

STAFFORD COUNTY PLANNING COMMISSION
WORK SESSION MINUTES
November 7, 2007

The work session of the Stafford County Planning Commission of Wednesday, November 7, 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, Carlone, Rhodes, Di Peppe

Members Absent: Mitchell

Staff Present: Harvey, Judy, Stepowany, Zuraf, Kaminsky, Hamock, and Hess, Schulte, Hornung, and Hamock

Declarations of Disqualification

None

UNFINISHED BUSINESS:

1. 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 November 7, 2007 Work Session)**

2. 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 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 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 November 7, 2007 Work Session)**

Mr. Cook stated items 1 and 2 could be presented together.

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Mr. Harvey stated the Commissioners had received revised proffers and stated the applicant would go through all the proposed changes.

Clark Leming, Leming and Healy, stated the Commissioners should have had for a week the updated proffers, revised as of October 29, 2007. He stated the Commissioner should have a red lined version that has three separate colors, everything on the proffer was in red and represents changes made from the very beginning of the application process, the highlighted yellow changes are in response to the first work session on October 1, 2007, and gray changes are in response to the second work session. He stated that all changes are listed and the Commission had gone through a number of changes at the last meeting. He stated he would be willing to go through all the changes or the applicant could go over just the changes in gray which were made at the last work session.

Mr. Cook asked Mr. Leming to walk the Commission through the gray changes and the Commissioners could ask questions if they would like.

Mr. Leming proceeded with a deletion at the bottom of page 1 due to some concern expressed referencing House Bill 32-02 and has deleted, at 2B change the wording from "Retail" to "Commercial" to be consistent with language used in the Zoning Ordinance, commercial use permitted in the development. He stated another change was page 4, making a clarification any confusion with using the word "house" and changed to dwelling unit, on page 5, number 8 had been corrected to use the proper name on the face of the study "Traffic Impact Study Review versus Traffic Impact Assessment, on page 6 the applicant was trying to be consistent by just using the through spelled THRU, and on page 7 F.R.E.D was spelled out to Fredericksburg Regional Transit to avoid any confusion. He stated page 11 showed a minor grammatical change under advanced payment, on page 12 language was added to require an applicant to submit a construction plan within six month of approval of the preliminary subdivision plan and it was in the applicants best interest to do this because they would have to vest the preliminary subdivision plan He stated staff now requires construction plans come in with final plats which was necessary to vest preliminary subdivision plan. He also stated a change on page 13 showed the word Property capitalized, on page 14 the word may was changed to shall, and on page 15 the word agreement was added to the end of a statement. He stated on page 17 a change to the word guidelines to standard, and on page 19 there was clarification to the size of the meeting room to show a minimum of 150 people or more. He stated at the bottom of page 19 there was unnecessary language deleted, on page 22 the word owner was changed to builder, and the builder requires the sound attenuation acoustical paneling not the owner. He stated at the bottom of page 22 at C showed a deletion of the word and there which was carried over from a prior deletion. He stated the applicant reduced the maximum slope of a driveway from 12% to 10% and on page 25 some wording changed to reflect wording approved by Stafford County in order to assure that all development for this project has sufficient water and sewer fire flow capacity. He stated these changes had been made since the last work session.

Mrs. Kirby mentioned house bill 30-32 within the urban area.

Mr. Leming stated it had been deleted and referenced page 2 at the top.

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Mr. Kirby stated she was looking for a cap on dwelling units.

Mr. Leming stated in the sentence above the deletion it states “the project will be developed to provide a mix of commercial and residential use, a maximum of 1,740 residential developed on the property with a maximum density of 3.2 dwelling units”. He stated the language that was added referencing the House Bill could have increased the number of dwelling units under the circumstances indicated in the proffer.

Mr. Di Peppe stated he appreciated the word change especially for construction and preliminary plans. He stated in the town hall the Commissioners referenced having a stage, it did not have to be permanent but equipped for meetings or conferences.

Mr. Leming stated it had been provided within the proffer on page 19 and was change before the last work session.

Mr. Di Peppe stated his concerns about the southwest corner as a recharge area for the aquifer and asked for wording dealing with that problem.

Mr. Leming stated Commissioner Di Peppe had alerted the applicant about a concern of the recharge area and in speaking with Mr. Harvey asked to check on where the actual recharge area was. He stated staff and the applicant were all in agreement that the primary recharge area was west of the interstate and west of the property.

Mr. Harvey stated the primary recharge area in the county was along the fall zone line and does cross the interstate. He stated in the northern part of the county it is along the interstate and east of the interstate and as you move further south it moves west of the interstate. He stated in general the coastal plain area of the county was an area that has significant ground water infiltration but it was not the primary aquifer recharge area.

Mr. Leming stated there was a minor recharge area that coincides with the SDC-6 district which was the regional retail portion of the development. He stated in response to Commissioner Di Peppe question the applicant had come up with some language that was responsive to his question. He stated the applicant shall install infiltration systems such as but limited to bio-retention basins, bio-retention swells, and infiltration trenches on the outskirts of the parking lots and islands within the parking lots serving the regional retail use in the SDC transect zone provided that the infiltration rates of the soil so permit, if for any reasons the soils condition prevent the installation of said systems with the SDC transect area the applicant shall install said infiltration in other areas of the property, size not to exceed the maximum volume that would be generated in the SDC transect zone, which is defined as one inch of run off per impervious acres and is subject to review by staff to obtain the same results. He stated if this could not be done in the SDC-6 zone then the applicant would take same infiltration systems and move to another location on the property so there would be water coming back into the ground at another location.

Mr. Di Peppe stated the applicant had addressed his concerns.

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Mr. Leming stated the area closer to Route 1 was the only area with the recharge area, which was where the retail commercial would be located.

Mr. Di Peppe stated in looking over the proffer this was the first time a builder had proffered a percentage for work force housing and was setting a precedent so young working couples could buy homes in Stafford. He stated there was a Sunset Clause that stated up to five years if the builder sells the property the new buyer would still meet the guidelines already established. He stated originally he wanted ten years and would compromise for seven years.

Mrs. Kirby agreed with Mr. Di Peppe for seven years with was originally discussed.

Mr. Leming stated the issued had been raised and Mrs. Carlone made mention of it as well.

Mrs. Kirby stated seven years would be reasonable. She expressed concerns about Low Impact Development (LID) that would be available for this project. She stated most people buying homes have no idea what LID was. She stated having brochures was okay but it should be mentioned in settlement when purchasing or make arrangement to understand this would be drainage in the area.

Mr. Leming asked if there was a system in place with the County to inform residents about LID and what the limitations are.

Mr. Harvey stated the County has educational brochures, also as part of the storm water maintenance agreement it was codified with the agreement and recorded in land records and was included in the Homeowners Association (HOA) information included when purchasing a home.

Mr. Leming confirmed those documents would be included with HOA documents at settlement.

Mr. Harvey stated it would be included with the chain of title with the property.

Mrs. Kirby stated the applicant was assuming the person who buys a house will be reading all the documentation. She stated she was concerned about problems that had occurred in the past and future problems and having the documents in the HOA documents does not mean they will be read.

Mr. Leming asked what the applicant should do other then what Mr. Harvey had already mentioned.

After a brief discussion between the applicant and the Commission, Mr. Leming stated the applicant would be happy to provide a letter for new buyers at settlement about LID.

Mr. Judy stated putting a sign on the LID indicating what they are and there purpose and are not to be disturbed.

Mr. Leming stated the applicant would think about what sign would be appropriate. He stated the sign could be on the grass or vegetative areas within the lot.

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Rob Gollahan stated after the five year period, if the builder sells it would not matter to him and stated he was not sure this project would work and was asking if he was going to plow the ground and pay for it, he would like to have a little control. He stated if the Commission stated it was seven years or nothing then he would do seven years but he does not want this project to fail in the beginning. He stated his concern was if the years were to stretch out over time then the owners are basically renting until they can sell it. He stated young people buying these homes would not get any benefits of there payments for seven years. He stated these homes would be an opportunity for people to buy in Stafford.

Mr. Di Peppe asked if the first time buyer might not buy if it was seven years.

Mr. Leming stated that was one scenario that could occur.

Mr. Gollahan stated this would be the first project and wanted to make sure it works and was affordable then make adjustments five or ten years down the line.

Mr. Di Peppe stated looking at maintaining work force housing stock inventory and first time buyers have an opportunity to buy in Stafford. He stated people who work in the County would like to buy a home in Stafford for shorter commutes and would save money by living in the County. He stated there was a possibility that after five years the house may not be affordable.

Mr. Gollahan stated there would be no equity in these houses.

Mr. Di Peppe stated the Commission was willing to work with the applicant and believe this could be a stepping stone for families, but he wants to have affordable housing.

Mrs. Carlone stated on average that most people own homes for approximately five to seven years.

Mr. Rhodes stated he had never lived in a house for five years. He cautioned the Commission in picking a number that may hinder the success of the community.

Mr. Di Peppe stated most kids who grow up in Stafford can not afford to buy in the county where there parents live, so it is important to have affordable housing.

Mr. Cook stated these work force homes would be strung out over 20 years.

Mr. Gollahan stated five years was what he would like to do but if the Commission wants seven years then he would agree.

Mrs. Carlone stated with the appreciation over seven years the homeowners would not hurt that much and feels seven years was reasonable.

Mr. Gollahan stated seven years would be fine and just wanted to get his opinion heard.

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Mr. Di Peppe stated there should be no problem selling five affordable homes a year.

Craig Johnson stated there would be fees associated with transferring properties and closing costs which was a reduction in equity.

Mr. Di Peppe stated those fees would be offset by not commuting county to county and saving gas at \$100 a barrel and spending more time with the family because of less commuting time.

Mr. Rhodes stated that families looking to buy may not stay in a home for five to seven years and the Commission should use caution of the number of years placed on Stafford Town Station.

Mrs. Kirby stated she agreed with Mr. Di Peppe on infiltration. She stated the builder was setting the precedent for other builders and would like to have seven years.

Mr. Leming stated the applicant will add that proffer.

Mr. Pitzel stated the matrix with the changes was very good. He stated buyers would not get the benefit of appreciated value at seven years but would benefit by getting an affordable home.

Mr. Leming stated Mr. Johnson and Mr. Gollahan would increase from five to six years.

Mr. Pitzel and Mr. Cook stated they would be ok with six years.

Mr. Di Peppe stated he hoped they would not need his vote.

Mrs. Carlone stated concerns with the road realignment of Eskimo Hill Road as mentioned previously. She stated in reference to the south road she had checked with two people from VDOT and confirmed the average daily trips on the road would be 3,600 and that was based on a traffic count from 2006, from Route 1 to the Landfill. She stated there was no mention of mitigation and the methane could still leak.

Mr. Leming stated there were a number of proffers regarding the methane and there would be a 500 foot buffer between the house and the landfill.

Mrs. Carlone stated there should be no reason to not move the house further back and made mention of reports taken from towns where methane was a problem. She stated she spoke with the Department of Environmental Quality (DEQ) which stated they could guarantee no leakage. She stated she also had concerns with the high tensions wires, noise, odor, and does not feel the issues had be resolved. She stated she would like to see a detailed traffic study.

Mr. Leming stated as shown on the GDP there will not be that many houses access through that part of the road. He stated the road was designed to handle the traffic and there was a whole page of proffers regarding the methane. He also stated Mr. Gollahan and Mr. Johnson had agreed to seven years.

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Mr. Di Peppe stated he read the article in the paper and tried to find out as much as possible, he then set up an appointment with Mr. Mikel at the landfill. He stated there was a company breaking ground in December that would be collecting methane and should be operational by March. He stated currently the County was burning off the methane and this new company was in the business of selling methane, they would suck up the methane and would produce \$150,000 a year for the R-Board.

Mrs. Carlone stated there was no guarantee there would be no seepage.

Mr. Cook stated he agreed to amend proffers to seven years.

Mr. Leming summarized stating the amendments were 7 years, proffer on infiltration system on SDC-6, and language regarding signage for the bio-retention area.

Mr. Di Peppe made a motion to accept changes to the proffers. Mr. Rhodes seconded. The motion passed 6-0. (Mr. Mitchell was absent)

Mrs. Kirby stated her concerns starting the first project like this within the County in an area bounded by the dump, airport flyover, VDOT, across from the airport, and taking out all commercial industrial properties that were originally planned. She stated she could not support this project.

Mr. Di Peppe made a motion to forward the Comprehensive Plan Amendment for Stafford Town Station to full Commission for approval. Mr. Rhodes seconded. The motion passed 4-2 (Mrs. Kirby and Mrs. Carlone opposed). (Mr. Mitchell was absent)

Mr. Di Peppe made a motion to forward the Reclassification for Stafford Town Station to full Commission for approval. Mr. Rhodes seconded. The motion passed 4-2 (Mrs. Kirby and Mrs. Carlone opposed). (Mr. Mitchell was absent)

3. 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 November 7, 2007 Work Session)**

Mr. Harvey stated there was a question about this project in the past because it was located in the Urban Service Area which requires connection to public water and sewer. He stated the applicant proposed both public water and well and septic on the plans and there was a request for deferral while waiting on changes regarding the Urban Service Area and mandatory connections. He stated this item was at the Board.

Mr. Cook stated the only thing that could be approved would be with public water and sewer unless Mr. Berner was willing to extend the timeframe which would need to be requested in writing.

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Robert Berner, Garrett Development, stated this application had been going through this process since February and would like to have this plan approved. He stated the plan could not go to TRC because he did not have preliminary plan approval. He stated this project was eight years old and 46 lots have been approved. He asked for an approval either way at this meeting.

Mr. Pitzel asked if this plan was on water and sewer or well and septic.

Mr. Berner stated on the plan there were multiple combinations. He stated with the Comprehensive Plan this area was to be coming out of the Urban Service Area. He asked for an approval so he may continue with the engineer. He stated he was willing to do what the Commission requested.

Mr. Di Peppe asked for staff to comment on the project.

Mr. Harvey stated the Utilities Department approved the review request and the Ordinance stated that if properties are located in the Urban Service Area they must connect to public water and sewer.

Mr. Di Peppe stated what if there could be no connection to water and sewer.

Mr. Berner stated there was no where to connect to. He stated the county does not own the easements to get into Aquia Harbour and Aquia Harbour does not have the capacity.

Mr. Cook confirmed Mr. Berner's statement.

Mr. Berner stated he went as far as to create a pump station that the Utilities Department stated would not be approved because it was not on the Utilities Plan and could not pump across the sewage divide.

Mr. Di Peppe asked Mr. Judy if the Commission approved this plan, could it cause the County legal issues.

Mr. Judy stated the Ordinance has to be followed and only the Board can change the Ordinance. He stated the plan could be approved for water and sewer.

Mr. Berner stated the plan was created with both water and sewer or well and septic.

Mr. Di Peppe stated if the Commission approves for water and sewer only then it would still be of no use.

Mr. Judy stated if the Comprehensive Plan changes in the future to take this project out of the Urban Service Area or the Ordinance changes he has the opportunity to come back and ask for an amendment.

Mr. Cook stated the Commission could approve with the stipulation stating with water and sewer only.

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Mr. Berner asked if the Comprehensive Plan takes that area out of the Urban Service Area would he ask for a technical change at that point or have to come back to the Commission.

Mr. Harvey stated he believes it would be a technical change but would find out for sure for Mr. Berner.

Mrs. Kirby made a motion to approve the application with water and sewer only. Mrs. Carlone seconded. The motion passed 6-0. (Mr. Mitchell was absent)

ORDINANCE COMMITTEE

1. TND Tour Slide Show

James Stepowany discussed the tour of Kentsmill and Washingtonian Center in Maryland. He stated some staff and three commissioners were present and presented a slide show.

ADJOURNMENT

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

STAFFORD COUNTY PLANNING COMMISSION MINUTES

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The regular meeting of the Stafford County Planning Commission of Wednesday, November 7, 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, Carlone, Rhodes, and Di Peppe

MEMBERS ABSENT: Mitchell

STAFF PRESENT: Harvey, Judy, Zuraf, Stepowany, Schulte, Woolfenden, Hess, Baral, and Hamock

DECLARATIONS OF DISQUALIFICATIONS:

None

PUBLIC PRESENTATIONS:

None

PUBLIC HEARINGS:

1. Amendment to Zoning Ordinance. Amendment to Section 28-25, Definitions of specific terms; Table 28-35, Table of uses and standards; Table 3.1, District Uses and Standards; Section 28-39, Special Regulations; Table 3.2(f), Cultural/Entertainment Uses Within Transect Zones; Table 3.2(g), Agricultural Uses Within Transect Zones; Table 3.4(b), Open and Park Space; Table 3.5(a), Allocation of Transect Zones; Table 3.5(b), Base Residential Density; Table 3.5(d), Setbacks, main buildings; and, Table 3.5(f), Heights/Number of Stories, of the Zoning Ordinance, pursuant to O07-77. The amendment modifies some of the regulations pertaining to the Planned-Traditional Neighborhood Development (P-TND) zoning districts. A brief summary of the amendment is as follows:
 - Establishes the definitions for redevelopment.
 - Amends Table 3.1, District Uses and Standards by deleting greenhouses and stables as uses permitted by right. Adds water tanks to Public facilities for water/sewer pump station as a use permitted by right. Changes golf courses from a by-right use to a use requiring the issuance of a Conditional Use Permit. Adds substations and telecommunication facilities as a use requiring the issuance of a Conditional Use Permit.
 - Modifies the intensity regulations for the P-TND district by requiring the P-TND zoning district to have a minimum gross tract area/acres of seventy five (75) acres instead of thirty (30) acres except in the case of redevelopment provided there is no increase of impervious area greater than ten (10) percent with no minimum gross tract area/acres for such redevelopment. The amendment deletes gross tract from allocated density.
 - Modifies special regulations for the P-TND district to require any lands adjoining Critical Resource Protection Area (CRPA) which has a slope equal to or greater than twenty five (25) percent and areas of thirty five (35) feet in width from an intermittent stream which adjoins the CRPA to be located in the T-1 Transect Zone

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unless approved by the appropriate county, state or federal offices to permit certain activities within the CRPA, steep slope or intermittent stream buffers.

- Modifies the following tables for specific regulations: Table 3.2(a) Residential uses within Transect Zones; Table 3.2(f), Cultural/Entertainment uses within Transect Zones, changes a golf course from a by-right use to requiring the issuance of a CUP; Table 3.2(g), Agricultural uses within Transect Zones, deletes greenhouses and stables as by-right uses; Table 3.4(b), Open and park space, deleting recreational uses from the T-1 transect zones; Table 3.5(a), Allocation of transect zones by modifying the minimum requirements of non-residential uses in the T-2, T-3, and T-4 transect zones; Table 3.5(b), Base residential density by reducing the maximum density in the T-6 and SD-C transect zones to 48 units per gross acre; Table 3.5(d), Setbacks, main building by modifying the setbacks in the T-2 transect zones and providing a provision that the maximum setback does not apply for lots of a redevelopment or lots with reverse frontage, or lots which front on plazas, courtyards or mews; Table 3.5(f), Heights/Number of stories by modifying the maximum height for all transect zones to be seventy five (75) feet at the finished floor level of the top story and T-6 and SD-C transect zones may not have more than six (6) stories.

James Stepowany presented the staff report. He went over the recommended changes discussed in the Public Information Meeting held September 12, 2007 and the Work Session held October 3, 2007 and approved the Ordinance O07-77 for public hearing on October 17, 2007. He stated he would be happy to answer any questions.

Mr. Di Peppe asked if the county would be protected if someone operated a business selling mulch and decided after 5 years to redevelop.

Mr. Stepowany stated each example would be based on the definition of redevelopment. He stated staff has concerns with reducing the minimum amount of acres required.

Mr. Di Peppe stated he wanted to make sure the county would be protected from short term business that wants to become a TND.

Mr. Harvey stated any person completing a project would have to do a rezoning application and would be evaluated to see if the application was in character with the surrounding area and in character with the Comprehensive Plan and would be reviewed on a case by case basis.

Mrs. Kirby stated the county ended up with something they did not anticipate.

Mrs. Carlone asked what the height of the building visited during a TND tour.

Mr. Stepowany stated approximately 80 feet.

Mr. Di Peppe stated it was probably closer to 55 feet.

Mrs. Carlone stated the Ordinance states the maximum building height would be 75 feet or 6 stories.

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Mr. Stepowany stated the county measures the buildings to the top and including roof and other features should be taken into consideration.

Mrs. Carlone stated she thought the buildings viewed on the tour were very nice.

Mr. Cook opened the public hearing.

Robert Berner asked about the revisions dealing with intermittent streams in Stafford County because there were considerable changes in Topography. He stated the Ordinance was in effect putting a Critical Resource Protection (CRP) around all intermittent streams and has a severe impact on a TND community. He stated part of the Smart Code and TND was a leveling of the land and not so much a preservation of the land. He stated the impact of the intermittent streams which was a 70 foot buffer could potentially destroy a lot of projects.

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

Mr. Di Peppe made a motion for approval of Ordinance O07-77 with amendments to section 28-25. Mrs. Kirby seconded. The motion passed 6-0 (Mr. Mitchell absent)

2. Amendment to Zoning Ordinance - Amendment to Section 28-25, Definitions of specific terms; Table 28-35, Table of uses and standards; Table 3.1, District Uses and Standards; Section 28-39, Special Regulations; Table 7.1, Required Parking Spaces, of the Zoning Ordinance, pursuant to O07-78. The amendment modifies some of the regulations of the zoning ordinance pertaining to schools. A brief summary of the amendments is as follows:
- Section 28-25, Definitions of specific terms, modifies the definitions of public facilities, school and vocational school, and establishes a definition for industrial school (“[a]n establishment which primarily teaches usable skills that prepare students for jobs in a trade or business that include, but not limited to:
 - i. The mechanical or chemical transformation of materials and goods into finished products.
 - ii. The assembly or disassembly of machinery or equipment.
 - iii. The use of chemicals or solvents for finished products
 - iv. The discharging of firearms.
 - v. Defensive driving techniques.
 - vi. Driving trucks or heavy equipment.”)
 - Modifies Table 3.1, District Uses and Standards, by allowing vocational schools as a by-right use in the B-1, Convenience Commercial; B-2, Urban Commercial; B-3, Office; RC, Rural Commercial; SC, Suburban Commercial; M-1, Light Industrial; M-2, Heavy Industrial; PD-1, Planned Development-1; PD-2, Planned Development-2, zoning districts.
 - Modifies Table 3.1, District Uses and Standards, by requiring the issuance of a Conditional Use Permit for a school and vocational school in the RBC, Recreational Business Campus zoning district.
 - Modifies Table 3.1, District Uses and Standards, by requiring the issuance of a Conditional Use Permit for an industrial school in the M-1, Light Industrial; and, M-2, Heavy Industrial zoning districts.

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- Modifies Table 3.1, District Uses and Standards, by prohibiting an industrial school in the HC, Highway Corridor Overlay district.
- Modifies table 7.1, Required Parking Spaces, by basing the minimum number of required parking spaces on a percentage of the number of students and not a percentage of the number of desks or classrooms.

James Stepowany presented staff report. He went over the recommended modifications for schools and stated he would be happy to answer any questions.

Mr. Di Peppe asked Mr. Judy if this item was currently in litigation over an item very similar to this.

Mr. Judy stated yes.

Mr. Di Peppe asked if the county changed the Ordinance could that undermine the current case. He stated the litigants could possibly use this against the county.

Mr. Cook stated the Ordinance had been modified in the past and it is being reaffirmed.

Mr. Judy stated there were several issues identified by in house counsel and outside counsel. He stated this was the appropriate path to take at this time.

Mrs. Carlone stated she was concerned with the industrial schools and wanted a description of what was included.

Mr. Stepowany gave the definition of a vocational school and stated that any kind of trade he listed would be vocational.

Mrs. Carlone asked what industrial was versus vocational.

Mr. Stepowany stated vocational was more of commercial and office type of trade and industrial was any trade or business that may be conducted in the industrial zone.

Mrs. Kirby asked if there would be schools for long haul truck driving.

Mr. Stepowany stated truck driving was included in part F of industrial school and easy method Driving School was listed under vocational schools. He stated vocational schools are by right and industrial schools require a Conditional Use Permit (CUP) in both M-1 and M-2 zoning district.

Mr. Cook opened the public hearing.

With no one coming forward, Mr. Cook closed the public hearing.

Mr. Di Peppe made a motion for approval of O07-78. Mrs. Kirby seconded. The motion passed 6-0. (Mr. Mitchell absent)

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3. CUP2700594; Conditional Use Permit – Living Hope Lutheran Church - A request for a conditional use permit to allow a daycare and school within an A-1, Agricultural Zoning District, on Assessor's Parcel 28-117 consisting of 17.5 acres, located on the north side of Courthouse Road approximately 600 feet east of Walpole Street within the Hartwood Election District. **(Time Limit: February 7, 2008)**

Sara Woolfenden presented the staff report. She stated this was a request for Conditional Use Permit to allow a child care center and school in an A-1 zoning district and would be located on the north side of Courthouse Road east of Walpole Street. She stated the dimensions of the church with child care center and school would be 15,876 square feet for sanctuary and classrooms. She stated the future expansions would be 2,739 square feet for the sanctuary and 4,115 square feet for the classrooms. She stated there would be up to 216 children for the child care and school. She stated the conditions of the CUP would be develop in conformance with GDP, Hours of operation 5:30AM to 7:00 PM, no outdoor play activities before or after dark, all outdoor play would be supervised in a fenced area, conform with CPTED (Crime Prevention Through Environmental Design) principles, total student capacity of 216, and meet the state licensing requirements through the Virginia Department of Social Services.

Mrs. Carlone asked what the maximum number of children would be after the expansion.

Ms. Woolfenden stated the CUP maximum would be 216 students and unless another CUP was completed the number of children allowed would not change.

Mr. Pitzel asked if the use was not severe enough to require a formal traffic impact study as it is part of the general impact study.

Mr. Harvey stated the requirements for the CUP was a Traffic Impact Statement versus a rezoning which requires an impact study. He stated the requirements for a rezoning would need a full traffic impact study because there are more than 500 trips per day and with a CUP an impact statement was sufficient because the applicant has shown the potential number of vehicle trips per day. He stated the all applicants are routed to various departments for review and comments.

Mrs. Kirby stated with the daycare alone there maybe 1000 trips per day and we are waiting until construction to determine if there would be a need for a turning lane needed.

Mr. Harvey stated we could ask VDOT for further advice if needed. He stated currently the planning office only has the concept plan that shows an accel/ decel lane with the applicant's entrance.

Mr. Pitzel stated the applicant had received temporary authorization to use a non-subsidized pump and haul and asked if the structure was sized to assume it has sewer. He stated the county can authorize a temporary non-subsidized pump and haul and the county was not responsible to pay for it.

Mr. Rhodes asked if the county was consciously leaving it open ended to say school versus preschool. He stated in the condition it was referenced as school and not pre-k and wanted to know if that conditions was purposely open-ended.

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Mr. Harvey stated it was purposely open-ended to accommodate any changes on-site if needed.

Mr. Rhodes confirmed there would only be 216 students.

Mrs. Kirby stated she wanted clarification of before and after dark.

Mr. Woolfenden explained the child care center and school would only be open during the day and would limit the hours of outdoor play to day time hours.

Clark Leming, representing the applicant, stated the church was organized in 2000 with a congregation of about 100 members and was currently meeting at Winding Creek Elementary. He stated the agenda stated this project was in the Hartwood District and in fact was in the Rock Hill District. He stated the Pump and Haul had already been approved by the Board of Supervisors on July 17, 2007. He stated the church came before the Planning Commission and asked for an extension of sewer services but was tied up in committee for an extended period of time. He stated the tank design would be sufficient for the school and child care center. He stated the applicant has anticipated a traffic engineer looking at the plan and would need a left hand turn lane on Courthouse Road. He stated the requirements would be a VDOT permit and a lane tapered into the site and improvements would be completed within the Right of Way on the frontage of the property. He request clarification on condition 6 stating there would be a 6 foot high board on board fence. He stated the area was surrounded by woods and the entire area between the church and Courthouse Road was wooded. He stated the applicant would like to have a fence that was not completely board on board but that would allow light to come through. He stated a fence with slating may be acceptable with some visibility through the fence. He stated the materials would be brick and brick front and sides of building and business area. He asked the architect to draft another rendering with brick and hardy plank. He stated the new renderings showed the front of building and side and back of fellowship hall.

Mr. Reeds, Architect, stated there could be 27 color options for hardy plank and would be more of a cream brown color.

Mr. Leming stated the area seen as you come from Courthouse Road shows the back of the fellowship hall and the brick comes up from the foundation. He stated the new rendering was in conformance with proposed elevations as of November 7, 2007.

Mrs. Carlone asked about the number of students within the center and because the property was commercial then the applicant needs to have a licensed program.

Mr. Judy stated the licensing requirements were something the state would handle and has nothing to do with rezoning or Conditional Use Permit. He stated if there was a state requirement for a school operated by a church, he was assured the applicant would comply. He stated the law exempts church run daycare center from licensing requirements if the applicant chooses.

Mrs. Carlone stated the conditions mention licensing according to social services.

Mr. Pitzel asked if the road improvements on the Generalized Development Plan (GDP) would be completed in order to get the entrance from VDOT.

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Mr. Leming stated there was a conditions that requires the applicant to comply with the Generalized Development Plan

Mr. Pitzel confirmed the authorization received for temporary pump and haul and asked if the system would be sized as if it were hooked to public sewer. He asked if the applicant receives public sewer then the pump would be stopped.

Mr. Leming stated the size of the tank should not be affected.

Mr. Pitzel confirmed that would be non-subsidized which stated the applicant would pay the entire bill. He asked if the applicant had a long range plan in the event the next Comprehensive Plan does not include the church.

Mr. Leming stated the applicant would then be happy to come before the Planning Commission and ask for another 22-32 review. He stated by the time the applicant came to Mr. Leming they were persuaded the sewer would not happen and already had the pump and haul in the plans.

Mrs. Kirby stated she would like to stay away from metal fencing, due to rust and corrosion, and possibly have a picket type fence, which would allow airflow and to see out of the fence.

Mr. Leming stated it would be fine.

Mrs. Kirby asked about future church expansion and the Low Impact Development (LID) on the property, she asked for a sign to be put up.

Mr. Leming stated this project was a Conditional Use Permit.

Mr. Di Peppe stated the application states the church would be served by water and sewer. He stated the property was wooded around the perimeter and would like a condition stating the buffer would be maintained and asked if the applicant would be willing to maintain.

Mr. Leming stated there was a sizable buffer around the property and no need to disturb any except what was needed for the church.

Mr. Cook opened the public hearing.

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

Mr. Leming stated he would like to recognize the members of the church that were present. He stated he would like to read the agreed conditions as follows, item 6 – the outdoor play area should be enclosed by 6 foot wood fence, item 8 – the building should be in conformance with the new elevations dated November 7, 2007, item 10 – building façade for the proposed building shall use materials indicated on the elevations referenced in condition 8, additional condition indicating signage would be placed on any retention areas, identifying them and indicating they should not be disturbed, and Mr. Di Peppe asked for a proffer stating the surrounding wooded area not be disturbed except to the extent necessary to provide for expansion of the church.

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Mr. Di Peppe stated he was concerned mainly with the 25 foot buffer around the property.

Mr. Leming stated it most be maintained in conformance with the Generalized Development Plan.

Mr. Judy asked for an amendment to condition 11 stating, "The operator of the child care center shall comply with all Commonwealth of Virginia Department of Social Services licensing requirements". He stated those requirements are state law and not something the county requires.

Mr. Leming stated there would be no problem with that and would be covered by condition 12 which states the CUP can be revoked if the applicant does not comply.

Mr. Cook asked how condition 11 should read.

Mr. Judy stated it should read, "The child care center shall comply with all Commonwealth of Virginia Department of Social Services licensing requirements".

Mr. Kirby made a motion to approve CUP2700594 with modifications. Mr. Di Peppe seconded. The motion passed 6-0. (Mr. Mitchell was absent)

4. CUP2700641; Conditional Use Permit – Staffordshire - A request for a conditional use permit to allow a street crossing within a Flood Hazard (FH) Overlay District, specifically to provide access across Horsepen Run to the Staffordshire Subdivision on part of Assessor's Parcels 37-10, 11, 16 and 42C consisting of 6.47 acres, located on the south side of Potomac Creek and west/southwest of Hulls Chapel Road within the Hartwood Election District. **(Time Limit: February 7, 2008)**

Mike Zuraf presented staff report. He stated the Conditional Use Permit was to allow a road crossing within a Flood Hazard (FH) Overlay District. He stated Staffordshire subdivision was approved in 2004 for 336 lots and was rezoned to R-1 in 1992. He stated the proposal includes realignment of Hulls Church Road and includes construction of culverts over tributaries to Potomac Creek. He stated the proposal encroaches into floodplain with a maximum height of 0.9 foot increase of the base flood elevation. He stated the project would include necessary environmental permits and impacts two properties owned by the county with no impacts to existing structures or other adjacent properties. He stated some proposed conditions for the project were in accordance with the Generalized Development Plan (GDP), obtained all environmental permits, obtain a Letter of Map Revision (LOMR) upon completion of project to reflect as-built conditions, road crossing construction hours limited to 6 AM to 8 PM, except holidays and weekends 8 AM to 8 PM, and the applicant to notify Code Administration upon commencement of work. He stated staff believes the request, with proposed conditions, meet the standards for issuance of the permit.

Mr. Pitzel asked about changing the culverts that would affect the flood plains. He stated since the culvert was further up stream that there may be a change in the flooding conditions.

Mr. Zuraf stated it raises the flood elevation less then a foot.

Mr. Pitzel asked if this would affect any other properties with no effects to any buildings.

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Mr. Zuraf stated that was correct and the flood plain was contained within county property.

Mr. Pitzel asked if the road would be a two lane access. He confirmed there would be a slight change in the flood plain but the road would be much straighter.

Mrs. Carlone asked when this project was approved by the county.

Mr. Zuraf stated it was approved earlier this year.

Mr. Cook stated the Commission approved the subdivision and a golf course.

Mr. Zuraf stated the approval to proceed with the application was approved earlier this year.

Mr. Kirby asked Rishi Baral about the culverts and expressed her concern about the siltation, and who would oversee the culverts within the county.

Mr. Baral stated this was a FEMA flood plain and FEMA regulated. He stated any activity was controlled by the County Zoning Ordinance.

Mrs. Kirby confirmed the county would be involved in overseeing the flood plain.

Mr. Zuraf added the erosion and sediment control inspectors would be out as well to check the flood plains.

Clark Leming, representing Abel Development, LLC, clarified the Board of Supervisors authorized the applicant to proceed with the application in August and had to provide consent of the application since the property was county owned. He stated this project would be moving a culvert from one location to another but under the ordinance it states, anytime there is an increase in the base flood elevation you have to apply with the county to get a Conditional Use Permit. He stated we have other projects similar to this and in the Vulcan application the elevation was a little over a foot and this project was below one foot at 0.9. He stated this area has a 1% chance of annual flooding and it is within the approximated flood plain. He stated the crossing was further away from Lake Abel then the current crossing and would be higher as well as more protected then the current crossing. He stated in 2004 the Planning Commission approved a preliminary subdivision plan and this development has a vested plan. He stated the Planning Commission negotiated to put a road and make improvements as shown on the preliminary subdivision plan.

Mr. Cook opened public hearing.

Nan Rollison stated there may be more crossings in the future in the county. She asked what the length of the span of the crossing was. She stated she was more concerned with the sedimentation and erosion aspect of working in a flood plain since culverts would be put in and she was interested in the design of the crossing and culverts would be. She stated since this would be upstream to a drinking reservoir, had the county checked with Department of Conservation and Recreation to check hydrology of water bodies or biology of water bodies. She stated it might be beneficial to run by Department of Conservation and Recreation to see if there would be any recommendations.

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

Mr. Leming stated Mr. Larry Carruthers was there and wanted him to respond to Ms. Rollison's comments.

Larry Carruthers stated given the alignment of road, the tributary continues upstream beyond the road improvements. He stated the project would have to cross both locations and were about 100 feet in length. He stated there would be detailed sediment and erosion control plan for the crossing and would have to go through the review process, environmental review, and there were still items to be completed before construction could begin on the culverts. He stated the culverts would have to meet the standards required by the state and there were others culverts built in other location with no problems with erosion and sediment control.

Mrs. Kirby asked if it would be worth checking with Department of Conservation and Recreation.

Mr. Caruthers responded by stating there would be extensive environmental reviews that would happen and permits would have to be obtained through Department of Conservation and Recreation.

Mrs. Carlone asked if there would be a requirement for the Army Corps of Engineers to get involved.

Mr. Baral stated during the county plan review process the plans would be routed to several agencies and Environmental review would also include whether an Army Corps of Engineers permit would be required. He stated FEMA documentation would be required which was stated within the Conditional Use Permit as a Letter of Map Revision. He stated every plan was required to get a VSNP permit which was provided from Department of Conservation and Recreation.

Mrs. Carlone made a motion to recommend approval of CUP2700641 with conditions meets. Mrs. Kirby seconded. The motion passed 6-0. (Mr. Mitchell was absent)

5. CUP2700642; Conditional Use Permit – Riverside Business Park Piper Court Crossing - A request for a conditional use permit to allow a street crossing within a Flood Hazard (FH) Overlay District, specifically to provide access across a tributary of England Run on part of Assessor's Parcel 44-147 consisting of 1.04 acres, located on the corner of Riverside Parkway and Simpson Road within the Hartwood Election District. **(Time Limit: February 7, 2008)**

Mike Zuraf presented staff report. He stated this Conditional Use Permit (CUP) would be to allow a road crossing within a Flood Hazard (FH) Overlay District and construction of a new road would serve a portion of flex-office development. He stated the site plan was submitted in June, 2007 and was rezoned to M-1 in 2006. He stated the proposal includes construction of a new road which involves construction of culverts on tributary to England Run. He stated the project encroaches into the flood plain and the flood plain study showed minimal increase of the base flood plain with a maximum 0.8 feet, a maximum surcharge of 1 foot for floodway. He stated the project would include the necessary environmental permits and no impacts to existing structures or other adjacent properties. He stated some proposed conditions for the project were to be in accordance with the Generalized Development Plan (GDP), obtained all environmental permits, obtain a Letter of Map

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Revision (LOMR) upon completion of project to reflect as-built conditions, road crossing construction hours limited to 6 AM to 8 PM, except holidays and weekends 8 AM to 8 PM, submit a major water quality impact statement to the county, and the applicant to notify Code Administration upon commencement of work. He stated staff believes the request, with proposed conditions, meet the standards for issuance of the permit

Mrs. Carlone asked if there was any possibility to place a crossing further down where the stream was narrower.

Mr. Zuraf stated the stream bisects the property and the only other way to access the crossing would be to come off of Sanford Road which could be a more dangerous situation.

Mr. Pitzel stated the flow of water directions run from north to south.

Mrs. Kirby asked if Mr. Ward was looking for places to put in culverts and stated she was worried about the siltation and who would inspect the culverts.

Clark Leming, representing the Ward Corporation, responded that Mr. Ward had never come before the county for this particular project or any like it. He stated this project compared to item 4 has a lower base flood elevation of 0.8 and the crossing was consistent with the advertised rezoning. He stated there was a discussion about accessing the property and there were two options, another point of access on Sanford Road or cross the stream to get to the back of the property. He stated there was no reservoir downstream with a lower base flood elevation. He stated Mr. Caruthers was available to answer any technical questions.

Mr. Cook opened the public hearing.

Rich Ward, Ward Corporation, stated he spoke with Mrs. Kirby and she had asked for a Phase 1 Archeological. He stated no additional studies were recommended on page 47 and Wendy Wheatcraft had a copy of the Phase 1 Archeological.

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

Mrs. Carlone made a motion to recommend approval of CUP2700467. Mr. Rhodes seconded. The motion passed 6-0 (Mr. Mitchell was absent)

6. Amendment to the Comprehensive Plan – A proposed amendment to adopt an updated Economic Development Plan, dated July 2006, as a component of the Comprehensive Plan in accordance with Section 15.2-2229 of the Code of Virginia (1950), as amended. The purpose of the proposed plan is to assist the County in attracting new businesses and industries to aide in community growth; to provide employment closer to home for its residents; increase tax base diversification; and further enhance the strong quality of life. The plan would replace the current Economic Development Plan, dated December, 1994. **(Time Limit: January 7, 2008)**

Mike Zuraf presented the staff report. He stated this plan was formulated to assist the county in attracting new businesses and industries. He stated the plan would help guide economic

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development programs for the next 5 years, provides specific goals and objectives and identified roles for key players in economic development efforts. He provided a summary of recommendations and the action plan. He stated staff recommends approval and would answer any questions.

Mrs. Carlone stated the plan was needed and was a lot to read.

Mr. Kirby stated she read the whole document and thinks it was great.

Mr. Cook also thought it was great.

Tim Baroody, Economic Development, stated he would answer any questions.

Mrs. Kirby stated Mr. Baroody to explain Business Recruitment Efforts on page 5.

Mr. Baroody stated many localities in Virginia use incentives to attract business. He stated the elected leaders have been cautious of incentives and have been provided a strategic plan of way to get into the incentive business, to date the county had been unsuccessful in moving any package forward. He stated with the assistance of the Planning Department and several other departments there was a Technology Zoned Ordinance which would go to the Board in the near future. He stated Economic Development was working to produce information for the elected leaders and the Planning Commission with no success and adopting an incentive program for Stafford County.

Mrs. Kirby discussed distribution expenses from page 14 and asked if the county should be looking to provide more near the airport.

Mr. Baroody stated there should be a community interest in Centerport Parkway. He stated he believes that area has potential for distribution and distribution companies but because of land costs there were not more distribution companies coming into the area. He stated that area was currently zoned for industrial use. He stated he had heard affordable housing was an issue in Stafford County and the Economic Development Department has no position on affordable housing.

Mrs. Kirby asked what happens between Boswell Corner and Garrisonville Road. She stated that area should also be nice views for residents.

Mr. Baroody stated Boswell Corner, Garrisonville Road, Falmouth and Route 17 are identified as redevelopment areas. He stated the work was not yet done and there would be several areas within the county that would be redeveloped.

Mrs. Kirby asked that new businesses coming into the county be required to have a design standard to match the county standards.

Mr. Baroody stated the present Strategic Plan went to the Board last summer and he requested a full-time position and financing from the Board. He stated approximately 6 to 8 months from now there would be better idea of Boswell Corner, Garrisonville Road, Falmouth and Route 17 architectural standards and setbacks.

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Mrs. Kirby stated she was for the recommendation of the tourism development zones and asked who was on the Cultural Management Team.

Mr. Baroody stated that had not yet been established.

Mrs. Kirby referenced the types of incentives, a cost shared program and take stock of assets.

Mr. Baroody stated there were 50+ recommendations that were prioritized to about 32 and were under way with accomplishing 18 to 20 of those. He stated this was a priority but not yet accomplished.

Mrs. Kirby mentioned taxing certain businesses as partial rates.

Mr. Baroody stated that was a component of the Technology Zone and had not gone to the Board yet.

Mrs. Kirby commended Mr. Baroody on this plan. She stated there were many attainable recommendations.

Mr. Baroody stated it what a team effort. He stated to date Stafford County Businesses produced 54 million in commercial impact to the county.

Mrs. Kirby asked Mr. Baroody on what we were doing to retain business.

Mr. Baroody stated a business retention program was created and there would be a full-time manager and since April had already visited 143 businesses. He stated 70 to 80% of new job creation would be from within existing businesses and would like to pay close attention to existing businesses.

Mr. Di Peppe commended Mr. Baroody on his professionalism and his team. He stated residents do not realize how much higher property taxes would be if not for the businesses coming into Stafford. He mentioned the Economic Development and Tourism are together and Stafford County was so rich with history. He stated he would like to see more emphasis within the county.

Mr. Baroody stated in 2001 was when the first Tourism Manager was hired which was beneficial to Stafford County. He stated eventually Tourism and Economic Development may be separated but for now it works very well. He stated the Tourism was making great progress.

Mrs. Carlone asked Mr. Baroody not to forget the small businesses.

Mr. Baroody stated there were debates of which businesses to go after and decided to seek all businesses small, medium and large.

Mr. Cook opened the public hearing.

Nan Rollison asked if the report was online for residents to review. She stated she was on the Agricultural Commission and would like to promote agri-business and to promote the conservation

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of natural resources. She stated she would like to reiterate and strengthen the points made by Mrs. Kirby and Mr. Di Peppe about integration. She stated the county should watch the emphasis on agri-business. She stated she attended a seminar regarding green credits and market to help farmers modify their development to conserve farms and resources and still have Economic Development with incentive for land owners.

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

Mr. Kirby made a motion to approve the amendment to the Comprehensive Plan for the Economic Development. Mr. Rhodes seconded. The motion passed 6-0. (Mr. Mitchell was absent)

Mr. Rhodes made a motion to replace the old Economic Plan dated 1994. Mrs. Kirby seconded. The motion passed 6-0 (Mr. Mitchell was absent)

7. Amendment to the Comprehensive Plan – A proposed amendment to the Land Use Plan text and map component of the Comprehensive Plan. The proposed map amendment would redesignate the following proposed parks and recreation sites as “Park Land”: the former Chichester property (37 acre site which is a portion of Assessor’s Parcel 45-220E located east of Interstate 95 and abutting a portion of the Stafford High School complex, currently designated as “Suburban Residential”); Crow’s Nest (part of Assessor’s Parcels 48-1 and part of 49-27, consisting of approximately 2,887 acres east of Raven Road and Evergreen Drive and Crows Nest Harbour Subdivision, West of Accokeek Creek, North of Potomac Creek and along the southern right-of-way of Mulberry Drive, Forest Drive, Sycamore Drive, Hickory Drive, and Brook Road (Route 608) and to the South of Accokeek Creek and excluding that portion of the property containing the Daniel family cemetery and any other unabandoned cemeteries or burial grounds that may be identified during the course of any currently ongoing litigation in Stafford County Circuit Court, currently designated “Rural Residential”); Government Island (Assessor’s Parcels 21-B-2803 located in the Aquia Creek just north of Coal Landing Road, currently designated “Suburban Residential”); Musselman/Jones Properties (Assessor’s Parcels 45-127 and 45-127G located west of Interstate 95 near the intersection of Truslow Road and Enon Road, currently designated as “Rural Residential”); Patawomeck Park (185 acres located at the northeast portion of the County on Rectory Lane, Assessor’s Parcel 22-18, currently designated “Neighborhood Center”); Stafford Recreational Soccer League Site (Assessor’s Parcel 39-53, 71, and 76A, located on the south side of Courthouse Road just west of Stafford Middle School, currently designated “Rural Residential”); Vulcan Quarry (eastern portion of Assessor’s Parcel 20-4A with a street address of 1016 Garrisonville Road; consisting of a 22.9 acre proffered site, currently designated “Heavy Industrial”); Widewater State Park (Assessor’s Parcels 31-98, 100, 32-4, and 41-1, 2, 4, 4D, Commonwealth of Virginia, 1,100 acre site on Widewater Peninsula southeast of the CSX Railroad tracks, currently designated “Suburban Residential”, “Rural Residential” and “Neighborhood Center”); and the City of Fredericksburg parcels along Rappahannock River (Assessor’s Parcels 42-10, 52-5, and 54-88A, currently designated “Resource Protection”). The proposed map amendment would also redesignate the following existing parks and recreation sites as Park Land: Abel Lake Boat Ramp (portion of Assessor’s Parcel 37-11 and 42C, currently designated as “Resource Protection”); Autumn Ridge Park (Assessor’s Parcel 29-49L, currently designated “Suburban Residential”); Courthouse Community Center (Assessor’s Parcel 30-83A,

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currently designated “Suburban Residential”); Rowser Complex (Assessor’s Parcel 38-94, currently designated “Institutional” and “Resource Protection”); Prince William Forest Park (currently designated “Federal Land” as it is located within the boundaries of Quantico); Izaak Walton League property (Assessor’s Parcel 8-16, currently designated as “Agricultural”); Little Falls Boat Ramp (portion of Assessor’s Parcel 59-72C, currently designated “Agricultural” and “Resource Protection”); and Smith Lake Park (Assessor’s Parcels 21-1A and 4A, currently designated “Rural Residential”). The proposed map amendment would also redesignate the former Fritter Park site (Assessor’s Parcels 13C-A, B, C and D) from “Park Land” to “Office”. The proposed text amendment would update the information regarding parks and recreation sites and facilities (both existing and proposed) and adds a description for the term “Park Land” (“Areas designated for parks and recreation facilities or resource conservation that serve residents Countywide or within sub-areas of the County. Includes, but is not limited to parks with playing fields, passive trails, playgrounds and open space. These areas are located both inside and outside of the Urban Services Area”). Park Land use allows the development of active and passive recreation facilities and preservation of open space. Office use allows professional offices and low intensity commercial retail. **(Time Limit: January 7, 2008)**

Mike Zuraf presented the staff report. He stated this request was to amend the Land Use Plan to designate existing and proposed parks and recreation facilities as Park Land. He stated the Board requested an amendment at their June 19, 2007 meeting and the amendment would update the Land Use Plan map to reflect current and proposed parks. He stated the amendment would also update the Land Use Plan text. He stated the Planning Commission and Board of Supervisors approved the revision, but a new public hearing was being held to notify property owners. He listed the existing and proposed park facilities to be designated. He stated there would add description of Park Land and updates the information to be consistent with revised map and include updated park information. He stated staff recommends approval and would answer any questions.

Mrs. Carlone asked if the Stafford Regional Soccer site was private property or owned by the county.

Mr. Zuraf stated that property was privately owned and this plan was not designating only county owned property.

Mr. Pitzel asked if these areas listed were designated as park land, would that help the county with the amount of park land per 1,000 resident guideline.

Mr. Harvey stated this was the Comprehensive Plan and the long range vision for the county. He asked if Mr. Pitzel was referring to a proffer guideline for zoning property.

Mr. Pitzel stated no he was referencing the Comprehensive Plan where there was a paragraph referencing Parks which stated there should be 20 acres per 1000 residents.

Mr. Zuraf stated the new acreage had not been measured to that number.

Mr. Pitzel stated it looks like staff pulled parcels together and designated as park land.

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Mrs. Kirby stated she received a call from someone who received a letter and did not know what was going on. She stated the Izaak Walton League had concerns and asked if this would change the ownership of the land and if they wanted to build something on there land would this affect them. Mr. Zuraf stated this would not affect them.

Mrs. Kirby stated if she was the President of the Izaak Walton League she would asked what this would do to change their property.

Mr. Zuraf stated the only change would be if the Izaak Walton League was looking to sell the property to someone who may want to develop to a higher density, it would not support that.

Mrs. Kirby stated if the Izaak Walton League wanted to build a new building only current building restriction would apply.

Mr. Harvey stated this would be amending the Comprehensive Plan and a guide but it has no bearing on existing zoning use or property.

Mrs. Kirby stated when someone receives a letter there should be a description of what would be changed.

Mr. Cook opened the public hearing.

John Barry, President of the Izaak Walton League, stated they had been in the community for a long time and there were over 800 members. He stated he had been very involved with the Comprehensive Plan and had reviewed all 379 pages of the draft plan. He stated there was not a lot of description of what gets done with park land. He stated the letter the League received did not describe what the meeting would be about. He described some of the Izaak Walton League's concerns and stated there was no intention to sell the property. He complimented the County and the Commission on the Comprehensive Plan and asked if this item could go back to committee to be reviewed.

Glenn Trimmer, representing the friends of Stafford Civil War Sites, stated in July 2006 a book was made available listing all civil war sites. He stated a centerpiece of the book was a park proposal for an area of land south of Accokeek Creek with much civil war significance. He stated Stafford has the opportunity to preserve a civil war site and he would like the property listed to be preserved. He stated he recommended 18 months ago to do a 10 hour civil engineer survey to see if a road could be provided to link the current sites and it had not been done. He stated they had worked with the landfill and had been working with the Sheriff to catch people illegally looking for Civil War artifacts. He stated this area needs to be preserved.

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

Mr. Di Peppe stated he appreciated Mr. Trimmer comments and stated he had a meeting at the landfill and at the first of the year and they would discuss Mr. Trimmer's exact concerns. He stated this should be retained in committee

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Mrs. Kirby made a motion to put item 7 back in committee so that we can discuss what Mr. Barry and Mr. Trimmer had talked about. Mr. Di Peppe seconded. The motion passed 6-0. (Mr. Mitchell was absent)

Mr. Judy stated this process does not have to stop and be put in committee because we have a piece of property that may later be designated as a park.

Mr. Rhodes clarified that adding a parcel later would require less notification and would allow this process to go forward.

Mrs. Kirby stated this would give the Izaak Walton League an opportunity to research and find out what was going on.

Mr. Di Peppe stated the points that were brought up need to be addressed and does not see the harm with putting this item in committee.

Mr. Rhodes stated the Commission would need to look at the most efficient way to proceed when it comes out of committee. He stated if there were items to be added as a separate amendment that may be considered as well.

Mr. Pitzel stated the concern may be for the Izaak Walton League was that the property was private and if it was designated as park land what it would do to there property.

Mr. Barry stated he would like to see in writing what had been discussed and stated the Izaak Walton League may not appropriately fit in the description of park land.

Mr. Zuraf stated the Board set a deadline to make a resolution by December 1, 2007.

8. RC2700501; Reclassification - Aquia Auto Mall - A proposed amendment to proffered conditions to allow motor vehicle sales and rental with automotive repair and service on a portion of Assessor's Parcel 21-51, zoned B-2, Urban Commercial, consisting of 5.31 acres, located on the east side of Jefferson Davis Highway approximately 2,000 feet north of Garrisonville Road within the Aquia Election District. The Comprehensive Plan recommends the property for Urban Commercial use. The Urban Commercial designation would allow commercial retail and offices uses. **(Time Limit: February 17, 2008)**
9. CUP27000502; Conditional Use Permit - Aquia Auto Mall - A request for a Conditional Use Permit to allow motor vehicle sales and rentals with automobile repair and service in a B-2, Urban Commercial Zoning District on a portion of Assessor's Parcel 21-51 consisting of 5.31 acres, located on the east side of Jefferson Davis Highway approximately 2,000 feet north of Garrisonville Road within the Aquia Election District. **(Time Limit: February 7, 2008)**

Mr. Cook asked that item 8 and 9 be presented together.

Sara Woolfenden presented the staff report. She stated the existing conditions consist of a mix of open and wooded areas as well as sloping terrain. She stated the site was part of the Hills of Aquia

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Development and would be rezoned to B-2. She stated the proffers would be consistent with the Land Use Plan, would be compatible with surrounding development pattern and would provide for traffic warrant analysis at site plan. She stated the Conditional Use Permit (CUP) for item 9 would allow motor vehicle sales, service, rentals and auto repair in a B-2 Zoning District. She stated the Nissan Dealership was a single story building and the entrance would be off of Coachman Circle. She discussed the Land Use recommendations and the site development conditions. She stated a negative to this application was that it was outside the Aquia Historic District, but the adjacent properties are developing according to the development guidelines of the district. This would be the only modern designed building in the area. She stated staff recommended approval of this application and would be happy to answer questions.

Mrs. Carlone asked if the applicant would be paying the full cost of the traffic light, referenced in proffers.

Ms. Woolfenden stated the original rezoning proffers refer to Tax Map 21-51 and 21-51A which states if warranted when another business comes in there would be a condition in the proffer to include paying for a light. She stated the businesses that would share the cost would be Staybridge Suites and 7-Eleven.

Mrs. Kirby asked what if Staybridge Suites does not come in right away.

Ms. Woolfenden stated Staybridge Suites was in the planning process and should be moving forward very soon.

Mr. Rhodes stated if the other part of tax map 21-51 was not get developed then there would be a third missing pro rata share to get the light.

Ms. Woolfenden stated the way the proffer was written the tax map 21-51 would be responsible for the entire light.

Mr. Pitzel asked what the reason was for needing a proffer amendment.

Ms. Woolfenden stated the change had to do with other proffers such as the façade and the CUP for the auto sales.

Mr. Harvey stated there was a list of uses permitted and auto sales were not one of those uses.

Mr. Pitzel stated he wanted to know the exact reason a proffer amendment was needed.

Mr. Harvey stated proposed Ordinance O07-79 listed proffers with strike outs and underlines for the old and new proffers. He stated in particular on page 2, starting with “prohibited uses such as carwash, mini storage and storage yards were prohibited.” He stated the remainder of parcel 51 the permitted uses would be vehicle sales, service, and repair.

Ms. Woolfenden stated the applicant would be limiting the proffer much more.

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Mr. Harvey stated when the application started the applicant was reluctant to make proffers and the Commission work with the applicant to come up with some agreement.

Mr. Di Peppe stated the original proffer stated the applicant would pay for the light and now the applicant was stating they would pay for the study and part of the light. He asked who would normally pay for this light.

Mr. Cook stated the applicant will answer that question.

Mr. Di Peppe stated there was a reduction to the street buffer below 25 feet required by the Ordinance and wanted to know why that was not listed as a negative. He stated he was not clear on the setbacks and because this was a car lot the applicant wanted to set the building back as far as possible.

Ms. Woolfenden stated the original proffer stated the dealership, 7-Eleven and Staybridge Suites would all line up, but because it was a dealership and did not line up. She stated the applicant wanted to note they dedicated an additional six (6) feet that the other businesses did not. She stated the original dedication was for 67 feet and the applicant added 6 feet.

Mr. Di Peppe asked how much less than 25 feet would the county get.

Ms. Woolfenden stated the applicant was considering alternative compliance.

Mr. Harvey stated the county makes provisions for alternative compliance which stated the buffer width could be reduced provided the applicant keeps the number of planned units.

Mr. Di Peppe asked if the Commission would agree to it before seeing it.

Mr. Harvey stated the Commission would not be agreeing to anything at this point.

Mrs. Kirby asked if this was the site that has a sign up that stated "Future Home of".

Mr. Cook stated yes.

Ms. Kirby stated that was a little presumptuous.

Clark Leming, Leming and Healy, stated the partnership that operates Rosner Motors was the same who would operate the Nissan Dealership. He stated the location was chosen many years ago when there were discussions referencing auto dealerships in the county. He stated the applicant narrowed the proffer to have definite uses and vehicle sales was not a prohibited use and was not discussed. He stated the applicant would spell out proffers for the Commissions benefit. He stated the dealership would not have a traffic light if that was the only business, but the combination of the 3 businesses coming together would then require a traffic light. He stated the applicant agreed to pay the pro rata share to cover the cost of the traffic light. He stated the other businesses are already in the site plan stage. He stated the applicant clarified by stating they are willing to pay their share. He stated language was added regarding the reception area and there were new renderings presented to the Commission. He stated the setback from Jefferson Davis Highway permits 2 rows of parking

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out front and there would be a request to reduce the buffer width. He stated a provision was added regarding service bays and indicating the reception area would not be prohibited from facing Jefferson Davis Highway. He stated those were reasons the proffer amendments were necessary. He stated the applicant originally submitted the typical Nissan building and the applicant made changes to reflect what the Commission asked for.

Mr. Pitzel stated since the Commission first considered the application he would like to see both renderings together. He stated the building would look very different from the original zoning.

Mr. Rhodes asked how high the retaining wall was in the back of property.

Mr. Leming stated the wall was 20 feet.

Mr. Rhodes asked how high the light posts were.

Ms. Woolfenden stated 22 feet.

Mr. Di Peppe stated when the original proffer was written the county was getting a traffic light.

Mr. Leming stated the applicant was not trying to back out of the traffic light and all properties should be responsible for a portion. He stated the applicant would coordinate with other businesses to determine what each would pay toward the installation of the traffic light.

Mr. Di Peppe stated the applicant changing the original proffers was what triggered the pro rata agreement. He asked what the reduction of the buffer would be and feels he would have to vote on something he does not know.

Mr. Leming stated the buffer would be reduced by 6 feet.

Mr. Di Peppe confirmed the buffer would be 19 feet.

Mr. Leming stated yes and the ordinance permits the reduction.

Mr. Di Peppe asked if there would be proffered hours of operation.

Mr. Leming stated the county has the CUP and there could be a proffer for the hours of operation.

Mr. Di Peppe stated staff recommended a pitch roof and it was not shown in the design.

Mr. Leming stated staff gave recommendations of keeping up with businesses in the area.

Mr. Di Peppe stated the different dealership with different designs and, in his opinion; he did not like the building design. He stated staff gave recommendations and mentioned the roof for a reason.

Mr. Cook opened the public hearing

With no one coming forward, Mr. Cook closed the public hearing.

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Mrs. Kirby stated she was concerned with the reduction of the buffer and she worked on the original proffers and would like the design standards to remain the same. She stated it was a modern building and though it would not be in the Historic District it would be within there view shed. She stated another concern was the lighting for Aquia Hills and does not know how the lighting would work with Crime Prevention Through Environmental Design (CPTED) principles. She stated concern about the vision for the Route 1 corridor and does not want that portion of the road to look like Woodbridge.

Mr. Carlone stated concern regarding the buffer and hours of operations.

Mr. Di Peppe was concerned with having balloons or flags flying over the dealership and does not want them.

Mr. Leming stated this was a CUP and the county controls the conditions.

Mrs. Kirby made a motion to put RC2700501 into committee. Mr. Di Peppe seconded. The motion passed 6-0. (Mr. Mitchell absent)

Mrs. Kirby made a motion to put CUP2700502 into committee. Mr. Di Peppe seconded. The motion passed 6-0. (Mr. Mitchell absent)

Mr. Cook stated this item would be discussed at the November 28, 2007 Work Session.

UNFINISHED BUSINESS

10. 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 November 7, 2007 Work Session)**

Mr. Cook stated during the Work Session this item was voted 4-2 to send to full commission to recommend approval.

Mr. Di Peppe made a motion to approve the Comprehensive Plan Amendment for Stafford Town Station. Mr. Rhodes seconded. The motion passed 4-2 (Mrs. Kirby and Mrs. Carlone were opposed). (Mr. Mitchell was absent)

11. 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 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

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American Legion Road and 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 November 7, 2007 Work Session)**

Mr. Di Peppe made a motion to approve the Reclassification for Stafford Town Station. Mr. Rhodes seconded. The motion passed 4-2 (Mrs. Kirby and Mrs. Carlone were opposed). (Mr. Mitchell was absent)

12. 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 9, 2008 Regular Meeting at the applicant's request)**

Mr. Cook stated item 12 was deferred to January 9, 2008 Regular Meeting.

13. 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 November 7, 2007 Work Session)**

Mr. Cook stated during the Work Session this item was voted 6-0 to send to full commission to approve the preliminary plan with water and sewer only.

Mrs. Kirby made a motion to recommend approval of the preliminary plan with water and sewer only. Mr. Mitchell seconded. The motion passed 6-0. (Mr. Mitchell was absent)

14. CUP2700511; Conditional Use Permit - Town & Country Marketplace Outparcel 2 - A request for a Conditional Use Permit to allow vehicle fuel sales in a B-2, Urban Commercial Zoning District on Assessor's Parcel 54SS-2 consisting of 0.97 acres located on the south side of White Oak Road approximately 2,200 feet east of Town and Country Drive within the George Washington Election District. **(Time Limit: January 15, 2008) (Deferred to November 28, 2007 Work Session)**

Mr. Cook stated item 14 was deferred to November 28, 2007 Regular Meeting.

15. RC2700543; Reclassification - Town Center of Aquia - A proposed reclassification from B-2, Urban Commercial Zoning District to P-TND, Planned Traditional Neighborhood Development Zoning District on Assessor's Parcels 21-49, 21-49H, 21-49J and 21-49Q

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consisting of 36.25 acres, located on the east side of Jefferson Davis Highway, south of Washington Drive within the Aquia Election District. The Comprehensive Plan recommends the property for Urban Commercial use which would allow a variety of wholesale, retail, service commercial and office uses. The P-TND Zoning District would allow development of pedestrian – friendly neighborhoods with a mix of residential, commercial, and civic uses. See Section 28-35 of the Zoning Ordinance for a complete listing of permitted uses in the P-TND Zoning District. **(Time Limit: January 15, 2008) (Deferred to November 28, 2007 Regular Meeting)**

Mr. Cook stated this item 15 was deferred to November 28, 2007 Regular Meeting.

NEW BUSINESS:

None

MINUTES

None

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated Sara Woolfenden had recently taken a promotion as a Senior Transportation Planner with the Office of Transportation and would be leaving the Planning and Zoning Department but will still be with the county.

COUNTY ATTORNEY'S REPORT

No report

SECRETARY/TREASURER REPORT

No report

STANDING COMMITTEE REPORTS

Mr. Pitzel gave a report of the Comprehensive Plan Meeting held October 29, 2007, and discussed the Land Use Map Revisions for the Urban Development Area. He stated they expected the build outs that go with the maps at the next meeting. He stated there was a vote to incorporate changes into the Comprehensive Plan that Wendy Wheatcraft and Anita Dodd worked on. He stated Members should read page 134 to 156 of the Draft Comprehensive Plan and set the next meeting time.

The Commissioner discussed setting a meeting and Mr. Harvey recommends the Work Session on December 5, 2007 Planning Commission Meeting since the November 28, 2007 was a week before and not a lot of time between the meeting to get items turned around as far as new information on items still pending in the commission.

The Commissioners agreed to the date and Mr. Di Peppe asked if staff could let Mr. Trimmer from Stafford Civil War Sites and Mr. Barry from the Izaak Walton League.

CONSENT AGENDA

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No report

SPECIAL COMMITTEE REPORTS

No report

CHAIRMAN'S REPORT

No report

ADJOURNMENT

Mr. Cook made a motion for adjournment. Mr. Rhodes seconded.

The meeting was adjourned at 11:05 p.m.