

STAFFORD COUNTY PLANNING COMMISSION MINUTES
February 20, 2008

The regular meeting of the Stafford County Planning Commission of Wednesday, February 20, 2008, was called to order at 7:30 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the Stafford County Administration Center.

MEMBERS PRESENT: Fields, Di Peppe, Mitchell, Rhodes, Carlone and Kirkman

MEMBERS ABSENT: Howard

STAFF PRESENT: Harvey, Judy, and Hamock

Mr. Fields stated Mr. Rhodes and Mr. Mitchell were late for the work session and Mr. Howard was delayed in Rhode Island and sent his apologies to the Commission and the public.

DECLARATIONS OF DISQUALIFICATIONS:

None

PUBLIC PRESENTATIONS:

None

Presentation by Virginia Department of Conservation and Recreation: Widewater State Park

Mrs. Baker presented Mr. Munson from the Virginia Department of Conservation and Recreation and was heading the development of the Widewater State Park master planning process. She stated there would be a public information meeting on March 13, 2008.

Bob Munson, Virginia Department of Conservation and Recreation (DCR), stated he was going to explain the proposal and highlight concerns. He stated there were five (5) different parcels with approximately 1,100 acres with frontage on the Potomac River and Aquia Creek. He stated there were some limitations including the soil not perking well, lofted wetlands and lots of habitat, which was ideal for a state park. He stated a major focus of the park was environmental education and found enough developable land to accommodate a stated program. He stated there would be great day use programs, which were included in phase I, such as bank fishing, pier fishing, boating, trails, interpretative and educational centers, camping, cabins, environmental education center, picnic areas, and biking, hiking and equestrian use. He stated discussed the program for the stated park and the planning process used was set forth in the Virginia State Code with an appointed advisory committee made up of citizen, local government officers, conservation organization, school board members and anyone interested in the idea of a park. He stated all state parks had rangers that live and manage the parks which would be located in area III. He stated there would be a public information meeting on March 13, 2008 and another public meeting in September. He stated phase there were four phases in which the park would be completed with approximately 5 years between phases. He stated staff would live on site from the very beginning to manage the area and supervise construction. He stated DCR would like to re-route Brent's Point Road to straighten out the road and bring the road out of the RPA. He discussed the phases in detail for the Commission

Mr. Mitchell asked why the rangers would be so far apart on the property.

Mr. Munson stated there would be a possibility there would be one ranger that may live in the Widewater area while the other two rangers residence at the park and would be separated to have access to all parts of the state park. He stated the families come with the rangers and prefer to have homes to live in.

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Mr. Mitchell stated if all three rangers stations were close together there may be saving in money or supplies for construction.

Mr. Fields thanked Mr. Munson for giving an informative presentation.

PUBLIC HEARINGS:

1. Amendment to Zoning Ordinance - Amendment to the Code of Stafford County, Section 28-273, Nonconforming Structure, of the Zoning Ordinance and establishment of Section 28-276, Discontinuance; and, Section 28-277, Abandoned Nonconforming Signs, of the Zoning Ordinance, pursuant to proposed Ordinance O08-20. The amendment would exempt general advertising signs from complying with Section 28-273 since those signs are regulated by state code. The amendment also establishes Section 28-276, Discontinuance, by providing that any nonconforming parcel, building, or structure and the use thereof may be continued only so long as the then existing use, or a more restricted use, continues and has not been discontinued for more than two (2) years. The amendment establishes Section 28-277, Abandoned, Nonconforming Signs with the following provisions:
 - a. A nonconforming sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of at least two (2) years.
 - b. Upon notification by the County, an abandoned, nonconforming sign shall be removed by the owner of the property on which the sign is located within sixty (60) days of the date of the notification.
 - c. If the County, despite reasonable attempts, is unable to locate and/or notify the owner; or if the owner fails to remove an abandoned, nonconforming sign within sixty (60) days of being notified, the County, through its agents or employees, may enter the property upon which the sign is located and remove said sign.
 - d. If the County removes an abandoned, nonconforming sign pursuant to paragraph (c) above, the cost of such removal shall be chargeable to the owner of the property.

Mr. Stepowany presented the staff report and gave the Commission background concerning the proposed ordinance. He stated a key component of the ordinance was the two year period. If the property was vacant for more than two years, the nonconforming use cannot be continued. He stated this section was referring to nonconforming signs which have not been removed within a two year period of the abandonment. He stated this ordinance would allow the county to remove the sign. He stated he would be happy to answer any questions the Commission may have.

Mrs. Carlone asked for clarification concerning the removal of a sign and the ability of the county to seek restitution for the cost of removal.

Mr. Harvey stated currently we do not have a program in place. He stated it would be reviewed on a case by case basis.

Mr. Fields opened the public hearing.

With no one coming forward to speak, Mr. Fields closed the public hearing.

Mr. Di Peppe made a motion to recommend approval of Ordinance O08-20. Mrs. Carlone seconded. The motion passed 6-0 (Mr. Howard was absent).

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2. Amendment to Subdivision Ordinance - Amendment to the Code of Stafford County, Section 22-151, Reverse Frontage; and Section 22-217, Shared Driveways, of the Subdivision Ordinance, pursuant to proposed Ordinance O08-21. The amendment requires reverse frontage for all proposed lots of any development of a residential subdivision adjacent to a public street classified by Virginia Department of Transportation (VDOT) as a secondary, primary, collector, or arterial road except in cases where the subdivision agent has determined that the lots have a specific disadvantage based on lot orientation or topography; provided, however, that adequate emergency service access from the collector or arterial road into the subdivision shall be accommodated and all lots fronting on the secondary, primary, collector, or arterial roads provide shared driveways for every two (2) lots. The determination by the agent shall be in writing and in response to a written request submitted by the subdivider. The amendment modifies the provision for the design and construction standards for shared driveways. Design Standards are to be shown on the construction plans for a major subdivision or on the plans for the first house permit in a minor subdivision. A note on the plat of a minor subdivision must state that the plans for the first house building permit with a shared driveway shall comply with the design and construction standards for a shared driveway as established by VDOT to serve two (2) or more properties.

Mr. Stepowany presented the staff report. He gave a brief description of the road classifications according to VDOT standards and stated secondary roads were removed from the proposed ordinance. He stated all lots fronting on a primary, collector, or arterial roads would be required to provide shared driveways for every two (2) lots. He stated he would be happy to answer any questions.

Mr. Mitchell stated he was unaware shared driveway were encouraged. He asked if a shared driveway was also a pipe stem.

Mr. Stepowany stated no, both lots would have street frontage with one (1) driveway entrance. He stated a pipe stem has narrow frontage and the lots in the back.

Mr. Mitchell asked if there was a maintenance agreement between property owners.

Mr. Stepowany stated the main concern of a shared driveway was the actual access point and explained the culvert pipe would be required to be 32 foot instead of 16 foot.

Mr. Judy stated he thought Mr. Mitchell asked if there was a requirement for a maintenance agreement.

Mr. Stepowany stated there was no written maintenance agreement for shared driveways.

Ms. Kirkman asked if the ordinance could be modified to include a written maintenance agreement.

Mr. Judy stated the Commission can recommend there be a provision for a recorded maintenance agreement.

Mr. Fields opened the public hearing.

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Tom Cropp stated in his opinion, there are good points and bad points. He stated reverse frontage on a primary road was a good idea, but on a secondary road it would depend on the property. He stated he does not feel the Commission should mandate shared driveways.

Alex McAllister stated he was a small builder/developer and has concerns with the reverse frontage. He stated he purchased a 230 acre parcel and studied the Ordinances to learn the process. He stated his parcel was currently A-1 which would allow 3 acre lots. He stated his property was on a dead end road with a small amount of traffic. He stated he could have developed 60 or 70 lots, but chose to develop 19 lots and would be using the existing road frontage. He stated he understands the reverse frontage on major highways, but not in rural areas. He asked the Commission to give consideration to applications that are already in the process.

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

Mr. Di Peppe made a motion to recommend approval of Ordinance O08-21. Ms. Kirkman seconded with a friendly amendment to include a recommendation to the Board that there be a provision added regarding shared maintenance.

Mr. Di Peppe stated he agreed to the amendment.

Mrs. Carlone stated you never know what road will become a major road in the future.

Mr. Di Peppe stated no matter when an Ordinance comes up there was always someone with an application that would be affected.

Mr. Fields stated there are many secondary roads with a minefield of multiple entrances. He stated, in his opinion, the reverse frontage issue needs to move forward.

The motion passed 6-0 (Mr. Howard was absent).

9. FY2009 to FY2014 Secondary Road 6 Year Plan (SSYP) – A public comment session and recommendation to the Board of Supervisors regarding future funding of secondary roads in the county.

Mr. Fields stated this item could be moved forward on the agenda. He opened the public input session.

Dana Brown stated she lived in the St. Georges Estate subdivision and asked the Commission to reprioritize the Joshua Road and Route 610 widening project. She stated this project was in the Rockhill District and does not feel this project was critical or a safety issue for the residents. She stated this was on the SSYP for a while now and was voted down on the failed bond referendum last year. She stated she felt it was voted down because it was not a high priority and not addressing critical needs first. She stated she attended several Board meeting and was apparent that projects picked were not based on immediate need. She stated total cost of the project was 8.5 million and the state has yet to allocate the final 3.3 million for FY2009. She stated the money received this year should be spent on critical projects such as Mountain View Road, Shelton Shop Road, Courthouse Road, or Onville Road. She stated this project was not designated as a hot spot on the

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Youth Drivers Task Force report and was not listed on the Hazardous Road and Fatality report. She stated the section of Route 610 adjacent to the project all the way to Fauquier County line was on the designated hot spot report with no plans to fix that issue and felt this project was ill thought out because when the lanes were widened, there would be a 16 foot widen raised median divider installed from Tech Parkway to Joshua Road. She stated there were two subdivisions with entrances along this half mile stretch affected and according to VDOT there would be cutouts for residents to enter there subdivisions and would travel further west, past the subdivision, and make a U-turn to travel east then turn into the subdivision.

With no one else coming forward, Mr. Fields closed the public input session.

Mr. Fields stated there was a meeting of the Transportation Committee on Monday, February 18, 2008 and would discuss issues and make recommendations. He stated there were a lot of things to think about and the county was in the process of creating a Transportation Demand Model that would provide a sophisticated tool for measuring capacity. He stated next years process would be much more data and informed driven process and look at cumulative safety impacts.

UNFINISHED BUSINESS:

3. 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 February 20, 2008 Regular Meeting at the applicant's request)**

Mr. Harvey stated the applicant had submitted a request to extend the time limit to March 19, 2008.

Mr. Di Peppe made a motion to extend the time limit for Williams Subdivision. Mrs. Carlone seconded. The motion passed 6-0 (Mr. Howard was absent).

4. SUB2700649; Poplar Hills Section 5, Preliminary Subdivision Plan - A revalidation of an approved preliminary subdivision plan (220331) for 39 single family residential lots on well and septic, zoned A-1 and A-2 consisting of 182.99 acres, located on the north side of Brooke Road approximately 100 feet west of Marlborough Point Road on Assessor's Parcel 40-57 within the Aquia Election District. **(Time Limit: April 14, 2008) (Deferred to March 5, 2008 Work Session)**

Mr. Fields stated item 4 was deferred to March 5, 2008.

5. SUB2600045; Beck Ridge, Preliminary Subdivision Plan - A preliminary subdivision plan for 12 single family residential lots, zoned A-1, Agricultural, consisting of 39.39 acres located on the east side of Richards Ferry Road approximately 4,000 feet southwest of Warrenton Road on Assessor's Parcel 35-16 within the Hartwood Election District. **(Time Limit: May 6, 2008) (Deferred to March 19, 2008 Work Session)**

Mr. Fields stated item 5 was deferred to March 18, 2008.

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6. COM2700669; Comprehensive Plan Amendment – Stafford County Courthouse Redevelopment Area - A proposed amendment to the Land Use Plan map component of the Comprehensive Plan. The proposed Amendment would redesignate Assessor's Parcels 29-92A, 92B, 93A, 93C and 93D; 29A-1-1, 2, 4, 7, 8, 8A, 8B, 10A, 11, 12, 13 and 14; 30-53, 53E, 53F, 53G, 54 and 54A; 38-73, 74A, 76, 76A, 76B, 76C, 76D, 76E, 76F, 76G, 76H, 76J, 77, 80, 80A, 81, 81A, 82, 83A, 83B, 83C, 83D, 83E, 83F, 83G, 83H, 83J, 83K, 86L, 84, 84A, 85, 85A, 86A, 86B, 86C, 87, 92, 92A, 92B, 93, 93A, 94C, 95, and 96; 39-1, 2, 3, 4, 4A, 8, 9, 10, 16, 16A, 16B, 16C, 16D, 16E, 16F, 16G, 16H, 16J, 16K, 16L, 56A, 56B, 56C, 56D, 56E, 57, 57A, 57B, 57C, 57D, 57E, 57F, 62, 62A, 63, 64, 64A, 66, 66A, 68A, 71 and 71A from Light Industrial and Heavy Industrial to Urban Commercial. The affected properties are all located in the general vicinity of the Stafford County Courthouse, in an area bound from the south by Accokeek Creek, to the north by Courthouse Road, to the west by interstate 95, and the east by Stafford Middle School. The proposed amendment would be for the purpose of courthouse area redevelopment and construction of future county courthouse projects. **(Time Limit: April 6, 2008) (Referred back to Planning Commission by Board of Supervisors)**

Mr. Mitchell made a motion to recommend approval of COM2700669, the amendment to the Comprehensive Plan. Mr. Rhodes seconded.

Ms. Kirkman stated she was saddened and disturbed by the reversal of the extension by the Board of Supervisors. She stated the Comprehensive Plan was currently being worked on and to make a change of this significance with little thought was premature.

Mrs. Carlone stated she agreed with Ms. Kirkman. She stated she was dismayed by the way this was handled, since the Comprehensive Plan was not complete and the magnitude of this project,

Mr. Di Peppe stated he feels the Planning Commission was being cut out of the process for something this significant. He stated in his opinion this was beyond all common sense.

Mr. Mitchell stated there are some unknowns, but feels it needs to be moved forward to the Board.

Mr. Fields stated a rezoning of this scale initiated by the County, does not seem to be a good idea. He stated if a private developer came in to rezone a project of this size, he would doubt the Commission would approve it with no traffic impact analysis, Generalized Development Plans (GDP) or proffers. He stated in his opinion the County has the same responsibility to the future generations of Stafford that are expected of the private developers, which would mitigate the negative impacts. He stated the ultimate goal to redevelop the Courthouse area was laudable, he does not feel this was the correct way to go about it.

Ms. Kirkman stated if a private developer submitted this same request with no traffic impact analysis, no fiscal impact analysis and no proffers, the application would be incomplete, and the Commission would not vote on it because those items are requirements.

The motion failed with a vote of 2-4 (Mr. Fields, Ms. Kirkman, Mrs. Carlone and Mr. Di Peppe voted no) (Mr. Howard was absent).

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Mr. Judy stated the motion to approve was denied, the Commission now needs a motion to deny.

Mr. Di Peppe made a motion to recommend denial of COM2700669. Ms. Kirkman seconded. The motion passed 4-2 (Mr. Mitchell and Mr. Rhodes voted no) (Mr. Howard was absent).

7. RC2700668; Reclassification – Stafford County Courthouse Redevelopment Area - A proposed Reclassification from R-1, Suburban Residential Zoning to B-2, Urban Commercial Zoning District on Assessor's Parcels 30-50 and 53 and M-1, Light Industrial Zoning to B-2, Urban Commercial Zoning District on Assessor's Parcels 29-93A, 93C, 93D, 30-56, 38-77, 80, 80A, 81, 81A, 82, 83B, 83C, 83D, 83E, 83F, 83G, 83H, 83J, 83K, 83L, 86A, 86B, 86C, 92 (portion), 92A, 39-1 (portion), 4, 4A, 16, 16H, 16L and 56D and M-2, Heavy Industrial Zoning District to B-2, Urban Commercial Zoning District on Assessor's Parcels 29-92A, 92B, 29A-1-9A, 38-84, 85 and 85A and M-1, Light Industrial and B-1, Convenience Commercial to B-2, Urban Commercial Zoning District on Assessor's Parcels 38-95 and 96 and M-1, Light Industrial M-2, Heavy Industrial Zoning District to B-2, Urban Commercial Zoning District on Assessor's Parcel 38-83A with all properties within an area in close proximity of the Stafford County Courthouse, bound to the south by Accokeek Creek (property containing the creek), to the north by Courthouse Road, to the west by Interstate 95, and to the east by Stafford Middle School. These properties include industrial zoned properties on either side of Wyche Road and along Jefferson Davis Highway. The purpose of the proposed reclassification is to allow for the Courthouse area redevelopment and construction of future county Courthouse projects consisting of approximately 489 acres, located on the south side of Courthouse Road within the Aquia Election District. The Comprehensive Plan recommends the properties for Urban Commercial, Office, Light and Heavy Industrial and Resource Protection uses. The Urban Commercial designation would allow development of commercial retail and office uses. The Office designation would allow the development of professional offices and office parks. The Light Industrial designation would allow light industrial, light manufacturing and office uses. The Heavy Industrial designation would allow warehouses and the development of industrial parks. The Resource Protection designation would allow open space and conservation. See Section 28-35 of the Zoning Ordinance for a full listing of permitted used in the B-2 Zoning District. **(Time Limit: April 6, 2008) (Referred back to Planning Commission by Board of Supervisors)**

Mr. Mitchell made a motion to recommend approval of RC2700668. Mr. Rhodes seconded.

Ms. Kirkman stated specific to the rezoning, in her opinion, the Boards reversal of the extension of time was a disservice to the public and affected property owners. She stated the Board created an expectation among the public and the land owners that there would be a longer timeframe to voice their concerns. She stated there has been a lot of talk about change, and talk about tying transportation and land use planning, and now we have a Board that was moving forward with one of the most significant rezoning in the recent history of the County, with no information regarding fiscal impacts, no information on the traffic impacts and no ability to collect proffers to mitigate those impacts. She stated in her opinion it was a very irresponsible way to move forward with land use and planning and makes those a hypocrite that have said they expect the Planning Commission to link transportation and land use decisions.

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The motion failed 2-4 (Mr. Di Peppe, Mrs. Carlone, Ms. Kirkman and Mr. Fields voted no) (Mr. Howard was absent).

Mr. Di Peppe made a motion to recommend denial of RC2700668. Mr. Rhodes seconded. The motion passed 4-2 (Mr. Mitchell and Mr. Rhodes voted no) (Mr. Howard was absent).

NEW BUSINESS:

8. PAE2800001; Norwood Private Access Easement – A private access easement to serve two lots to be subdivided from Assessor’s Parcel 16-14, on the east side of Cropp Road approximately 5,400 feet north of Skyline Drive, within the Hartwood Election District. **(Time Limit: May 20, 2008)**

Jon Schultis presented the staff report. He stated the Private Access Easement (PAE) proposed was to serve two lots within a proposed minor subdivision zoned A-1, Agricultural. There were no wetlands or stream channels located within the proposed location of the PAE. He stated the proposed PAE met the requirements stated in 22-176 of the Stafford County Subdivision Ordinance and staff recommended approval of PAE2800001.

Ms. Kirkman clarified there would be no vote for a subdivision plan, just the PAE.

Mr. Schultis stated yes.

Mr. Fields asked if the subdivision plan was previously approved.

Mr. Schultis stated no.

Mr. Fields asked if the subdivision plan was pending.

Mr. Schultis stated if the PAE was approved the subdivision plan would be submitted.

Ms. Kirkman asked if the county had frontage requirements.

Mr. Schultis stated yes and the surveyor provided a cul-de-sac at the end in order to meet frontage requirements of the Zoning Ordinance.

Tom Cropp, applicant, stated he was going to development four lots and needed a PAE to get access on of the lots. He stated this was liquidity for his children and would like the farm to be maintained with the family.

Mrs. Carlone made a motion for approval of PAE2800001. Mr. Rhodes seconded. The motion passed 6-0. (Mr. Howard was absent)

MINUTES:

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Pete Fields stated they would reopen the ordinance committee at this time.

ORDINANCE COMMITTEE:

Jamie Stepowany stated item 5, Buildable Area, was an ordinance that was recommended by Ms. Kirkman and he presented three options with background on how they came up with the three options.

Option one was presented at the last ordinance committee meeting with modifications as determined by staff and the County Attorney's office from responses of the ordinance. Staff raised concerns about continuous area of lots at least 10,000 square feet and excluding areas like floodplains, wetlands, steep slopes greater than 15%, RPA, drainfields and setbacks. He had a slide showing numerous zoning districts that had lots smaller than 10,000 square feet. The next issue raised was a concern about excluding setbacks which increased the minimum size of the lot. Staff made modifications to option one, instead of 10,000 square feet to say that the lot had to provide at least 50% of the lot size or area required for a particular zoning district in which the lots were located. It should be noted that there were some lots, some zoning districts that did not have lot size requirements such as R-1 standard subdivisions, getting into clusters and getting into lot sizes. He stated they were not sure how that would apply. Staff asked in part B under shape to define how the depth of the lot shall not exceed five times its width. The horizontal width of the lot was added to the measurement portion of the Zoning Ordinance and how to determine the depth of the lot. The math equation was added to shape. He stated that was recommended by staff numerous times because there was always a question of how to calculate the five to one depth to length.

Option two considered whether the lot had well and septic and was modeled after Spotsylvania. He stated they went back to the original provision and it said it shall propose all family detached lots within a proposed subdivision served by on sight sewage disposal systems. From the initial provision that was sent two weeks ago the only difference in option two was that they added for lots served by on sight sewage disposal systems the remaining portion of 10,000 square feet excluding setbacks and everything else stayed in tact as option two.

He stated at the very end when it came time to mail this out, Ms. Kirkman also asked staff to consider another proposal which was option three which was very similar to option one. He stated it included reservoir protection overlay and river protection overlay districts which were not currently in place. Instead of 50% of the lot, this option required 25% of the required lot size. She also provided language for the elongations which was the peculiar shape of lots. Staff considered that option before and there was Section 22-146 currently in the subdivision ordinance which read side lot lines shall be approximately at right angle or approximately radial to the street lines except at cul-de-sac terminal points. He stated this provision did have a little more where lots shall not contain peculiar shaped elongations which would be unusable for normal purposes in order to provide the minimal lot area or normal buildable area. It was up to the discretion of the Planning Commission as to which avenue they would like to go with the three options.

Mr. Di Peppe asked about the wording and definition of peculiar. He knew the intent and why this ordinance had been written but he was wondering if they were getting into anything vague in trying to enforce anything that was called peculiar.

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Mr. Stepowany stated he would leave that up to Mr. Judy. Staff had concerns about unusable and unusable for normal purposes.

Mr. Di Peppe stated he was in favor of the ordinance and he just wanted to be able to enforce it.

Mr. Judy stated he did not have a legal definition for the word peculiar but he thought Mr. Webster did. Normal parsing of an ordinance or a statute, if a term was not defined, then it was given its usual or customary meaning. If they felt that peculiar may not have been satisfactory they could always find a thesaurus and come up with another word.

Ms. Kirkman stated she would just add that had they been provided with the entire section on lots from the Spotsylvania ordinance they would have seen that this section on elongations was in there word for word. In addition to the language that they currently had about radial and perpendicular intersections and, in fact, if you searched the ordinances of the localities in the state, 20 or 30 of them would pop up with this language. She stated there must have been some model ordinance at some point because it was very common language. The only thing this did differently that differed from Spotsylvania was instead of saying 10,000 square feet it said $\frac{1}{4}$ with the thinking that if you had a larger lot as a consumer you were expected to have a little more buildable area. She stated what she realized after she got home after they had run through those examples, the 5,000 square foot lots and 6,000 square foot lots, those actually were for townhomes and different kinds of mutli-dwellings and she went through the entire table of uses in districts in Article 3 and as far as she could identify, there were only three land uses for single family dwellings that had minimum lot areas. She state huge parts of their ordinances did not specify a minimum lot size or minimum lot area for the type of use. The three areas where they now specified a minimum lot area for single family dwelling homes were the A-1's, the A-2's and executive homes in an RBC, which she did not know if they had any of those, on one acre lots. The minimum lot area, not lot size, of any of the places that they had in their zoning uses as far as she could determine was one acre.

Mr. Stepowany stated in the R-2 zone for lot line type residence, atrium, village and patios, which were all single family residential because they were not attached to another residential, it was 7,000, 4,000, 6, 000 and 5,000 minimal for lot size.

Ms. Kirkman stated the language in this ordinance specified lot area and since they did seem to make a distinction in the ordinance she believed this ordinance would only apply to those land uses that specified lot area.

Mr. Stepowany that had been one of staff's questions, the intent of this, and that was why it was brought out for option two. Staff kept asking what was the intent and were they going after all R-1 and R-2 types of lots or was this more to protect the buildable areas of A-1 and A-2. That was why they gave all three options. If it was just the area then it would only apply to basically A-1 and A-2.

Ms. Kirkman stated also the one acre executive home lots and asked if they had those.

Mr. Harvey stated yes, in the Celebrate Virginia project there were a number of them.

Ms. Kirkman stated they were already platted out and this would not apply to them and asked if that was correct.

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Mr. Harvey stated that was correct because they were already existing lots. He was going to add in that it was important to have some wording if not exactly how it was specified in the elongation section something similar to that because that was getting at the issue that was raised with a number of subdivisions recently. Just to let them know the process of how this would be administered was that if someone submitted a plat to them and it had a lot that the agent felt did not meet the requirements of this section then they would deny that review and the applicant could appeal. An appeal of the agent's decision would go to the Planning Commission though there would be an appeal process and a chance for due process if there was some concern about that.

Ms. Kirkman stated they could also apply for a waiver as well because it was in the subdivision ordinance.

Mr. Harvey stated that was correct. There were multiple processes in which the applicant could go. It was worded pretty vaguely and it was up to someone's interpretation of what that was. From his past experiences in past efforts they had talked about ordinances and they would look at a piece of property that had an area that was not buildable was an area where there would be setbacks that would either touch one another or overlap so you could not put any structures in that area. He stated that was some of the guidelines they would have but they would have to look at that on a case by case basis but he thought it was important to have something like that in the ordinance to further bolster the issues they had to 5-to-1 lot shape.

Mr. Rhodes asked if there was a reason in item 4 overlay that they took out steep from steep slopes and yet they had steep slopes in this one. He did not know why that came out of the writing of the overlay when they used the term again here in steep slopes.

Ms. Kirkman stated they actually had to do that because of the ordinance construction. There was an existing definition of steep slopes in the Zoning Ordinance and had they included a definition of steep slopes in the overlay they would have had conflicting definitions of steep slopes so to avoid that problem entirely they just took them out.

Mr. Judy stated he thought when he presented one of his drafts on this he took the word steep out purposely because he kept wondering why they would call them steep slopes and then put a percentage grade on them and yet they had them throughout the code different.

Mr. Stepowany stated going back to page 5 it said slopes equal to or greater than 15 % was how it was shown. For the Potomac River they did take steep out.

Mr. Judy stated they should do the same thing here.

Ms. Kirkman stated if you looked at option three, it kept the language that was in the Spotsylvania ordinance which defined slopes equal to or great than and they could delete the word steep.

Mr. Rhodes stated it was also in option one and two. He could not give a strong rationale but he kind of liked option one but he liked the elongation language that was on option three as well.

Mr. Judy stated they were certainly not precluded from mixing and matching what they would want and would not want. He thought the premise that got this whole thing started was when they were

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looking at a preliminary plan for a subdivision with drainfields where they had the RPA practically coming up and touching the front setback line and somehow they had managed to squeeze a drainfield, a reserve drainfield and a house in a very limited area, but clearly there were concerns about slope and drainage and other issues that applied to it also. He thought they were looking at the question of lots served by on sight septic as opposed to small subdivision lots served by sewer and water because obviously the impact was not the same.

Ms. Kirkman stated the concern she had was it seemed to her that they had some ags that were actually inside the Urban Service Area and asked if that was correct.

Mr. Harvey stated yes.

Ms. Kirkman stated part of this was a consumer protection, when you as a homeowner go up and look at it as a three acre lot you want to assume you were getting some minimum buildable and if they left the language in that it was only for those served by on sight sewage, that would not cover the ags that were inside the Urban Service Area.

Mr. Judy asked why would it not and if the proposed plan was for a subdivision with septic, then it would apply.

Ms. Kirkman stated but if you were in the Urban Service Area you have to connect to sewer.

Mr. Judy stated unless you get a waiver.

Ms. Kirkman stated yes but still if you left it in there you could get a three acre lot and not have 10,000 square feet on it because it would be served by public sewer.

Mr. Judy stated they would then need to determine what they meant by served by as opposed to intended to be served by some time in the future or what was on the application or plat with the application. If the applicant was coming in after asking for a waiver to allow septic to be used on that plat within the Urban Service Area then this would apply.

Mr. Harvey stated another option to throw out would be to specify on lots greater than one acre in size.

Mr. Fields stated if he was reading that right there were three different definitions of how much that land was, that option one was requiring 50%, option two was requiring 10,000 square feet and option three was requiring 25%

Mr. Stepowany stated option two was only if it was on sight sewage.

Mr. Fields stated 50% was a lot exclusive of wetlands.

Mr. Stepowany stated he would admit that was a lot and he discussed option three with Mr. Harvey. Even for 25% you were required more than 10,000 square feet.

Mr. Rhodes asked if they were talking about if they made it for all of at least an acre lot.

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Mr. Stepowany stated single family detached lots greater than one acre in size.

Mr. Harvey stated one acre or greater.

Mr. Judy asked if they looked at option two, if they said all proposed single family detached lots within a proposed subdivision of one acre or greater proposed to be served by on sight sewage disposal systems, would that help.

Ms. Kirkman stated she wanted to take by on sight sewage off because they would have lots one acre or greater inside the USA that were served by public sewer.

Mr. Judy stated understood.

Mr. Stepowany asked if they were going with number 3.

Ms. Kirkman stated they could keep working on number 2.

Mr. Rhodes stated if one changed this it would effect all new subdivision plats proposed, all existing or how would this apply.

Mr. Stepowany stated new preliminary plans that have not been approved.

Mr. Harvey stated this would apply to all new subdivisions and all new minor subdivisions.

Mr. Rhodes stated this all sounded good but he wondered what the implications were.

Ms. Kirkman stated she was fine going with the 10,000 square feet as you were basically there when you said a quarter on a one acre lot and that was how the existing 20 or 30 localities did it in their subdivision ordinances.

Mr. Fields stated that seemed to be a reasonable amount in his mind.

Mr. Rhodes stated he wished there was a way to model what the implications were but he did not know how they would do that.

Ms. Kirkman asked what the thinking was on adding the definitions of measurement because they did have a measurement section already that would cover this.

Mr. Stepowany stated that was in the Zoning Ordinance. He asked if she was talking about the horizontal distance between the side property lines.

Ms. Kirkman stated yes.

Mr. Stepowany stated that was a staff recommendation to clarify when somebody was reading the subdivision ordinance that they would understand how to measure the width of the lot and how to measure the length of the lot since they were still keeping the 5 to 1 equation.

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Ms. Kirkman asked if the definitions were the same as in the Zoning Ordinance.

Mr. Stepowany stated the horizontal distance was not a definition, it was a measurement requirement. He stated yes it was taken word for word and the depth of the lot was calculated by adding the length of all side property lines and divide the total by 2. That was a policy that the Planning Department had in determining how you measure the sides that get divided by the width.

Mr. Judy asked how they would identify what the side lot lines were.

Mr. Harvey stated that was the problem they would run into.

Mr. Judy asked if they should consider amending the definition to say that the side lot lines were everything but the rear and front lot lines.

Mr. Harvey stated that was currently how they determine what the front lot line was, they determine what the back lot line was and everything else was the side. Then they would add up the two sides and average them.

Ms. Kirkman stated she thought they were suggesting they amend Section 22-146 Side Lot Lines to include that the side lot lines were all the lot lines except for the rear and the front.

Mr. Di Peppe asked if they were working on the second option.

Mr. Stepowany stated he thought they were revising option two.

Ms. Kirkman asked Mr. Judy when they say the sub-divider shall demonstrate to the satisfaction of the agent, would that then take the determination out of the hands of the Planning Commission when they review the plan. She thought the presumption was unless it assigned the duty to the agent, it belonged to the Planning Commission.

Mr. Judy stated he thought she was correct. If they made a specific statement that the agent was responsible then he would make the determination and provide his determination to the Planning Commission and, at that point, they would not have any freedom to disagree with him.

Ms. Kirkman stated then she would like to work on option number 3 and pull out what they needed to from number 2.

Mr. Di Peppe asked if they would like to bring this back to the next meeting.

Mr. Stepowany stated he would bring back more language.

Ms. Kirkman stated they would work with Mr. Stepowany on this.

Mr. Di Peppe stated they would keep this in committee.

Mr. Di Peppe made a motion for approval for a public hearing with the Planning Commission for Ordinance O08-02 as initiated by Resolution R07-488 with the revisions as presented to the

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Ordinance Committee and the revision to require outdoor lighting to comply with the current zoning ordinance requirements. Ms. Carlone seconded. The motion passed 6-0 (Mr. Howard was absent).

Mr. Di Peppe made a motion for approval for a public hearing with the Planning Commission for an Ordinance to amend Section 28-38, Performance Regulation of the Zoning Ordinance as initiated by Resolution R08-98 to require a 35 foot setback from the RPA buffer line. Ms. Kirkman seconded. The motion passed 6-0 (Mr. Howard was absent).

Mr. Di Peppe made a motion for approval for a public hearing with the Planning Commission for an Ordinance to amend Section 28-35, Table 3.1 of the Zoning Ordinance as initiated by Resolution R07-517, to permit commercial mulch and/or landscape stone sale as a by-right use in the A-1 Agricultural Zoning District. Mr. Rhodes seconded. The motion passed 6-0 (Mr. Howard was absent).

Mr. Di Peppe made a motion for approval for a public hearing with the Planning Commission for an Ordinance to amend Section 28-25, Definition of Specific Terms, and establish Section 28-66, Potomac River Resource Protection Overlay District (PRRP) of the Zoning Ordinance and a revision to expand the boundaries of the PRRP to include properties fronting the southern portion of Potomac Creek that are east of Brooke Road. The amendment establishes the Potomac River Resource Protection Overlay District (PRRP). The Planning Commission finds that public necessity, convenience, general welfare and good zoning practice requires the governing body to consider an ordinance to amend the regulations. Ms. Kirkman seconded.

Mr. Rhodes stated he would not support the issue and desired for it to go back to committee.

Mr. Mitchell said he would reiterate Mr. Rhodes' comments. He was concerned about the boundaries as they seemed to be driven by magisterial district and not by need.

The motion passed 4-2 (Mr. Rhodes and Mr. Mitchell opposed) (Mr. Howard was absent).

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated the Board of Supervisors authorized a public hearing scheduled for March 18, 2008, to require the Planning Commissioners to be certified within the first year of office and the Commissioners who had previously attended the course would need to provide the certification of attendance. He stated the Board approved the Economic Strategic Plan and deferred the Fair Haven Flood zone Conditional Use Permit to the next meeting and approved the North Stafford Center for Business and Technology with modification to the proffers and GDP. He stated periodically the County was reviewed by bond insurers in New York which has a significant impact on the rate in which the county would spend interest on bonds that were issued for construction projects in the county and the County Administrator stated the county was able to maintain the AA bond rating.

COUNTY ATTORNEY'S REPORT

Mr. Judy stated the Board of Supervisors removed from an Ordinance that the new Planning Commissioners would not have to be certified. He stated the Commissioners would need to be certified within the year.

SECRETARY/TREASURER REPORT

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No report

STANDING COMMITTEE REPORTS

Ms. Kirkman stated the first meeting of the Transportation Committee was held on February 18, 2008 and received a longer timeframe to make a recommendation to the Board regarding the Six Year Secondary Road Plan. She stated the Commission would need to have the recommendation to the Board by the first meeting in April. She stated the Board would vote on a public hearing at the second meeting in April and proposed the Commission hold a public hearing on March 19, 2008 with the recommendation of the Commission. She stated the next meeting of the Transportation Committee would be March 3, 2008 at 6:00 PM.

CONSENT AGENDA

No report

SPECIAL COMMITTEE REPORTS

No report

CHAIRMAN'S REPORT

No report

ADJOURNMENT

With no further business the meeting was adjourned at 9:43 pm.

Peter Fields, Chairman