with using Virginia Employment Commission numbers and they were saying they could expect in the next 20 years about 24,000 units. What they attempted to do was to pull out as much of A-1 as possible.

Mr. Zuraf stated the projection was actually 28,000 units.

Ms. Kirkman requested staff to get the build-out numbers during the public hearing.

Mr. Fields opened the public hearing.

Hamilton Palmer, on behalf of his client Dr. Lee Osterman, stated Dr. Osterman has 58 acres in the USA. They had been working on putting together a responsible plan of development preliminary plan for this project. Originally they started out with drainfields, and his client had drainfield studies done before he became involved and found out the property was in the USA, so he was required to connect to water and sewer. He stated his client had done tens of thousands of dollars in environmental studies and now he was going to be taken out of the USA. He had an agreement to provide a sanitary sewer line through the middle of his property and it was possible that this line would be built and he would not be able to connect to it. Drainfields have a limited life and they do fail, and are not good for the environment. He asked to be allowed to connect if the sewer line was on the property.

Grayson Haynes stated he would be speaking on behalf of 2 clients. He understood the process and that the Comprehensive Plan was to be a guide. Every jurisdiction in Virginia was required to have a Comprehensive Plan and every jurisdiction was required to have a subdivision ordinance but not required to have a zoning ordinance. The Comprehensive Plan, as he understands it, under case law was stated to be a guide. He stated it was not a zoning apparatus except when you deal with utilities and their location. What occurs here and what happens at the Board was equivalent to a rezoning effect upon where sewer services go. He stated it was a significant affirmative governmental act. His first client was Sherwood Farm South LLC and they have provided and submitted every permit necessary to develop this property except for the sign-off on the first Section 1 of the final plat. The preliminary plan was approved a couple years ago and the final plat was submitted and they were vested. He stated they have spent close to \$1 million for studies. The contract had required them to build a sewer pump station and should have it built by November 2008 and that sounds like it may go to nowhere. He asked the Planning Commission to take into consideration the significant impact on this property. He stated taking this property out of the USA would cause them to be in breach of contract if they cannot build the pump station. His second client was Celebrate Virginia North. There was a reference to it in the staff report that he did not think was correct with respect to what was said. The area being taken out or suggested to be taken out was not in a golf course. There were three golf courses proposed at one time but they were not committed to build all three and they were not going to build all three. The property that was being taken out was zoned RBC which allowed for a significant number of uses by-right including office uses,

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uses that would be a property that you could tax and create a tax base. They were not looking at residential development in that area at all. He would suggest that there was no need to take 500 plus acres out of the plan. He stated in 1999 they submitted a petition to create a CDA district which would take care of the sewer and water. The petitioned the county for that and specifically it said it was to provide public roads, public water and public storm and sanitary sewer that was approved by the BOS. He stated they though there would be a significant problem if the Planning Commission deleted that particular property from the USA. Those two properties need more study and he said he would be happy to work with staff if needed.

Alexander Long, representing Best Industries, stated his circumstances were very much like the ones of Mr. Haynes. The property in question had been zoned heavy industrial for more than 30 years. His client had spent time, money and effort in pursuit of a plan of development for the property and they do have a concept plan. The property was located in South Stafford and with that location they believe the county can benefit from jobs, job creation and tax revenue. He stated in running a search there were 29 parcels, 50 plus acres in size, zoned industrial which totals about 3,463 acres. There were about 1,736 acres that do not apply as it was land owned by the airport authority, land that was a rock quarry and 96 acres that was a former Fredericksburg landfill. Subtract about 732 acres that have no utilities or hope of getting utilities and you would be left with 995 acres of viably zoned industrial land to last a 20 year period. He stated if you subtract out such things as steep slopes, buffers, RPA areas and wetlands, that would bring the total down to 697 acres that might be viable. The property was zoned and had public water and permits had been obtained to put in sewer lines. He asked that they please plan for Stafford County's future.

Andy Ferreti, representing Westlake Development LLC, stated he was there to voice their opposition to Resolution R08-387 and hopefully to shed some light on how this legislation would affect their ongoing efforts in the Westlake Development. The proposed amendment referenced their project and stated that although the land had been zoned for 20 years development had not commenced. He stated that statement did not tell the whole story and while clearing and grading had not commenced, development work had been steadily progressing since they purchased the residentially zoned land from GHA Westlake in early 2003. The first notable development act occurred on April 30, 2003, when GHA Westlake conveyed a 75 acre college site to Stafford County which was subsequently given to Mary Washington College. This land donation vested the Westlake Development in accordance with the December 6, 2002 vesting determination letter issued by the then Stafford County Zoning Administrator. Once the project was vested and status was secured, they began efforts to relocate a school site within the development to allow for a more environmentally sensitive development plan as well as to provide Stafford County with a larger property in a more desirable location. He stated since this move required a proffer amendment they worked extensively with School Board and Planning Commission members and staff to obtain approval for the school site swap. The proffer amendment was approved December 5, 2006 and they went right to work on all plans and studies necessary, which cost over \$400,000, for submission of the preliminary plan of subdivision. The preliminary plan was submitted for review in December 2007. He stated they actively continue their efforts for the Westlake Development and they have every intention of seeing the project through to completion. Removing the project from the USA would prohibit them from complying with the terms of the proffer amendment that Stafford County most recently approved in December 2006.

Gerald Grinnell stated he requests that Stafford County allow the urban service district to continue west on Warrenton Road to Poplar Road and be retained in the USA for commercial use. The county had designated this area for commercial development at least since 1988. He stated he purchased a small

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parcel on Warrenton Road in 1996 and this area was no longer rural, it was no longer agricultural and it was not an area where people would want to build new homes to raise children. Looking at the development along Warrenton Road, this area would best be suited for commercial uses, such as a Super Wal-Mart slated for the intersection of Warrenton Road and Village Parkway. He stated Stafford County needs commercial development to reduce tax burden on residential properties. To cut out an area long planned for commercial development just as the development gets close would needlessly curb commercial development in an area that was best suited for it. He urged the Planning Commission to retain the area bordered by Warrenton Road on the south, Poplar Road on the west, and Falls Run on the north side in the USA for commercial uses. Property owners have counted on being able to rezone their parcels.

Patricia Kurpiel stated she was in favor of a USA that was the minimum size that it could be. There was no reason to expand the USA and every reason to contract it. If the number of homes planned allows a compounded rate of development of somewhere between 2 and 3 percent, this was thought to be financially sustainable. She stated Stafford did not have an obligation to provide a house for every person that comes down the pike. If that was done, it would cause taxes for existing residents to increase because they know that residential development does not pay for itself. The number of A-1 parcels was being reduced inside the USA and she stated that was good. If the county adopts 3202 they would not be able to collect impact fees for that development. She stated she would like the Planning Commission to address what provision was being made to allow commercial and industrial growth that was outside the USA. As they move forward and try to harmonize the zoning map with the land use map, she asked the Planning Commission to make every effort to provide a design that would allow the collection of proffers on land that would be rezoned and comprehensive impact fees on every property that would be built outside. She stated that 2 to 3 percent maximum growth, compounded annually, and the payment of infrastructure by developers should be one of the goals in bringing this plan forward.

David Newbrough stated he and his brother own a parcel on the north side of Warrenton Road just between Holly Corner Road and Poplar Road and grew up there. Standing on Warrenton Road and listening to the traffic sounded like NASCAR. He stated they were depending on that property to help sustain them in their retirement. He asked the Planning Commission to leave this in the USA as they feel it would leave their options open in the use of this property. He stated they had turned down at least two serious offers to purchase the property and they feel it would not be a good area for residential with the traffic the way it was. Even if it was residential, it would require water and sewer as the wells were failing with the house that was on the property, and for various reasons he stated septic would not work there.

Becky Reed stated she was concerned with the rapid growth. It has strained all the services in the county. She stated she was very much in favor of keeping that number low and 2 to 3 percent was a goal that she would like to see worked for.

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

Mr. Fields asked the Planning Commission members if there were any questions that needed to be answered or addressed.

Ms. Kirkman stated she had a couple questions and some clarifying information she would like to present. She was on the subcommittee that worked on this and she wanted to be clear about how they went about drawing the USA. They used three criteria, the first being that there would be no expansion

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of the existing USA, secondly they would get rid of split parcels, and lastly to take out as much agricultural as possible from the USA since that was incompatible with dense development of any sort. She stated it seemed a way to address commercial and business uses rather than residential was, as they develop their criteria for when an expansion outside the USA would be considered, they could include criteria relating to the use of the land. They had already started developing those as part of the text of the Comprehensive Plan. For example, if a parcel was adjacent to an existing property within the USA and the request was for a commercial or industrial rezoning, that would be an appropriate situation to consider expansion of the USA. She stated a number of the speakers that presented would provide some avenue to do that.

Mr. Fields stated just about every speaker referenced specific parcels and asked staff if they were able to track which parcels were under discussion specifically.

Mr. Zuraf stated yes, they were all pretty clear.

Mr. Fields asked Mr. Zuraf if he knew where Mr. Palmer's property was.

Mr. Zuraf stated no.

Mr. Fields stated he just wanted to get a sense of where those properties were.

Ms. Kirkman stated a number of the speakers referenced contracts, proffers and rezonings and she asked staff if there was language in the State statute or in the county code that stated, depending on the specific circumstances of the proffer language or the contractual language, that it was considered part of the USA even if not marked that way on the land use map. She stated she remembered there were some instances which, by virtue of the nature of the proffer, in terms of what it said specifically about water and sewer, that even if it was not marked as being a part of the USA that because of the very specific circumstances of the proffer that in that instance it would be recognized as being part of the USA.

Mr. Judy stated he was not familiar with any particular statute that stated that.

Mr. Harvey stated there was a provision of the State Code that pertains to the Comprehensive Plan which talks about cases where someone had rezoned the property and the county had accepted a proffer for a public improvement, that public improvement would then be identified as the feature shown on your Comprehensive Plan.

Ms. Kirkman asked if that would address instances if there were some legal basis for them having water and sewer regardless of where the line would be drawn.

Mr. Harvey stated if someone had made a proffer that they were going to build part of a master plan sewer line or build sewer lines to serve their property and other properties then that could be construed as being a feature on the Comprehensive Plan.

Ms. Kirkman stated related to that was several speakers used the word vesting and one speaker specifically referred to being vested in sewer and she asked if there were such a thing as being vested in water and sewer.

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Mr. Judy stated there was a specific statute which addresses vesting, 15.2-2307, which makes reference to being vested to Article 7 which was the zoning statute. There was nothing specifically within the zoning statute which offered coverage for public services. With regard to Ms. Kirkman's previous question, it did state in 15.2-2232D, any public area facility or use as set forth in subsection A which was identified within but not the entire subject of a submission under either 15.2-2258 for subdivision or provision 8 of 15.2-2286 for development or both may be deemed a feature already shown on the adopted master plan and therefore excepted from the requirement for submittal to an approval by the Commission or the governing body provided that the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility or use, or has approved it through acceptance of a proffer made pursuant to 15.2-2303.

Mr. Rhodes asked what that would have satisfied.

Mr. Judy stated just the basic general position was if a developer had proffered to build a particular public facility and that was accepted by the Board, then there would be no requirement for a 2232 review whether it was something shown on the existing Comprehensive Plan or not.

Ms. Kirkman asked Mr. Zuraf if he was able to get the build-out numbers.

Mr. Zuraf stated the build-out was 36, 500.

Ms. Kirkman asked if that was under the existing zoning.

Mr. Zuraf stated no, land use.

Mr. Rhodes asked about the projection for the 28,000. Every parcel that was fully developed out to the maximum potential would be 36,000 and the fact that they were projecting 28,000 for 20 years seemed tight.

Mr. Fields stated they needed to entertain a motion for approval of R08-387.

Ms. Kirkman made a motion to approve with amendments. The first amendment would be to include Ewalt Farm, the second amendment would be to include Phase 1 of Embrey Mill, and the third amendment would be instead of dropping the bump on 17 to continue along the northerly property lines to include an M-1 parcel which she marked on a map and passed around.

Seconded by Mr. Rhodes, for discussion.

Mrs. Carlone asked about the 2 percent two speakers mentioned.

Mr. Zuraf stated they were tying this to a 2 to 3 percent growth rate and asked Mrs. Carlone if that was what she was referring to.

Mr. Fields stated the question was if the vested zoning within the proposed new USA approximately equated to that 2 to 3 percent and asked Mr. Zuraf if he had done that calculation.

Mr. Zuraf stated no, they have not determined that yet.

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Mr. Di Peppe stated he did not know how they could determine that.

Mr. Fields stated Spotsylvania County had a stated goal in their Comprehensive Plan of 2 percent growth per year and that was good to state that goal. Without an adequate public facilities ordinance the ability to actually decide how many building permits would be issued per year you could only approximate a controlled rate of growth, you could never exactly hit it.

Ms. Kirkman suggested that might be an appropriate goal that could be incorporated into the text of the Comprehensive Plan.

Mr. Fields stated he agreed.

Mr. Rhodes asked with regard to the staff recommendation of those four additional areas if you again had the maximum optimum potential build-out of every property that was there what number of potential dwelling units could they conceivably see if they added those and if there was any calculation done by staff.

Mr. Zuraf stated they did not do an analysis on the new areas.

Mr. Rhodes stated he appreciated all the great work of the subcommittee on this but was left uncomfortable with that portion in Central Stafford and liked what he saw of the staff recommendations for those couple portions at a minimum.

Mr. Howard stated some of the comments that were made indicated that they would be significantly reducing the opportunity to generate revenue and increase the tax base and put a burden on homeowners. He asked if there was any estimate done on how this would impact commercial development going forward. He was wondering how they assessed that and, with everything that was in the pipeline, he asked what the potential impact was to other land owners who were not there tonight and who may not be aware of the situation.

Mr. Zuraf stated they did have four urban development areas which allow higher density, commercial development mixed in with residential and a significant area of land was designated business in the central part of the county so some of that might have offset some of the areas removed from the build-out.

Mr. Howard stated he understood that but the second part of the question was do they know who they were impacting.

Mr. Zuraf stated from what they have heard from some of the speakers some of the larger projects like Sherwood Farm and Westlake were represented.

Mr. Howard asked if they knew that before tonight.

Mr. Di Peppe stated throughout the process some people have spoken with the subcommittee about various parcels and a lot of the points tonight were brought up during the subcommittee meetings.

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Mr. Howard stated they made one mistake which was they did not think Westlake had anything going on, that the land had been zoned for 20 years and they thought there was no activity, and his concern was whether there were other situations like that out there.

Mr. Fields stated at any point you make a significant change there were things that seemed to be hanging out there. The problem was actually weighing all of the potential impacts. If you take one individual's interest in a specific piece of property and weigh that impact to that individual that was certainly an important part of the analysis. On the other hand, you always have to weigh the impact on the county as a whole of the development of that property and what was its cost not only in terms of dollars, in terms of services and in terms of infrastructure but also in quality of life. He stated in the final analysis, over 20 or 30 years of rapid suburban development in the Washington Metropolitan Area of Virginia, for reasons primarily related to an incredible dominance of the General Assembly by special interest groups of the homebuilders, it has prevented types of legislations to manage growth over the years that was very common across the United States and has been denied Virginia consistently. One of those was adequate public facilities ordinance which allowed you to phase the build-out of the community phased tightly with the adequate infrastructure supported in roads and schools. Stafford was still the first and only county with impact fees. He stated the vesting was very liberal and very generous in Virginia and once you have a use designated for your property you can sit on it for 30 or 40 years until the use becomes detrimental to the quality of life of the entire community and yet you were guaranteed the right to develop that. The one way to truly manage the rate of growth was where sewer goes. If you do not have adequate public facilities and the county has already been zoned, you have thousands and thousands of vested units and you do not have comprehensive impact fees for all development, you were left with where sewer was would determine where high development was and where it was not would exclude it. He stated Stafford, like all high growth communities in Virginia including Loudoun and Spotsylvania, have all struggled for decades with this issue. This was the tool and they have to use the tools they have. The extension or not extension of sewer was the one. He stated his endorsement of this plan was what was the best interest of all citizens of Stafford and suggested to build the USA on that and then, at that point, if there were compelling exceptions to that where there were legitimate uses that benefit both land owner and have no negative public or reasonable public impacts then he thought exceptions could be made.

Mr. Howard stated he thought one of the good recommendations was re-evaluating Route 17/Warrenton Road and one example was across the street from Geico's corporate headquarters. As a county, he asked would they not want to lure more of those types of corporations into the county by allowing for the sewer and water to run concurrent with what exists out there today. There were parts of Route 17 that he agreed with the speaker that homes would probably never be built there. He asked what the point was for pulling it out of the USA and why not still try to pull some of the business into the center of the county which he thought was a good idea. He also asked what the impacts would be and how many projects were under way that would be potentially impacted by this.

Mr. Di Peppe stated just like when they pass an ordinance, every time they catch somebody in the lurch. To reiterate what was stated earlier, when you make a major change in a land use plan, when you completely redraw the lines, it would be impossible not to catch some people in the change. He stated from the very beginning of the process, for what they said they were going to get, they were already zoned for a lot more. They were suppose to plan for a certain number, but due to past zoning decisions in the late 1980s the floodgates were opened and they were going to get a lot more potential growth than what the state said they were going to get. If somebody comes in with a compelling reason and asks for

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a rezoning, then the county can look at that. In the meantime they would have to draw them as strict as possible because there was way more potential growth than they were going to get right now.

Mr. Rhodes stated in the decision making process Mr. Howard raised an interesting point that he had not thought about. It would be helpful to know who has been through the process and at least be knowledgeable of the impact associated with it. He asked Ms. Kirkman if the criteria used by the subcommittee was the reason for the Widewater portion.

Ms. Kirkman stated the Widewater peninsula had not been in any draft of the future land use map inside the USA for about 2 years. That area had been out for a long time in all the drafts. She suggested the appropriate time to discuss the Widewater peninsula area would be when they hear the Comprehensive Plan amendment to repeal the Widewater plan.

Mr. Rhodes stated they were discussing this one first and, as a general point, the order of these had them deciding on one before they decide on other subparts. Lastly, when they voted for this for public hearing, they discussed the emphasis point on doing this in advance of the overall plan and he was wondering if they could restate that so he could refresh why they were doing this portion in advance of the overall plan.

Mr. Di Peppe stated originally when they were given the first charge the timeframe was 9 months and that was 26 months ago. They were now 2 years late and the county has continued to grow under an old plan which encouraged a tremendous amount of growth. At this point they need to move forward with an urban service area so that people understand that was where they wanted the growth to be.

Ms. Kirkman stated that this change to the USA was the single most important change that they could make as part of the Comprehensive Plan review and revision. She stated there was a sound planning reason for isolating out this element and moving it forward first because everything else hinges on it. If they cannot get agreement on this then lot of the other thinking throughout the Comprehensive Plan revision would not make sense.

Mr. Mitchell stated he sat quietly through all the discussions tonight, however, to remind everybody this came through with a 2-1 vote. The crowding and tightening of the existing USA to a very tight service area was based on a fear that there were people just standing in line begging to come down here and throw money and throw development into Stafford County. There were a lot of economic factors that do not in any way preclude massive development in Stafford County. He stated he could not support this tonight and trying to squeeze it all down real tight was a fear of a massive effort to bring development to Stafford County. The financial backing was not out there for such a massive effort and that was based on complete build-out and things happening in a very short period of time.

Mrs. Carlone stated this was not a political issue. For Westlake, their submission was incomplete and there was a lot of data that was not there. She stated they had been stymied so many times in trying to get something reasonable for everybody. She stated to take a look at the area and that it had been well thought out.

Mr. Howard stated he thought the committee did a great job. He believed they were 98 percent there but it was the 2 percent where his concerns were. He was going to vote no because he did not think it was exactly where they want it. He thought it was a great plan and a great start but another 30 days would not hurt.

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Mr. Judy asked Mr. Howard if he was stating that in the form of a substitute motion.

Mr. Howard stated no.

A roll call vote was made.

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

The motion passed 4-3.

2. Amendment to the Comprehensive Plan, Widewater Area - Consider a proposed amendment to the Land Use Plan component of the Comprehensive Plan, in accordance with Section 15.2-2229 of the Code of Virginia (1950) as amended, to (1) repeal the Widewater Area Plan, dated May 1994, as a component of the Comprehensive Plan and (2) amend the land use map from Neighborhood Center, Rural Residential, and Park to Agricultural and Park designations in the areas included within the bounds of the Widewater Area Plan.

Kathy Baker presented the staff report. She provided a map of the Widewater Area Plan. She stated the plan was adopted in 1994, incorporated over 8,000 acres and had an overall goal to retain rural character along with other goals which she listed. The plan had a carrying capacity projection which totaled about 5,650 units. The Widewater Study Master Area Water and Sewer Plan was adopted as a component of the Widewater Plan and was prepared to define the anticipated water and sewer needs for the area through the build-out. The recommended necessary improvements included water storage tank, booster pump station, new water lines, water treatment facility, gravity sewer lines and force mains, 8 wastewater pump stations and a wastewater treatment facility. She stated the transportation improvements were proposed to accommodate suburban style densities and included a new proposed 4-lane Widewater Parkway along with a 6-lane extension between Telegraph Road and Jefferson Davis Highway. There were also additional 2-lane upgrades through the Widewater area. There were various means of financing the Widewater Parkway and that included pro-rata fees and a special service district. She noted that the Board of Supervisors voted in 2005 to do away with that service district fee as they deemed the improvements were no longer necessary. She stated cultural and natural resources were identified through the planning process and the plan did contain provisions for 60 percent open space retention partially to accommodate the preservation of cultural and natural resources but also for recreational amenities. She noted open space was not currently required for by-right development. She gave a brief history of the plan which included it being reconsidered several times since the adoption, the latest being 2003 and 2004 amendments that went forward but no action was ever taken. Also, in April 2006 the Board of Supervisors requested the Planning Commission to review the Widewater Plan through the update of the overall Comprehensive Plan, and then in June 2008 the Planning Commission authorized a public hearing to repeal the Widewater Plan and to amend the land use designations. She provided maps of the existing and proposed Land Use Plan and of the current zoning and explained the boundaries. She stated some positive aspects of the plan include that it would reflect the current development pattern and it would reflect the proposed use of new park property. Some negative aspects of the plan include it diminishing incorporation of open space into developments plans, it would reduce the opportunity for mixed use development, and it would reduce developer contribution for

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infrastructure improvements. She stated staff supports the proposed amendment to the Comprehensive Plan which includes repealing the Widewater Plan, repealing the Widewater Master Water and Sewer Plan, and revising land use designations. She also stated further studies were recommended for transportation infrastructure improvements.

Ms. Kirkman asked if the recommendation for further transportation studies was going to be true of the entire county when the Comprehensive Plan would be revised.

Mrs. Baker stated yes but specifically since there was a transportation impact study originally done, particularly for the Dominion property, several recommendations did come out of that so those recommendations were currently shown on the land use plan specific to the Widewater area.

Mr. Fields opened the public hearing.

Patricia Kurpiel stated she wanted to thank the Planning Commission for recommending elimination of the Widewater 94 Plan as an element of the Comprehensive Plan. She learned over the past several years that Widewater 94 was basically imposed upon the citizens of Widewater. She stated one of her major concerns about developing Widewater using the Widewater 94 Plan or any other plan that she had heard about had to do with security. Residents of Widewater leaving the peninsula in the event of some sort of national, regional or even local security event would most likely be stuck in a long line of traffic. She stated that even the Widewater Parkway that might have helped alleviate this in some ways has been eliminated. The Board of Supervisors has refunded all the payments that the taxpayers made for that. Widewater 94 and other dense development proposals for that peninsula were, in her opinion, too early and they were not ready for that kind of density in Widewater. Finally, DEQ has allocated all of the Potomac River and Shenandoah nutrient pounds to existing sewage treatment plants in those watersheds and while you may see a sewage treatment plant proposed on the peninsula there were actually no pounds of nutrient available to even open such a plant. She stated it would be very difficult to change that given the state of the Chesapeake Bay. She asked the Planning Commission to please remove the Widewater 94 as an element of the Comprehensive Plan and, in its place, use agricultural zoning.

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

Ms. Kirkman stated she was particularly proud to make a motion to recommend approval of Resolution R08-389, the amendment to appeal the Widewater Plan. Mr. Di Peppe seconded.

Mrs. Carlone stated she thought everyone was familiar with that road and they should seriously look at the transportation plan for the people who may have to evacuate that area.

Mr. Howard stated it was a tough area to get in and out of and there needed to be some consideration for transportation.

The motion passed 6-1 (Mr. Mitchell opposed).

3. Amendment to the Comprehensive Plan – A proposed amendment to the 1994 Water and Sewer Master Plan, a component of the Comprehensive Plan in accordance with Section 15.2-2229 of the Code of Virginia (1950), as amended. The purpose of the amendment is to eliminate proposed sewer facilities that are located outside of the proposed Urban Services Area. These facilities include 20 projects, including seven (7) force mains, five (5) interceptor sewers, five (5)

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pumping stations, and three (3) trunk sewers identified by the following project number and location name:

- Force mains: (project 09-03F, Upper Accokeek Creek; 09-05F, Lower Accokeek; 08-04F, Potomac Creek; 07-04F, Sherwood Farms; 07-03F, Little Falls; 05-02F, Claiborne Run (part); 17-01F, Horsepen Run)
- Interceptor sewers (11-01F, Rocky Run; 09-04F, Lower Accokeek (part); 07-01F, Little Falls; 03-01F, Falls Run (part); 17-03F, Horsepen Run)
- Pumping stations (09-05F, Lower Accokeek; 08-04F, Potomac Creek; 07-04F, Sherwood Farms; 07-03F, Little Falls; 17-01F, Horsepen Run)
- Trunk sewers: (08-02F, Potomac Creek; 07-02F, Little Falls, 17-02F, Horsepen Run)

These projects are identified on maps entitled “Stafford County Master Plan – Aquia Service Area Recommended Projects” as Figure Number 6-3 and “Stafford County Master Plan – Rappahannock Service Area Recommended Projects” as Figure Number 6-4.

Mike Zuraf presented the staff report. He stated on June 25, 2008, the Planning Commission authorized this public hearing and the change would coincide with Item 1, a request to revise the Urban Service Area (USA) boundary to reflect the USA boundary being considered as part of the Draft Land Use Map. The USA dictates areas where public sewer lines and associated higher density development were recommended. He stated should the USA boundary change, the planned sewer projects should coincide with the new boundary. He stated the Comprehensive Plan revision process started in 2006, and shifted direction in early 2008 which included further reduction of the USA. At the June 25, 2008 meeting, staff provided to the Planning Commission a list of 21 sewer projects located out of the proposed USA. At that time 20 planned projects were selected by the Planning Commission to be included in this request. The intent was to delete projects from the plan that would no longer be consistent with the new growth pattern. Staff would also add the County Code would require a Utilities Commission public hearing for any changes to the Water and Sewer Master Plan. The Utilities Commission, at a previous meeting, voted not to hold a hearing until the Board of Supervisors adopts a new USA boundary. He showed maps describing the projects and their locations.

Mr. Fields stated there were three different terminologies being used, force main, interceptor sewer and trunk sewer. He asked if the interceptor sewer and the trunk sewer were gravity flow systems and the force main required pressure by a pump.

Mr. Zuraf stated yes.

Mr. Fields asked if all of these the cost and internal maintenance of the pump station was the Utilities Department responsibility.

Mr. Zuraf stated he would have to defer that question to Dale Allen. He resumed showing and explaining the maps. In an assessment of the area, he stated the Utilities Department staff had provided a spreadsheet commenting on the effect each project would have on the overall sewer network. Those comments noted that many of the projects could be deleted entirely or in part, mainly the portions of certain projects that would be outside of the USA. Staff was recommending that the Lower Accokeek sewer projects be retained in the plan with revisions. One of the three projects was the pumping station which was located outside the growth area. Staff would recommend that be retained and maybe revise the location inside the growth area and it would be intended to serve areas that were inside the existing and proposed USA. The other two were the interceptor sewer and force main that would be necessary

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for the pumping station to work. The portions outside the USA would be deleted. Those were project numbers 3, 4 and 5 on the Resolution. He stated staff was recommending four projects be retained in the Master Plan in their current location. The two that were within the recommended 10-year USA expansion were Upper Accokeek Creek force main and Rocky Run interceptor sewer. They were Items 1 and 2 on the proposed Resolution. These projects have Pro-Rata share agreements with the County. The two that were located outside the USA but served land inside and were essential to the overall network were Potomac Creek pumping station and Claiborne Run force main. They were Items 7 and 15 on the proposed Resolution. The pumping station would be a replacement of an existing facility. He displayed a map showing the location of these projects. He stated staff would recommend the Planning Commission retain the four projects identified in the Water and Sewer Master Plan and retain and revise the three Lower Accokeek projects that were identified. In an update of Sherwood Farms, staff was notified that the Sherwood Farms pumping station and force main had been approved and would recommend the Planning Commission retain these in the plan.

Ms. Kirkman asked Mr. Allen to come forward. She stated her question was in relation to project 05-02E which was the Claiborne Run force main and asked if the pumping station 03-02E existed now.

Mr. Allen stated yes and has existed for a long time. That was the site of the former wastewater treatment plant on Cool Spring Road and was converted to a wastewater pumping station at the time Little Falls Run Wastewater Treatment Plant was constructed. A force main goes from the pumping station to the Little Falls Run Wastewater Treatment Plant and the Master Plan envisions a time when the force main will not have sufficient capacity due to growth and a parallel force main will be required.

Ms. Kirkman stated what they were working off of was the 1994 Master Water and Sewer Plan and that was the controlling document at this point. She asked not having the capacity was based on what.

Mr. Allen stated the current Water and Sewer Master Plan contained this project and even as far back as 1990 when the Master Plan was created the need for additional capacity was identified.

Ms. Kirkman stated the reason she was asking was this was really an expansion of an existing facility. She asked if the waste now went to Little Falls Run. She also asked if they needed additional main service because of anticipated build-out.

Mr. Allen stated yes to both questions.

Ms. Kirkman stated they have drafted and recommended going to public hearing at some point a very different land use map for that sewer shed. She asked if that would affect the calculations for that capacity needs.

Mr. Allen stated it would affect the calculations but their judgment at that point without going through growth projections and doing a lot of engineering work was that they would still need some kind of relief capacity in this area.

Ms. Kirkman asked if he knew what the extent of the relief would be.

Mr. Allen stated they were getting near the capacity of the force main now so it was very obvious that they would need some additional capacity.

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Ms. Kirkman stated project 08-04F, the Potomac Creek pumping station, was an area they were recommending some fairly substantial changes in the land use plan. Those were already existing facilities and asked where they were in relation to their current capacity.

Mr. Allen stated there was a pumping station existing at that location and it serves an area in Centerport and industrial property along Route 1 that were currently connected to the sewer that was tributary to the pumping station. He stated for that reason it would be difficult to move the pumping station because you would have to disconnect those existing customers to move the pumping station up to the proposed USA boundary.

Ms. Kirkman stated the project that was in the Master Plan was for an expansion so the only thing that they would be removing from the Master Plan was not the facility itself but the expansion of the facility.

Mr. Allen stated that was correct but there was limited capacity currently in the Potomac Creek pumping station and, for example, they could not serve the entirety of the Centerport area with the current pumping station. It would be required that there be some expansion to serve the area that was proposed to remain in the USA. The project was not an expansion so much as it was the construction of a brand new pumping station at the current location.

Ms. Kirkman stated it was her understanding once the new USA boundaries were established, they would go back and re-engineer based on those boundaries. She was wondering why not take the projects off now and then they could come back with a new Master Water and Sewer Plan that would address exactly what they would need based on a new proposed land use map.

Mr. Allen stated he thought it was their judgment that they would need a new pumping station and it was just a matter of how big it would need to be. This would all fall out once they do a new Master Plan in response to the changed land use plan. For the present time because they anticipate the need for a larger station it may occur before they could come up with a new plan. He stated they did not know what the timing would be.

Ms. Kirkman stated one of the problems they were having currently, was they feel their hands were tied if somebody came in and there was a project on the books on the 1994 plan that you must approve it because it was on the plan. She asked if someone were to come in with a proposal to expand this pump station and it was not consistent with what the future land use map may look like, because it was on the current plan would they be obligated to approve it.

Mr. Allen stated he believed that was the advice they received from the County Attorney's Office.

Ms. Kirkman stated as long as this was on the plan in the way it was, regardless of what the wishes of the Planning Commission or the Board of Supervisors may be, you would be in a position of having to approve it because it was on the Master Water and Sewer Plan.

Mr. Allen stated he would agree with that statement.

Mr. Rhodes asked to confirm if the spreadsheet of the comments from the Utilities Department and the presentation was based on the proposed USA that they voted on earlier or just based on today, the way it stands currently.

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Mr. Zuraf stated the three additional recommendations would have no effect on this recommendation that was provided to the Planning Commission.

Mr. Rhodes asked if this recommendation provided to them in the presentation just presented were based on the revised USA.

Mr. Zuraf stated yes.

Mr. Rhodes asked if the Board of Supervisors were to approve it differently than what had been recommended up then these may become moot and staff may need to change their recommendations.

Mr. Zuraf stated possibly but he could not speak to what the changes might be.

Mr. Rhodes stated it would depend on anything they pass and until they pass something it would be hard to really say what you do or do not need or may or may not need or what should be changed or should not be changed.

Mr. Zuraf stated they made this recommendation based on what they had.

Mr. Rhodes stated based on what was proposed right now and if they change the scope of that significantly then that would possibly change the recommendations.

Mr. Zuraf stated yes.

Mrs. Carlone stated she was looking at Sherwood Farms and it showed both of them could be deleted and yet they said there was a plan for something new.

Mr. Zuraf stated yes it had been approved for construction.

Mrs. Carlone asked how that would affect 10 and 11 because it could be deleted, the pumping station and force main.

Mr. Zuraf stated those comments were made prior to today and the situation was changing day by day.

Mr. Mitchell stated the four projects that were recommended to be kept and asked Mr. Allen if, in his opinion, they were needed.

Mr. Allen stated the Utility staff recommendation was that they be retained.

Ms. Kirkman stated she wanted to object to what she thought was a mischaracterization of the discussion that occurred at the last meeting. She thought they were all clear that they were not ready to just do away with twenty projects and they all agreed it would have been helpful to have a representative from the Utilities Department present.

Mr. Mitchell stated if you played the tapes of the last meeting a part of the members were ready to get rid of twenty projects.

Mr. Zuraf stated he wanted to clarify one thing, he pointed out in his recommendation was what he did not emphasize in the staff report were three additional projects. The Lower Accokeek projects really

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should be retained to allow for them to be revised and relocated, the pumping station, the interceptor sewer and the force main, just because they serve areas in the growth area. And then the additional comment at the end about the Sherwood Farms projects also. The Lower Accokeek projects were 3, 4 and 5 and the Sherwood Farms projects were 10 and 11.

Mr. Di Peppe asked why they were including the Sherwood projects and if they were indeed out of the USA was he saying they were providing inside the USA.

Mr. Zuraf stated they were notified today that they received their construction approval.

Ms. Kirkman asked if they retain those projects on the Master Water and Sewer Plan, that then means if somebody else comes along and wants to do more with them, until there were some changes they would be required to approve that.

Mr. Allen stated all they have approved was construction of the Sherwood Farms pumping station and the Sherwood Farms force main that takes the wastewater to the Little Falls plant and there was an additional project to run a gravity line over to the Best Industries project that was also part of the approval. As far as additional projects he did not think they would be obligated to approve them if the area were outside of the USA. He stated until that time they would feel obligated to approve them.

Mr. Fields asked if that approval was based on Section 1 of the 3-acre lot subdivision and the contractual agreement between Silver and Best Industries. The capacity was for 36 residential units on Sherwood Farms specifically and then some anticipated amount of industrial use on Best Industries property.

Mr. Allen stated he believed the capacity was probably based upon about 134 residential units plus the full development of the Best Industries property.

Mr. Fields asked if the Silver Companies preliminary plan was vested for the 134 units.

Mr. Zuraf stated yes.

Mr. Howard asked Mr. Allen if there any other concerns that he would want to tell the Planning Commission tonight that maybe they should be considering on this amendment.

Mr. Allen stated there were various things that would go through an engineer's head when you look at changing the land use plan. One concern was that there were some areas of the county that have invested some money and they were going to have less flow and fewer customers were going to contribute to the payback on those properties. The other concern was that when they do water and sewer master planning it was important to take a long term view of it. If they plan for a small build-out area and they revise their water and sewer master plan and then ten or twenty years from now they have a larger area, they cannot go back and make those facilities larger. The facility life of a sewer was probably fifty years or more and that was the time horizon that they would like to look at.

Ms. Kirkman stated she would like to follow up on something that was touched on which was the notion of creating fewer customers for payback. She understood from their conversation that what would happen was not only after there were new changes made to the USA boundary that not only would the system as a whole be re-engineered but then you would go back and take another look at each of the sub-sheds and adjust your pro-rata fees as necessary to ensure that it was still a budget neutral process and asked if that was correct.

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Mr. Allen stated that would be the process. If they had already built a project that was larger than it turned out it needed to be then they spent more money than they needed to and that was just his point.

Ms. Kirkman asked if they would adjust future pro-rata fees to cover those costs.

Mr. Allen stated yes and the future pro-rata fee would be higher than it would otherwise need to be.

Ms. Kirkman stated her point was the county would not lose any money.

Mr. Allen stated as long as the increased pro-rata fees were approved and paid by the development community the county would not lose any money.

Mrs. Carlone asked if she was correct that at this point there were fifteen projects that could be deleted.

Mr. Allen stated these recommendations were made a week ago and there has been a couple changes, particularly in the Sherwood Farms area, so their recommendation would change on that.

Mr. Fields opened the public hearing.

Grayson Haynes, representing Sherwood Farms South LLC, stated he would like to incorporate those items he covered in his earlier presentation. He supported staff's recommendation that they retain items 10 and 11.

Patricia Kurpiel stated the water and sewer adjustments to support the USA reconfiguration must be made at the same time as a new USA map would be adopted. If they were not adopted simultaneously it would leave a big hole in consistent planning which could result in developer frustration and perhaps even worse. She was asking the Planning Commission to adopt both of these simultaneously. She stated she had one more request. Several years ago the Board of Supervisors passed legislation that allowed a developer to carry water lines anywhere in the county that they wished. She thought the thinking was the expansion of water did not promote growth. She would like the Commission to rethink that as she thought water did promote growth and she did not think it should be taken outside of the USA as it can be right now. She would remind them that public water was chlorinated and that chlorinated water was going into septic systems which in her opinion was not a healthy mix.

Bob Kauffman, Vice-President of Augustine Land and Development Inc. for Augustine Homes and also the Stafford Limited Partnership which owns Colonial Forge, stated he was speaking on behalf of the upper Accokeek furnace and pump station which was under construction and thanked them for that. It was twenty years ago that they received approval of Augustine North and Augustine Central. He stated Colonial Forge was the second phase of the Augustine community and they were proud of what they have done at Augustine. They have met all their promises and proffers and continue to do so and, as a result, after five years of redesigning and re-planning and spending hundreds of thousands of dollars on engineering, they finally came up with a plan that served the historical community, the archaeological community and the environmental community. They redesigned the pump station plan and the force main gravity sewer to meet all those and now it was under construction. He stated he would urge the Planning Commission to please follow the recommendations of the Utility Department and Planning Department and leave those in. They were grateful to see that the USA included Colonial Forge. Unfortunately he got the honor of also building the sewer for free for Embrey Mills. They get to hook into it and they pay a pro-rata fee and they have a pro-rata agreement so they may see some of that money come back to them after a great expense.

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

Ms. Kirkman stated she remembered having some discussion about these two projects, the Upper Accokeek Creek force main and the Rocky Run interceptor sewer which led to the phasing of the USA so they could include those, but the statement keeps being made that those were under construction. She wanted to clarify what the exact status was. She stated the approvals were in place and asked if the county actually issued the contract for the construction.

Mr. Allen stated they have pro-rata reimbursement agreement that was in place for these two projects and they have actually issued the construction permits for both.

Ms. Kirkman asked if ground has broken.

Mr. Allen stated no.

Ms. Kirkman asked when he said under construction, he meant was all the permits had been issued.

Mr. Allen stated yes.

Ms. Kirkman stated just to make sure she was understanding this correctly the recommendations regarding things like the Potomac Creek pumping station, the Claiborne Run force main and projects 3, 4 and 5 could be addressed in the revision and asked if that was correct..

Mr. Allen stated they would expect them to be addressed. He stated they would actually re-evaluate every project on the list and every project on the map.

Ms. Kirkman made a motion that they recommend approval of Resolution R08-388 with the removal of the project 09-03F, the Upper Accokeek force main, and project 11-01F, the Rocky Run interceptor sewer. Seconded by Mr. Di Peppe.

Mr. Howard stated for clarification items three through twenty would be included or excluded.

Mr. Fields stated excluded.

Ms. Kirkman stated it was clear they did need to retain projects 1 and 2 on the Master Water and Sewer Plan and it was because of conversations with Utilities around those projects in that area that they made some adjustment to the original draft. The reason she thought they should exclude all of the remaining projects was because the USA has not been changed yet and, as has been pointed out, all of these adjustments could be addressed when the Master Water and Sewer Plan would be updated which it desperately needed since the current plan was from 1994.

Mr. Howard made a substitute motion to recommend approval of R08-388 in its current form but to include items 1, 2, 3, 4, 5, 7, 10, 11 and 15. Mr. Mitchell seconded.

Mr. Rhodes stated he would be more inclined towards the substitute motion given the opinion of staff. They asked staff to look at it and they gave them their informed opinion. He was not an authority in this area so he deferred to staff's opinion more so and he thought it was reasonably explained. He stated he would actually be more inclined to retain it in committee until they get a decision from the Board of Supervisors as to what they were going to do and react to that based on the logic of whatever they were changing. He stated they had no idea what the Board of Supervisors was going to end up voting on and

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until they do they were better served to be prepared to be responsive to what they approve and then be responsive to what they approve.

Mr. Howard stated he thought staff did a great job bringing local experts in to explain to them certain things about some of the capacity that currently exists, what some of the issues were, that some of the systems were at capacity or would be soon with no continued build-out. They did a great job doing their homework and research and he thought they should include staff's recommendations.

Ms. Kirkman stated she was going to oppose the substitute motion as it did not include her recommendations which were to only include projects 1 and 2. She state the reason as although staff made these recommendations they also heard from the Utilities Department that regarding all these remaining projects they could make adjustment as needed as part of the entire revision that needs to happen with the Master Water and Sewer Plan. They do need to move the USA boundary changes forward together in conjunction with changes to the plan. She stated for that reason she was going to oppose the substitute motion.

Mr. Mitchell stated he was one of a few people that had actually worked on a wastewater plant. Sewer and water were vital to many people. He stated he supported this motion because they were listening to expert people talking and they have come with a good plan and they have done their homework. If they did not support it they were not supporting what staff was trying to present to them.

Mr. Fields stated Ms. Kurpiel raised the point that the Board of Supervisors agreed to extend water outside the USA and he noted that was a 6-1 vote with his dissention. This was a complex issue for the Planning Commission to have to deal with. His perspective on this was to not try to get lost in the details of trying to get around which pump stations or which stations should or should not be, but he felt it was the Planning Commission's responsibility to look at the big picture for the long term. With the changes they were proposing in the USA he thought removing these projects from that Master Water Plan was consistent with the concept of revising and tightening the USA. He stated it was only a recommendation and it was from the Planning Commission perspective, not necessarily from an engineering perspective.

Mr. Di Peppe stated he was a little concerned to have people come before them and say a pumping station was under construction because generally when someone says something was under construction it was under construction. Then they say it was not under construction, it just has all of the permits approved. He thought the normal definition of under construction meant they have broken ground. He stated he did not appreciate that part of it.

Mr. Fields asked for a vote on the substitute motion to recommend R08-388 including items 1, 2, 3, 4, 5, 7, 10, 11 and 15. The motion failed 3-4 (Mr. Fields, Mr. Di Peppe, Mrs. Carlone and Ms. Kirkman opposed). In returning to the original motion, retaining items 1 and 2 and removing items 3 through 20, he asked if there was any discussion.

Mr. Howard asked how that was not arbitrary and capricious that they would select two based on similar information but not select the others. He was looking for clarification.

Ms. Kirkman stated she was confident that the recommendation was not arbitrary or capricious because it was based on the fact that they do have an USA with a proposed expansion in that area that would be served by those facilities which was not the same of other facilities. In addition to that, those projects

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were much further along than any of the other projects. But most importantly it was because they were going to serve a proposed expansion of the USA and those other projects were not.

Mr. Rhodes made a substitute motion to defer this back to committee and retain it until they get a decision from the Board of Supervisors on what they were going to do with the USA and then immediately get a recommendation of a structuring that supports that. Seconded by Mr. Howard. The motion failed 3-4 (Mr. Fields, Mr. Di Peppe, Mrs. Carlone and Ms. Kirkman opposed).

Mr. Fields asked for a vote on the original motion. The motion passed 4-3 (Mr. Rhodes, Mr. Mitchell and Mr. Howard opposed).

UNFINISHED BUSINESS:

4. SUB2700557; Ruby Meadows, Preliminary Subdivision Plan - A preliminary subdivision plan for 13 single family lots, zoned A-1, Agricultural, consisting of 41.31 acres located on the south side of Garrisonville Road approximately 300 feet east of Green Acre Drive on Assessor's Parcels 9-10 and 9-11 within the Rock Hill Election District. **(Deferred to July 16, 2008 Regular Meeting) (Time Limit: July 2, 2008) (History - Deferred at May 7, 2008 Regular Meeting; May 21, 2008 Regular Meeting; June 4, 2008 Work Session: July 2, 2008 Work Session)**

Jon Schultis stated there were three outstanding issues that were outlined in the last meeting, and stated those were Subdivision Ordinance 22-146, Intention of the Side Lot, Section 22-147 of the Subdivision Ordinance, Remnants and Out parcels and two Virginia State Health Codes. He stated the applicant was present as well as a member from the Health Department.

Debrae Karnes, Leming and Healey, stated she would make the presentation really short, last time the Commission specifically quizzed some of the issues on the septic field and we have the AOSE here, the soil scientist who was authorized under the State regulations to determine whether the drainfields were sufficient under state law. After he speaks the Engineer and he would be willing to answer any questions concerning any of the other issues flagged by the Planning Commission in recent meetings. She stated in summary, we believed the testimony would show that this plan met all minimum standards. She stated the AOSE was there and his name was Glen MacClenny of M & M Soil.

Mr. Fields asked Mr. MacClenny if he was familiar with the issues raised at the last meeting.

Mr. MacClenny stated he was familiar. He stated one of the issues in question regarding three or four of the parcels was the topography. He stated the topography on the plan the Commission saw was County topo that was interpolated to two foot. He stated there was actually a plan that shows the flown topo and all the drainfield plots on contour. He stated one of the other issues was with regard to the number of holes that are required to be submitted. He stated the regulations state you need five holes if the area has soils that are not similar. He stated all the soils used for drainfields on this property are very similar as far as soil type. He stated there are very good soils on this property, almost all the lots would support conventional drainfields with the new rules passed recently. He stated there was a question as to the engineering that was or was not required. The only system that was currently to have engineering at the subdivision review was the drip mound or mini mound. He stated all the systems were conventional except two and those would be puroflow or vantec systems which were pre-engineered systems which

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did not need engineering at the permit level. But we had an engineer on staff and would provide engineering. He stated those were the issues raised and would be happy to answer any questions.

Ms. Karnes stated she thought issues were raised because of the lack of soil sheets.

Mr. MacClenny stated all those have been provided to the Health Department.

Ms. Kirkman stated she raised some of the issues and was she he could address them. She stated she had the health Department Regulations in front of her about the general criteria methods for conducting site evaluations, and the regulations stated a minimum of five holes was necessary to determine the design requirement and the placement of absorption trenches. She stated where that was two conditions that take place, uniform topography and a uniform profile a minimum of three holes would be necessary.

Mr. MacClenny stated that was correct.

Ms. Kirkman stated if he could look at the site sketch for Lot 13 and as you know there are two separate areas for the reserve drainfield.

Mr. MacClenny stated basically what we have done, those boxes are connected. The only reason they are boxed out separately was because when installation occurs they will know how to lay those lines on contour. But that area was counting as one area.

Ms. Kirkman stated she understood counting it as one area but in fact it was depicted as two separate areas and the flow actually would go in different directions, which would also be an indication that it would be two separate areas. She stated her question was one of those areas only had two profile holes.

Mr. MacClenny stated they were counting that as one reserve area. He explained they were drawn like that for the contractor, if he ever had to install the lines.

Ms. Kirkman stated that was necessary because these two different areas flow in different directions.

Mr. MacClenny stated it was necessary because the topography was turning a little bit in that area.

Ms. Kirkman asked, meaning the flow would go in different directions.

Mr. MacClenny stated he would have to look at it. He stated the flow was in the same direction. One was slightly oriented about a thirty degree angle different from the other. He stated one was angled almost northeast and the other was east.

Ms. Kirkman stated that was because there were changes in the topography.

Mr. MacClenny stated it was because the way the lines were laying. That was the way it had to be staked out to get on contour. He stated it was the same landscape position, same side slope, just the way the topography layed.

Mr. Howard asked if the slope was 10%.

Mr. MacClenny stated no, not that much.

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Ms. Kirkman stated when she was first appointed to the Planning Commission, she met with Mr. Thompson to try to understand the regulations. She stated, one thing in particular she asked him was, were there any definitions of uniform topography and uniform profile, and she was told no.

Mr. MacClenny stated that would be an interpretation of the Health Department.

Ms. Kirkman asked him when she was looking at a plan how she would know if it was a uniform topography and Mr. Thompson told her if the lines were going straight through it was uniform and if you see a curve or a dip, then it was probably not uniform topography.

Mr. MacClenny stated there are degrees of uniformity. He said when you are in the Piedmont, as here, the soils tend to change where the landscape changes, the slope gets steeper or less steep, or you get a change in a side slope. He said you don't normally get soil changes on the same side slope, that was where the uniformity comes in.

Ms. Kirkman stated you are saying you would disagree with Mr. Thompson's rule of thumb, curvy lines are not a sign of lack of uniformity.

Mr. MacClenny stated Mr. Thompson was here, so maybe he could comment on that.

Tommy Thompson, Health Department, stated typically looking at this one reserve area that was being shown with two boxes, was creating a problem on your perception. He stated what Glen was saying was the reserve area was on the same slope, with fairly uniform topography, but because of the slight change he was trying to make a note for anyone installing a drainfield in the future. He stated if Glen had redrawn the box you would have no question. He stated this was one area and typically holes that are within one hundred feet of the other holes, they can be considered the same area, but they can not cross property boundaries. He stated in looking at this, the Health Department did a Level 1 review and we did not have a question. He stated there are not three holes in the box because they are not required, there are five holes inclusive in the two areas.

Ms. Kirkman asked Mr. Thompson to explain what a Level 1 review was and how it differs from a Level 2.

Mr. Thompson state a Level 1 review was done by the Health Department. Whereby when the plans come from the Planning and Zoning with all the soil work and the abbreviated design forms, the certifications statements from the AOSE, which states everything meets the regulations,. When the Health Department conducts a Level 1 review we look at every page of that package. If we choose to do a Level 2 review, we would go out into the field and do some soil boring, to check behind the AOSE. He stated the Health Departments roll in the subdivision process and the AOSE program was to monitor the AOSE activity. He stated previously, we were under staffed, with no environmental health seniors on staff, the Health Department had to suspend the Level 1 and Level 2 reviews. He stated that was why the statement was changed that goes on the plans acknowledging that the AOSE was currently certified. He stated currently the Health Department was doing, on subdivisions, a Level 1 review on every lot and a ten percent review of all the subdivisions.

Ms. Kirkman asked Mr. Thompson to explain the rule of thumb you gave me concerning uniform topography and the lines going straight, but if you see a dip, it was probable not uniform topography.

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Mr. Thompson stated it would be hard to make that a general statement. He stated he could make a statement and you could infer something from the statement, and I think you have. He stated in this case, there was a slight change, the topography was mostly uniform but it was a little different here and a little different there. He stated to get into an argument about the fact that it was uniform or not, he did not believe that was correct in this case.

Ms. Kirkman stated she wanted to be clear, she did not infer that you said that if there was a curvy line, then that was not uniform and you and I look at some specific plats. She stated she was pretty clear that was not an inference on her part. She stated we can debate if the topography was uniform or not, but she was clear she did not infer.

Mr. Rhodes thanked Mr. Thompson.

Mr. Fields thanked Mr. Thompson and stated we have two other primary issues, the shape and configuration of the open space lot and the configuration of the lot shape.

Ms. Karnes stated she would like to answer the question she did not need the engineer for first. She stated she feels that the Planning Commission has gotten an answer concerning the open space common area, it does not need to meet the minimum lot requirement for A-1, for a buildable lots. She stated she was going to bring John Moran, the engineer up now and he will address the side lots meet the County Ordinance, they meet the 5 to 1 ratio, the side lines are approximately radial to the road and he can describe in great detail.

Mr. Moran stated when he did the plan. Based on the County standards, he started establishing a cord dimension which he sat at the BRL's to make sure he would meet all the 5 to 1 with the depth ratios. He stated side lot lines, based on the standard, he was intersecting the front lot line perpendicular or radial to all the front lot lines for the first segment and may vary after that based on drainfields or topography.

Mr. Fields stated questions have revolved around the variation later on, was that based on your interpretation of the code or the practice of the County's interpretation of the code that you have experienced over the years. How do you determine at a certain point, you have lot line parallel or perpendicular to the road and then make these diversions around to accommodate drainfields.

Mr. Moran stated his interpretation was the fact the ordinance state approximately. He stated in actually he did intersect exactly, but then approximately as he goes back into the site. Sometimes to meet the lot areas, topography or drainfields. He stated drainfields establish where the lot lines are located.

Mr. Fields stated there seems to be quite a bit of debate of what approximate means and how much you can deviate from perpendicular.

Mr. Moran stated when he first did this site, he had more jogs around some of the drainfields and he went back and straightened some of the line more since the plan went to TRC. He stated he felt he was in conformance with the standards of the Zoning Ordinance and the Subdivision Ordinance, with lot shape and configuration.

Mr. Fields stated just to get clarification, do you figure out the drainfield location and then configure the lot lines.

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Mr. Moran stated when he starts a plan he will get a preliminary soil work from the soils people and will lay lot lines out. Then the drainfields are located in the field and he will go back and adjust the lot lines to work with the drainfields, since there are certain areas on a site where drainfield can be located. He stated drainfields dictate where the lot lines are located and then he would back it in to conform to the standards, coming in perpendicular or radial. He stated he likes to keep things straight, because it would be easier for the surveyors less cost to the client.

Ms. Kirkman asked if any changes have been made to the plan.

Mr. Moran stated no.

Ms. Kirkman stated Lot 6 still exists as it was in the plan given to the Commission.

Mr. Moran stated yes.

Ms. Kirkman asked Mr. Moran to explain how he viewed the jog as approximately intersecting at a perpendicular angle to the street line.

Mr. Moran stated there was really no degree of approximately. He stated the definition of approximate was not exactly, it does not give a percentage of degree one way or the other. He stated it was also a rear lot line for Lot 5.

Ms. Kirkman stated it was a side lot line of Lot 6 regardless of what roll it plays in Lot 5. She stated if you surveyed Lot 6 you would have to include that lot line. She asked if you were to extend that lot line until it met the road, where would it meet the road.

Mr. Moran stated further down. He stated he was not disagreeing it would be over.

Ms. Kirkman stated somewhere around Lot 10 or 11.

Mr. Moran stated yes.

Mr. Di Peppe stated his only problem with Mr. Moran stating it was ok, was based on his statement there was no definition of approximate.

Mr. Moran stated that was not exactly what he said. He stated the ordinance states the front lot lines have to intersect approximately radial or perpendicular. He stated he has intersected them all perpendicular or radial, but he did deviate as he went back on the lot based on drainfields, topography lot area, there are different things related to the site configuration that cause the lot lines to be moved.

Ms. Karnes asked if he felt it was a minor or significant deviation.

Mr. Moran stated he thought it was a minor deviation.

Mr. Rhodes asked Mr. Moran if he had ever found a way to make a rear lot line parallel to a side lot line. He stated since that was the rear lot line to Lot 5 he was not sure how to make it all parallel to the side lot line on Lot 6.

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Mr. Moran said no.

Mr. Howard stated the Commission had a lot of discussion and did get an opinion from legal as well as related to some of the definitions. He stated it was his belief that the side lot line to be approximate right angles radial to the street was to avoid an attempt, which was similar to what the Commission had seen in the examples when they were discussing the ordinance. He stated you can clearly see this engineer has drawn these lot lines, and could debate Lot 6 a little, but the truth was the subdivision meets the 5 to 1 ratio.

Mr. Fields stated we had that issue and the issue of the open space parcel meeting the same standards of other parcels.

Ms. Karnes stated there was not requirement that open space parcels, in the Zoning Ordinance, meet the minimum lot size established for buildable lots, and thought the Commission was advised of that in a previous meeting by the County Attorney. She stated she would be happy to answer any other questions.

Mrs. Carlone stated on a separate issue, she would like to know if there had been any status on trying to find someone to accept the old Ruby Post Office building or retain it onsite.

Ms. Karnes stated the building would stay on site as was recommended by staff.

Mr. Howard made a motion to approve Ruby Meadows Preliminary Plan 2700557.

Mr. Rhodes seconded.

Mr. Howard stated as a quick reminder concerning the open space parcel, Parcel A was an open space common area that would belong to the HOA, it was not a remnant or out lot, as it has been called or described. He stated this interpretation was very consistent with how Stafford County has interpreted this for quite some time. He stated this Commission recently approved two subdivision plans with a very similar parcel, Song Subdivision and Williams Estates as recent examples.

Ms. Kirkman stated she would oppose the motion to approve this preliminary subdivision plan for the following reasons. Lot 6 does not comply with subdivision ordinance 22-146, Side Lot Lines, which states "they shall be approximately at right angles to the street line". She stated parcel A does not comply with Sections 22-147, Remnants or Out lots, Section 22-142, Lot Size, Section 22-143, Lot Shape, Section 22-144, Lot Frontage, and Section 22-146, Side Lot Lines. She stated she believed that was the appropriate interpretation of the Subdivision Ordinance, in 22-147 it specifically states "no remnants of lots out lots shall be permitted" and it goes on to state "that all lots must at a minimum meet the size requirements of the Zoning Ordinance". She stated if you look up the definition of parcel it stated "see lot", and if you read the definition of lot it states "a tract, plot, portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, for transfer of ownership, which is the case here, or for development". She stated she believes you would have to read these parts of the ordinance in conjunction with Section 22-153, Lots for Required Buffers, which, in her opinion, there was some confusion where there was an exception for open space parcels, but this section states, "buffers except in an A-1 or A-2 need to be put in open space" and the goes on to say "those open space parcels for the required buffers and only for the required buffers, shall be exempt from the provisions of Section 22-144 of the Chapter". She stated finally, to make sure, because she did

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recall this issue of other preliminary subdivision plans, if you look at AP241944, you will see staff did require on a preliminary subdivision plan in the A-1 area for all open space and out lot remnants to meet those requirements. She stated for those reasons she would oppose the motion to approve.

Mr. Howard stated he would go back to the interpretation of Stafford County, for quite some time, when it comes to open space lot, has been to allow this. He stated this Commission voted on two different subdivision plans in 2008, with a 6-1 vote on one and 7-0 vote on the second, where a similarly situated lot was used as open space which was less than three acres required. He stated we have been consistent in the past and need to be consistent in the future.

Mrs. Carlone asked was there the ordinance back-up for the other two mentioned. She stated if there was something in the ordinance that states this was incorrect, were there similar ordinances either for or against.

Mr. Howard stated when he did his homework he looked the intent of Section 22-147, Remnants or Out lots, to apply to parcels that will be sold and/or built on at a future date, and that was almost the exact wording received from the County Attorney. He stated no dwelling would be built on this parcel and there was no consideration being offered or proposed for this open space and the HOA would maintain it as open space and ownership would remain with the HOA as conveyed on the subdivision plan. He stated he was sure that was part of the interpretation that was used in the past.

Mrs. Carlone stated she was trying to see the parallel for the other two subdivisions.

Mr. Howard stated he was just giving the Commission examples of how he believes this Commission has interpreted this in the past.

Ms. Kirkman stated she did not recall the discussion on the two subdivision plans and if the Commission missed a way in which the subdivision plan did not meet the ordinance that was part of the learning curve. She stated having missed it in the past was no reason to ignore it in the future.

The motion to approve passed 4-3 (Ms. Kirkman, Mr. Fields and Mrs. Carlone voted no).

5. CUP2800386; Conditional Use Permit - Greystone, Inc. and Stone and Mulch Center, Inc. - A request for a Conditional Use Permit to allow mulch and stone sales in an A-1, Agricultural Zoning District, on Assessor's Parcel 19-23J, consisting of 3.0 acres, located at the intersection of Soaring Eagle Drive and Shelton Shop Road within the Rock Hill Election District. **(Time Limit: September 30, 2008) (History - Deferred at July 2, 2008 Regular Meeting to July 16, 2008 Regular Meeting)**

Andrea Hornung stated as directed by the Planning Commission at the last meeting it was requested that staff, a Planning Commission member, the owner Mr. DeBord and family who spoke in opposition of the project meet at the site and that meeting took place on July 9 at 7:00 p.m. Mr. and Mrs. Rybatsky were in attendance. While they were there they did relay their concerns once again and after they left they were not part of the discussions of conditions. What was agreed upon by the owner and staff was that some additional conditions which they received in the letter and also a revised Resolution and to highlight some of the conditions that were added to the ones already listed were the owner will utilize a watering truck to aid in the reduction of dust as a result of mulch and stone sales operation, the owner will accept only the inbound delivery of bulk materials during the hours of 8 to 4 Monday through

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Saturday, the owner also agreed that delivery of bulk materials will not be permitted on Sunday. Their hours of operation would be set at 7 to 6 Monday through Friday, 8 to 5 Saturday and 8 to 4 Sunday. Also, it was added that the owner agreed to the seasonal hours of operation would be from the normal business hours at those times to no later than 9:00 p.m. during the Holiday season of November 20 through December 6. This would allow for any trees, pumpkins or any other seasonal items that the owner would have non-profit sale on site. To reiterate, the owner would agree to comply with Chapter 16 which was the noise chapter of the County Code. Also, after the packet was completed, she received a call on Thursday and she was on site Friday morning observing the operation. During the hour she was there she observed a delivery of bulk mulch material from a tractor-trailer from the Roanoke area and the only noise that was heard from the top of the hill was the diesel engine and there were no back-up sensors for the tractor-trailer. There was also a bobcat that was taking some small stone material and placing it on a dump truck and there was some dust that was evident from that but it was just a puff of dust. Also that same bobcat did remove the empty pallets to the rear of the property for a later date of when the pallet company would pick those up. Also that same bobcat did place a pallet of stone material on a private utility trailer. For one of the 20-ton type vehicles that the business uses, you heard the back-up sensors when it backed up after it was washed. A number of other items that was being observed along Shelton Shop Road, there were at least two concrete trucks that passed, at least it seemed like every five minutes there was a 20 ton dump truck that passed on that road, a motorcycle, a water truck and heavy traffic between 8 and 9 in the morning. Many of those trucks did originate from the Vulcan Material Quarry that was to the west of the Market at Shelton Shop. With these conditions and the revised Resolution, this was now available for the Planning Commission's recommendation.

Mr. Howard made a motion to approve the CUP with the attached conditions to add to item number 7 the word "inbound" in between the words "the" and "delivery" as he believed they intended that to read "the inbound delivery of bulk materials shall not be permitted on Sunday". Mr. Mitchell seconded. The motion passed 7-0.

6. RC2800194; Reclassification - Shenandoah Young Chefs Academy - A proposed reclassification from B-3, Office, to B-2, Urban Commercial, Zoning District to allow a vocational school, specifically a cooking school for children on Assessor's Parcel 20G-1 consisting of 0.5 acres, located on the southwestern intersection of Garrisonville Road and Shenandoah Lane within the Garrisonville Election District. **(Time Limit: September 30, 2008) (History - Deferred at July 2, 2008 Regular Meeting to July 16, 2008 Regular Meeting)**

Joey Hess presented the staff report. He stated he did research and spoke with members of VDOT and at this time there was no final approved design for this section of Garrisonville Road. He stated he was advised by a representative of VDOT this section of Garrisonville Road, if it were to be upgraded with three through-lanes and a right turn lane, would require approximately 69.5 feet from center line. If the road was designed with a right turn lane, it would require an additional 12 feet. With that information staff did construct a suggested proffer and forwarded it to the applicant for their review to see if they were willing to dedicate 17 feet of public right-of-way along Garrisonville Road of which they said they would not like to voluntarily dedicate that right-of-way.

Ms. Kirkman asked if there was a way to construe this to dedicate 6 feet, not 17 feet.

Mr. Hess stated there may be a need for a dedicated right-of-way for a right turn lane which pushed the number up to a potential of 17 feet. They did try to construct language that would make it so once

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VDOT determined their final design of that section of Garrisonville Road they would take only what was necessary.

Mr. Howard asked the distance from the corner of the home to the curb.

Mr. Hess stated 37 feet.

Mr. Howard stated there was a sign for the Shenandoah subdivision on the corner that would obviously go away. He stated if they were to go 17 feet, in his opinion, they were taking the parking lot away from the user as well.

Mr. Hess stated the parking lot was about 28 feet.

Mr. Rhodes made a motion to recommend approval of RC2800194 reclassification. Mr. Di Peppe seconded. The motion to recommend approval passed 7-0.

7. RC2700647; Reclassification - Celebrate Virginia/MLR Associates, LLC - A proposed reclassification from A-1, Agricultural, to B-2, Urban Commercial and M-1, Light Industrial, Zoning Districts to allow for the development of an office, retail shopping center, and communications facility on Assessor's Parcels 44-99, 44-100A, 44-101A, 44-101C and 44-101E consisting of 23.008 acres, located on the south side of Warrenton Road approximately 500 feet east of Celebrate Virginia Parkway within the Hartwood Election District. **(Time Limit: September 30, 2008) (History - Deferred at July 2, 2008 Regular Meeting to September 3, 2008 Work Session)**
8. CUP2700648; Conditional Use Permit - Celebrate Virginia/MLR Associates, LLC - A request for a Conditional Use Permit to allow six (6) drive-through facilities and one (1) carwash facility within the Highway Corridor Overlay Zoning District on Assessor's Parcels 44-99, 44-101A, 44-101C and 44-101E consisting of 22.903 acres and to allow an existing communications facility in an M-1, Light Industrial, Zoning District located on Assessor's Parcel 44-100A consisting of 0.105 acres, located on the south side of Warrenton Road approximately 500 feet east of Celebrate Virginia Parkway within the Hartwood Election District. **(Time Limit: September 30, 2008) (History - Deferred at July 2, 2008 Regular Meeting to September 3, 2008 Work Session)**

NEW BUSINESS

None

MINUTES

None

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated he had a brief report, dealing with technical issues as related to the meeting scheduled for September 3, 2008. He stated the Commission would have a work session, on items 7 and 8, as you can see from the agenda, to be discussed in this room at 5:30 p.m. He stated you would then have a

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public hearing at 7:30 at Colonial Forge High School. He stated one of the technical constraints with Colonial Forge High School was due to their security system, we have to be out of the building by midnight. He stated in talking to technical support for televising the meetings, has recommend we consider ending the public hearing at 11:00 p.m. to allow time to break down the equipment and get out of the building by midnight.

Mr. Howard asked if we would post there was an ending time to the public hearing.

Mr. Fields asked if that could be posted on the website.

Mr. Harvey stated if the Chairman so desires, we will do that.

Mr. Fields stated if there were people that wanted to keep speaking, he would adjourn and reconvene at another time.

COUNTY ATTORNEY'S REPORT

No Report

SECRETARY'S REPORT

No Report

STANDING COMMITTEE REPORTS

Ms. Kirkman stated the Transportation Committee would not be meeting this month and the next meeting was scheduled the fourth Wednesday of August.

Mr. Di Peppe stated the next meeting for the sub-committee for the Comprehensive Plan was scheduled for August 25, 2008 at 6 o'clock and the location would be posted once determined.

Mr. Rhodes asked the next step in the process dealing with the transportation bond referendum.

Ms. Kirkman stated she thought the Board had it on their August agenda.

Mr. Harvey stated the committee was going to revisit a couple issues and the wording of the referendum and come back and make a recommendation to the Board.

Ms. Kirkman stated she thought they had to make a decision if they have to advertise an amount, amounts for specific projects, or specific projects.

Mr. Rhodes asked if there was another step to come back to the Commission.

Ms. Kirkman stated no.

Mrs. Carlone asked the status of the signs for the RPA through the Board.

Mr. Harvey stated the normal quarterly update process would have us hold the public hearings in September with the Board.

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SPECIAL COMMITTEE REPORTS

No Report

CHAIRMAN'S REPORT

Mr. Fields thanked everyone for their time and hoped they would enjoy their August vacation.

ADJOURNMENT

With no further business the meeting was adjourned at 11:11 p.m.

Peter Fields, Chairman
Planning Commission