

STAFFORD COUNTY PLANNING COMMISSION MINUTES
March 1, 2006

The regular meeting of the Stafford County Planning Commission of Wednesday, March 1, 2006, was called to order at 7:30 p. m. by Chairman William Cook in the Board of Supervisors Chamber of the Stafford County Administration Center.

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

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, Roberts, Gregor, Stepowany, Ennis, and Knighting

DECLARATIONS AND DISQUALIFICATION:

None

PUBLIC PRESENTATIONS

1. CUP2600118; Conditional Use Permit – Stafford County Parks and Recreation Willowmere Park Ballfield Lights – An amendment to a Conditional Use Permit to exceed the maximum height requirement for up to 85 feet for sports field lighting for three existing baseball/softball fields at Willowmere Park in an A-1, Agricultural, Zoning District, on Assessor's Parcel 17-58F, consisting of 55.57 acres, located on the south side of Mountain View Road, west of Willowmere Pond Road, within the Hartwood Election District. The amendment would remove a condition requiring parking and landscape improvements prior to activation of lighting. **(Time Limit: May 30, 2006)**

Ms. Gregor presented staff report. She gave a power point presentation showing the location of the park and the location of the lights and buffer areas. She stated staff recommends approval of the revised application with four (4) conditions, and read the conditions.

Mrs. Carlone asked about the time frame for completion of the parking lot.

Mr. Sager stated that the lighting will be completed in 1½ - 2 weeks. He stated that the parking lot would begin the 3rd week in March. He stated the landscape buffer was for the entire park and should begin in April.

Mr. Pitzel asked if the proffer would delay the completion until May.

Mr. Sager stated yes, approximately the first of May. He stated unfortunately baseball starts the first of March, but games would not begin on those fields until the first of April, but of course no play would begin until the light project was complete.

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Mr. Pitzel asked the reason proffer 8 was put in.

Mr. Sager stated that was an agreement between the Parks and Recreation Department and members of the community.

The Public Hearing was opened.

Frank Pote stated he was a member of the Park & Recreation Commission, when the bond referendum was for park improvements. He stated this CUP was started by the Board of Supervisors because of the pressure from others to install lighting. The issue now is safety for children exiting due to parking on the street.

Lawrence Taber stated he was a resident and the president of the Willowmere HOA. He stated he wanted to express the betrayal the community feels. He stated he would encourage the Commission to go to the park and see where the vegetation would be. He stated the existing vegetation was not mature. He stated there are tall trees but there was a significant gap. He stated the residents have been told many different things. He stated his concern if lights are turned on before parking lot is complete, in his opinion this would cause parents to park on Willowmere Drive and the children run across road.

Gwen Pote stated that there are no mature trees between her property and the park. She stated that it was very dark and a lot of people park on the road. She stated it was tough having the park as a neighbor. She stated currently the light shines in her son's bedroom.

Arthur Unger stated his house was about an eighth of a mile from the lights. He stated in his opinion he believes the agreement should be followed. He stated the residents are all shocked that you want to change something that was put into place.

With no one else to speak, the public hearing was closed.

After a discussion by the Commission and Mr. Sager regarding the safety, construction time of each project, and addressing the neighbors concerns, Ms. Carlone made a motion to approve the request. Mrs. Kirby seconded. The motion passed 4-3 (Mr. Rhodes, Mr. Pitzel and Mr. Di Peppe voted no).

UNFINISHED BUSINESS:

Mr. Cook stated that all unfinished business was deferred.

2. 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

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residential development at a density of one (1) dwelling unit per three (3) acres. **(Time Limit: December 6, 2005) (Deferred to April 5, 2006 Work Session at Applicant's request)**

3. 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. **(Time Limit: April 5, 2006) (Deferred to April 5, 2006 Work Session)**
4. RC2501629; Reclassification – Mid-Atlantic - A proposed reclassification from A-1, Agricultural to B-2, Urban Commercial Zoning District on Assessor's Parcel 19-71 consisting of 11.87 acres, located on the north side of Garrisonville Road at the intersection with Shelton Shop Road within the Rock Hill Election District. The Comprehensive Plan recommends the property for Urban Commercial and Suburban Residential uses. The Urban Commercial designation would allow development of Commercial Retail and Office uses and the Suburban Residential use would permit single family residential development at a density of three (3) dwelling units per acre. **(Time Limit: May 23, 2006) (Deferred to April 5, 2006 Work Session)**
5. CUP2501630; Conditional Use Permit – Mid-Atlantic - A request for a conditional use permit to allow vehicle fuel sales with convenience store and two drive-through facilities in the Highway Corridor Overlay Zoning District on Assessor's Parcel 19-71 consisting of 11.87 acres, located on the north side of Garrisonville Road at the intersection with Shelton Shop Road within the Rock Hill Election District. **(Time Limit: May 23, 2006) (Deferred to April 5, 2006 Work Session)**
6. RC2501259; Reclassification – Widewater Heights - A proposed reclassification from R-4, Manufactured Home Zoning District to B-2, Urban Commercial Zoning District on Assessor's Parcel 13-37 consisting of 12.18 acres, located on the south side of Telegraph Road approximately 1,000 feet east of Jefferson Davis Highway within the Griffis-Widewater Election District. The Comprehensive Plan recommends the property for Urban Commercial and Light Industrial uses. The Urban Commercial designation would allow development of commercial retail and office uses and the Light Industrial designation would allow light industrial, light manufacturing and office uses. **(Referred back to Planning Commission by Board of Supervisors) ((Scheduled for March 22, 2006 Work Session)**

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NEW BUSINESS:

7. SUB2501328; Ellison Estates Section 2, Preliminary Subdivision Plan - A preliminary subdivision plan for 7 single family residential lots, zoned A-2, consisting of 9.97 acres, located at the north end of proposed Ellison Court and approximately 1,100 feet west of Jefferson Davis Highway and 1,300 feet north of American Legion Road on Assessor's Parcel 38-45H, within the Aquia Election District. **(Time Limit: April 24, 2006)**

Mrs. Ennis presented the staff report. She gave a power point presentation showing the location of the property and the lay out of the proposed subdivision. She stated all lots would be served by public water and private sewer systems. She stated that the application meets all the requirements of the Subdivision and Zoning Ordinance, therefore staff recommends approval.

Mrs. Kirby asked where Buttercup Lane intersects with Ellison Lane.

Mrs. Ennis stated that Buttercup Lane is a private road that comes in off of Jeff Davis Highway. She stated it is an ingress/egress that goes up to the back portion of Section 2.

After a discussion by the Commission and Mrs. Ennis concerning Buttercup Lane, drainfield locations, and the lack of a legend on the plans, Mrs. Ennis suggested the applicant could better answer the questions the Commission had.

Keith Johnson, CT Park, stated that Buttercup Lane would be vacated. He stated the existing parcels would continue to use Buttercup Lane as an ingress/egress easement. He stated they were giving up the rights to the ingress/egress easement and all of the proposed lots would use Ellison Lane.

Mrs. Kirby asked for explanation of the shape of Lot 17.

Mr. Johnson stated the plan shows actual drainfield locations, not proposed drainfields. He stated the drainfield size is in accordance with the proposed Ordinance requiring a primary and a reserved area on each of the lots. He explained that the drainfield size has to do with the perk rate and the number of bedrooms. He stated the drainfield on Lot 19 could be a conventional drainfield, possibly a four bedroom house and lot 17 was probably a puraflo system. He stated the house type may also vary in size. He stated they are staked out in the field and we have met 5-1 ratio on all lots.

Mr. Di Peppe stated the drainfield was 600 feet behind the house on Lot 18, and asked if that would present a problem.

Mr. Johnson stated it was not a problem, but may require a pump.

Mr. Pitzel asked how many lots would be on Ellison Lane with the addition of these seven.

Mr. Johnson stated a total of 21.

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Ms. Carlone expressed concerned about lot shapes.

Mr. Pitzel expressed concern about the drama that could occur as homeowners try to determine property lines when cutting grass.

Ms. Carlone stated the homeowners would have the same problems if they try to put a fence on their property.

Mr. Pitzel made a motion to approve. Mr. Rhodes seconded. The motion failed 4-3 (Mr. Di Peppe, Mrs. Carlone, Mr. Mitchell voted no).

Ms. Carlone made a motion to put item 7 in Committee. Mr. Di Peppe seconded. The motion passed 4-3 (Mr. Cook, Mr. Pitzel, and Mr. Rhodes voted no).

Mr. Cook stated the item would be discussed at the April 5, 2006 Regular Meeting.

8. SUB2600144; 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 approximately 2,000 feet east of Leeland Road on the north side of Walnut Drive on Assessor's Parcels 46-90, 46Q-1, 46Q-2, 46Q-3, 46Q-4 and 46Q-5 within the Falmouth Election District. **(Time Limit: April 24, 2006)**

Ms. Ennis presented the staff report. She gave a power point presentation showing the location of the project and the proposed layout of the subdivision. She stated all lots would be served by public water and private on-site sewage disposal systems. She stated staff recommends approval of this request.

Mrs. Kirby asked if this was another proposed section for Misty Forest.

Mrs. Ennis stated that Misty Forest was an approved preliminary plan that was done about 5 or 6 years ago. She stated Leeland Station LLC purchased the property last year and this preliminary plan would reconfigure Misty Forest. She stated staff recommends approval of the application.

Mrs. Kirby asked if a Phase I survey had been received.

Mrs. Ennis stated the applicant would have to answer.

Mr. Di Peppe stated the map has no key and was extremely difficult to read.

Mr. Rhodes asked if the project meets all requirements.

Mrs. Ennis said yes.

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Mr. Harvey stated in response to Mr. Di Peppe comments, the Commission had previously asked staff to provide an overall plan, which may not have a legend on that particular page. He stated in the future the applicant could submit enough copies for the Commission to have a full set if that would be of help.

Mrs. Kirby asked the distance between the RPA and the wetlands on Lot 24.

Mrs. Ennis stated the applicant would have to answer.

Mike Proctor, Greenhorne and O'Mara, stated that Mr. Harvey had a good point and these are overall plans to provide a general orientation of the subdivision. He stated Section 2 of the Preliminary Plan does have a legend. He stated they would be happy to send the entire set for the Commission.

Mrs. Kirby stated she could not read these plans.

Mr. Proctor stated that he could not show everything that needs to be shown for a subdivision this large with this kind of a scale. He stated the line Mrs. Kirby was referring to was the 100 year flood plan.

Ed Dufala, Vice President for Maryland Development Company, stated a Phase 1 study has not been completed for Section 8, but stated we have a Cultural Resource Assessment, which was essentially a Phase 1A which would be provided to Ms. Wheatcraft tomorrow.

Mrs. Kirby stated that a Phase 1A was not accepted by the state and asked that a Phase 1 be done.

Mr. Dufala stated that a Phase 1 was discussed at the TRC meeting, but due to time constraints did not have time to do a Phase 1.

Mr. Leming, attorney for the applicant, stated that Mr. Smart has agreed to do the Phase 1 and has completed the Phase 1A. He stated he could have the Phase 1 done prior to the approval of the construction plan, which would be in a timely manner to address any concerns that come up. He explained that this application came to the Commission in January to extend the sewer which runs through the property, but was turned down. He stated the applicant had to go back and redo the preliminary plan showing drainfields. He stated the applicant has complied fully with the Ordinance and it is the exact same plan that was before you in January except showing the septic. He stated the Board of Supervisors would discuss the Drainfield Ordinance next Tuesday and if they approve the Ordinance, the applicant would have the property re-engineered and present it to the Commission for a third time. He stated they have proceeded in good faith.

Mr. Di Peppe made motion to put in committee. Mr. Mitchell seconded. The motion to move to committee failed 3-4 (Mr. Rhodes, Mrs. Kirby, Mr. Pitzel and Mr. Cook voted no).

Mrs. Kirby made motion to approve the application. Mr. Pitzel seconded. The motion passed 5-2 (Mr. Mitchell and Mr. Di Peppe voted no).

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9. SUB2600140; The Glens; Preliminary Subdivision Plan – A subdivision preliminary plan to increase the original lots of 173 to 197 single family residential lots, zoned A-1 consisting of 93 acres located on the west side of Mountain View Road and approximately 2,200 feet south of Stefaniga Road on Assessor's Parcels 27-24 and 25 and 28-24 within the Rock Hill Election District. **(Time Limit: April 24, 2006)**

Mr. Stepowany presented the staff report. He gave a power point presentation showing the location and the layout of the proposed subdivision. He stated all lots would be served by public water and private on-site sewage disposal systems. He noted that the plan was denied a month ago because an onsite determination noted additional wetlands. He stated the adjustments have been made and buffers have been provided. He stated that staff recommends approval.

Mr. Cook asked if the only difference with was wetlands determination by staff.

Mr. Stepowany stated yes, and as a result the applicant made a small change to the road.

Mr. Mitchell asked about the impact on the schools.

Mr. Stepowany stated this was not a rezoning but a by-right subdivision in an A-1 zoning district.

Mrs. Kirby asked if all of Mrs. Blackwell's comments have been addressed.

Mr. Stepowany stated yes.

Mrs. Kirby made a motion to approve. Mr. Rhodes seconded. The motion passed 7-0.

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated that the Sensitive Resource Overlay Committee meeting would be held on Monday, March 6, 2006, at 6:00 p.m. in Conference Room ABC. He stated that concludes his report.

COUNTY ATTORNEY'S REPORT

No Report

SECRETARY/TREASURER REPORTS

No Report

STANDING COMMITTEE REPORTS

Mr. Di Peppe stated that Tom Coen would be representing the Agricultural Commission. Mr. Rhodes stated for the Transportation Committee that they would identify there representative at next week's meeting.

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Mr. Di Peppe stated that the Ordinance Committee was trying to schedule another meeting.

Mr. Cook stated Monday, March 20, 2006, at 5:30 p.m. in the ABC Conference Room.

CHAIRMAN'S REPORT

Mr. Cook stated that starting in May, the Commission would meet on the first and third Wednesdays of each month and the by-laws would have to be changed.

Mr. Mitchell made a motion to amend the by-laws to change the meeting dates to the first and third Wednesdays. Mrs. Kirby seconded. The motion passed 7-0.

Mr. Kirby stated there was an article in the Planning Journal concerning workforce housing and the 99 year lease. She suggested the County check into this to pursue affordable housing for school teachers, deputies and county employees.

Mr. Cook stated that he agrees with Mr. Di Peppe's request concerning the legend.

Mr. Pitzel stated that would take care of the problem.

Mr. Di Peppe stated if the legend is on one page and he receives another he can not make a knowledgeable decision.

Mr. Pitzel stated that the legend needs to be published or sent with the package.

Mr. Harvey suggested to the Chairman to send an Ordinance amendment to the Ordinance Committee requiring the overall plan and the legend as part of the preliminary plan submission.

ADJOURMENT

With no further business to discuss the meeting was adjourned at 9:21 p.m.

William Cook
Chairman