

STAFFORD COUNTY PLANNING COMMISSION
WORK SESSION MINUTES
September 19, 2007

The work session of the Stafford County Planning Commission of Wednesday, September 19, 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, Hamock, and Gregori,

Declarations of Disqualification

None

UNFINISHED BUSINESS:

1. SUB2600178; Aquia Overlook, Section 3 Revised, Preliminary Subdivision Plan - A revised preliminary subdivision plan for Section 3 with 36 single family residential lots, zoned A-1, Agricultural and A-2, Rural Residential, consisting of 102 acres located on the north side of Decatur Road across from Indian View Court on Assessor's Parcels 31-13D, 15A and 16 within the Griffis-Widewater Election District. **(Time Limit: November 27, 2007) (Deferred to September 19, 2007 Work Session)**

Mr. Harvey stated that Aquia Overlook was a preliminary subdivision plan discussed at September 5, 2007 Planning Commission meeting. He stated in regards to 3 acre lot development and this property was located in the Urban Service area of the County. He stated it was mandatory that water and sewer be connected, and there were some discussions of available sewer to the site. He stated the Commission asked that Dale Allen come and speak to the Commission in regards to sewer availability.

Mr. Cook stated the in the last meeting by Mr. Burner stated the Utilities Department would not approve building a pump station and providing water and sewer to the site.

Mr. Allen referred to the pump station in the force main that was shown on one submission of a draft plan. He stated the pump station was located in Aquia overlook, the force main was directed to Aquia Harbour and there were no previous arrangements with the Property Owners Association to discharge wastewater.

Mrs. Kirby asked if Mr. Allen was refusing under any circumstances to issue a permit for a Pump station.

Mr. Allen stated that was not what he was stating.

Mrs. Kirby stated that was what she was being led to believe, that Mr. Allen refused a request for a pump station and would not issue a permit.

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Mr. Allen stated there would not be a preliminary plan approved that shows a discharge of waste water in Aquia Harbour without a previous arrangement with the Property Owners Association.

Mr. Cook asked if a written and notarized statement from the Aquia Harbour Board stating they would allow an easement to tie into a sewer line in Aquia Harbour would be acceptable.

Mr. Allen stated the Utilities Department could investigate with an open mind. He stated he could not say right now but that was the way he wanted it to go. He stated the entire question of how the Widewater Peninsula was going to be sewerred if it stays in the Urban Service Area was undetermined at this time. He stated it may be better for the waste water for this development to go in a different way. He stated the Utilities Department would have to sit and work out with the property owners in that area.

Mr. Cook stated anything dealing with water and sewer in the Widewater area should wait for the new Comprehensive Plan to be approved by the Board of Supervisors and the Urban Services Area.

Mr. Allen stated that would work best from the Utilities prospective. He stated not knowing the density of the lots was difficult.

Mr. Pitzel stated he needed clarification on the statement that there was no permit to dump waste water into Aquia Harbour. Does that mean dumping into there sewer system?

Mr. Allen stated we would have to look at capacity of the system. He stated the system was designed to serve Aquia Harbour and not a lot of outside additions. He stated that was something that would need to be studied.

Mr. Pitzel asked when Mr. Allen stated discharging into the Harbour he meant discharging into the sewer system that was existing.

Mr. Allen stated that was correct.

Mr. Cook stated there was no known easement to go from outside Aquia Overlook into Aquia Harbour right now, so Aquia Harbour would have to grant an easement.

Mrs. Kirby stated they would deal with whatever Ordinances the Planning Commission or Board of Supervisor pass.

Mr. Allen stated that was correct, we are reactive to the Land Use Plan. He stated Utilities main concern was how to adequately provide sewer to the Urban Service Area.

Mr. Di Peppe stated we currently have an application currently in the Urban Service Area where we cannot provide water and sewer, and the Comprehensive Plan might take until April.

Mr. Cook stated, in his conversation with Mr. Harvey, the Board of Supervisors was considering an ordinance to grant waivers in certain circumstances. He stated we are bound by the Ordinance, if it is in the Urban Service Area it can only show water and sewer. He stated it may be in the applicant's best

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interest to wait one or two meetings to see what the Boards decides. He stated if they pass an Ordinance where they can either grant a variance or a special exception that might solve the problem.

Mrs. Kirby asked if we act now then the applicant would need to be on water and sewer.

Mr. Allen stated currently the Ordinance states if a property was located in the Urban Service Area it must be served by public sewer and water.

Mr. Di Peppe asked if there was any other way to deal with the discharge of water.

Mr. Allen stated currently the only sewer infrastructure was Aquia Harbour. He stated if other subdivisions are built then it may be possible to create a sewage system to serve the Widewater peninsula.

Bob Berner, Garrett Development, stated from what he understood of what Mr. Allen stated there was not a water and sewer plan currently in place for Widewater peninsula. He stated under the old plan there was to be a waste water treatment plant built and the current plans do not show a pump station. He stated Mr. Allen of the Utilities Department advised him he could not pump station based on the current plan. He stated the plan currently meets ordinance, and he would like to get a plan approved and construction plans in place. He stated he has been working on this plan for a long time and this was the fourth preliminary plan and forty-seventh lot. He stated he would design lots with drainfield and water and sewer. He stated he would move forward with whatever is required. He stated he was ready to get an approval and he is ready to go to the Board of Supervisors to ask for a waiver.

Mr. Kirby asked if there was an additional subdivision plan.

Mr. Berner stated there was a potential section called Quarry Estates that would tie into the back of Aquia Harbour.

Mrs. Kirby stated at some point we are going to want to have sewer and water in that area.

Mr. Allen stated yes if it stays in the Urban Service Area.

Mr. Kirby asked Dale Allen, what was required to give Mr. Berner approval.

Mr. Allen stated he did not know, but that it would be substantially more then 54 lots.

Mrs. Kirby stated by law we have to follow the Ordinance, if we approve the subdivision right now it would require water and sewer.

Mr. Allen stated yes. He stated currently there was no infrastructure for public sewer.

Mr. Cook stated Aquia Harbour needs to grant an easement and Aquia Harbour rejected a request previously.

Mrs. Carlone asked how long ago a written request was submitted.

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Mr. Berner stated there were two attempts made, the first attempt was in 1990. He stated it was to rezone from A-1 to A-2, approximately 200 lots. He stated the connection point into the Harbour probably would have overloaded the Aquia Harbour. He stated it was a justified denial. He stated if he were to connect in now, he would try to connect downstream.

Mrs. Carlone stated currently we can't approve this plan. She asked if he planned to go the Aquia Harbour.

Mr. Berner stated no.

Mr. Cook stated, in his opinion, the sewer in the Harbour was about at capacity.

Mr. Allen stated there are many capacity issues in the Harbour.

Mr. Cook stated he doubts Aquia Harbour would approve an easement to bring outside sewer into Aquia Harbour.

Mr. Cook stated if the Planning Commission turns Aquia Overlook down, Mr. Berner would have the right to appeal to the Board of Supervisors or by working on special exceptions or variances, the Planning Commission could hold the item in Committee with a time limit of November 27, 2007 to see of the Board of Supervisors acts on a proposed ordinance and the Planning Commission could try to work on the special exception.

Mr. Berner stated he would not seek a denial. He stated he would like to defer another 30 days to go before the Board of Supervisors.

Mr. Cook asked if the Planning Commission put in Committee and brought it back the second meeting in October which would give Mr. Berner another thirty days.

Mr. Allen stated all plans have a stamped statement that states: by approving this plan we are not guaranteeing water capacity.

Mr. Di Peppe stated he wanted to make sure the Planning Commission would not be legally liable.

Mr. Di Peppe made a motion to put in committee and bring back to the work session on the second meeting in October. Mr. Rhodes seconded. Motion passed 7-0.

Mr. Harvey stated the meeting would be October 17, 2007.

Mrs. Carlone asked if it would be better to bring this item back to the first November Meeting.

Mr. Berner stated he would rather give it 30 days and if an extension was needed that time he could defer to the November 7, 2007 meeting. He asked Mr. Judy what happens if he has a preliminary plan that meets the subdivision Ordinance on November 24, 2007 and we don't have a route to go, what are his options.

Mr. Judy stated it would be inappropriate to answer the question.

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Mr. Di Peppe made a motion to put in committee and bring back at the October 17, 2007 Meeting. Mr. Rhodes seconded. Motion passed 7-0.

ORDINANCE COMMITTEE

Mr. Stepowany stated the first item was Ordinance O07-58, which was brought up at the previous Public Hearing. He stated the Ordinance was amended to remove the provision of the number allowed on the Private Access Easement (PAE). Item number 2 was O07-71, which amends section 22-5 for minor subdivision. He stated a minor subdivision shall not contain more than one Private Access Easement (PAE). He stated the Planning Commission requested to have two separate ordinances and to have separate votes. He asked Mr. Judy if Ordinance O07-58 would have to be readvertised to have another Public Hearing or could the Planning Commission make a decision without re-advertising. He asked if we could just advertise O07-71.

Mr. Judy stated yes it would require another Public Hearing.

Mr. Stepowany asked for approval from the Planning Commission to send O07-58 back to Planning Commission for Public Hearing.

Mrs. Kirby made a motion to bring O07-58 back to PC for Public Hearing. Mr. Pitzel seconded. The motion passed 7-0.

Mr. Cook made motion to bring O07-71 back to PC for Public Hearing. Mr. Mitchell seconded. The motion passed 7-0.

Planned-Traditional Neighborhood Development (P-TND) Zoning District

Mr. Stepowany presented item number 3, modification to the P-TND Zoning Ordinance. He stated the Planning Commission held a participation meeting and discussed amendments to P-TND Ordinance as required by the Board of Supervisors. He stated the Board of Supervisors asked the Planning Commission to look into changes concerning height, density, minimum track size, and whether a TND should have residential components. He stated item 3 shows changes as recommended by Planning Commission, in addition to a definition for redevelopment. He stated went over the original time table after approval of the TND from the Board of Supervisors and gave direction to Planning Commission. He stated Mr. Cook asked staff to look at recommendations and modifications of the TND. He stated staff recommended changes to include minimum gross track area of 75 acres and could not improve more then ten percent.

Mr. Cook stated the TND should be worded so the Planning Commission is not taken advantage of.

Mr. Stepowany stated if there was 75 acres of land or redevelopment you cannot increase impervious area by more then ten percent.

Mrs. Kirby asked if redevelopment has to be a TND.

Mr. Stepowany stated to submit an application to be P-TND Zoning District there has to be 75 acres minimum.

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Mr. Pitzel asked if there was a minimum sized for redevelopment.

Mr. Stepowany stated staff was recommending no minimum size. He stated it is up to the merits of the application

Mr. Pitzel stated to call it a TND would require three transect zones. He asked if someone came in with two buildings and ten acres they could not call it a TND.

Mr. Stepowany stated that was correct.

Mr. Kirby asked about the recommendation in the Smart Code. She stated she thought 10 acres was more then recommended.

Mr. Stepowany stated there was no maximum density in the Smart Code. He stated the Smart Code deals with density within each transect zone and does not have an overall density.

Mrs. Kirby asked what was the maximum in the transect zone per acres.

Mr. Stepowany stated the Planning Commission last week agreed to 48 units per acre in the T-6 and the Special Districts Commercial (SD-C).

Mrs. Kirby asked if it could be simplified.

Mr. Stepowany stated the Ordinance gets 5000 units per 500 acres. He stated T-1 in 1 unit per every 100 acres, T-2 was 1 unit for every 20 acres, and T-3 was 6 units per acres. He stated the P-TND has a maximum that cannot be exceeded and there is no maximum in the Smart Code.

Mrs. Kirby asked if steep slopes are going to be protected

Mrs. Stepowany stated no. He stated the TND protects the environment by making requirements that have to be protected. He stated instead of going out we have to go up and that is the purpose of the TND.

Mrs. Kirby asked if someone buys 100 acres on steep slopes you can have 25 story buildings.

Mr. Stepowany stated they have to use suitable area for development and still have 3 transect zones. He stated density in each transect zone does not increase overall density and in order to have multi-family units in the T-5 and SD-C you have to have an increase in density.

Mr. Cook stated if there was 100 acre tract by definition your allowed density was 1000 dwelling units. He stated even if you are allowed 48 growing units per acre in a T-6 or 24 in a T-5 or 48 in an SD-C you have to have a least 3 transect zones and the allocated amount in each zone has to be adjusted to not exceed the 1000 dwelling units of each tract of land.

Mr. Stepowany stated correct and you are only allowed a certain percentage of each transect zone. He stated it would be necessary to have a lower number of transect zones in addition to a higher number of

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transect zones. He stated the TND was a tool to provide diversity and a mix of uses and give staff more tools to review it.

Mrs. Carlone asked what would be the inducement to a developer to come in for Transfer of Development Rights (TDR).

Mr. Stepowany stated there was nothing in the Zoning Ordinance that requires a rezoning application to be subject to TDR's. He stated he was not aware we had approved TDR program.

Mrs. Carlone stated we were trying to get an approved program. She asked where we benefit in the rural.

Mr. Harvey stated there was no ordinance in place currently. He stated the first step would be to establish an Ordinance where you would have sending and receiving areas and ratios for how that is to be accomplished. He stated how dwelling units in the rural areas can be transferred into the urban area. He stated with TDR you are somewhat above zoning ordinance, if you transfer units from the rural to an urbanized area that doesn't go through any special zoning review by the PC and BOS. He stated with the TDR you could potentially have more homes than you would normally under standard zoning. He stated with TND we would have to negotiate what the units would be unless the maximum is used, and through the proffers there are certain limitations.

Mr. Di Peppe asked Mr. Judy if there was any situation in the state where they had done TDR.

Mr. Judy stated he did not know of any locality that had done a TDR at this point but there are a couple of localities that are looking to do it.

Mrs. Kirby stated one thing the Commission could have done was to protect steep slopes and pass an Ordinance stating builders cannot build on steep slopes.

Mr. Stepowany stated there is an ordinance in committee with the Board of Supervisors.

Mr. Harvey clarified the Board of Supervisors referred to the ordinance to the Planning Commission to be considered in the Comprehensive Plan, the Board of Supervisors disposed of the ordinance and stated it was not appropriate at this time. He stated with regard to steep slopes our current Land Use Plan recommends we restrict development on slopes greater than twenty-five percent and has been in the plan since 1988, for whatever reason it has not gone forward for approval.

Mr. Kirby asked if there was to be a restriction on steep slopes then we should do it openly and let the community know.

Mr. Harvey stated staff recommendation was based on some reactions at public hearing and comments from citizens. He stated it was up to the Planning Commission on what was advertised for Public Hearing and what was in the Ordinance.

Mr. Stepowany stated staff recommends including changes on Page 2.

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Mr. Di Peppe stated if it was required in TND it would be the first time stated that a slope 25 percent or greater has to be in the T-1 and T-1 has to be protected. He stated we are finding a way to protect slopes at 25 percent or greater and was required to be in T-1.

Mr. Stepowany stated that is correct.

Mrs. Kirby asked if there are 25 percent slopes or greater on several areas anywhere on the site, it must be a T-1.

Mr. Stepowany stated only if associated with RPA.

Mr. Harvey stated the draft states if there are lands adjacent to RPA that have slopes 25 percent or greater they should be in T-1. He stated it does not speak to isolated slopes that can be located elsewhere on the project.

Mr. Stepowany stated the idea of TND is to compact development and to compact it you have to go up, provisions should be made to go higher as opposed to going out and destroying natural resources.

Mr. Di Peppe confirmed we will not have 25 story buildings.

Mr. Stepowany stated it was agreed in the previous meeting to do no higher than 6 story by recommendation of the PC.

Mrs. Carlone stated the Geico was 65 feet and, in her opinion, does not feel it would belong in a TND.

Mr. Stepowany stated there are 3 points to consider: the height, the maximum setback along street, and building height street ratio requirements and all these items factor in on how tall any building could be.

Mr. Di Peppe asked if there were recommendations from staff on slopes 25 percent or greater that weren't associated with RPA.

Mr. Stepowany stated no. He stated it modeled the water resource ordinance other than intermittent streams, we did not add provisions for intermittent streams.

Mrs. Kirby asked why intermittent streams were not added.

Mr. Stepowany stated if the PC wants to add intermittent streams, they can be added.

Ms. Kirby asked based on staff recommended changes, if some areas of the county may be suitable without certain housing types.

Mr. Stepowany stated he would add intermittent stream language that was associated with RPA. He stated they become T-1

Mr. Di Peppe stated that was important.

Mr. Stepowany stated allocated density means gross track and was 10 dwelling units.

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Mrs. Kirby stated if the Smart Code was that good. She asked why the county did not use the Smart Code.

Mr. Stepowany stated the Smart Code was a model. He stated the Smart Code was a zoning ordinance as written. He stated for item # 3 staff added the definition of redevelopment was no increase in impervious area of more than 10 percent. Table 3.5 F height of building reduced from 95 feet to 75 feet at finished floor level of top story. He stated the maximum number of story was 6 for T-5, T-6, and SD-C.

Mrs. Kirby asked if a developer wants to build a building that was enclosed then the entire building could be 6 stories and roofing not included.

Mr. Stepowany stated the county could have a 6 story building which would be 65 feet but with a Jefferson dome on top the building may be a total of 90 feet.

Mrs. Kirby asked if there was a maximum height requirement for a building plus the roof.

Mr. Stepowany stated developers need to submit all requirements including elevations to the Planning Commission and Board of Supervisors for approval.

Mr. Cook stated the T-5 has 6 stories and should make the height the same as T-6 and SDC.

Mr. Stepowany stated he would add the recommendation from Mr. Cook. He stated it was staffs belief that we still advertise some type of provision to not require residential components in TND. He stated staff was given direction to have wording in the ordinance that could be voted upon after Public Hearing.

Mrs. Kirby stated it sounded like RBC coming back.

Mr. Stepowany stated staff would like to put any modifications 28–34 the purpose of a district in its own ordinance and have it voted upon.

Mr. Cook stated he disagreed, and it was not needed and there was no necessity for a public hearing.

Mr. Stepowany stated there was a recommendation from Mr. Harvey to present a Memo.

Mr. Cook stated a Memo would be fine. He stated the Memo could go back to the Board of Supervisors stating the Planning Commission sees no reason to not require residential units in any transect zones because this was a TND.

Mr. Di Peppe stated the TND was mixed use.

Mr. Stepowany asked how we would respond to Board of Supervisors.

Mr. Cook made a motion to respond to the Board of Supervisors direction by making the changes the Planning Commission recommends except no residential allocation. He stated the Planning

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Commission can send a memo to the Board of Supervisors stating they disagree and to not change the TND for that reason. Mr. Kirby seconded. The motion passed 7 – 0

Mr. Stepowany stated some of the changes that have been made to the TND such as: Table 3.1 pump facility for water and sewer pump station and water tanks, no provisions for telecommunication facility which would require a CUP for any telecommunications facility. He stated with the TND, staff recommends with co-location on transmission lines or water tanks, should come with a CUP.

Mr. Kirby asked what a T-2 zone was.

Mr. Stepowany stated T-2 was 20 acre lots and from what we see in applications, T-2 was more of public space such as: schools, recreational facility, water tank, and more public facilities because it was 1 unit per 20 acres.

Mr. Kirby asked why a library was ok in T-3 and T-4 but a museum was not.

Mr. Stepowany stated we can add a museum to T-3 and T-4.

Mrs. Kirby stated in many areas now libraries are going to store fronts.

Mr. Cook requested to pickup the discussion at the regular meeting.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 6:49 p.m.

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The regular meeting of the Stafford County Planning Commission of Wednesday, September 19, 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, Baker, Stepowany, Hornung, Schulte, Hamock, and Gregori

DECLARATIONS OF DISQUALIFICATIONS:

None

PUBLIC PRESENTATIONS:

Patricia Kurpiel, Friends of Stafford Creek, stated she would like to re-look at public institutions in T-2 zone within the Traditional Neighborhood Design (TND). She stated, in her opinion, the libraries, schools, and recreation facilities belong closer to populated areas. She stated the definition of allocated density was: gross track plus gross acreage. She stated the Planned Urban Development model used allocated density. She stated we did not have a Transfer of Development Rights (TDR) in process, and the developer would not consider transferring density. She stated the Board of Supervisors uses Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) to save rural areas. She stated the Planning Commission should consider the TND Ordinance apply only to infill and contiguous development. She stated if we do not have 4 to 5 units per acre, we will not get bus service. She stated the Planning Department should use the TND the smartest way we can.

Nan Rollison stated we need to find a balance for prosperous and healthy environment and TND was giving developers all the cookies without the TDR program. She stated Albemarle and Blacksburg Counties are passing the TDR.

PUBLIC HEARINGS:

1. Comprehensive Plan Compliance Review – Channel Cove - A request for review to determine compliance with the Comprehensive Plan according to section 15.2-2232 of the Code of Virginia (1978) as amended, or Title 15.2-2232 Communication to co-locate telecommunication antenna on the existing Dominion Virginia Power Transmission Tower on Assessor's Parcel 21B-519, located on Channel Cove, approximately 200 feet east of Aquia Drive in the Aquia Election District.

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2. Comprehensive Plan Compliance Review – Harpoon Drive - 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 T-Mobile Communication to co-locate telecommunication antennas onto an existing Dominion Virginia Power Transmission Tower on Assessor's Parcel 21B-1492, located on Harpoon Drive, approximately 200 feet east of Victoria Drive in the Aquia Election District.

Jamie Stepowany presented the staff report. He stated the applicant would like to collocate nine telecommunication antenna panels onto an existing VEPCO transmission tower. He stated the height of the existing tower was 105 feet and the height of the antenna panels would be 100 feet. He stated the compound area within the base of the transmission tower would be fenced. He stated there was direct access from Harpoon Drive. He stated staff recommends collocation onto existing transmission tower and recommends having telecommunication facilities at a distance from residences. He stated the tower was located near the center of a 33 acre open space, owned by Aquia Harbour Home Owners Association and provides wireless service to Aquia Harbour and Widewater areas.

Mrs. Carlone asked if there were any water tower in the area.

Mr. Stepowany stated no, the water towers were 100 feet away.

Mr. Pitzel asked if there would be an enclosure at the base of the tower.

Mr. Stepowany stated yes with a privacy fence.

Mrs. Carlone asked what materials would be used.

Mr. Stepowany stated board on board wooden fence.

Mrs. Kirby asked the location of Channel Cove tower.

Mr. Stepowany stated that tower was on the same line just north of Government Island.

Mrs. Kirby asked if it was about one mile.

Mr. Cook stated it was approximately one and one half mile.

Mr. Mitchell asked if there was a bond put on this for maintenance.

Mr. Stepowany stated there were no requirements for co-location. He stated there was more coverage needed for larger capacity and the map shows a larger coverage area. He stated to get more coverage would require going higher on existing structures such as transmission lines or water towers.

Matt Chaney representing T-Mobile stated he would answer questions.

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Mrs. Carlone asked if the fence could be white plastic fencing for aesthetics.

Mr. Chaney stated T-Mobile can do white plastic fencing.

Mr. Pitzel asked if only T-Mobile customers would benefit from this coverage.

Mr. Chaney stated yes.

Mr. Pitzel asked if there was coverage by Virginia Railway Express (VRE).

Mr. Chaney stated no due to the height.

Mrs. Kirby asked if there was already coverage provided to Aquia Harbour and Widewater.

Mr. Stepowany stated he did not know if Nextel had coverage in Aquia Harbour, but this coverage was only for T-Mobile.

Ms. Kirby asked if each company would need its own pole for coverage.

Mr. Stepowany recommended co-location on transmission tower.

Mrs. Kirby asked about the tax ramifications that benefit Stafford County.

Mr. Harvey stated we would have to check with Commissioner of Revenue.

Mr. Chaney stated the questions that had been removed did not apply to the application.

Mr. Mitchell asked what T-Mobile was looking for in the white area of the map.

Mr. Chaney stated he was not sure of what was over there and did not have information so he could not answer the question. He stated T-Mobile wanted to give credence to customer complaints, such as dropped calls in that area.

Mr. Mitchell asked if T-Mobile had made arrangements or paid any money to the Homeowners Association (HOA).

Mr. Chaney stated yes.

Mr. Cook stated the white area on the map was Widewater.

Mr. Cook opened the public hearing.

Nan Rollison stated the fish and wildlife recommend co-location and stated the Planning Commission should look at long range plans of the number of towers that are going there in the future. She stated that poles could be used as habitat homes. She stated this was a very nice piece of land and would be glad to offer a CD on managing Utilities Right of Way to T-Mobile.

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With no one else coming forward Mr. Cook closed public hearing.

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

3. CUP2700542; Conditional Use Permit - Vulcan Westlake - A request for a conditional use permit to allow a street within a Flood Hazard (FH) Overlay District, specifically to provide access across Horse Pen Run to the proposed Vulcan Quarry on part of Assessor's Parcels 35-21, 23 and 24 consisting of 8.2 acres, located on the south side of Warrenton Road, west of Holly Corner Road and along Cedar Grove Road within the Hartwood Election District. **(Time Limit: December 17, 2007)**

Kathy Baker presented the staff report. She stated there was a proposed quarry site in 1989. She stated the access road to the quarry would cross Horsepen Run, there would be a 70-foot wide easement with, 30-foot road width, and 10,800 foot road length. She stated the crossing would include box culverts. She stated the access road was regulated by the Virginia Department of Mines and Minerals. She stated the Floodplain Study indicates potential net increase in base flood elevations to exceed 1 foot, with a maximum increase of 2.4 feet. She stated no dwellings or structures are located within the proposed increase in base flood elevation and increased elevation would not impact any adjacent properties. She stated the proposed conditions include: Location of street crossing shall be in general location as shown on GDP, applicants to obtain all state, federal, and local permits for stream encroachment, water quality, wetlands, land disturbance, and Chesapeake Bay overlay requirements, applicants shall obtain Conditional Letter of Map Revision (CLOMR), construction of road crossing limited to 6am to 8pm, applicant shall submit MWQIA, and applicant shall notify Code Administration prior to construction. She stated staff believes the request, with the proposed conditions, meets the standards for issuance of the permit. She stated there are no impacts to adjacent parcels and staff recommends approval of the application with conditions specified in R07- 399.

Mrs. Carlone asked what the normal procedure was after we approve the CUP. She stated when the Planning Commission approved Westlake there were no conditions put on the road. She asked why the CLOMR was not provided

Mrs. Baker stated that application was a special exception and is now it is a Conditional Use Permit. She stated that if this application was approved then the applicant would provide the CLOMR.

Mrs. Carlone stated, in her opinion, this was not a temporary road.

Mrs. Baker stated the road would last as long the quarry was operating.

Mrs. Kirby stated, in her opinion, it was not a temporary road.

Mr. Harvey stated the road was permitted by the Army Corps of Engineers, as long as the mine site was operating.

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Mrs. Kirby stated that Vulcan on Garrisonville Road operated for 25 years and it was not a temporary site.

Mrs. Baker stated the site would be reclaimed, and as stated by the Army Corps of Engineers this would qualify as a temporary road.

Mrs. Kirby stated it was not fair to the citizens of Stafford County.

Mrs. Baker stated the issue being discussed was the flood plains and elevation.

Mrs. Kirby stated the CLOMR map showed the impacts.

Mr. Di Peppe asked if the culverts would be removed once the temporary road was no longer in use.

Clark Leming, Leming & Healy, stated Cedar Grove Lane would be the primary access to the quarry. He stated Cedar Grove Lane would be improved and the portion of the road the Planning Commission was concerned with was private and strictly for use by Vulcan. He stated a CUP was required to increase the base flood elevation at Horse Pen Run. He stated the Box Culverts would cause a rise in the base flood level. He stated the floodway range was between 1 and 8 feet. He stated the FEMA Zone A had a 1% chance of flooding at this location and the crossing was designed to have the least impact in regards to the road. He stated there would be no special treatment because the road was temporary. He stated if the road was retired, the culverts would be removed and the road would be closed. He stated one major users of the quarry site would be Rocky Pen Reservoir. He stated FEMA would not accept the CLOMR until the Planning Commission approved the CUP.

Mrs. Kirby stated, in her opinion, the reclamation time was not within the scope of time to be considered temporary.

Walter Beckwin stated at the time the mine was exhausted the box culverts would be removed, the water levels would be adjusted, bringing back the original contours, the base would be removed from the road, reseeded if needed, and new trees would be planted.

Mrs. Kirby stated that coming in on Richard Ferry Road would have negated this.

Mr. Leming stated that was not in compliance with the proffers.

Mr. Cook opened the public hearing.

With no one coming forward the public hearing was closed.

Mrs. Carlone asked what the hours of operations would be.

Mr. Leming stated the hours of operation were from 6:00 a.m. to 8:00 p.m., but that only applies to road construction.

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

UNFINISHED BUSINESS:

4. Amendment to the Comprehensive Plan – Centreport Gateway – A proposed amendment to the Land Use Plan map component of the Comprehensive Plan. The proposed amendment would redesignate Assessor's Parcel 37-25 from Light Industrial, Suburban Residential, and Resource Protection land use to Urban Commercial and Resource Protection land use 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 Urban Commercial designation would allow development of commercial retail and office uses. **(Time Limit: October 16, 2007)(Deferred to the October 3, 2007 Work Session at applicants request)**

Mr. Cook stated Item 4 was deferred to the October 3, 2007 Work Session.

5. 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: October 16, 2007) (Deferred to the October 3, 2007 Work Session at applicants request)**

Mr. Cook stated Item 5 was deferred to the October 3, 2007 Work Session.

6. Comprehensive Plan Amendment - Stafford Town Station – A proposed amendment to the Land Use Plan map component of the Comprehensive Plan. The proposed amendment would redesignate Assessor's Parcel's 38-29, 38-29A, 38-121, 38-121A, 38-122, 38-122A and 38-124 from Light Industrial, Rural Residential, and Resource Protection to Urban Commercial, Urban Residential, and Resource Protection Land Use and extend the Urban Services Area to comprise the above referenced parcels. The proposed amendment would be for the purpose of developing a P-TND, Planned Traditional Neighborhood Development. **(Time Limit: November 13, 2007) (Deferred to October 11, 2007 Work Session)**

Mr. Cook stated Item 6 was deferred to the October 11, 2007 Work Session.

7. RC2700296; Reclassification - Stafford Town Station - A proposed reclassification from A-1, Agricultural Zoning District and B-1, Convenience Commercial Zoning District to P-TND, Planned Traditional Neighborhood Development Zoning District on Assessor's

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Parcels 38-29, 38-29A, 38-121, 38-121A, 38-122, 38-122A and 38-124 consisting of 562.58 acres, located on the east side of Jefferson Davis Highway approximately 300 feet south of American Legion Road and along Eskimo Hill Road within the Aquia Election District. The Comprehensive Plan recommends the property for Light Industrial use which would allow a variety of industrial manufacturing and office uses. The Rural Residential designation would allow development of three (3) acre lots for single family residential use. The Resource Protection designation would require stream protection buffers along all streams that exhibit perennial flow characteristics. See Section 28-35 of the Zoning Ordinance for a complete listing of permitted uses in the P-TND Zoning District. **(Time Limit: November 13, 2007) (Deferred to October 11, 2007 Work Session)**

Mr. Cook stated Item 7 was deferred to the October 11, 2007 Work Session.

8. 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 January 1, 2008 Regular Meeting at the applicants request)**

Mr. Cook stated Item 8 was deferred to the January 9, 2008 Regular Meeting.

9. SUB2600178; Aquia Overlook, Section 3 Revised, Preliminary Subdivision Plan - A revised preliminary subdivision plan for Section 3 with 36 single family residential lots, zoned A-1, Agricultural and A-2, Rural Residential, consisting of 102 acres located on the north side of Decatur Road across from Indian View Court on Assessor's Parcels 31-13D, 15A and 16 within the Griffis-Widewater Election District. **(Time Limit: November 27, 2007) (Deferred to September 19, 2007 Work Session)**

Mr. Cook stated Item 9 was deferred to the October 17, 2007 Work Session.

NEW BUSINESS:

None

MINUTES

None

PLANNING DIRECTOR'S REPORT

Mr. Harvey asked if we should advertise and televise the October 11, 2007 Work Session.

Mr. Cook stated yes.

Mr. Harvey stated at the Board of Supervisors meeting on September 18, 2007 there was discussion of the Comprehensive Plan review concerning the state requirements for build out in the Urban

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Service Area, consider 10 acre density with Purchase of Development Rights and Transfer of Development Rights. He stated the Planning Commission would hold a meeting on October 8, 2007 to discuss Comprehensive Plan revision. He stated the Planning Commission should look at the winter schedule.

The Planning Commission voted to amend there winter schedule.

Mr. Cook moved the second meeting in November to November 28, 2007 and stated the January meeting would be changed to January 9, 2008 and January 23, 2008.

COUNTY ATTORNEY'S REPORT

Mr. Judy stated today was National Talk Like a Pirate Day, other than that no report.

SECRETARY/TREASURER REPORT

No report

STANDING COMMITTEE REPORTS

Mr. Pitzel stated there would be a special presentation of the Urban Development Area at the October 8, 2007 Planning Commission Meeting to discuss the Comprehensive Plan Review.

CONSENT AGENDA

None

SPECIAL COMMITTEE REPORTS

Mrs. Carlone asked about the reservoir.

Mrs. Baker stated the Reservoir Protection Overlay District was still in committee with the Board of Supervisors.

Mr. Di Peppe asked if the Planning Commission could continue discussion of the TND Ordinance modifications.

Mr. Cook stated yes.

Ordinance Committee Continued

Mr. Stepowany recommended the Planning Commission continue Ordinance Committee discussion on P-TND.

Mrs. Carlone stated Mr. Stepowany should address the points that Patricia Kurpiel brought up.

Mr. Di Peppe stated they were already addressed at Work Session.

Mrs. Carlone stated the density in T-2 should be eliminated.

Mr. Stepowany stated staff disagrees. He stated there should be larger facilities in open zones.

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Mr. Di Peppe stated the TND only requires three transect zones.

Mr. Stepowany stated T-2 can be in the middle of T-3 and maximum lot coverage requires each transect zone to have maximum lot coverage.

Mr. Di Peppe asked if there was anyway to overcome that.

Mr. Stepowany stated from what he has seen T-2 was used for more public area. He stated each transect zone has a maximum lot coverage zone. He stated T-5 and T-6 were greater than T-3 and T-4 and T-2 was not used if there are public facilities in T-2.

Mr. Stepowany stated there was a green area between groups of houses which was open area with the garage behind the house.

Mr. Cook stated under section 28-35, table 3.1, the following uses permitted by right should be stricken: dormitory schools, funeral homes, golf courses, green houses, stables, vehicle fuel sales/auto repair.

Mr. Pitzel asked what was wrong with fuel sales. He stated one place close to home to buy gas was good.

Mr. Cook stated fuel sales could be permitted with a CUP.

Mrs. Kirby asked what high intensity retail would be.

Mr. Stepowany stated such as gift shops or convenient stores.

Mr. Cook stated definitely remove stables, funeral homes, and golf courses.

Mr. Pitzel stated the whole point of the TND was to be compact and a golf course was not compact.

Mr. Cook stated that a college with no dormitory would be acceptable.

Mr. Di Peppe stated a college would bring people in from outside the community.

Mr. Cook stated that vocational schools have no business in TND.

Mr. Stepowany stated Strayer College was a good example of a professional school.

Mrs. Carlone stated colleges and vocational schools bring people in.

Mr. Pitzel stated schools should be left in TND.

Mr. Di Peppe stated funeral homes, stables, golf courses, and green houses are to be taken out of the TND.

Mr. Rhoades stated he agrees.

Mr. Harvey stated to bring TND back to 10/3/2007 Work Session.

Mr. Cook stated TND can go to Public Hearing November 7, 2007.

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Mr. Di Peppe mad a motion to approve O07-71 for Public Hearing. Mr. Mitchell seconded. The motion passed 7-0.

CHAIRMAN'S REPORT

No Report

ADJOURNMENT

With no further business to discuss Mrs. Kirby made a motion to adjourn. Mr. Mitchell seconded. The meeting was adjourned at 9:19 p.m.