

STAFFORD COUNTY PLANNING COMMISSION
WORK SESSION MINUTES
June 20, 2007

The work session of the Stafford County Planning Commission of Wednesday, June 20, 2007, was called to order at 5:30 p.m. by Chairman William Cook in the Board of Supervisors Chambers of the County Administrative Center.

Members Present: Cook, Kirby, Pitzel, Mitchell, Carlone, Rhodes and Di Peppe

Members Absent: None

Staff Present: Harvey, Judy, Stepowany, Ennis, Hornung, and Gregori

Declarations of Disqualification

None

UNFINISHED BUSINESS:

1. Comprehensive Plan Compliance Review – Living Hope Lutheran Church - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for the extension of public sewer service outside of the County's designated Urban Service Area, to Assessor's Parcel 28-117 within the Rock Hill Election District. **(Time Limit: August 7, 2007)(Deferred to June 20, 2007 Work Session)**

Mr. Cook stated there was a request from the applicant to defer the Comprehensive Plan Compliance Review for Living Hope Lutheran Church to September 20, 2007.

2. SUB2500762; Potomac Creek Overlook, Preliminary Subdivision Plan - A preliminary subdivision plan for 25 single family residential lots, zoned A-1 consisting of 97.38 acres located approximately 2,700 feet east of Jefferson Davis Highway and 1,500 feet south of Eskimo Hill Road on Assessor's Parcels 38-126 within the Aquia Election District. **(Time Limit: July 18, 2007)(Deferred to June 20, 2007 Work Session)**

Debrae Karnes, Leming & Healy, stated a revised General Development Plan (GDP) was submitted to the Planning Commission. She stated the Commission was concerned about the 2 lots which Resource Protection Area (RPA) was shown and the extent of the cemetery boundaries on the site. She stated the plan was redrawn and the RPA no longer needed to be crossed to reach the home on lot 2. She stated there were now 24 units and every home site was at least 35 feet away from the RPA buffer.

Mrs. Kirby asked if there were pictures of the cemetery.

Mr. Di Peppe stated the site was so heavily wooded that visibility was difficult. He read the report from the Works Progress Administration (WPA) in the 1930's stated a large storm came through and knocked over the headstones and it looked as if there had been some vandalism. He stated he was surprised the site was not as hilly as expected. He stated he was pleasantly surprised that everything was moved away from the RPA.

Planning Commission Minutes

Work Session

June 20, 2007

Mrs. Kirby asked if the cemetery would have its own site.

Mrs. Ennis stated the cemetery was fenced off.

Mrs. Kirby stated it should be on a plot of its own.

Mrs. Ennis stated there was a 20 foot ingress/egress.

Ms. Karnes stated the applicant agreed to do a Phase I Survey and a cemetery delineation. She stated the size of the cemetery would not be known until the cemetery delineation was complete. She stated the developer attached a note to the plan on sheet 2 that states "the applicant agrees to conduct a Phase I Archeological Report for the site which includes delineation of the boundaries of the cemetery and to furnish this report to Stafford County as a condition of the approval of the construction plan." She stated the applicant further agrees that "lots lines will be redrawn if necessary to avoid disturbance of any portion of the cemetery in the professional delineation or any other historic site recommended for additional study recommended by the Phase I."

Mrs. Kirby stated her concern was if utilities would be in the way after the lot lines were redrawn.

Ms. Karnes stated the Virginia State Law prohibits disturbances of the cemetery with utility lines.

Joe Jacobs, Vice President of Elm Street Development, stated the property was farm land and it would not be good business sense to do a survey of a tree farm. He stated if the County approved the preliminary plan then that would spur the developer to do more studies.

Mrs. Kirby stated Mr. Jacobs was asking for approval tonight.

Mr. Jacobs stated he was willing to put a note on the plan.

Mr. Cook stated the applicant's note on the plan would mean if the Planning Commission approved the application tonight then the applicant would do a Phase I Survey and Cemetery Delineation prior to disturbance.

Ms. Karnes stated that was correct.

Mr. Stepowany stated the Board of Supervisors recently approved the Cemetery Ordinance.

Mr. Judy stated "parcels containing cemeteries that are not separately platted or established by an easement within the boundaries of such parcels or not otherwise clearly delineated within the limits of burials shall be required at the time of site or subdivision plan review to have a professional prepared archeological delineation of the limits of burials within the cemetery."

Ms. Karnes stated the Ordinance applied to applications submitted after July 1, 2007.

Mr. Judy stated that was correct.

Mrs. Kirby asked if a Phase 2 Survey could be included.

Planning Commission Minutes

Work Session

June 20, 2007

Ms. Karnes stated if anything was found to justify a Phase 2 Survey then those areas would not be disturbed.

Mr. Cook stated lots 1 and 2 were unusually shaped and asked if they met the Subdivision Ordinance.

Mrs. Ennis stated the lots do meet the requirements.

Mrs. Carlone stated the developer should think about the people who would live on the lots. She stated there was unusable area. She stated even though lot 2 was 6 acres, most of it was RPA.

Ms. Karnes stated there were not many people in the market for 6 acre subdivision lots and there was adequate living and usable space outside of the RPA.

Mrs. Carlone stated people would be buying unusable lots.

Mr. Cook stated most of the lot space would remain natural

Mrs. Kirby asked where the name Laramie River Lane came from.

Terry Yates, Dewberry, stated it was a continuation of the Stafford Town Station preliminary plan.

Mr. Jacobs stated he would be happy to name the roadways after the family.

Ms. Karnes stated access was contingent on Stafford Town Station.

Mr. Di Peppe stated the Planning Commission attempted to write an Ordinance for an additional 35 feet of buffer from the RPA and he appreciated all the developer did to mitigate the impacts to the RPA.

Mr. Mitchell thanked the developer for taking the extra steps. He made a motion for approval. Mr. Di Peppe seconded. The motion passed 6-1 (Mrs. Carlone was opposed).

ORDINANCE COMMITTEE

Item 1

Mr. Stepowany stated he met with Jim Barrett of Virginia Department of Transportation (VDOT) who said the Stafford County Zoning Ordinance had to be certified before VDOT would recognize any non-conforming billboard in the Ordinance. He stated once the billboard had been deemed non-conforming by VDOT, than they would be subject to the limits of the 50% upgrades. He stated Mr. Barrett sent a letter to Rachael Hudson of Code Administration stating he was concerned the Ordinance permitted general advertising signs in the A-1, A-2, and R-1 and model home signs in the A-1, A-2, R-1, R-2, R-3, R-4, PD-1, and PD-2 Zoning Districts. He stated because of this the Ordinance could not be certified to the Federal Highway Administration at the present time. He stated at the last Planning Commission meeting the Commission made a motion to send the Electronic Signs Ordinance to the July 18, 2007 Planning Commission meeting. He stated staff would like the Planning Commission to approve a revised Ordinance which addressed Mr. Barrett's concerns. He stated model home signs "shall only be

Planning Commission Minutes

Work Session

June 20, 2007

located on the lot or premise in which the model home being advertised is located.” He stated the definition of a model home sign was “a sign that identifies a dwelling as a model home” unless the Planning Commission wanted to expand on the definition.

Mrs. Kirby asked how this Ordinance would affect the popsicle signs.

Mr. Stepowany stated those would be under a separate regulation.

Mr. Judy stated the County Attorney’s office was preparing a resolution and an agreement with VDOT which would allow the County to enforce the regulations which were already in the Code. He stated VDOT had the authority to remove the signs which were in the right of way, if there was an appropriate agreement in place the County could be VDOT’s agent to enforce the Ordinance. He stated his recommendation would be to have someone take pictures of the signs, if you were going to prosecute someone for violating the Ordinance. He stated VDOT would have to assist the County in determining if the sign was actually in the right of way or on private property.

Mrs. Kirby stated popsicle signs pop up everywhere.

Mr. Judy stated, in his opinion, Mr. Barrett was suggesting if the sign was not sitting on the actual lot or parcel where the model home was, than the sign constitutes a form of general advertisement off site.

Mr. Pitzel stated when the County seeks to regulate signs they need to be regulated across the board.

Mr. Cook stated he agreed and commended staff on their hard work.

Mr. Judy stated he had a few grammatical changes which he addressed to the Planning Commission and staff.

Mr. Di Peppe asked if it would be possible to request temporary signs be removed after a week.

Mr. Cook stated 72 hours would provide enough time to remove a temporary sign.

Mr. Stepowany stated he would make the changes.

Mr. Cook stated all the items on the Ordinance Committee Agenda would be scheduled for Public Hearing on July 18, 2007.

Item 2

Mr. Stepowany stated Items 2 and 3 could be added into Item 1, but Items 2 and 3 needed to be discussed. He stated Item 2 was concerned with the RBC, Recreational Business Community Zoning District which did not have provisions for model home signs.

Mrs. Kirby stated she thought the RBC was a business district.

Planning Commission Minutes

Work Session

June 20, 2007

Mr. Stepowany stated there were retirement homes and single family dwellings in the RBC. He stated the majority of the district was residential and wants to be able to advertise the model homes in that district.

Mr. Cook stated the Planning Commission approved the amendment to executive style homes and the retirement community.

Mrs. Kirby stated it was not a business community, it was a residential community.

Mr. Pitzel asked if the Planning Commission did not approve the model home signs in the RBC then would builders or realtors not be able to use model home signs in the RBC.

Mr. Stepowany stated they would have to be temporary advertising signs which could be used for up to 6 months.

Mr. Pitzel stated he did not want to weaken the Ordinance but it would be interesting if the RBC could not use model home signs.

Mr. Harvey stated subsection F was not complete and there needed to be something describing what was being limited to the RBC district.

Mr. Judy stated the Section should read "the lot upon which the model home sign is located is in the RBC Zoning District only."

Mrs. Kirby stated she would not vote for of Item 2.

Item 3

Mr. Stepowany stated Item 3 discussed the issue of signs at the entrance of subdivisions. He stated occasionally subdivision sections have different access points or even different names, yet they were permitted only one sign.

Mrs. Kirby stated Officer James Hamilton asks that each section of a subdivision have its own sign so rescue services know exactly where the location is.

Mr. Judy stated he had a grammatical change which he addressed to the Planning Commission and staff. He asked what happened if the subdivision did not have a Home Owner's Association (HOA).

Mr. Stepowany stated if the subdivision had a sign, then there had to be an HOA for maintenance and liability purposes.

Mr. Pitzel stated if a developer were to put the subdivision sign on the corner of a lot, then whoever bought the lot could take down the sign.

Mr. Stepowany stated yes.

Planning Commission Minutes

Work Session

June 20, 2007

Mr. Judy stated the sign would have to be on property controlled by the HOA, either owned outright or on an easement. He asked if the Ordinance was restricting subdivisions which do not have an HOA from having a sign.

Mr. Mitchell asked if signs which were larger than 60 square feet would become non-conforming.

Mr. Stepowany stated they would be non-conforming.

Mr. Mitchell asked what happened if a non-conforming sign fell down.

Mr. Stepowany stated non-conforming signs could be repaired or modified as long as the non-conformity was not increased.

Mr. Mitchell stated he could not read a sign near Bells Hill Road because the sign was small.

Mr. Stepowany stated the whole structure was not regulated to 60 square feet; just the sign face could not exceed 60 square feet.

Mr. Cook made a motion to set Item 1 for Public Hearing. Mr. Rhodes seconded. The motion passed 7-0.

Mr. Cook made a motion to set Item 2 for Public Hearing. Mr. Rhodes seconded. The motion passed 6-1 (Mrs. Kirby was opposed).

Mr. Cook made a motion to set Item 3 for Public Hearing. Mrs. Kirby seconded. The motion passed 6-1 (Mr. Mitchell was opposed).

Mr. Cook made a motion to combine Items 1, 2, and 3 to set as one Ordinance for Public Hearing. Mr. Rhodes seconded. The motion passed 5-2 (Mr. Mitchell and Mrs. Kirby were opposed).

Item 4

Mr. Stepowany stated Item 4 was Lifecare facilities. He stated the parking requirements were referred to as independent living unit. He stated the form of ownership was condominiums, which would be rented, leased, or owned, so they would be referred to as independent living unit. He stated a dwelling unit was any unit which provides permanent provisions for cooking, sleeping, and sanitary. He stated he would like to request time in an upcoming work session to discuss the Ordinance.

Mrs. Kirby made a motion to put Item 4 in committee. Mrs. Carlone seconded. The motion passed 7-0.

ADJOURNMENT

With no further business to discuss the meeting was adjourned at 6:53.

William Cook, Chairman

STAFFORD COUNTY PLANNING COMMISSION MINUTES

June 20, 2007

The regular meeting of the Stafford County Planning Commission of Wednesday, June 20, 2007, was called to order at 7:30 p.m. by Chairman William Cook in the Board of Supervisors Chambers of the Stafford County Administration Center.

MEMBERS PRESENT: Cook, Kirby, Pitzel, Mitchell, Carlone, Rhodes and Di Peppe

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, Judy, Gregori, Hornung, Zuraf, Ennis and Stepowany

DECLARATIONS OF DISQUALIFICATIONS:

None

PUBLIC PRESENTATIONS:

None

PUBLIC HEARINGS:

Mr. Cook stated there was a request to amend the agenda and the Public Hearings would be discussed in the following order: Items 4, 5, 6, 1, 2, and 3. Mrs. Kirby made a motion to amend the agenda. Mrs. Carlone seconded. The motion passed 7-0.

4. Amendment to Subdivision Ordinance - Amendments to Section 22-5, Family and Minor Subdivisions; and Section 22-176, Private Access Easement, of the Subdivision Ordinance, pursuant to O07-58. The amendment shall require all lots including lots in a family subdivision, and less than five (5) acres, to be served by a private ingress/egress easement at least twenty (20) feet wide, clear of any structures and vegetation. Lots five (5) acres or larger being served by a private access easement shall be served by an ingress/egress easement at least fifty (50) feet wide, clear of any structures and vegetation.

Mr. Stepowany presented the staff report. He stated the Subdivision Ordinance requires a minimum width of 10 feet for the roadway within a Private Access Easement (PAE) and access easements for family subdivisions. He stated the Ordinance did not require a minimum width for the easement in which the roadway travels through unless it is serving a lot in a family subdivision that is greater than 5 acres. He stated the easement had to have a minimum width of 50 feet. He stated the property owners provide easements wide enough for the roadway with no additional width for utilities and no provisions for the area to be clear of any structures, buildings or vegetation in the event of an emergency. He stated to ensure access to buildings and structures for firefighting and rescue services; the County Code required fire lanes to be a minimum width of 20 feet but an ingress/egress easement was not the same as a fire lane. He stated a PAE should not serve more than 2 lots including the lot it bisects. The definition of streets was any means of property access that serves 3 or more distinct properties and if a PAE serves 3 or more lots it would be a street. He stated a Minor Subdivision cannot exceed 5 lots, it may propose 2 PAE's. He stated the 2 PAE's are always abutting each other to serve 2 lots behind the 2 lots which have frontage on the public street. He stated the proposed amendment required the minimum width of 20 feet, clear of any structures or vegetation, for any roadway easement within a Family or Minor Subdivision. He stated if the easement served a lot 5 acres or larger, the easement needed to be 50 feet wide and clear of any structures or vegetation. He stated the width of the roadway would remain 10 feet because fire and

*Planning Commission Minutes
June 20, 2007*

rescue services could still access a home on a 10 foot wide roadway but if the easement contains vegetation or structures, such as fences or trees, than the roadway becomes too narrow for emergency equipment. He stated recommended a minimum width of 20 feet, clear of any structures and vegetation. He stated the proposed amendment would limit 1 PAE within a Minor Subdivision serving 2 lots. He state when 2 lots were proposed which were directly behind 2 lots fronting on a public street, the staff preferred 1 access road to serve all 4 lots.He stated staff recommends approval of the Ordinance.

Mr. Pitzel stated the first part of the Ordinance concerned width and the second issue was if there was more than one PAE.

Mr. Stepowany stated that was correct.

Mrs. Kirby stated she was happy to see the Ordinance.

Mr. Di Peppe stated he agreed with Mrs. Kirby.

Mr. Cook opened the Public Hearing.

Dennis O'Dell stated he and his wife had lived in Stafford for 2 years and thanked the Planning Commission for the Ordinance. He stated the parcel he was building his home on was accessed by a PAE. He stated he worked for the federal government and oversees safety regulations, such as mine rescue and it was important for there to be a clear access path for the rescue teams to actually reach the mines. He stated the abutting homeowner who also used the easement has said he would put a fence along the edge of the 10 feet easement and the other side of the easement was lined with trees and if he or his family crossed the fence, they would be arrested for trespassing.

With no one else coming forward Mr. Cook closed the Public Hearing.

Mrs. Kirby made a motion for approval. Mr. Di Peppe seconded. The motion passed 7-0.

5. Amendment to the Comprehensive Plan – A proposed amendment to the Land Use Plan Element of the Comprehensive Plan and establishment of a Planned-Traditional Neighborhood Development Plan as a new Element of the Comprehensive Plan. The amendment to the Land Use Plan revises Figure 1.2, “Stafford County Comprehensive Plan.” Amends Overlay Designations, Planned Unit Development of Chapter Five of the Stafford County Land Use Plan by deleting “unit” from all reference to Planned Unit Development and changing all references of “PUD” to “PD” and renaming the “business PD” to “town center PD” which adds multifamily residential units to business centers. The Planned-Traditional Neighborhood Development Plan recommends policies to support Traditional Neighborhood Development. The Plan includes:

- Recommended site design criteria for the establishment of a Traditional Neighborhood Development.
- Recommended street categories and standards.
- Recommended architectural standards.

(Time Limit: July 17, 2007)

Planning Commission Minutes
June 20, 2007

6. Amendment to Zoning Ordinance - Amendment to Section 28-25, Definitions of specific terms; Section 28-33, Districts generally; Section 28-34, Purpose of districts; Table 28-35, Table of uses and standards; Table 3.1, District Uses and Standards; Section 28-39, Special Regulations; Section 28-53, Planned development districts; Section 28-56, Application for planned development; Section 28-66, P-TND, Planned-Traditional Neighborhood Development; and Section 28-136, Types of signs permitted in the P-TND districts, of the Zoning Ordinance, pursuant to O07-39. The amendment establishes the Planned-Traditional Neighborhood Development (P-TND) zoning districts and regulations for development of a Traditional Neighborhood Development within the P-TND district. **(Time Limit: July 17, 2007)**

Mr. Cook stated Items 5 and 6 would be presented together.

Mr. Stepowany presented the staff report. He stated the Amendment to the Comprehensive Plan adds Traditional Neighborhood Development (TND) plan to the flow chart and deletes "unit" from Planned Unit Development (PD). He stated the plan gives the developers the flexibility to package large, contiguous parcels of land for such development and such development would be expected to meet rigid PD standards to be contained in the Zoning Ordinance. He stated to revise a "business PUD" to "Town Center PD": a Town Center PD featuring complementary commercial, industrial and office activities in a business park or retail center environment, and may include medium and high density residential uses to resemble a small town or community when in close proximity to an established residential community, concentrating uses on the most suitable portions of a site and leaving the remaining in open space. He stated better defines the recommendation of a Planned Development with a mix of residential, commercial and industrial uses. He stated PD's should only be considered within the Urban Service Area. He stated "PD's outside the USA are not permitted" and "PD's are envisioned as being large scale neighborhoods with direct access to major collectors, arterial roads, or highways." He stated the amendment establishes the Traditional Neighborhood Development Plan, an element of the Land Use and Comprehensive Plan. He stated the Comprehensive Plan recommends various land uses that include desired development densities and location criteria. He stated the Plan encourages various types of PD's and recommends general criteria regarding uses, location, and densities of this type of development. He stated the County was encouraging an approach to land use planning that promotes the development or redevelopment of traditional style neighborhoods that are pedestrian friendly; includes a mix of uses, housing types, lot sizes and densities and architectural variety; incorporate civic uses, and includes a network of streets and alleys that may include on street parking and defined development edges. He stated without the County properly managing growth, the form of development may take on a sprawling pattern. He stated indicators of sprawling development include large lot size, generous setbacks and separation of land use. He stated excessively wide roads and large parking areas. He stated low density and "spread-out" building patterns. He stated they may contain higher densities in forms of clusters and scattered across the county. He stated a method of managing growth could be obtained by implementing traditional development, which is compact and uses land efficiently, buildings are clustered together, front closely on streets, there are homes of all types, shops, and workplaces intermingled, even within a building. He stated there was a mixing of land uses and pedestrian-friendly street environment with availability of transportation options. He stated applications for new P-TND districts would be evaluated on their ability to demonstrate that the County's location policies and design standards have been followed. He stated the comprehensive plan must incorporate principles of New Urbanism, and describe financial incentives for development in the UDA. He stated there would be 7 transect zones with specific regulations for all

Planning Commission Minutes
June 20, 2007

transect zones. He stated PD-1 & PD-2 zones would require at least 10 – 30% commercial use and exclusion from the regulation provided all or portion of the PD-1 district that was to be developed with the commercial use has been reclassified to the P-TND district and the same tract contains transect zones predominantly used for commercial uses, such as but not limited to T-4, T-5, T-6 & SD-C. He stated there were additional requirements for the transect zones including Neighborhood Design Standards. He stated the following regulations in the ordinance were not listed in the Smart Code: allocated density, minimum percentage of non-residential uses within each transect zones, shared parking for movie theaters, bicycle racks with the uses, specific regulation for location of bike racks, setbacks for accessory buildings, building height/street ratio, sign regulations, Regulating Plan and Neighborhood Design Standards.

Mrs. Kirby asked for a definition of sprawl.

Mr. Stepowany stated sprawl was defined as to spread or develop irregularly, to cause to spread out carelessly or awkwardly.

Mr. Di Peppe stated this was over and above the Smart Code.

Mr. Cook opened the Public Hearing.

Mike Ferran stated he spoke about all the jobs which would be coming to the area. He stated if you go to the Smart Growth Alliance, there could be as many as 1.6 million jobs coming to the Washington, D.C. area. He stated this was only an Ordinance and each application would still need to come in front of the Planning Commission for evaluation. He stated the mixed use development would provide affordable housing with a variety of different styles of homes. He stated each proposal needed to be reviewed on its own merits.

Dr. Dean Fetterolf stated, in his opinion, the Ordinance was not presented to the public correctly. He stated, in his opinion, the Ordinance needed to sell the Ordinance to the citizens before the future of Stafford County was sold to developers. He stated the County's haste to move the Ordinance through the system resulted in administrative and procedural errors. He stated what other errors may have been committed by using someone else's book, ideas, and plans rather than coming up with our own. He stated he has read the proposed Ordinance several times and looked at the Design Manual. He stated he was not satisfied that the impact on infrastructure, including schools, sewer, water, roads, and fire rescue have been adequately considered as part of the Ordinance. He presented an example of the impact a TND would have on Stafford County schools. He asked what the impact would be of adding 1800 households using water and sewer.

Chuck Helmbush stated he would like to know who made the decision to put developers on the TND sub-committee and why citizens were not added to the committee. He stated, in his opinion, there was a backroom deal in the works to broker 30 to 40 million dollars from the developers to purchase Crow's Nest in exchange for the Ordinance passing.

John Nagosky, Stafford Citizens for a Sustainable Future, stated in his opinion the Commission should vote no on the proposed Ordinance. He stated, in his opinion, the Smart Code should be integrated into the Comprehensive Plan and include the citizens. He stated they wanted to thank the Commission for introducing Smart Growth. He stated they object to the modifications to and

Planning Commission Minutes
June 20, 2007

limited implementation of the Smart Code. He stated, in his opinion, the proposed Ordinance allows a much higher density and cuts non-residential uses in half.

Cecilia Kirkman stated she objected to the public hearing being held at this time because, in her opinion, the Board of Supervisors referred this to you in an unlawful manner. She stated the Board did not follow their own by-laws, which they unanimously adopted by Resolution R07-01 on January 9, 2007, specifically Section 5-1(E) states "any matter not on the scheduled agenda may be heard provided that such a request is in the form of a motion, duly seconded and voted upon by a majority of the Board. Any such matter must be of an emergency nature, vital to the continued proper and lawful operation of the County." She stated on June 5, 2007, the Board added, at that meeting, resolution R07-257, the subject of this public hearing. She stated they did not do so by motion, and did not make a finding that the matter was of an emergency nature. She stated it was her understating that in the last year the Supreme Court of Virginia has made a least two important rulings regarding the accountability of localities to their own legislative process and in this instance, the Board did not follow their own procedures for the legislative process. She stated the Board has sent R07-257 to you with a mandate that you return it to them for their July 17th meeting. She stated when reading state and local statutes; this approach appears to be unlawful. She stated Stafford County Code, drawing upon 15.2-2285(B) of the State Code, in Sec. 28-204(a) stated, "The Planning Commission shall take action on the proposed additions or modifications within ninety (90) days and report its recommendations to that governing body." She stated it further states in Section B that the Planning Commission is deemed to have approved the referred Ordinance only after 90 days have elapsed. She stated "failure of the Planning Commission to report its recommendation within 90 days after the first meeting of the commission after the proposed amendment was first referred to the commission shall be deemed a recommendation for approval of the proposed amendment." She stated, in her opinion, any resolution that mandates anything less than 90 days from the first meeting after referral may be fatally flawed. She stated she had reason to believe that an unadvertised meeting was held between more than two supervisors on the resolution and related issues, prior to the advertised June 5, 2007 meeting. She stated if that was the case, this further taints the process that has led to this hearing tonight. She stated the prudent course at this stage would be to cancel this public hearing until such time as these legal issues could be sorted out. She stated she appealed to Commissioner Cook as a resident of Griffis-Widewater and an appointee of Supervisor Jack Cavalier, to do everything in your power as chair to stop this possibly unlawful process. She stated the residents of Griffis-Widewater could be particularly hard hit by this legislation, especially those that live in Aquia Harbour. She stated a developer has been promoting a plan to build as many as 12,000 residential units on land near Aquia Harbour.

Mr. Cook stated Mrs. Kirkman's time was up.

Mrs. Kirkman stated the Planning Commission had combined two Public Hearings into one.

Harry Crisp stated he was a life long resident of Stafford County. He stated he knew there would be pressure for continued growth in the County. He stated how can we control and plan for increased growth and minimize the tax impact while protecting resources. He stated TND was said to be a Smart Growth approach to Urban Development and there were a number of very nice features of the TND. He stated some proponents of TND have compared it to downtown Fredericksburg. He stated one particularly bothersome provision was that the TND could be located anywhere in the Urban Service Area on just 20 acres. He stated, in his opinion, the vast majority homeowners do not want a TND in their neighborhood and he did not want one in his neighborhood. He stated, in his opinion,

Planning Commission Minutes
June 20, 2007

the TND inspires a vision of Fairfax County. He stated he was in favor of a well designed TND Ordinance but the Ordinance as proposed should be voted down. He stated, in his opinion, the Ordinance should work in conjunction with the Comprehensive Plan.

Jim McMath, Friends of Stafford Creek, stated in his opinion land use planning must answer three questions: how much growth can the County absorb, what kind of growth do we want, and where do we want growth. He stated the Smart Code was organized into regions of open space, new communities, and existing communities. He stated the regions were separated into sectors, one for restricted growth, controlled growth, and intended growth. He stated these growth areas were developed using one of the community types, cluster for restricted growth, TND for controlled growth, and regional center for intended growth. He stated the features of the Smart Code TND were restricted control growth area, at least 80 acres, and the transect zones allow a maximum residential densities of 6 to 24 acres and a minimum non-residential uses up to 20% to 50%. He stated the results of the Smart Code were sets predetermined limits on growth, defines type of development, and determines where development will be. He stated the proposed TND was not part of regional system with no assigned growth sectors or controlled growth areas; no defined open space regions, high density zones, and minimum site requirements were reduced from 80 acres to 30 acres for the TND. He stated the TND should be subject to the Comprehensive Plan.

Linda Mueller stated a TND Ordinance designed as a part of a well-developed Comprehensive Plan could offer a significant planning tool to address sprawl and offer pedestrian friendly living and work space. She stated the TND could help reduce vehicle trips per day and traffic congestion. She stated she was concerned about this proposed Ordinance. She stated she did not see any recommendations to work on the transportation options in Stafford County and outside of the Virginia Railway Express (VRE) transportation options were limited to buses or cars. She stated she found a Smart Code that was proposed for Montgomery, Alabama and the transect zones were identical to the Stafford County proposal. She stated the Smart Code for Montgomery, an urban area, allowed for 6 story buildings while Stafford County allowed for 10 story buildings. She stated the density in the transect zones were 96 units per acre and there was conflict between what she has been hearing and what she was reading. She stated, in her opinion, the Planning Commission should vote no on the Ordinance and come back with a better plan.

Kay Pollock stated, in her opinion, the Planning Commission should disapprove the Ordinance. She stated she attended a lot of Comprehensive Plan Steering Committee Meetings and in many rooms at the Administration Building there were signs stated: a consensus decision "is the state of affairs when communication has been sufficiently open to make everyone in the group feel that he/she has had his/her fair chance to influence outcome and where each member feels valued and heard." She stated the TND was not a consensus decision. She stated according to background material attached to the June 6, 2007 Board of Supervisors Public Hearing "the plan was developed by a Traditional Neighborhood Development sub-committee, consisting of the Chairman of the Planning Commission, Chairman of the Ordinance Committee, County Attorney's Office, developers, civil engineers, land use attorney's, and County staff members." She stated, in her opinion, the public was not included in this decision. She stated according to Mr. Stepowany there were 12 public meetings on the TND but according to the Planning Commission agendas the TND Ordinance was discussed at only 1 public meeting before the Public Hearing on April 18. She state she urged the Planning Commission to recommend disapproval of the TND Ordinance in its current form and to be sure the public was involved in any rewrite of this Ordinance.

Planning Commission Minutes
June 20, 2007

Becky Reed stated Stafford County was losing green space. She stated 85% of Stafford residents believe development should be planned to reserve woodlands, forest, and trees. She stated protecting green was part of every smart growth initiative. She stated Stafford County's idea of smart growth was no green space protection and there were no requirements that green space be protected. She stated she would like to take more time to see more work done on the Transfer of Development Rights (TDR) legislation so that it could be a part of a well crafted TND and developers save green space and in return they get a bonus of density in a suitable area. She stated, in her opinion, the Planning Commission should vote the Ordinance down and at another time start again when there could be a much better Ordinance.

Ted Hontz stated he was a member of the Steering Committee and reminded the members of how the County could proceed with the TND Ordinance without considering transportation. He stated Stafford County was the second fastest business growth county in Virginia. He stated the percentage of taxes paid by businesses has gone down. He stated his concern was that the TND Ordinance did not say put a large mixed use development in the places we want them but instead it was very broad and this would guarantee the County does not see what they want a Boswell's Corner and the Courthouse. He stated when the hospital began building; a realtor said the prices for land were going up around the Courthouse. He stated if the TND Ordinance says the development could go anywhere, no developer would put it where the land was most expensive and the business development concern was that was the land Economic Development would want to sell to a company bringing in jobs. He stated why not put the TND's where we want them.

David Humphrey, President of the Home Owners Association for Aquia Harbour, stated he would like to commend the County for considering smart growth policies and sprawl was out of control. He stated he was concerned about the density of the proposed Ordinance. He stated Aquia Harbour was adjacent to the Aquia Town Center and there was an exciting plan for the area. He stated there was concern about the densities of residential use. He stated 15 units per acre was a much higher density than should be allowed. He stated the whole Ordinance came to fruition very quickly and there needed to be more time for public input. He stated, in his opinion the Planning Commission should vote no.

Patricia Kurpiel stated, in her opinion, the Planning Commission should refuse the TND legislation. She stated, in her opinion, the TND was fiscally irresponsible and unfair to the taxpayers. She stated, in her opinion, Stafford has a structural imbalance with a predominately residential tax base and not enough commercial growth. She stated, in her opinion, residential growth does not pay for itself but commercial and industrial does pay for itself. She stated for every dollar of revenue brought in on the residential side the cost exceeds that dollar of revenue. She stated every year balancing the County's budget gets harder. She stated the Board increased taxes, increased debt, and used reserves. She stated, in her opinion, commercial growth needs to be the focus for the next 20 years and residential growth must be managed. She stated she hoped the Planning Commission would limit growth to 30,000 units, which were more than enough to cover all demographic forecasts. She stated, in her opinion, the TND without being integrated with the Comprehensive Plan would allow unprecedented growth at 10 dwelling units for acre, shortchange commercial, make legitimate planning impossible, and lead to higher taxes.

Spencer Hudson stated everybody agrees Stafford needs a mixed-use development. He stated he attended a meeting with Randall Art, who has written several books on smart growth, he said the reason for cookie cutter subdivision was zoning which forces the developer into how they build

Planning Commission Minutes
June 20, 2007

subdivisions. He stated Mr. Fields had remarked that downtown Fredericksburg could not be recreated because today's zoning does not permit it. He stated he worked with Mr. Stepowany on the Landscape Ordinance and it began as a general discussion and several meetings later they had a fairly good document. He stated after 19 meetings regarding the TND there were still problems but he would acknowledge that the Planning Commission had a hard job.

Teresa O'mara stated she was in favor of the TND Ordinance. She stated, in her opinion, traffic gets worse everyday and it was not possible to walk to shops or restaurants. She stated Route 610 and Route 17 were ugly and asked what Stafford County's identity was. She stated, in her opinion, there was no affordable housing and there would never be unless there was a new way if planning. She stated, in her opinion, there was no big picture thinking or long term planning. She stated, in her opinion, the children of Stafford County will leave the area because we have not given them an attractive place to raise their children in the future.

Wendy Sermon stated she supported the TND Ordinance. She stated, in her opinion, it would assist in the visioning for Boswell's Corner, Courthouse area, and south Stafford. She stated, in her opinion, the overall plan limits us to 10 units per acre which is less than the current 15 units per acre under the cluster subdivision ordinance. She stated market forces indicate they may be getting less than 25,000 residents coming to Stafford County over the next 20 years which was less than the 30,000 units they want to limit. She stated there was a downturn recently in the housing market. She stated the Planning staff brought in an idea which worked and brought it to Stafford County, which was out of the box, positive thinking. She stated, in her opinion, working with the development community was a smart way to come up with a win/win situation for the County and the developers. She stated the percentages paid by business taxes have gone down. She stated she was in support of the TND Ordinance.

Gary Pash stated, in his opinion, the theory of the TND and the practice were not the same. He stated the theory of TND was very nice in theory. He asked how TND would be implemented in Stafford County and why did the TND have to be a floating zone. He stated, in his opinion, if the TND would allow a great density than there should be a tradeoff. He stated there would be additional taxes and the schools would be overcrowded. He stated, in his opinion, Stafford County could not depend upon the good will of developers. He stated, in his opinion, he would prefer the County work with the developers and the public to write the ordinance, not just the developers. He stated, in his opinion, the Planning Commission should vote no on the Ordinance.

Tim Hall, Tricord Inc., stated there needs to be a development option to allow multiple housing, mixed uses, pedestrian friendly, transportation, and affordable units. He stated density did not have to be bad word; it was not how dense you make it, but how you make it dense and that was what the TND Ordinance was all about. He stated, in his opinion, the Ordinance would not put skyscrapers in rural parts of the County, but would allow rural space to be preserved. He stated all TND application would have to be approved by the Planning Commission and the Board of Supervisors. He stated, in his opinion, the TND would benefit Stafford County.

Harvey Gold, Fredericksburg Area Builders Association, stated the TND Ordinance was inaccurately and unfairly criticized. He stated smart growth utilizes a variety of components. He stated TND, LID, and clustering were concepts, which allow localities and developers to look at the landscape and see what fits the population, which was in need of housing. He stated the County

Planning Commission Minutes
June 20, 2007

would retain control of any TND application. He stated the Fredericksburg Area Builders Association urges the Planning Commission to adopt the TND Ordinance.

Debrarae Karnes stated she would like to thank the Commission for listening politely to every citizen who spoke. She stated she would like to second Mr. Gold in that the Planning Commission would have an opportunity to review every TND application but in addition any proposal under the TND Ordinance would present detail on the architecture, mix of uses, and walk ability. She stated, in her opinion, the design of communities was important in livability, She stated, in her opinion; the TND Ordinance was a massive step forward in the planning of the County.

Lou Ellen Whitefeather, Taxpayers Association, stated this was “a government of the people, for the people, and by the people.” She stated, in her opinion, the citizens of Stafford Count were not involved in the decision. She stated House Bill 3202 did not tell Stafford County how to buy fire trucks, accept the traffic onto roads there were already overburdened, or build schools. She stated the TND does not help the elderly of the County. She stated 10 years ago the County was talking about Recreational Business Communities (RBC). She stated the taxpayers were upset. She stated what kind of quality of life was in Stafford County. She stated, in her opinion, Stafford County does not need to be Fairfax-ed. She stated, in her opinion, Stafford County could not afford to subsidize developers.

With no one else coming forward, the Public Hearing was closed.

Mrs. Carlone stated the TND brings in high-density growth without an offsetting reduction or trade off in other areas. She stated Widewater, Hartwood, and George Washington Districts would continue to grow. She stated she would like the audience to read two books which cover the TND’s, Lars Anderson’s “Planning a Built Environment” and Jonathon Barnett’s “Redesigning Cities.” She stated she would recommend denial as it was presented right now.

Mr. Pitzel stated there was an average of 1200 building permits per year. He stated in one TND design you could house the projected number of residents moving to Stafford County in one 200-acre parcel. He stated, in his opinion, he would rather have 200 acres take the entire dwelling units for Stafford County, than see the County lose 10,000 acres per year. He stated the market determined the amount of growth, which was historically 1,200 building permits per year. He stated he supported the TND.

Mrs. Kirby stated in 1944 everyone wanted to move to the suburbs, now the new thing was TND. She stated she requested a trip for the Planning Commission to view TND’s but it was never done. She stated the Ordinance needed to be sold to the public and it needs to be done right. She stated there was no requirement for TDR’s or affordable housing. She stated there was not a consensus decision from the public on the Ordinance.

Mr. Rhodes stated there were a lot of good comments from the public about tying the Ordinance to the Comprehensive Plan. He stated the Steering Committee worked on the Comprehensive Plan for a long time and now the Planning Commission would discuss it for a while. He stated any TND would have to be discussed by the Planning Commission and the Board of Supervisors for approval. He stated he was comfortable with passing the Ordinance.

Planning Commission Minutes
June 20, 2007

Mr. Mitchell stated the Planning Commission worked on the TND for a long time. He stated the Ordinance was not perfect but it was better than the current situation and the Planning Commission and Board of Supervisors would review each application. He stated he liked the idea of affordable housing. He stated the Ordinance was not perfect, but it was what Stafford County needed.

Mr. Di Peppe stated he was frustrated with the suggestion that there was collusion with developers and Planning Commissioners. He stated the TND would only be allowed in the Urban Service Area, where most of the current services were located. He stated the Planning Commission could not change the fact that Stafford County was located between the Virginia State Capital and the nation's capital. He stated he helped oversee the writing of ordinances and there were new types of urbanism with pedestrian friendly communities near transportation hubs. He stated Purchase of Development Rights does not work and the 180,000 dollars in the fund would only save 6 units. He stated 1200 building permits per year take up a large footprint area, so the option was to either take up a large footprint or use smaller acreage. He stated the County could go out or we could go up. He stated he would support the TND.

Mr. Cook stated he supported the TND Ordinance. He stated there were a lot of holes in the Ordinance with no provision to stop sprawl in the Agricultural Zoning Districts or for TDR's. He stated questions and concerns could be addressed with each individual application. He stated the Planning Commission had three options; to recommend disapproval, disapprove it and send it back to the Planning Commission, approval with no qualifications, approval and the Board send it back to the Planning Commission for more work, or recommend approval with modifications.

Mr. Di Peppe stated the Board of Supervisors could do whatever they wanted. He stated TDR's were not workable in Virginia and Purchase of Development Rights (PDR) was difficult because citizens do not want to sell property in the Agricultural Zone. He made a motion for the Board of Supervisors to allow the Planning Commission more time to review the Ordinance.

Mrs. Carlone seconded.

Mrs. Kirby asked if the Planning Commission had 90 days until a decision had to be made.

Mr. Judy stated if everyone read the stature correctly they would realize the Board has the discretion to make the time less than 90 days. He stated the Planning Commission needed to vote on the Amendment to the Comprehensive Plan and the Amendment to the Zoning Ordinance.

Mrs. Carlone stated she was concerned the Board of Supervisors would approve the Ordinance as is. She stated she could not vote for the Ordinance as it was written and withdrew her second.

Mr. Di Peppe withdrew his motion. He made motion to approve the Amendment to the Comprehensive Plan with recommendations that there be no more than 40 units as the highest density, developed with 10% workforce housing, and the developer can not pick the three highest residential transect zones.

With no second the motion died.

Mr. Rhodes made a motion to approve the Amendment to the Comprehensive Plan. Mr. Mitchell seconded. The motion passed 5-2 (Mrs. Kirby and Mrs. Carlone were opposed.)

Planning Commission Minutes
June 20, 2007

Mr. Rhodes made a motion to approve the Amendment to the Zoning Ordinance. Mr. Mitchell seconded. The motion passed 5-2 (Mrs. Kirby and Mrs. Carlone were opposed.)

1. RC2700199; Reclassification – Centreport Gateway - A proposed reclassification from A-1, Agricultural to B-2, Urban Commercial Zoning District to allow for the development of a commercial office park to include a mix of offices, retail commercial uses, and a hotel on Assessor's Parcel 37-25 consisting of 51.25 acres, located on the west side of Interstate 95 separated in two parts by Centreport Parkway within the Hartwood Election District. The Comprehensive Plan recommends the property for Light Industrial, Suburban Residential, and Resource Protection uses. The Light Industrial designation would allow light industrial, light manufacturing and office uses. The Suburban Residential use would permit single family residential development at a density of three (3) dwelling units per acre. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses in the B-2 Zoning District. **(Time Limit: September 18, 2007)**

Mr. Zuraf presented the staff report. He stated currently the site had Resource Protection Area (RPA) along the stream that runs through the site with forested land cover and steep terrain. He stated the proposed use was for a commercial office park with 7 office buildings, a hotel, conference center, a bank, and 2 restaurants. He stated there would be access from 2 entrances, one on each side of Centreport Parkway with right and left turn lanes and a signal if needed. He stated water and sewer lines would need to be added or upgraded and the Utilities Department acknowledged that future development may be limited until off-site facility upgrades occur. He stated staff believed the proposal had merit. He stated the Traffic Impact Study recommended the site maintain acceptable levels of service of C in the peak hours, the south bound 95 ramp have a new dedicated left turn lane, a recommendation of a 4 lane limited access road; right of way exists to accommodate future widening. He stated the Virginia Department of Transportation (VDOT) did not believe the site entrances would be permitted and recommended approval contingent upon access from adjacent secondary roads. He stated staff was concerned with the proximity of access points to the interchange because of conflicting traffic patterns. He stated no proffers were submitted with the application and staff suggested proffers related to the following issues: construction and cash contributions for transportation improvements, construction of utility improvements and dedication of easements, measures to minimize impacts to RPA, soil erosion and groundwater pollution, and to ensure fire safety. He stated the proffers should incorporate Crime Prevention Through Environmental Design (CPTED) principles, establish building design guidelines, present a revised GDP, consider an alternate interchange design, relocate one of the restaurants within closer proximity to the offices and hotel, identify the RPA and adjust the site layout, suggest the proposed pond be removed. He stated staff does not recommend approval of application because it was inconsistent with the Comprehensive Plan.

Mrs. Carlone asked how tall the buildings would be.

Mrs. Kirby stated one building looked about 8 stories tall.

Mr. Zuraf stated the buildings on the GDP were examples.

Mrs. Kirby stated architectural renderings should be provided to the Planning Commission.

Planning Commission Minutes
June 20, 2007

Mr. Di Peppe stated the applicant should have asked for an Amendment to the Comprehensive Plan first.

Mr. Zuraf stated the applicant wanted to proceed with the rezoning.

Mr. Mitchell asked why the pond would be removed.

Mr. Zuraf stated the RPA runs through the site in that location.

Mr. Mitchell stated he was concerned there were no proffers.

Frank Cox, applicant, stated Cox Company worked with Stafford County on the Comprehensive Plan 25 years ago. He stated he did not learn about the Comprehensive Plan Amendment until a month ago. He stated the area near Centreport Parkway was a gateway to the County and a corridor to the airport. He stated the area should benefit with an overall sector plan. He stated the hotel would have 180 units and there would be a conference center. He stated he would like to work with the Planning Commission.

Mr. Pitzel asked the applicant if he would be open to discussion regarding proffers for road improvements and utilities.

Mr. Cox stated yes.

Mr. Pitzel asked if there was a procedure for canceling the Public Hearing and bring Item 1 back after the Amendment to the Comprehensive Plan was received.

Mr. Judy stated there were two options, the applicant could withdraw the application or the Public Hearing could be continued to another date.

Mr. Di Peppe stated he was upset the rezoning came before the amendment but Stafford County did need commercial development.

Mr. Mitchell stated he was a strong supporter of proffers.

Mrs. Kirby stated she would like to work with the applicant on the design of the buildings. She made a motion to continue the Public Hearing on July 18, 2007. Mr. Di Peppe seconded. The motion passed 7-0.

Susan Snellings asked if she could address the Planning Commission due to the fact she had been waiting.

Mr. Cook stated yes.

Mrs. Snellings stated she had mixed emotions about the project. She stated she may move out of the County because her land may be valuable. She stated Potomac Creek was affected by the interchange because of the silt which comes in on a regular basis. She stated she lived without access for 2 and half years while VDOT kept saying the interchange would be completed. She stated she would like more information on the proposal.

Planning Commission Minutes
June 20, 2007

2. Amendment to the Comprehensive Plan – Fairfield Inn – A proposed amendment to the Land Use Plan map component of the Comprehensive Plan. The proposed amendment would redesignate Assessor's Parcel's 30-2C, 30-2D, and 30-5 from Urban Residential to Urban Commercial consisting of 5.34 acres, located east of Jefferson Davis Highway approximately 400 feet south of Derrick Lane within the Aquia Election District. **(Time Limit: September 18, 2007)**

Mr. Zuraf presented the staff report. He stated the Board of Supervisors requested that the Planning Commission initiate an amendment to the Land Use Plan component of the Comprehensive Plan for three parcels of land and the parcels are the subject of rezoning and CUP applications for a hotel currently under consideration. He stated the proposal was for a second hotel on parcels 30-2C and 30-2D for a 3 story hotel with 85 rooms just north of the existing Town Place Suites. He stated there was a single family dwelling on parcel 30-2D and the rest of the site was partially wooded with some steep topography. He stated the there was development all around the site. He stated the existing zoning was B-2 and the 30-2C and 30-2D was R-1. He stated the Land Use Plan showed the site as Urban Residential and the proposed plan showed the site as Urban Commercial. He stated the existing land uses were developing commercial to the west, to the south there was a hotel and a church, and to west of the site along Derrick Lane there existed homes, and a car dealership to the north. He stated the future land use to the east of Jefferson Davis Highway was Urban Residential and to the west between Interstate 95 and Route 1 was Urban Commercial. He stated the development potential under Urban Residential would be 37 lots and the proposed Urban Commercial would be generally compatible with the commercial developing in and around the site. He stated there were 23, 0000 trips per day and the transportation plan recommends a 6 lane upgrade. He stated the traffic study with the hotel was 1,400 trips per day which was a lot higher than the Urban Residential designation. He stated the proffers which were proposed would mitigate those impacts. He stated there would not be a significant increase between Urban Residential and Urban Commercial. He stated there would be a lesser demand on Parks and Recreation with the Urban Commercial designation as there would be less students. He stated there were no cultural resources on the site and there were no water features. He stated staff recommends approval of the amendment due to the proximity of existing and planned commercial activity although there may be potential noise and visual impacts to the existing residential areas.

Mrs. Carlone asked if everything possible was done to help the visual and noise impact.

Mr. Zuraf stated that had been addressed. He stated parcel 30-2D had been offered by the developer to any of the residents of Derrick Lane but if no sales go through than it would revert back to the development.

Mr. Harvey stated the Public Hearing was not to debate the merits of the rezoning or the CUP but to look at what the future land use should be for the site.

Mrs. Kirby stated the developer was only concerned about 30-5, 20-2C, and 30-2D.

Mr. Harvey stated that was correct.

Mrs. Kirby stated they were leaving 30-2J, 30-2B, 30-4, and 30-3 would still be Urban Residential.

Planning Commission Minutes
June 20, 2007

Mr. Pitzel stated the Comprehensive Plan which was generally completed in broad strokes. He stated this was approached almost like a rezoning and the Planning Commission recommended approval of the rezoning and CUP. He stated action by the Board of Supervisors regarding the rezoning and CUP was deferred and the Board requested the Planning Commission to look at the Comprehensive Plan Amendment on the parcels. He stated the rezoning and CUP could have continued without the Planning Commission reviewing the amendment.

Mr. Zuraf stated yes.

Mr. Pitzel stated, in his opinion, the Board of Supervisors was asking the Planning Commission to validate the decision.

Mrs. Kirby stated this decision would leave 30-2J; 30-2B, 30-4, and 30-3 in the same position as the residents from Derrick Lane.

Mr. Rhodes stated that was because of the particular action the Board of Supervisors had in front of them which dealt with these three parcels.

Mr. Di Peppe asked how the Planning Commission approved a reclassification if it did not meet the Land Use Plan. He asked if that was legal.

Mr. Cook stated the Land Use Plan was a guide.

Mr. Di Peppe stated, in his opinion, it would protect the County if they ever went to court. He stated, in his opinion, the Land Use Plan Amendment should have been heard before the rezoning and CUP. He asked why staff recommended approval of the rezoning and CUP if they went against the Land Use Plan.

Mr. Harvey stated the rezoning and CUP were for specific parcels which did not match the Land Use Plan but staff felt it was appropriate to recommend approval in that particular case because of the existing zoning and development pattern in that area. He stated it was pretty rare that staff went against the Land Use Plan but the development pattern was emerging differently than planned.

Mrs. Kirby asked who made the decision that there were no cultural resources on the site when she specifically asked about Grape Hill during the rezoning. She asked if a Phase I Survey was completed on the site.

Mr. Harvey stated staff had completed its initial analysis and did not see anything of interest.

Mr. Cook opened the Public Hearing. He stated the Planning Commission had received a letter from Sharon Goodchild stating she was opposed to the Comprehensive Plan Amendment.

Robert Goodchild stated there was a hotel with sufficient buffer and the residents did not have a problem with it. He stated the developer then thought he had free reign to use the residential properties to build another hotel. He stated, in his opinion, the CUP should not have been approved because it was not compatible with the adjacent areas. He stated the Comprehensive Plan made these areas residential. He stated, in his opinion, it was important to have logical and authentic reasons for deviating from the plan already in place. He stated he believes in growth and business

Planning Commission Minutes
June 20, 2007

but taking those two residential areas destroys a residential community which predated the development. He stated, in his opinion, there was no reason to change what was in place when there was so much development going on in other places.

Mr. Cook stated the hearing had nothing to do with the rezoning or CUP.

Darlene Pack stated the Planning Commission knew the position of the residents on Derrick Lane. She stated the Land Use Plan was "to direct Urban and Suburban Commercial development to locate within areas designated on the land use plan map for such develop. Provide for the development of less intensive service oriented suburban commercial uses near major residential development or along main thoroughfares." She stated "the Comprehensive Plan shall be made with the purpose of guiding and accomplishing a coordinated adjusted harmonious development of the territory which will, in accordance with presence and probable future need and resource best promote the health safety, morals, order, convenience, prosperity, general welfare, of the inhabitants including the elderly and persons with disability." She stated, in her opinion, it does not suite the area across the street and next to Derrick Lane. She stated, in her opinion, there would be an increase in the noise and visual affect. She stated, in her opinion, the amendment was in favor of the development and she was strongly opposed.

Ben Litalien stated he appreciated the candor of the Planning Commission. He stated Derrick Lane was a beautiful street which happens to collide with Route 1. He stated, in his opinion, this application was about protocol for the Board of Supervisors to prop up the application. He stated this was a soft ball being lobbed at the Planning Commission. He stated the residents of Derrick Lane wanted to protect their property rights. He stated he could not find another example of a commercial business being allowed to come into a neighborhood and abut a residential neighborhood. He stated, in his opinion, the Planning Commission should vote against the amendment and stand for the citizens.

John Parker stated, in his opinion, the developer spent money to hire smart people to find out ways to put commercial development in residential neighborhood. He stated he did not know any facts but somewhere along the line the developer was told the Planning Commission needed a plan for this area, then the Commission made some changes. He stated no one in the neighborhood took the developer up on his offer to buy back the parcel with the existing home. He stated, in his opinion, the Planning Commission should vote against the amendment.

Joe Conover stated, in his opinion, he finds the whole concept of the Comprehensive Plan a bit curious and the amendment was a way for the Board to justify doing something which makes no sense.

Glen Pendleton stated, in his opinion, the parcels 30-2C and 30-2D were part of the Derrick Lane corridor and should not have a hotel on them. He stated, in his opinion, the parcels should remain residential.

Silvia Pendleton stated, in her opinion, the Comprehensive Plan should stay the way it was unless there was a really good reason to encroach on the residential property than it should not change.

Michelle Ayers stated, in her opinion, the residential should remain residential.

Planning Commission Minutes
June 20, 2007

Mary Brown asked the Planning Commission to please consider not rezoning the property.

With no one else coming forward the Public Hearing was closed.

Mr. Di Peppe stated the difference between fiction and non-fiction was fiction had to make sense. He stated, in his opinion, this was an opportunity to right a wrong and the Commission should send a message to the Board that this should not be done backwards and there were a hundred reasons to say no. He stated he would vote against the amendment.

Mr. Pitzel stated, in his opinion, the Board of Supervisors was asking the Planning Commission to make them feel better about the rezoning.

Mrs. Carlone stated she agreed.

Mrs. Kirby stated she was supposed to represent the citizens of the community. She stated she would not vote for the amendment.

Mr. Rhodes stated the Planning Commission as a governing body voted for the rezoning and CUP. He stated, in his opinion, it was not unusual for the Board to ask the Planning Commission to review the Land Use Plan.

Mr. Mitchell stated one of the speakers at the TND Public Hearing stated commercial was lagging behind residential and now the other side said we do not want commercial, we want residential. He stated, in his opinion, Route 1 was going to be a commercial corridor and if the offices on the west side of Route 1 were any indication, there was going to be development all along Route 1. He stated, in his opinion, there was no such thing as a perfect decision.

Mr. Judy stated the Board of Supervisors sent a request to prepare amendment to the Comprehensive Plan and the Planning Commission could approve or deny the amendment.

Mr. Mitchell made a motion for approval of the Amendment to the Comprehensive Plan to change the designation from Urban Residential to Urban Commercial. Mr. Rhodes seconded.

Mr. Pitzel stated he would be willing to vote for the amendment if it include 30-2B, 30-2J, 30-3, 30-4, and all of 2G but as it stands it was just 2C and 2D.

The motion failed 2-5 (Mr. Cook, Mr. Pitzel, Mr. Di Peppe, Mrs. Carlone, and Mrs. Kirby were opposed).

Mr. Judy stated the amendment would be sent to the Board of Supervisors with a recommendation for denial.

3. Amendment to Zoning Ordinance - Amendment to Section 28-38, Performance Regulation, of the Zoning Ordinance, pursuant to O07-40. The amendment shall permit the increase of the Floor Area Ratio (FAR) requirements for any building or structure by review and approval of a Conditional Use Permit. The amendment also corrects the location of the text for (h) Density regulations to follow its title. The current ordinance shows the text for

Planning Commission Minutes
June 20, 2007

Density regulations as additional paragraphs in (i) Exceptions for floor area ratio regulations. **(Time Limit: July 25, 2007)**

Mrs. Kirby made a motion to continue Item 3 to the July 18, 2007 Public Hearing. Mr. Di Peppe seconded. The motion passed 7-0.

UNFINISHED BUSINESS:

7. Comprehensive Plan Compliance Review – Living Hope Lutheran Church - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for the extension of public sewer service outside of the County's designated Urban Service Area, to Assessor's Parcel 28-117 within the Hartwood Election District. **(Time Limit: August 7, 2007)(Deferred to June 20, 2007 Work Session)**

Mr. Cook stated Item 7 was deferred at the applicant's request.

8. SUB2500762; Potomac Creek Overlook, Preliminary Subdivision Plan – A preliminary subdivision plan for 25 single family residential lots, zoned A-1 consisting of 97.38 acres located approximately 2,700 feet east of Jefferson Davis Highway and 1,500 feet south of Eskimo Hill Road on Assessor's Parcels 38-126 within the Aquia Election District. **(Time Limit: July 18, 2007)(Deferred to June 20, 2007 Work Session)**

Mr. Mitchell made a motion for approval. Mr. Rhodes seconded. The motion passed 7-0.

NEW BUSINESS:

9. SUB2600625; Williams Subdivision, Preliminary Subdivision Plan - A preliminary subdivision plan for 13 single family residential lots, zoned A-2, Rural Residential, consisting of 14.55 acres located on the north side of Enon Road approximately 1,500 feet west of Wyatt Lane on Assessor's Parcels 45-125 and 45-125B within the Hartwood Election District. **(Time Limit: February 28, 2007)(Deferred to September 5, 2007 Regular Meeting at the applicants request)**

Mr. Cook stated Item 9 was deferred.

10. SUB2501506; Bridlewood Estates, Preliminary Subdivision Plan – A preliminary subdivision plan for 17 single family residential lots, zoned A-1, Agricultural, located on the west side of Hartwood Road approximately 2,500 feet north of Shackelford Road on Assessor's Parcel 35F-A, within the Hartwood Election District. **(Time Limit: September 12, 2007)**

Mrs. Kirby made a motion to put Items 10-14 in committee. Mr. Di Peppe seconded.

Mrs. Kirby withdrew her motion. She made a motion to continue Item 10 at the July 18, 2007 Planning Commission meeting. Mr. Di Peppe seconded. The motion passed 5-2 (Mr. Rhodes and Mrs. Carlone were opposed).

Planning Commission Minutes
June 20, 2007

11. PAE2700372; Bennett Division, Private Access Easement – A request for one Private Access Easement on Assessor’s Parcel 55N-2, zoned A-1, Agricultural, located on the west side of New Hope Church Road between Rabbit Road and Camp Seldon Road within the George Washington Election District. **(Time Limit: September 3, 2007)**

Mrs. Kirby made a motion to put Items 11-14 in committee Mr. Di Peppe seconded. The motion passed 5-2 (Mr. Rhodes and Mr. Mitchell were opposed).

12. PAE2700373; Roundtree Division, Private Access Easement – A request for two proposed Private Access Easements on Assessor’s Parcel 56-78, zoned A-1, Agricultural, located on the east side of Belle Plains Road north of Newton Road within the George Washington Election District. **(Time Limit: September 3, 2007)**
13. PAE2700375; Kensington Division, Private Access Easement – A request for two Private Access Easements on Assessor’s Parcel 25-34B, zoned A-1, Agricultural, located on the east side of Storck Road south of Hartwood Road within the Hartwood Election District. **(Time Limit: September 3, 2007)**
14. PAE2700377; Tackett’s Mill Division, Private Access Easement – A request for two proposed Private Access Easements on Assessor’s Parcel 8-15, zoned A-1, Agricultural, located on the east side of Tackett’s Mill Road at Walnut Ridge Drive within the Rock Hill Election District. **(Time Limit: September 3, 2007)**

MINUTES

May 16, 2007 Work Session

May 16, 2007 Regular Meeting

Mr. Cook stated the minutes would be voted on at the July 18, 2007 Planning Commission meeting.

PLANNING DIRECTOR’S REPORT

Mr. Harvey stated at the June 19, 2007 Board of Supervisors meeting The Car Store application was denied. He stated the Board would like to designate parks on the Land Use Map. He stated as of July 1, 2007 Zoning would become part of Planning.

COUNTY ATTORNEY’S REPORT

No report

SECRETARY/TREASURER REPORT

No report

STANDING COMMITTEE REPORTS

Mr. Pitzel stated the Planning Commission held a meeting on June 18, 2007 to review the Comprehensive Plan. He stated the next meeting was on June 25, 2007 in the Activities Room.

Planning Commission Minutes
June 20, 2007

Mr. Cook stated he would schedule two more meetings on July 16, 2007 and August 13, 2007 to discuss the Comprehensive Plan.

Mr. Di Peppe stated the Commission needed to vote on one Ordinance. He made a motion for approval for a Public Hearing with the Planning Commission for Ordinance O07-46 to amend Sections 28-25, 28-121, 28- 122, 28-123, 28-124, 28-125, and 28-135. Enact, adopt, and ordain Sections 28-136 and 28-137 of the Zoning Ordinance with the corrections as approved by the Ordinance Committee. The amendment establishes regulations pertaining to signs. The Planning Commission finds that public necessity, convenience, general welfare, or good zoning practice requires the governing body to consider an Ordinance to amend regulations. Mr. Mitchell seconded. The motion passed 7-0.

CONSENT AGENDA

None

SPECIAL COMMITTEE REPORTS

No report

CHAIRMAN'S REPORT

No report

ADJOURNMENT

Mrs. Kirby made a motion for adjournment. Mrs. Carlone seconded.

The meeting was adjourned at 11:35 p.m.

William Cook, Chairman