

STAFFORD COUNTY PLANNING COMMISSION MINUTES
JANUARY 25, 2006
WORK SESSION

The work session of the Stafford County Planning Commission of Wednesday, January 25, 2006, was called to order at 5:32 p. m. by Chairman William Cook in the ABC Conference Room at the Stafford County Administration Center.

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

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, Baker, Gregor, Knighting, Roberts, Stepowany Sehl, Kaminsky and Zuraf

DECLARATIONS AND DISQUALIFICATION:

None

UNFINISHED BUSINESS:

1. RC2500919; Reclassification – Central Stafford Commerce Center – A proposed reclassification from A-1, Agricultural to M-1, Light Industrial Zoning District on Assessor's Parcels 38-102, 38-102A, 38-102B, 38-102C, 38-102D and 38-104 consisting of 80.70 acres, located on the east side of Big Springs Lane approximately 1,000 feet from the intersection with Eskimo Hill Road within the Aquia Election District. The Comprehensive Plan recommends the property for Light Industrial and Rural Residential uses. The Light Industrial designation would allow light industrial, light manufacturing and office uses. Rural Residential use allows single family residential development at a density of one (1) dwelling unit per three (3) acres. **(Time Limit: December 6, 2005) (Deferred to January 25, 2006 Work Session at applicants request)**

Mr. Cook stated item 1 has been postponed from the agenda at the applicant's request. He stated he would like to amend the agenda and add item 1A to discuss legal items.

Mr. Pitzel made a motion to amend the agenda to go into closed session. Mrs. Kirby seconded. The motion passed 7-0

The meeting resumed at 6:49 pm.

Mr. Pitzel made a motion certifying the closed meeting was held in accordance with the provisions of the Virginia Freedom of Information Act and was conducted in conformity with law. Mrs. Kirby seconded. The motion passed 7-0.

2. SUB220851; St. Andrews on the Potomac, Preliminary Subdivision Plan - A preliminary subdivision plan for 124 single family residential lots, zoned A-1, consisting of 267.65 acres, located on the north side of Widewater Road at the end of Johnathan Way, on Assessor's Parcels 23-1 and 23-4 within the Griffis-Widewater Election District. (formerly known as HAMLETS OF WIDEWATER SEC 2/changed 1/14/05) **(Deferred to January 25, 2006 Work Session) (Time Limit: February 5, 2006)**

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Mr. Stepowany stated he would be happy to answer questions.

Mr. Pitzel asked if the project was within the Urban Service Area.

Mr. Stwpowany stated yes

Mrs. Kirby stated this area of the County is very historical and asked why the applicant was refusing to have a Phase 1 done.

Bob Burner, applicant, stated having a Phase 1 done was not part of the Ordinance. He stated a Phase 1A has been performed and feels it was inappropriate to have a Phase 1 done at this time.

Mrs. Kirby stated a Phase 1 is like having an insurance policy.

Mr. Harvey stated the vicinity map was not correct.

Mr. Stepowany stated Section 22-58 of the Subdivision Ordinance stated Route numbers and railroad names must be listed.

Mrs. Kirby made a motion to hold in Committee. Mrs. Carlone seconded. The motion passed 7-0.

3. SUB2500983; Berea Knolls Preliminary Subdivision Plan - A preliminary subdivision plan for 31 single family residential lots, zoned R-1, consisting of 34.28 acres, located on the west side of Berea Church Road approximately 500 feet north of Warrenton Road on Assessor's Parcel 44-108, within the Hartwood Election District. **(Deferred to January 25, 2006 Work Session) (Time Limit: February 24, 2006)**

Mr. Cook stated due to the time issue, item 3 would be discussed in the regular Commission meeting.

ADJOURNMENT

The meeting was adjourned at 7:02 p.m.

William Cook
Chairman

STAFFORD COUNTY PLANNING COMMISSION MINUTES
January 25, 2006

The regular meeting of the Stafford County Planning Commission of Wednesday, January 25, 2006, was called to order at 7:32 p. m. by Chairman William Cook in the Board of Supervisors Chamber of the Stafford County Administration Center.

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

Members Absent: None

Staff Present: Harvey, Baker, Gregor, Knighting, Roberts, Stepowany Sehl, Kaminsky and Zuraf

- A. Call to Order
- B. Invocation
- C. Pledge of Allegiance to the Flag of the United States of America
- D. Roll Call to Determine the Presence of a Quorum
- E. Declarations of Disqualification
- F. Public Presentations

Mr. Cook stated during the public presentations, comments could be made on any item not on Public Hearing. He stated he has 8 requests to speak.

Mr. Bailey, Attorney for the Fellows, stated he brought resources and maps that might be found useful. He stated he does not agree with Judge Braxton, but he does agree with the facts that nobody in local government should be doing anything which does not comply with Stafford County Code. He stated he has tried to present reasons why Crow's Nest does not comply with Code.

Mary Reibe stated the Widewater Plan does not comply with Chapter 22, Subdivisions. She stated the plan was developed without regard for the topography, soil type and water features of the site. She stated Section 22-143 states that the arrangement, design and shape of lots shall provide efficient and appropriate sites for buildings, recognize and complement the natural contour of terrain. She stated Williams Environmental Group did an analysis of the property in 1992 and updated in 1999 concluded that most of the property was not suitable for building. She stated that analysis examined a total of 4, 563 acres. She stated the analysis concluded that only 17% of the acres are suitable for building, with the remaining acreage consisting of jurisdictional wetlands and waters, Sensitive Critical Resource Protection Areas and Land Resource Management areas including flood plain districts, highly erodible soils, and slopes greater than 25%. She presented a map showing area suitable for building.

Jeanette Mason, stated she has a letter written by the district manager of Tri-County City Soil and Water Conservation District. She stated the letter was written December 7, 2005

and read the letter to the Commission. She read “The Tri-County City Soil and Water Conservation District has serious concerns about the development of Crow’s Nest. We feel that this is a very sensitive area with our natural resources and should be protected from possible degradation”. She stated the lack of information in the plans does not show protection and the reasons why the plan should not be approved.

Karen Richardson showed maps and explained why the Crow’s Nest does not comply with Stormwater Management Plan. She explained that Low Impact Development depends on soil type to be correct. She showed a soils map and stated the soil characteristics were unknown. She stated for that reason the development plan is not in compliance and should not be approved.

James Hazzard presented a power point presentation showing mud in the streams. He showed a picture of Poplar Hills, which was originally a portion of Crow’s Nest. He urged the Commission to consider the stormwater management deficiencies when looking at the plan.

Michael Nardoli, President of the Northern Virginia Conservation Trust, stated he was opposed to the Crow’s Nest plan. He stated they were an adjacent property owner, which consist of 123 acres. He stated they manage a 70 acre Blue Herron nesting sight which borders Crow’s Nest development. He read a letter written December 2, 2005 spelling out the ecological importance of the site. He stated Crow’s Nest area is unique and deserves strict rules and regulations. He stated Northern Virginia Conservation Trust opposes the application and listed the 5 grounds for opposition. He stated the application was not a by-right plan and has requested several waivers. He elaborated on the waiver requests and referenced the Code Sections that were not being met.

Belinda Castro Landolt stated her daughter is an EMT and tells her horror stories, she is concerned about safety. She stated using VDOT standards, a minimum of 13,500 vehicles per day would be meeting at the Brooke Road/Raven Road intersection. She stated she lives on the eastern side of the intersection, and there are frequent accidents. She referenced Section 22-190, which references the number of access points to adjoining parcels for safety and stated the provision should not be thrown aside because it cannot be met. She stated the number of lots should be reduced to agree with the connections available, because that is what the Code intends. She asked the Commission to think safety.

Spencer Hudson, Stafford Council for Progress, stated he appreciates the two letters requesting the delay on the Sensitive Resource Overlay District. He stated the Ordinance does not cover implementation. He stated he hopes the Commission will look very closely at the implementation. He stated the Ordinance does not cover where. He stated the Ordinance has a significant impact to the Comp Plan. He suggested working together and doing everything at one time, things work better. He stated there are a lot of similarities to the Agricultural Performance Standards presented in 2004. He reminded the Commission that over 100 landowners spoke against the previous Ordinances, stating their concerns about their property rights. He stated in his opinion this was a bad way to process an Ordinance. He stated the problem was, since there are no areas shown, there are no notifications.

With no one else coming forward to speak, public presentations was closed.

PUBLIC HEARINGS:

1. RC2501354 – Reclassification – Shenandoah Office - A proposed reclassification from R-1, Suburban Residential Zoning District to B-2, Urban Commercial Zoning District on Assessor's Parcel 20G-33 consisting of 0.63 acres, located on the southeast corner of Garrisonville Road and Shenandoah Lane within the Garrisonville Election District. The Comprehensive Plan recommends the property for Suburban Residential and Office uses. The Suburban Residential designation would allow single family residential development at a density of three dwelling units per acre. The Office designation would allow professional offices. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses in the B-2 Zoning District. **(Time Limit: April 25, 2006)**

Kathy Baker presented the staff report. She stated the request of the applicant was to rezone Assessor's parcel 20G-33, which was located on the south side of Garrisonville Road just east of Shenandoah Lane, from R-1, Suburban Residential to B-2, Urban Commercial. She stated the parcel consisted of 0.63 acres which was currently undeveloped. She stated the applicant was proposing to construct an office building, which was consistent with the Comprehensive Plan. She stated the property would be serviced by public water and sewer and would not have an impact on the public school system or the County Park system. She stated that staff notes a six foot board on board fence was shown on the GDP where the adjacent properties were residential, but the fence was not proffered. After covering the positive and negative aspects of the application, she stated staff recommends approval.

Mr. Pitzel asked what was proffered out of the application.

Mrs. Baker read the list of items which were proffered out, consisting of hotel, motel, publishing, engraving, theater, commercial retail, convenience center and publishing.

Mrs. Kirby stated since the Board had passed the Ordinance concerning owner affidavits, she asked who Virginia Development, LLC was.

Mrs. Baker stated the applicant could better answer the question.

Mrs. Kirby stated she would like to see information concerning the traffic numbers and suggested the applicant use CEPTED practices.

Mr. Mitchell had a question on the square footage.

Mrs. Baker stated the applicant reduced the square footage of the building, but the traffic impact study was based on the square footage of the original of the building, which was 44,000.

Clark Leming, representing the applicant, stated Virginia Development, LLC was Dan Nguyen and his wife. He explained because of the requirements of the new buffer

Ordinance, the size of the building had to be reduced and the applicant was proposing a low intensity use. He stated on the opposite corner of the road was a medical office which had been there for over 20 years.

Mrs. Carlone asked if the applicant would proffer the board on board fence.

Mr. Leming stated yes.

Mrs. Kirby asked about the building materials and questioned the white area above the windows and door, in the peaks.

Mr. Leming stated the building would be brick and glass with stucco in the peak area.

Mrs. Kirby stated her concern with the increased traffic on Garrisonville Road, and asked if the applicant would be willing to proffer the GDP.

Mr. Leming stated yes.

Mr. Di Peppe had questions concerning the lighting and the adjacent residential areas.

Mr. Leming stated the Ordinance addresses cut off lighting.

The Public Hearing was opened.

Patricia Kurpiel, stated she has concerns when an applicant proffers a GDP before the Chesapeake Bay determinations had not been done. She stated there do not seem to be any streams on this particular property, but could present problems on other projects.

With no one else to speak, the Public Hearing was closed.

Mr. Leming stated the proffers had been changed to include the fence, GDP and the addition of stucco in the list of building materials.

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

2. CUP2501633 – Terans’ Bed and Biscuit – Conditional Use Permit - A request for a Conditional Use Permit to allow a commercial kennel in an A-1, Agricultural Zoning District on Assessor's Parcel 44-151J consisting of 5.23 acres, located on the west side of England Run Lane approximately 300 feet south of Sanford Drive within the Hartwood Election District. **(Time Limit: April 25, 2006)**

Mrs. Baker presented the staff report. She stated the Conditional Use Permit is to allow a commercial kennel in an A-1, Agricultural Zoning District. . She stated the Land Use Plan identifies the area as industrial and Resource Protection Area. She gave a power point presentation showing the location of the site and pictures of the facility. She stated there was currently a residence on the property where the owner lives and breeds dogs for

personal use. She stated she has a kennel license for up to 50 dogs, in addition to that she has a Rural Home Business, which allows her to board up to six dogs. She stated the proposal is to board up to 20 dogs on site, utilizing all the existing facilities. She stated currently there was an existing detached garage which has been converted into a kennel building which includes outdoor runs and dog play areas. She stated there are two additional kennels existing behind the residence which also include outdoor runs and play areas. She stated there was currently a total of 24 dog pens on the site and a fence is around the entire property boundary. She stated this proposal would not expand any facilities, but use all the existing facilities. She read the proposed conditions which include hours of operation, the facility would be limited to 20 dogs which would be contained within buildings or fenced areas on site. She stated an attendant would be on site and solid animal waste would be picked up daily and removed by private trash service with the kennels being cleaned and disinfected daily. She stated staff is recommending approval because the application meets the standards for the issuance of a Conditional Use Permit and the number of dogs currently permitted on site would be reduced.

Mrs. Carlone stated she had quite a few concerns regarding phone calls and emails received. She stated the first item was lighting which could be taken care of if it would be redirected. She stated the barking until 9 or 10 o'clock in the evening was a concern and the increase of traffic on the road is a concern as well.

Mrs. Baker stated she could respond briefly to the traffic. She stated the Transportation Planner reviewed the plan and typically for a single family residence there will be 10 vehicle trips per day and looking at other studies concerning kennels, for a 20 dog permit, the traffic generation would be 14 trips per day.

Mrs. Carlone stated Dr. Bass, a biologist at the University of Mary Washington, monitors England Run in three areas. She stated he has found fecal matter in the stream.

Mr. Pitzel asked if six dogs are allowed there.

Mrs. Baker stated six dogs are allowed for the public to bring onsite and board based on a Rural Home Business Application received in 1995. She stated in addition to that she has a kennel license which allows her to keep up to 50 personal dogs.

Mrs. Kirby asked how many dogs were currently onsite.

Mrs. Baker stated when she was there possibly eight.

Mr. Pitzel stated if the CUP is approved, then the total is 20 dogs period, there would be no delineation in her personal dogs and the dogs she boards.

Mrs. Baker stated correct, 20 dogs on the premises at any given time.

Terry Neider, the applicant, handed out packets to the Planning Commission and read the literature so there would be no misrepresentation. She stated the property has been in operation since 1995, with no additional building or fencing. She stated in regard to the CUP there will be no additional lighting, building or fencing will be constructed or added. She stated traffic is under control based in the limited hours by appointment only. She stated clients leave their pets for multiple days, weeks and on occasion even months. She stated never would 20 dogs come and go in one day. She stated before purchasing the property, she made several visits to the County regarding licensing and permits needed. She stated there would be a decrease in the number of dogs on the property if the CUP is granted. She stated she would continue to keep 8 to 10 personal dogs, and picks up waste at least 3 if not more times per day.

Mrs. Kirby asked about Saturday and Sunday hours.

Mrs. Neider stated Saturday hours are 9 to noon. Sunday evening the facility open from 6 to 9 pm to allow owners the opportunity to pick up on Sunday evenings.

Mrs. Kirby asked if someone resides there.

Mrs. Neider stated she and her family reside there.

The Public Hearing was opened.

Kathy Scatchard stated her residence is directly across from the applicants. She stated the road is not paved and not state maintained. She read a letter from Donnie Hall, who lived there and maintained the road, stating he has maintained the road for 18 years at no cost, but at this point the damage to the road is so bad that it is impossible to maintain with a tractor. She stated that was four years after the six dog residential kennel was opened. She stated her concerns if a commercial kennel is allowed, what is to stop someone else from putting up storage warehouses.

Kathy Carter stated Mrs. Neider kept a clean facility. She stated her husband is quadriplegic and complains about the dogs barking. She stated she is concerned with more dogs being there and more noise. She stated she does not want her property value to decrease.

Laura Myse stated she had boarded two of her dogs at Mrs. Neider. She stated everything Mrs. Neider said is true. She stated one of her dogs was older and required special attention. She stated she knew her dog would get wonderful attention from her. She asked that the Commission approve the CUP.

Olivia Estep stated it is difficult for dog owners to find a good clean facility. She stated based on the information provided tonight, she asked for the applicant's information so she could use her facilities.

Mrs. Neider stated she has less traffic than an average family with two teenagers.

With no one else to speak, the Public Hearing was closed.

Mr. Cook stated one of the letters in Mrs. Neiders packet was written by an animal warden.

Mrs. Carlone stated she would make a motion to move this item to Committee for further review. Mr. Pitzel seconded. The motion passed 5-2 (Mr. Mitchell and Mr. Rhodes voted no).

3. Comprehensive Plan Compliance Review – Fitzhugh North – A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for the extension of public sewer service outside of the County’s designated Urban Service Area, to Assessor’s Parcel 47-18.

Mr. Zuraf presented the staff report. He stated the request was to run sewer outside the Urban Service Area. He gave a power point presentation showing the property location and the proposed 24 lot subdivision. He stated there is currently a low pressure sewer line that runs through Fitzhugh Subdivision. He stated the existing low pressure sewer line would need to be upgraded and extended onto the property. He stated the site is approximately a mile outside of the Urban Service Area. He stated this request has been before the Planning Commission two previous times and it determined not to be in compliance with the Comprehensive Plan. He stated in the 2004 decision was appealed and upheld by the Board of Supervisors and the Circuit Court. In December, the Utilities Ordinance was amended which no longer would require the extension of sewer outside of the Urban Service Area if someone was developing adjacent to where sewer exists. He stated comments from the Utilities noted they had no objection to the proposal and noted it would minimize the potential for groundwater pollution from failing drainfields. He stated the Land Use Plan does recommend public sewer not be extended outside the Urban Services Area. He stated staff believes the request is not in compliance with the Comprehensive Plan.

Mr. Pitzel asked if this was approved, the force main which runs through existing Fitzhugh subdivision would have to be enlarged.

Mr. Zuraf stated yes, that would have to be enlarged to handle extra capacity.

Bruce Arkema, attorney for the applicant, showed a map of the project and noted sewer was all around the property. He stated only three houses would be effected if the sewer was extended. He stated his client would put in a 23 lot subdivision; the question was would it be sewer or septic. He asked the Commission to approve the request.

Mr. Pitzel asked the total length of the line.

Mr. Arkema stated approximately 2300 feet.

The Public Hearing was opened.

Gary Stizman stated he was not in favor of the extension. He stated in his opinion a low pressure distribution system was not a good idea.

Larry Gionazzi, Geo Environmental Services, stated he was a Virginia state certified professional soil scientist and a Virginia State Certified Geologist. He stated the applicant asked him to look at the soils and site conditions to determine the suitability to meet the requirements for onsite sewage disposal. He stated the soils on the site are not suitable for conventional septic disposal methods, which means every septic system will be alternative systems. He stated those types of system do not allow infiltration of precipitation and produce extended sheet flow run off on the site. He stated there is no long term data for the performance of the systems. He stated the septic system would be located on the prime building sites and the homes would be located down the hill, causing the all septic to be pumped. He stated the soils are marginal but meet the Health Department requirements.

Nan Rollison asked why would the applicant put the sewer on the prime building sites and the houses on the down slope.

With no one else to speak, the Public Hearing was closed.

Mr. Gionazzi stated the only soils that are suitable occupy the topographic high positions. He stated the soils are marginal and could affect ground water quality.

Mr. Rhodes asked if staff had seen the soils information.

Mr. Harvey stated he has seen a copy of the memorandum giving general information, but was not aware specific soils data on individual sites.

Mr. Pitzel made a motion for denial. Mr. Di Peppe seconded. The motion to deny passed 7-0.

4. Comprehensive Plan Compliance Review – Leeland Station – A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for the extension of public sewer service outside of the County’s designated Urban Service Area, to Assessor’s Parcels 46-90, 46Q-1, 46Q-2, 46Q-3, 46Q-4 and 46Q-5.

Mr. Zuraf presented the staff report. He showed the location of the property on a map and gave a power point presentation. He stated this application was also a request to extend sewer outside the Urban Services Area. He showed the location of a Master Plan pump station is to be built to serve Leeland Station subdivision. He stated the site is just outside the Urban Services Area. He stated Utilities Department has no objection to the proposal and the planned pump station could accommodate the site if it was moved 500

feet to the east. He stated the land use plan recommends public sewer not be extended outside the Urban Services Area. He stated staff does believe there is merit to this property being explored for a land use plan amendment to bring this property into the Urban Service Area due to the proximity to VRE and the Deacon Road improvements. He stated staff believes the request is not in compliance with the Comprehensive Plan.

Mr. Rhodes asked if staff had concerns about drainfield failure.

Mr. Zuraf stated we did not receive soils information.

Mr. Mitchell asked if staff has done a cost analysis for moving the pump station 500 feet to the east and included an additional 500 feet of piping.

Mr. Zuraf stated the pump station was not existing, it will be built when this area of Leeland Station would be built.

Mr. Mitchell asked who would bear the cost of building the pump station.

Mr. Zuraf stated the developer of Leeland Station, LLC.

Clark Leming, representing the applicant, passed out a plat of the property that shows the location of the sewer lines that will cross this property. He stated when the preliminary subdivision plan was submitted a mandatory sewer requirement was in place, but changed December 13 2005 and the mandatory connection for areas outside the Urban Service Area was deleted. He stated the sewer plans were drawn and made in compliance with the Utilities Department, but all that has changed. He stated there will be a force main and a gravity sewer line running through the property, which service the planned community of Leeland Station. He stated the pump station is proffered, Leeland Station has the responsibility to build it, and there is maintenance agreement. He stated the relocation of the pump station is not necessary and can be verified by Dale Allen. He stated the property is next to property planned for sewer, has access to the pump station and across which run sewer lines. He passed out the drainfield results for the project, stating of the 32 lots, 9 would need an alternative drainfield and 5 lots are inconclusive.

The Public Hearing was opened.

Gary Sitzman suggested development should pay for itself. He stated the traffic is the real problem.

Cecelia Kirkman stated she was opposed to the extension and stated in her opinion, Leeland station feels they are vested from Chesapeake Bay requirements.

With no one else to speak, the Public Hearing was closed.

Mr. Leming stated extending the sewer will not change density, and sewer is not next door but is on the property.

Mr. Di Peppe made a motion to deny the request. Mrs. Kirby seconded. The motion to deny passed 7-0.

5. Amendment to the Zoning Ordinance – Proposed amendment to Article 1. Planned Development and Overlay Districts, Resolution by creating Section 6-6. Sensitive Resource Overlay District, the Stafford County Zoning Ordinance; pursuant to Ordinal Ordinance. The amendment would create an overlay district for the purpose of protecting environmental resources including wetlands, floodplains, steep slopes, soils, streams, forested areas and shorelines, and protecting habitats of threatened and endangered species, for new development.

Mr. Cook stated item 5 was cancelled. He stated he appeared before the Board of Supervisors Tuesday and was granted a 90 day extension to consider and revise the sensitive Resource Overlay District and hold a Public Hearing.

Mrs. Roberts stated the Board did not grant an extension, they withdrew the initial Resolution and then deferred it back to the Commission.

UNFINISHED BUSINESS:

6. RC2500919; Reclassification – Central Stafford Commerce Center – A proposed reclassification from A-1, Agricultural to M-1, Light Industrial Zoning District on Assessor's Parcels 38-102, 38-102A, 38-102B, 38-102C, 38-102D and 38-104 consisting of 80.70 acres, located on the east side of Big Springs Lane approximately 1,000 feet from the intersection with Eskimo Hill Road within the Aquia Election District. The Comprehensive Plan recommends the property for Light Industrial and Rural Residential uses. The Light Industrial designation would allow light industrial, light manufacturing and office uses. Rural Residential use allows single family residential development at a density of one (1) dwelling unit per three (3) acres. **(Time Limit: December 6, 2005) (Deferred to January 25, 2006 Work Session at applicants request)**

Mr. Cook stated item 6 was deferred by the applicant.

7. RC230334; Reclassification; Brentsmill, LLC – Proposed reclassification of Assessor's Parcels 21-145, 22-20A, 20B, 21 and 22 from R-2, Urban Residential-Medium Density and A-1, Agricultural, to PD-1, Planned Development-1, Zoning District, consisting of 425.34 acres, located on the east side of Telegraph Road, approximately 500 feet south of Denrich Road and on the south side of Flippo Road at its western terminus, within the Griffis-Widewater Election District. The Comprehensive Plan recommends Suburban Residential and Rural Residential uses, which would allow up to three single family detached or duplex dwellings per acre and one dwelling per three acres respectively. This request would allow various dwelling types at a maximum density of seven dwelling units per acre and low and medium

intensity commercial retail and office uses. **(Deferred by the Board of Supervisors)**

Mr. Cook stated item 7 is still deferred by the Board.

Mr. Harvey stated the Board has deferred item 7 back to the Planning Commission. He stated Council for the applicant was present if a date was to be scheduled.

Mr. Cook stated item 7 will be scheduled for the February 22, 2006 work session.

8. SUB220851; St. Andrews on the Potomac, Preliminary Subdivision Plan - A preliminary subdivision plan for 124 single family residential lots, zoned A-1, consisting of 267.65 acres, located on the north side of Widewater Road at the end of Johnathan Way, on Assessor's Parcels 23-1 and 23-4 within the Griffis-Widewater Election District. (formerly known as HAMLETS OF WIDEWATER SEC 2/changed 1/14/05) **(Deferred to January 25, 2006 Work Session) (Time Limit: February 5, 2006)**

Mr. Cook stated item 8 was discussed in work session and was deferred to February 1, 2006 unfinished business to allow the applicant time to make changes to the vicinity map.

9. SUB2500983; Berea Knolls Preliminary Subdivision Plan - A preliminary subdivision plan for 31 single family residential lots, zoned R-1, consisting of 34.28 acres, located on the west side of Berea Church Road approximately 500 feet north of Warrenton Road on Assessor's Parcel 44-108, within the Hartwood Election District. **(Deferred to January 25, 2006 Work Session) (Time Limit: February 24, 2006)**

Mr. Harvey stated item 9 was scheduled for work session, but did not discuss it due to time limitations. He stated the applicant was present and has met with 2 of the Commission members on site.

Doug Brown stated by moving the cul-de-sac, more room was available in the RPA area. He stated he would like to finalize the language, and had hoped that could have been done in work session. He stated he wanted to put notes on the plan.

Mrs. Kirby asked who he spoke to regarding the note.

Mr. Harvey stated he spoke with Mr. Brown concerning notes.

Mrs. Kirby said in her opinion she thought the applicant wanted to add notes stating the subdivision will have only 27 lots, with RPA area designated by signage. The cul-de-sac will be slightly relocated and a fence at the back of the property.

Mr. Harvey stated those issues were discussed.

Mrs. Kirby asked how the house would be built on natural terrain.

He stated he would probably mass grade the street to comply with the Ordinance.

Mr. Cook stated with the modification of the cul-de-sac and the number of lots another engineered drawing would be required.

Mr. Harvey stated if the number of lots is reduced, the plans would have to be adjusted.

Mr. Brown stated he understands and will get new engineered drawings.

Mrs. Carlone made a motion to send to committee for the February 22, 2006 work session. Mrs. Kirby seconded. The motion passes 7-0

10. SUB2500977; Amber Oaks Preliminary Subdivision Plan - A preliminary subdivision plan (previously Richland Forest Section 4) for 28 single family residential lots, zoned A-1 consisting of 98.45 acres, located approximately 2,500 feet south of Warrenton Road east of Marsh Run Estates on Richwood Cove extended on Assessor's Parcels 34-50, within the Hartwood Election District. **(Time Limit: February 24, 2006)**

Mr. Harvey stated at the January 4, 2006 meeting there had been some administrative changes and the plan was not available 5 days prior to the Planning Commission meeting. Since that time it has been noted there is an issue with the location map not showing all areas within a mile of the site.

Mr. Stepowany stated the applicant and engineer was not aware of the findings.

Mr. Harvey stated the applicant has submitted a 10 day notice to the Planning Commission, requesting action be taken or they will pursue court action.

Mr. Cook asked how that could be done if the time limit has not expired.

Mrs. Roberts stated there is a disagreement with the applicant on the calculation of the time limit.

Mr. Cook stated the 10 day time limit leaves the Commission no choice. If the application is not correct, then the Commission has no choice. He asked the applicant if he was willing to withdraw the 10 day letter.

Mr. Harvey stated another option would be to allow the applicant to make the correction by 8:00 am tomorrow morning and schedule it for the meeting next week.

Hamilton Palmer stated the changes can be made and submitted by 8:00 in the morning.

Mr. Leming stated he would rescind the 10 day letter with the understanding Mr. Palmer will submit plan by 8:00 tomorrow morning to address the issue.

Mrs. Kirby made a motion to defer item 10 to the February 1, 2006 meeting. Mrs. Carlone seconded. The motion passed 7-0.

NEW BUSINESS:

11. SUB241944 – Crow’s Nest Preliminary Subdivision Plan - A preliminary subdivision plan for 688 single family residential lots, zoned A-2, consisting of 3230 acres located at the southeast intersection of Brooke Road with Raven Road on Assessor’s Parcels 48-1 and 49-27 within the Aquia Election District. **(Time Limit: March 5, 2006)**

Mr. Sehl presented the staff report. He gave a power point presentation showing the location of the property and the adjoining properties. He stated the application was for a by-right subdivision and the minimum lot size would be 1 acre. He stated the property is 3,230 acres which makes this subdivision the largest land area of any preliminary plan that Stafford County has considered for development. He explained because of the size of the project, and the number of agencies that wished to attend the meeting, a special TRC was held May 4, 2005. He gave a brief description of the improvements on Raven Road, as requested by VDOT and stated all roads within the subdivision are expected to be accepted into the state secondary road system. He stated the applicant was going to implement Low Impact Development. He listed the amenities listed for the subdivision, such as community center with pool, tot lots throughout the subdivision, walking and water access trails, community park and approximately 898 acres of open space to be dedicated to the HOA. He stated a Phase 1 was provided by the applicant, which recommended a Phase 2 for certain areas of the project. He stated Williamsburg Environmental performed the environmental evaluation and the applicant provided a copy. He stated wetland boundaries on the site were confirmed by the Corp of Engineers by way of a jurisdictional determination provided by staff. He explained the RPA areas were determined and a hundred foot buffer was provided as shown on the plan. He showed on the maps the areas of wetlands and stated the majority of the peninsula was listed as a National Heritage Resource by the Virginia Department of Conservation and Recreation. He stated the topography contains many slopes over 35% and the site contains Bald Eagle habitats. He stated the Virginia Department of Game and Inland Fisheries recommends a 750 foot buffer be provided around any nest. He stated a memo was provided to the Commission recommending denial of the application, and read the memo. He stated for the reasons mentioned, staff is recommending denial of the proposed preliminary subdivision plan because all applicable Ordinance requirements have not been met.

Mr. Mitchell made a motion, for the following reasons, the Planning Commission disapprove application SUB241944, the preliminary subdivision plan for Crow’s Nest, prepared by Dewberry & Davis LLC, that was revised through November 29, 2005, sealed by the applicant’s engineer on November 30, 2005, and submitted to the County on December 1, 2005:

- The property is zoned to the A-2 zoning district. Pursuant to Zoning Ordinance, Section 28-35, Table 3.1, Paragraph (d)(2), all lots in the A-2 district must have a “Minimum lot area” of 1 acre, which is 43,560 square feet.

In the subdivision plan that we are being asked to approve tonight, Lot 254 on Sheet 17 of 24 is less than 43,560 square feet, and is in violation of Section 28-35.

To be approvable, all lots shown on the plan, including Lot 254, must be at least 43,560 square feet in area and satisfy the A-2 zoning district regulations.

- Pursuant to Zoning Ordinance Section 28-62(k)(1), public roads may not be located within Chesapeake Bay Preservation Areas unless certain exemptions criteria are met. Sections 28-62 (k)(1) and (2) recognize that for public roads to be exempt, the road alignment and design must be optimized, consistent with other applicable requirements, “to prevent or minimize” encroachments into Critical Resource Protection Areas, also called CRPAs.

Also, public roads shall be exempt if there is no other reasonable alternative to locating the road in or through the CRPA and the road meets the criteria that the road alignment and design are optimized, consistent with other applicable requirements, to prevent or minimize encroachments.

There are two clear examples of where public roads shown on the plan do not satisfy the exemption criteria.

On sheet 13 of 24, the intersection of Travers Neck Drive and Crows Nest Drive shows the intersection, and a large portion of Travers Neck Drive within the CRPA.

Likewise, on sheet 17 of 24, the preliminary plan shows Accokeek Creek Drive within the CRPA.

In both circumstances, the preliminary plan shows intrusions into the CRPA. The road alignment and design have not been optimized, consistent with other applicable requirements, to minimize or prevent encroachments, and there are reasonable alternatives available. For example, Accokeek Drive could be shifted to stay completely out of the CRPA, or cul-de-sacs could be designed on each side of the CRPA. Likewise, while Travers Neck Drive is part of a platted subdivision from the 1970s, it is not built and may never be built. The proposed subdivision did not need to use Travers Neck Drive. Further, to avoid the CRPA, Travers Neck Drive could have been aligned to the south of the CRPA or designed to stop prior to intruding into the CRPA.

The preliminary plan is also confusing in regard to its reference to “RPAs” and “County Determined RPAs.” The applicant had originally delineated what is considered to be the CRPAs. Pursuant to Section 28-62(b)(1)(d), where an

applicant has provided a site-specific delineation of the CRPA, the administrative authority -- the Director of Planning -- has the authority to verify the accuracy of those boundary delineations. Because of the significant difference between the claimed CRPA boundaries and the boundaries shown in the County's adopted map, the Planning Director informed the applicant that he would need to verify the boundary delineation. Rather than have the Director of Planning do this, the applicant was given the option to, and then used on its plan, the County's CRPA map delineation as the CRPA on its preliminary plan. While the preliminary plan references both "RPAs" and "County Determined RPAs," both constitute CRPA areas.

To be approvable, the intrusions into the CRPA at the intersection of Travers Neck Drive and Crows Nest Drive, along Travers Neck Drive and along Accokeek Creek Drive must be removed and these roads realigned to prevent or minimize encroachments.

- Section 22-58, Paragraph 2, of the Subdivision Ordinance requires a "Vicinity sketch map" showing the location of the proposed subdivision with respect to adjoining property including the area within one mile. In addition, this map is required to show the locations, names and route numbers of all existing roads, and the names and location of railroads, political boundaries, subdivisions, public schools, parks, libraries and fire and rescue stations.

In reviewing the Vicinity sketch map on the cover page of the preliminary plan, it is clear that this section of the Subdivision Ordinance has not been satisfied. The map fails to show and identify subdivisions such as Poplar Hills, Brook's Mill and Potomac Creek Estates, not to mention Crow's Nest Harbor.

The plan fails to identify the Aquia Landing Park.

The plan fails to identify the Brooke Volunteer fire and rescue station.

The plan's vicinity map shows what appear to be roads, but other than Brooke Road fails to identify all of their names and route numbers.

The plan also fails to show the name and location of the CSX railroad.

Before this plan can be approved, it must include a vicinity sketch map that shows and identifies all roads, railroads, subdivisions, parks, fire and rescue stations and other uses specified in Section 22-58(2).

- Section 22-58(4)(a) of the Subdivision Ordinance requires that preliminary plans state the names, locations, and dimensions of all existing easements.

Rather than identify the locations and dimensions of existing easements, the preliminary plan includes a note on Sheet 3 of 24, specifically General Note 9,

which simply states “Easements not shown may exist.” This note is inconsistent with, than fails to comply with, Section 22-58(4)(a).

To be approvable, Note 9 must be removed from the preliminary plan and all existing easements shown.

- Section 22-58(4)(b) of the Subdivision Ordinance requires that a preliminary plan show the names, locations and dimensions of proposed streets. The plan references street dimensions in the upper right hand corner of Sheet 3 of 24. Whippawanson Drive (on Sheet 16 of 24) is shown as a Category I street with a vehicle per day (vpd) count of 160. This information fails to take into account the community center and pool. Combined with the 15 homes, the total vpd on this street would be over 400, requiring that the street be classified as a Category II street.

To be approvable, the street category and vehicle per day count on Whippawanson Drive would need to account for the community center and pool, and be changed to ensure that the street was designed and built to the proper category dimensions and regulations.

- Section 22-58(4)(b) of the Subdivision Ordinance requires that if a subdivision proposes 5 or more lots, the plan shall show the location of all driveways and street access points including sight distance along existing state maintained roads.

On Sheet 6 of 24 of the preliminary plan, the sight distance along Raven Road at Crow’s Nest Drive is not shown.

Likewise, on Sheet 7 of 24 of the plan, the sight distance along Raven Road at Tombstone Lane is not shown.

To be approvable, the plan needs to identify these sight distances along Raven Road.

- Sections 22-58(4)(a) and 22-58(7) of the Subdivision Ordinance, respectively require that preliminary plans include the “names, locations or dimensions” of existing lot lines, and the outlines and identification of existing tracts. The preliminary plan fails to show that the property identified as proposed “Parcel B” is actually two parcels, Tax Map 49, parcel 27, and Tax Map 48, parcel 1.

To be approvable, the lot line between Tax Map 49, parcel 27, and Tax Map 48, parcel 1, must be shown for Parcel B.

- Section 22-149 of the Subdivision Ordinance states that “Double frontage lots shall be avoided, except where essential to provide separation of residential development from major streets or to overcome irregular topography.”

“Major streets” are those carrying or expecting to carry a volume of more than 1,000 vehicles per day, consistent with the Zoning Ordinance’s definition of major collector streets.

In reviewing the preliminary plan, there are numerous “double frontage” lots in violation of Section 22-149. None of these lots is on a major street or has irregular topography.

On Plan Sheet 12 of 17, lots 576 through 578 are illegal double frontage lots.

On Plan Sheet 13 of 17, lots 660, 661 and 662 are illegal double frontage lots.

On Plan Sheet 14 of 17, lots 579 through 584 and lots 611 through 616 are illegal double frontage lots.

Further, specifically looking at Sheet 14 of 17, without these illegal double frontage lots, Hunt Club Drive would have greater than 35 lots on a single cul-de-sac in violation of Section 22-191(a).

To be approvable, these double frontage lots must be removed from the plan and single cul-de-sacs must not serve greater than 35 lots.

- Section 22-152 of the Subdivision Ordinance states that any development of residential subdivisions that will have more than five (5) lots, each which will be less than three (3) acres in size and will be adjacent to a public road has been classified by the governing body or VDOT as a collector or arterial road, shall contain reverse frontage lots.

Section 22-151 goes on to state that any development of residential lots requiring reverse frontage pursuant to this section shall screen the residences from the collector or arterial road through the use of landscaping or fencing to provide the equivalent of a double row of trees six (6) feet in height.

Travers Neck Drive on the proposed preliminary plan shows 5,170 vehicle trips per day on Sheet 13 of 24, and 3,900 vehicle trips per day on Sheet 12 of 24. However, the preliminary plan fails to identify any landscaping or fencing along Travers Neck Drive despite Sheets 4, 4A, 4B, 12, 13, 16, 17, 18, and 21 showing numerous reverse frontage lots. There is not even a note on the plan addressing how this requirement would be handled.

To be approvable, the preliminary plan must identify landscaping or fencing along the reverse frontage lots on Travers Neck Drive, or include a complete note stating how this landscaping or fencing will be handled on these lots.

- Section 22-191(a) of the Subdivision Ordinance states that no more than 35 lots shall be served by a cul-de-sac. Grassy Point Drive on Sheet 20 of 24 currently shows a cul-de-sac with 36 lots.

To be approvable, Lot 365 must either be removed or a note added that the lot will not be served by a driveway on the cul-de-sac south of Whaling Marsh Drive.

- The subdivision application, Project #241944, states that it is for a 646 lot subdivision. However, the preliminary plan before us is for 688 lots.

To be approvable, the application must be amended to comply with the actual application submitted to the Planning Commission.

- Those reasons identified by the staff in its memorandum to the Planning Commission dated January 25, 2006, to the extent that they have not already been covered in this motion.

Mrs. Kirby seconded the motion. The motion to deny passed 7-0.

12. SUB241747; Leeland Station Section 8, Preliminary Subdivision Plan - A preliminary subdivision plan for 32 single family residential lots, zoned A-1, consisting of 133.13 acres, located on the north side of Walnut Drive approximately 2,000 feet east of Leeland Road on Assessor's Parcels 46-90 and 46Q-1, 46Q-2, 46Q-3, 46Q-4 and 46Q-5 within the Falmouth Election District. **(Time Limit: March 26, 2006)**

Mr. Sehl stated he would let Mr. Harvey speak on item 12, Leeland Station Section 8.

Mr. Harvey presented the staff report. He stated Leeland Station Section 8 is a preliminary subdivision plan for 32 single family lots, zoned A-1, Agricultural, located within the Falmouth District. He stated the Planning Commission previously tonight held a public hearing for Comp Plan Compliance Review to extend public sewer to the site. He stated the current plan shows public sewer on their concept plan. He stated that application was denied earlier this evening, so therefore the plan does not comply with Section 22-59, Section 12 of the Subdivision Ordinance, which requires the location of drainfields to be shown on the plan. He stated staff recommends denial, since the Comp Plan review did not pass.

Mr. Di Peppe made a motion to deny based on the staff report, since it is not served by water and sewer, Section 22-58 Section 12 requires that the proposed site show the drainfields on each lot. Mrs. Kirby seconded. The motion to deny passed 7-0

13. SUB2501032; First Tube Subdivision, Preliminary Subdivision Plan - A preliminary subdivision plan for 4 single family residential lots, zoned A-1, consisting of 14.04 acres, located on the southeast corner of Kellogg Mill Road

and Creek Lane on Assessor's Parcel 36-49, within the Hartwood Election District. **(Time Limit: March 26, 2006)**

Mr. Harvey stated the applicant has requested deferral to make modifications to the plan.

Mrs. Kirby made a motion to defer. Mr. Pitzel seconded.

Mr. Cook asked when did the applicant want to bring the item back before the Commission.

Mr. Harvey stated February 1, 2006.

The motion to defer to the February 1, 2006 meeting passed 7-0.

MINUTES:

None

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated a pamphlet had been handed out from CPEAV, holding a training course for Planning Commissioners. He stated all Planning Commissioners are encouraged to become certified. He stated a training course would be held in March and asked the Commission members to let him know if there is any interest.

He stated at the January 17, 2006 meeting, the Board referred Widewater Heights rezoning back to the Commission. He stated Sensitive Resource Overlay was referred back to the Commission with a deadline of May 29, 2006 for the text only and allows the Commission to make modifications to the text. He stated the Board suspended their By-laws to allow a Public Hearing concerning on site sewage disposal systems for preliminary subdivision plans, which would be held February 7, 2006. He stated the Board confirmed the Chairman's recommendations for the appointments on the Commission and Committees.

COUNTY ATTORNEY'S REPORT

No Report

SECRETARY/TREASURER REPORT

No Report

STANDING COMMITTEE REPORTS

Mr. Pitzel stated a Comp Plan Committee was scheduled for February 8, 2006 at 7:00 pm here at the Courthouse.

Mr. Di Peppe stated an Ordinance Committee meeting is scheduled for February 1, 2006 at 5:30 pm.

SPECIAL COMMITTEE REPORTS

Mr. Cook stated there are no special committees.

CHAIRMAN'S REPORT

Mr. Cook stated a sub committee for Sensitive Resource Overlay was needed and asked Mrs. Kirby if she would chair the committee.

Mrs. Kirby stated yes.

Mr. Cook stated Mr. Di Peppe would also like to be on the committee along with Nan Rollison, who has volunteered her services as a wildlife expert.

Mrs. Kirby asked if Bob Kaufman could be added to serve.

Mr. Cook stated Widewater Heights was deferred back to the Commission by the Board of Supervisors. He stated that item would be heard at the March 1, 2006 at the work session.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 10:55 pm.

William Cook
Chairman