

STAFFORD COUNTY PLANNING COMMISSION
WORK SESSION MINUTES
June 18, 2008

The work session of the Stafford County Planning Commission of Wednesday, June 18, 2008, was called to order at 5:35 p.m. by Vice Chairman Archer Di Peppe in the Board of Supervisors Chambers of the County Administrative Center.

Members Present: Di Peppe, Carlone, Rhodes, Mitchell, Howard and Kirkman

Members Absent: Fields

Staff Present: Harvey, Judy, Knighting, Baker, Lott, Stepowany, Zuraf and Schulte

Declarations of Disqualification

None

UNFINISHED BUSINESS:

None

COMPREHENSIVE PLAN COMMITTEE

1. Meeting Update

Mike Zuraf gave a brief update of the meetings held June 9, 2008 and June 16, 2008. He stated the Committee focused on the Comp Plan document and staff provided the Committee with several chapters which were Chapter 1, introduction, Chapter 2, which included the goals and objectives, policies and the implementation matrix, Chapter 3, land use element of the plan, and the beginning of Chapter 4, the public facility cost associated with the impact fees. He stated the committee decided to change the strategy to determine the cost and follow the cost consistent with the proffer methodology. He stated the per dwelling unit values would be similar whether under a proffer or an impact fee. Staff was working to revise Chapter 4 to reflect the change in tactic. He stated the next meeting would be Monday, June 23, 2008, and the goal would be to provide Chapter 5, Chapter 6 and the appendix to the sub-committee. He stated the meeting would be held in the Activity Room at 6 o'clock pm. He stated the ultimate goal would be to have the document presented to the full Planning Commission at the June 25, 2008 meeting to authorize a public hearing for July 16, 2008. He stated as a reminder, Bill Allen would be at the June 25, 2008 meeting regarding the transportation model.

ORDINANCE COMMITTEE

2. Discuss Using Trucks as Signs

Jamie Stepowany stated we are presenting three items for consideration of an ordinance for public hearing. He stated the purpose of the first item was an ordinance restricting vehicles being used as a business sign. He stated based on the First Amendment, you can not tell a business they can not park a commercial vehicle on the parking lot associated with their business. He stated staff has provided to the Commission various regulations from other jurisdictions and read sections of the Fairfax ordinance which states, if the intent of the truck was to provide advertising and direction to a business, and as an example has an arrow providing directions or states turn left here, than that type of truck was prohibited,

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otherwise any vehicle that has a sign attached, painted or displayed has to be parked twenty-five feet from any public street. He stated there was a provision that the Zoning Administrator may approve the truck to be closer if the site does not have any parking spaces further than twenty-five foot from the street. He stated Prince William County references site distance of a public street, easement of private roads, which would not keep the truck off of the road. Chesterfield references any sign displayed on a stationary motor vehicle or trailer when the primary purpose of the vehicle was serving the purpose of a portable sign, which would then become an enforcement issue. Virginia Beach has a very similar regulation, any sign displayed on an automobile or truck for the purpose of advertising display. Henrico states portable sign displayed on a stationary vehicle for the purpose of and serving as a portable sign, which was then an enforcement issue. He stated staff recommends the first provision of Fairfax County, concerning the requirement of twenty five feet from any street. He stated he would be happy to answer any questions.

Mrs. Carlone stated she agrees with Fairfax concerning the twenty-five feet, but suggested when looking at the preliminary site plan, also look at the spacing on the front or note the possibility of using the side or back lot for vehicles

Mr. Stepowany stated from an enforcement issue, this may be the clearest avenue to enforce violations.

Ms. Kirkman stated her concern with the language Fairfax Ordinance was only directional signs.

Mr. Di Peppe stated further down it reads or any sign attached to, painted or displayed.

After a brief discussion by the Commission concerning trucks advertising a business but not necessarily parked on the lot or adjacent to the lot belonging to the business, Mr. Judy reminded the Commission the purpose of the proposed Ordinance was to deal with illegal signs, not trucks parked in a parking lot. He stated it would be very hard to prove that the primary purpose of the truck being parked in a random parking lot not associated with a business was for the purpose of advertising.

Mr. Howard stated he thinks the Commission should stay with the intent of not to circumvent the sign ordinance.

Ms. Kirkman stated she was fine with the Fairfax Ordinance if the language was stopped at the twenty-five foot line from any street.

Mr. Di Peppe stated the majority of businesses in the County have a logo painted on their vehicles, and stated maybe it should be limited to panel trucks or larger. He stated he did not want to regulate a business that was not the problem.

Mrs. Carlone stated she was not talking about delivery trucks. She stated in her opinion the Fairfax Ordinance would work

Mr. Mitchell suggested maybe gross vehicle weight

After a lengthy discussion by the Commission concerning the size and types of the vehicles and the words public street, Mr. Di Peppe stated the original intent of the ordinance was to stop people from trying to circumvent the sign Ordinance. He stated he wanted to make sure the Ordinance was doing

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what the Commission wanted it to do and suggested it come back to the next Ordinance Committee meeting.

Mr. Judy suggested the Committee stay with the language staff has presented because it stated you can not park on the street, but further back on the property.

Mr. Di Peppe suggested he meet with Jamie and tour the County to look at the issues they were discussing and bring this item back to the next meeting.

3. Open Space Requirements for Shopping Centers

Mr. Stepowany stated the Zoning Ordinance requires the site to have, depending on the zoning district, a certain percentage of open space. He stated applicants for pad sites are stating the overall center was providing the open space, the pad site was allowed to reduced the open space because it was done in the past. He stated after researching, he found a policy was written March 23, 1999 by Mr. Shelley and Mr. Schardein on incorporating the whole sites open space requirement and allowing the pad site to have a reduced open space requirement by fifty per cent, providing the overall site still provides the required open space requirements including what the pad site was going to develop, and there was a joint maintenance and property owners association tied to the whole center. He stated staff has requested this policy be made and Ordinance. He gave an example and explained to the Commission this would not exempt the applicant from the floor area ratio (FAR), landscaping, buffering or parking. He stated this has been a common practice that was followed in years past and would be happy to answer any questions.

Mrs. Carlone stated she was glad to see this and thought it may help with problems at TRC.

Mr. Stepowany stated the issue has been discussed at least three times at TRC.

Ms. Kirkman stated she was reluctant to move forward on anything that reduces open space requirements without fully understanding the matter. She asked why this was an issue now since the memo was written in 1999.

Mr. Stepowany stated staff would rather have it as an Ordinance and not a policy.

Ms. Kirkman asked why now since the policy was written almost 10 year ago and asked if there was a particular applicant that has requested this change.

Mr. Stepowany stated he had two different applications.

Ms. Kirkman asked if those applications were in process now.

Mr. Stepowany stated yes, the site plan for the whole center has been approved and now we are getting into developing the pad sites.

Ms. Kirkman asked what the two applications were.

Mr. Stepowany stated he would rather not mention them by name.

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Ms. Kirkman stated she wanted to know them by name.

Mr. Stepowany stated he would tell her off the record.

Ms. Kirkman stated she would like to know, on the record, because that appears to be what was driving the request for this Ordinance change at this time.

Mr. Stepowany stated Quantico Corporate Center and Carter's Crossing.

Mr. Harvey stated staff has had concerns over time as the developer comes in with the initial concept for a shopping center and then adds more land to the shopping center and states that now was part of the center and can count towards open space. He stated putting it in the Ordinance helps codify and minimizes the arguments. He stated, in his opinion, it was always better to have something in the Ordinance, which was enforceable by law rather than a policy, which sometimes can be challenged. He stated this would make it clear for everybody involved and gave an example of a lending institution looking at the requirements which state twenty-five percent open space was required and the site only had fifteen percent, which could make the property non-conforming.

Mrs. Carlone stated she would welcome any of the Commissioners to attend TRC when the applicants feel they do not have to do something because it was not in the Ordinance. She stated this would put it in black and white.

Mr. Di Peppe stated based on what Mr. Harvey stated, if a developer comes in with a large site and shows a General Development Plan (GDP) with several pad sites and as the project goes on, another business comes in which may require a little more space, can the applicant buy the lot behind their development and say now this was our open space?

Mr. Stepowany stated that was some of the issues at TRC, it was not shown on the original major site plan for the center.

Mr. Di Peppe asked if they were using the pad sites as the required open space.

Mr. Stepowany stated yes.

After a brief discussion between the Commission and Mr. Stepowany concerning open space requirements, pad sites and the purchase of additional land, Ms. Kirkman stated, in her opinion, any reduction in open space requirement should be approached cautiously. She stated Ordinances should not be designed around specific situations, which, in her opinion, this clearly was in response to two specific situations.

Mr. Rhodes stated the policy has been in place since 1999, so he did not feel the Ordinance was being designed specifically for developers.

Ms. Kirkman stated the Ordinance has not been in place and she was particularly concerned that we were doing this in response to specific developers' requests and exceptionally concerned that we seem to be doing this because there was some issue with lending institutions. She stated she did not think we should be crafting Ordinances so developers can get the appropriate letters from their lending

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institutions. She stated she was not saying she was opposed to the Ordinance, but she was saying, in her opinion, it would take a lot more thought.

Mr. Stepowany stated this was not a request from the development community, it was a request from staff. He stated currently the development community can hold up the memo from 1999 and say this was what we can do, and staff has asked that we make it an Ordinance.

Mr. Di Peppe asked when we get the original design, why was the open space not clearly delineated.

Mr. Stepowany gave an example of an overall shopping center of one hundred acres with an open space requirement of twenty-five percent which would be twenty-five acres. He stated currently they are providing fifty acres of open space because they were counting the undeveloped pad sites and lease areas. When they come in for pad sites, they still have to provide twenty-five acres of open space for the overall center, but the pad site does not have to provide twenty-five percent, because pad sites are small areas for banks or restaurants. He stated the memo states as long as the overall center continues to maintain the minimum percentage of open space the pad site can reduce the amount of open space and the key was the maintenance agreement between both sites and the overall minimum open space requirement being met.

Mr. Rhodes stated he would like to thank staff for trying to continue to improve the process, to identify the areas of disconnects and shortcomings, and thank them for their work. He stated he appreciates their efforts towards continuing to make our governance in Stafford County more positive and would encourage them not to be dissuaded by commentary, acquisitions, inferences, malicious comments, or asinine comments suggested against your character when you are trying to come forward with good governance.

Mr. Mitchell stated in the future when discussing regulations, we should discuss regulations not specific entities. When entities are brought into the discussion it takes away from the issues at hand. He stated he personally objects to that and hoped in the future the Commission would not continue the practice. He stated if a member of the Planning Commission needs to know a specific item, the information can be written on a sheet of paper and does not need to be televised.

Ms. Kirkman stated it did not surprise her that some of her colleagues think some of her comments were asinine, given that she was questioning the roll of developers driving our Ordinance making process. She stated she believed that everyone, including the people that are watching tonight, need to know what was driving this Ordinance, and this was no reflection on staff as they are doing their job and they are doing what they have been told to do. She stated her comments were not at all meant to be a reflection on staff, but were however meant to shed a little light on what was driving this Ordinance process. She stated staff has disclosed that there are two specific applicants where this issue has come up. She stated in her opinion, the public deserves to know what was driving this process and she believes it was her right to ask any questions needed and get any answers needed to make an informed decision.

Mr. Di Peppe asked if we could take more time to work on this issue.

Mr. Howard stated he would like to ask Mr. Harvey some direct questions concerning the memorandum dated March 23, 1999 that your staff has been working on and brought forward tonight. He asked if Mr. Harvey had any personal knowledge, whether you or someone from your staff has been approached by

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any developer and been given guidance or information or has any developer requested that this memo be brought forth and be turned into an Ordinance.

Mr. Harvey stated no, there have been no discussions with developers about bringing this forward. He stated his commentary on the lending institutions was not based on any request received, it was generally speaking. He stated he knows when you get into a situation where a site does not conform with zoning, you could potentially have issues with loans and this Ordinance would clarify that situation.

Mr. Howard asked Mr. Harvey if any developer has come to him and indicated that they can not secure financing and that they would need to see an Ordinance passed in order to secure financing.

Mr. Harvey stated no, he did not have any discussions with any lending institutions. He stated his commentary was as to why he thought this would be a good Ordinance.

Mr. Howard stated this would give your some backing to say this was the Ordinance as written and this was what you need to do to comply.

Mr. Harvey stated yes.

Mr. Howard asked for any developer.

Mr. Harvey stated in this case it applies to shopping centers.

Mr. Howard asked, any developer trying to put in a shopping center in Stafford.

Mr. Harvey stated this would apply to any shopping center being developed under current situation.

Ms. Kirkman stated while we are asking specific question of staff, she would like to know if the Quantico Corporate Center application pad site can meet the current open space ratios.

Mr. Stepowany stated they were required to meet the open space ratios, but this was an argument when they went to subdivide their lot. He stated staff had to verify that they met the requirements for that individual lot.

Ms. Kirkman asked would they meet the requirement for that individual lot under the current zoning.

Mr. Stepowany stated yes, under the current zoning, but this argument keeps coming up. The 1999 memo was brought to his attention so he asked that we look into this, and staff supports the concept of the reduction of open space for pad sites.

Ms. Kirkman asked if that application was complete.

Mr. Stepowany stated both plats have been recorded.

Ms. Kirkman asked if Carter's Crossing was complete.

Mr. Stepowany stated Carter's Crossing was still in discussion.

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Ms. Kirkman asked if they could subdivide the way they want to and meet the open space ratios.

Mr. Stepowany stated no.

Mr. Di Peppe asked when the original design was done was the pad site delineated.

Mr. Stepowany stated no.

Mr. De Peppe suggested maybe that was the problem. If we require the pad sites be delineated, perhaps the issue would not come up.

Mr. Stepowany stated major site plans are different from GDP. They do not always divide pad sites, sometimes they just do lease lines.

After discussion by the Commission concerning proffers, GDP, line delineations and pad sites, open space and non buildable areas. Mr. Di Peppe stated more discussion would be needed.

4. Discuss Non-listed Uses

Mr. Stepowany stated item 4 was requested by the Planning Commission specifically Section 28-37, Non-listed Uses, currently states for uses not specifically permitted anywhere and Table 3.1, an application may be made by a property owner to the administrator for such use as a Conditional Use Permit (CUP) pursuant to section 28-185. He stated that was brought up as a discussion item and Mr. Judy mentioned if the Commission wants that strike out, we still need some direction in the Zoning Ordinance as to what happens when a non-listed use was presented to the County, how would the County treat or handle that non-listed use. He stated you can not think of every type of use there was and add it to the Zoning Ordinance, so staff has provided information from other jurisdictions concerning how they treat non-listed uses. He presented the Commission with details concerning the Ordinances, stating Fairfax requires it to have a similar use, Arlington County, may be permitted in the mapping district by the Zoning Administrator, Prince William County states if it was not listed it was prohibited and if not listed it can only be permitted after a text amendment to the Zoning Ordinance and Loudon County has the same requirement that it has to added as an amendment to the Zoning Ordinance. He stated Stafford has done it by text amendment and now we require a (CUP).

Mrs. Carlone stated, in her opinion, similar uses should be on an individual basis.

Mr. Howard asked about the interpretation of the word similar, as stated in the Fairfax Ordinance.

Mr. Judy stated he was not sure he wanted to weigh in on what exactly the word similar means. He stated obviously Fairfax and Arlington County put faith in their Zoning Administrator to look at a proposed use and compare it to existing uses listed in the text and determine if this was or was not a use that exhibits some of the characteristics as the uses allowed. If it does exhibit similar characteristics such that it would not create a problematic use then the Zoning Administrator has the authority to deem it similar and acceptable. He stated Prince William and Loudon County take an opposite point of view and say if it was not listed, the only way it can become an accepted use was to go through a text amendment.

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Mr. Stepowany stated in the staff report concerning stone and mulch sales as a by-right use in the A-1 zoning district, the request was supported by staff because it was a similar use as the nursery and garden center which was permitted in the A-1 zoning district. He stated, in his opinion, that was a good example.

Mr. Judy stated that was a good example of people using their own opinion as to whether something was similar or not. He stated it may sound similar because mulch and stone goes with plants and tree nurseries, but yet in the actual operation of the business, there was a lot of difference, such as the number of vehicles, machinery etcetera. Her stated that was where the problem lies when you use the word similar and you have one person making the determination.

Ms. Kirkman stated her specific request to staff was to come back with language and to delete the provision from the Ordinance.

Mr. Stepowany stated he had two versions, one with instructions to strikeout 28-37 and insert new text with provision on how to process non-listed uses and the other one uses Prince William County as an example. He stated staff supports Prince William.

Ms. Kirkman stated she wanted to get that out the Commission, because she believes it would help to see it on paper. She stated in her experience on the Board of Zoning Appeals (BZA) and the Planning Commission the problem with the current Ordinance was because it basically states anything not otherwise listed can be done by a CUP. She stated she has seen a staff recommendation that recommends denial of a CUP and stated the County Attorney's office has been prone to saying you have to approve the CUP because it meets the criteria. She stated she wanted folks to know the kinds of non listed uses that have come before the County such as a tattoo parlor, an adult materials shop, and a alcohol and drug rehabilitation group facility. She stated a national company received a determination from the Zoning Administrator last year concerning how they could establish a federal prisoner re-entry program. She stated they were told that because it was a non-listed use, it could be done under a CUP, and in her opinion, it was so broad that uses that we may not want in our communities are allowed. She stated the language from Prince William County most clearly gets at what she thinks the standard should be. She stated this was about making sure the county grows and develops and the uses that are permitted are the ones we want.

Mr. Di Peppe stated he likes Prince Williams wording also. He stated the idea behind the Planning Commission was appropriate use, and certain uses go in certain areas. He stated he feels if you have a process where you can get anything that was not listed, then the backdoor has been left open.

Mr. Stepowany stated staff recommends the text of Prince William which strikes out 28-37.

Mrs. Carlone stated she agreed with Mr. Di Peppe and stated, in her opinion, the stricter text would alleviate problems in the future.

Ms. Kirkman made a motion to move this item forward to the regular meeting to go to public hearing as written.

Mrs. Carlone seconded.

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Mr. Judy suggested a language change, where it states “amendment to the text of this chapter as described” should be “prescribed”.

The motion to move this item to the regular session passed 6-0 (Mr. Fields absent).

Ms. Kirkman stated she would like to say, before the Commission adjourns, that she was disappointed in some of the language that was used during the course of the debate tonight. She stated, in her opinion, we can recognize we all have different positions, but we need to carry out the discussion about those differences in an agreeable and respectful manner.

Mr. Di Peppe stated a member of the Planning Commission does have the right to ask any question in an open government. He stated other Commission members can take exception to what and how it was asked. He stated since he has been Chair of the Ordinance committee, a lot of Ordinances come up from staff, based on situations they deal with daily. He stated as a Planning Commission, we deal with developers every day, and issues and questions arise. Sometimes staff becomes the target or the messenger. Remember that because they raised the issue did not mean they were doing it on behalf of someone.

Ms. Kirkman stated she agreed with Mr. Di Peppe, and stated her only objection was to the language used.

Mr. Di Peppe stated sometimes we get caught up with what we are saying and sometimes it was interpreted as an attack, and people sometimes object.

Ms. Kirkman stated she thought the word asinine was inappropriate to be used in public debate.

Mr. Howard stated he would ask that all Planning Commissioners not make accusations of staff the way that occurred tonight. He stated it was disappointing to be part of a Commission, where we ask a question and when staff gives an answer, draw a conclusion from an answer that indicates someone was being influenced the wrong way.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 7:02 p.m.

Peter Fields, Chairman
Planning Commission

STAFFORD COUNTY PLANNING COMMISSION MINUTES
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The regular meeting of the Stafford County Planning Commission of Wednesday, June 18, 2008, was called to order at 7:33 p.m. by Co-Chairman Archer Di Peppe in the Board of Supervisors Chambers of the Stafford County Administration Center.

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

MEMBERS ABSENT:

STAFF PRESENT: Harvey, Judy, Knighting, Stepowany and Hornung

DECLARATIONS OF DISQUALIFICATIONS:

None

PUBLIC PRESENTATIONS:

None

PUBLIC HEARINGS:

1. Amendment to Zoning Ordinance - Amendment to Section 28-35, Table of Uses and Standards; and Table 3.1, District Uses and Standards, of the Zoning Ordinance, pursuant to O08-60. The amendment requires the issuance of a Conditional Use Permit for a helistop in the Recreational Business Campus (RBC) zoning district. **(Time Limit: August 5, 2008)**

Jamie Stepowany presented the staff report. He stated the Board of Supervisors referred this item to the Planning Commission by Resolution R08-281 with a time limit for recommendation by August 5, 2008. He stated currently helistops were permitted as a by-right use in the Recreational Business Campus (RBC) zoning district and the original intent of the RBC zoning district was to allow for a business campus with recreational amenities. Retirement housing and executive housing became permitted in the RBC zoning district after the establishment of the zoning district and development within the RBC zoning district had become primarily retirement housing with recreational amenities with very few businesses. With helistops as a by-right use, the Board of Supervisors believed that potential negative impacts to nearby communities should be considered for the location of helipstops. The Board of Supervisors approved Resolution R08-281 to amend the zoning ordinance and require a CUP for helistops in the RBC zoning district to allow for community input and comments as to the location and operation of the helistop. He stated the ordinance amends Table 3.1, Table of Uses and Standards by requiring the issuance of a CUP for a helistop in the RBC zoning district. Staff believes that due to the change in the development pattern within the RBC zoning district, the impact of a helistop may have an impact on the nearby communities and recommends approval of the proposed ordinance.

Mrs. Carlone stated was very pleased with this amendment.

Mr. Di Peppe opened the public hearing.

Mr. Mitchell did the roll call and stated Mr. Fields was on his way.

With no one coming forward, the public hearing was closed.

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Mrs. Carlone made a motion to recommend approval of O08-60. Mr. Mitchell seconded. The motion passed 6-0 (Mr. Fields was absent).

2. Amendment to Zoning Ordinance - Amendment to Section 28-35, Table of Uses and Standards; and Table 3.1, District Uses and Standards, of the Zoning Ordinance, pursuant to O08-61. The amendment prohibits commercial apartments in the B-1, Convenience Commercial; B-2, Urban Commercial; B-3, Office; RC, Rural Commercial; and SC, Suburban Commercial zoning districts. The amendment requires the issuance of a Conditional Use Permit for a dwelling for a caretaker or watchman in the B-2, Urban Commercial, zoning district.

Jamie Stepowany presented the staff report. He stated commercial apartments required the issuance of a Conditional Use Permit (CUP) in the B-1, B-2, B-3, RC & SC zoning districts and were permitted by-right in the PD zoning districts. The ordinance was amended on September 4, 2007 to require the CUP as a result of concerns by the Board of Supervisors that not all commercial properties may be suited for a residential component and the CUP would allow for community input and evaluation including whether the proposed use would have impacts on county services. The Planning Commission had concerns that if it was determined that commercial apartments may have an impact on county services, the impact could not be mitigated by the collection of proffers if approved by the issuance of a CUP. In recent years, two rezoning applications have been approved to B-2 which may have commercial apartments which include Austin Park with 74 commercial apartments and \$4,913.85 per unit proffered and Widewater Heights with 75 proposed commercial apartments and \$10,000 per unit proffered. The county had approved one Major Site Plan with commercial apartments as a by-right use in B-2 which was Heather Hills Commons with 12 commercial apartments proposed. He stated this ordinance would amend Table 3.1, Table of Uses and Standards, to prohibit commercial apartments in the B-1, B-2, B-3, RC & SC zoning districts. It did require a CUP for a dwelling for a watchman or caretaker of business in the B-2 zoning district. In some businesses such as hotels, motels or mini-warehouses there may be a need for a dwelling unit for their caretaker and they have been considered commercial apartments. Commercial apartments would only be permitted in the PD-1, PD-2 & P-TND zoning districts. Staff supports the proposed amendment. He stated limiting the use of commercial apartments to planned districts would allow for better planning of their placement and community context.

Mr. Fields arrived at 7:40.

Mr. Mitchell stated he understood limiting the commercial apartments scenario but he did not fully understand why they would try to impact a caretakers' position in certain instances.

Mr. Stepowany stated there were some businesses, hotels, motels or mini-warehouses, which may require a CUP or a by-right use in the B-2 zoning district and they would like to have a dwelling unit for that caretaker or night watchman and what they had been calling that dwelling unit has been a commercial apartment. To allow a hotel, motel or mini-warehouse to continue to have that one dwelling unit for the operator of the facility, this would give them the option to come in for a CUP for that dwelling unit.

Mr. Di Peppe opened the public hearing.

With no one coming forward, the public hearing was closed.

Mr. Di Peppe handed the meeting to Mr. Fields. He then made a motion to recommend approval of O08-61. Mr. Rhodes seconded.

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Ms. Kirkman stated part of this discussion originated out of the Comprehensive Plan Steering Committee as they were looking at build-out numbers. One of the reasons it was important to clean this up was this actually the only residential use they currently have that was allowed by a CUP. It was much harder to deny those applications and staff's estimation of the number of potential future commercial apartments under existing zoning was 61,000 units. She stated it needed to be cleaned up before they move forward with the rest of the Comprehensive Planning process.

Mr. Fields stated he agreed.

The motion passed 7-0.

UNFINISHED BUSINESS:

3. SUB2700557; Ruby Meadows, Preliminary Subdivision Plan - A preliminary subdivision plan for 13 single family lots, zoned A-1, Agricultural, consisting of 41.31 acres located on the south side of Garrisonville Road approximately 300 feet east of Green Acre Drive on Assessor's Parcels 9-10 and 9-11 within the Rock Hill Election District. **(Time Limit: July 2, 2008) (Deferred at May 7, 2008 Regular Meeting; May 21, 2008 Regular Meeting; June 4, 2008 Work Session) (Deferred to July 2, 2008 Regular Meeting)**

Mr. Fields stated Ruby Meadows had been deferred to the July 2 meeting.

4. RC2800300; Reclassification – Hoyt Street Property – A proposed reclassification from B-1, Convenience Commercial to R-1, Suburban Residential Zoning District to allow the utilization of the property for residential use on Assessor's Parcel 54D-3-1-6 consisting of 0.66 acres, located on the west side of Hoyt Street approximately 200 feet north of White Oak Road within the George Washington District. The Comprehensive Plan recommends the property for Suburban Residential uses. The Suburban Residential designation would allow residential development at a maximum density of 3 dwelling units per acre. See Section 28-35 of the Stafford County Zoning Ordinance for a full listing of permitted uses in the R-1 Zoning District. **(Time Limit: August 29, 2008) (Deferred to June 18, 2008 Regular Meeting)**

Mr. Harvey stated the Commission received two previous memos dated May 28, 2008 and June 5, 2008, from the Zoning Administrator attempting to answer some questions that the Commission previously requested. In particular, there were questions about whether the property met the open space ratio for the proposed R-1, Suburban Residential Zoning District and that was confirmed. Also there were questions regarding the accessory structures and whether they would be classified as being subordinate in scale to the single family dwelling and that was determined to be the case. He stated those were the outstanding issues he was aware of at this point in time.

Mr. Fields stated this was a rather unusual situation but those do occur.

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

NEW BUSINESS

None

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Mr. Fields stated he would entertain a collective motion for work session and regular meeting minutes for March 19, 2008 and April 2, 2008.

Mr. Di Peppe stated so moved

Ms. Kirkman stated she had one suggestion for changes. She requested when members of the public speak at the public hearing, they provide their address and she would like to see that incorporated into the minutes.

Mr. Harvey stated he was advised by Ms. Knighting that we had that discussion recently with the County Administrators office. He stated they requested we not post the address in the minutes. He stated he would have to get clarification as to the rational for that decision.

Mr. Fields asked if the purpose was specifically the address or identifying election district.

Ms. Kirkman stated specifically the address, as it was something we require people speaking in public and was a matter of the public record. She stated she had seen the address in other minutes, and thought it was important for people to understand where the speakers are from. She stated given that it was a matter of public record and she would like it in the minutes unless there was a clear and compelling reason for it to not be in the minutes.

Mr. Fields stated that was a reasonable request and asked Mr. Harvey to ask the County Administrator why they decided to exclude the address and if there was a compelling reason as to why they would prohibit us from having it included in the minutes.

Mr. Howard asked if the Board of Supervisors and School Board minutes were recorded with addresses. He stated that would allow the Commission to understand what other practices are being followed in the County.

Mr. Fields stated there was a big difference between Board minutes and Planning Commission minutes. He stated the Board minutes used to be very detailed, but as elected official, it sometime set it up so your opponent could pick out certain sentences or random words. He stated the Planning Commission has always had detailed minutes because the Board needs to see that dialog.

Mr. Howard stated there must be a practice out there and he might wonder if it would discourage people from coming forward, because they have to state their address on air. He stated having it printed electronically and having it available on the internet was a whole different issue.

Mr. Fields stated he could agree with that and he could certainly see Ms. Kirkman's point. He stated particularly in the Panning Commission, we are dealing with land use matters, the location of somebody property, meaning where they live and what kind of property they may or may not be adjacent to was a significant component.

Mr. Harvey stated he would give a report at the next meeting.

Ms. Kirkman suggested the Commission hold off on approving the minutes until the issue was resolved.

Mr. Fields stated that was fine. He asked Mr. Harvey if there was a legal requirement or obligation to approve the minutes now.

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Mr. Harvey stated he was not aware of any legal requirement.

Ms. Kirkman stated in the April minutes, there were two issues where the Commission stated they would need further action. She stated the first was concerning an ordinance questioning if there was some way to put a time limit on how long an application was open, and that was in reference to a particular application that had been open for five year and had numerous public hearings scheduled and cancelled. She stated the second was, after a notice goes and property owners have been notified and a date has been set for public hearing it would be reasonable to have to make a case before the Planning Commission and have the Commission vote in public about why the project would need to be deferred. She stated she did not know if that would require a amendment to the bylaws and thought it got dropped, but she wanted to make sure the process was codified.

Mr. Judy asked for clarification on the second issue.

Ms. Kirkman stated the issue was, if an application had already been advertised for public notice, rather than staff making a decision about withdrawing the item from the agenda or postponing it, the applicant would have to come before the Planning Commission and request the Planning Commission postpone and the Planning Commission would vote on that request. She stated that would only apply to applications where there had already been public notice provided.

Mr. Mitchell stated once staff reports back and the Board minutes and the School Board minutes do not specifically relate the persons physical address, he would not support the issue. He stated not everyone wants their address printed.

Mr. Fields stated the BZA has public comment, does the BZA identify the people speaking.

Ms. Kirkman stated she would have to look at the BZA minutes. She stated you have to recognize the difference between the BZA, the School Board and the Board of Supervisors, they make decisions that are challenged in court, with the exception of by-right subdivision plans. She stated she would be glad to report back to the Commission what the BZA does in the minutes.

Mr. Fields stated the minutes would be put on hold.

March 19, 2008 Work Session

March 19, 2008 Regular Meeting

April 2, 2008 Work Session

April 2, 2008 Regular Meeting

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated staff has handed out a listing that provides potential transportation bond referendum projects. He stated, as you recall that was an issue that the Commission would discussing at your meeting on June 25, 2008, and would be making a recommendation to the Board. Also a the June 25, 2008, meeting, Mr. deLamorton, from the Transportation department, would give you a detailed description of each of the projects. He stated the handout includes a description of the projects, anticipated cost and funding sources as well as maps that show the potential projects, the youth driver

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taskforce identified projects as well as level of service for the identified projects. He stated additionally, we have provided at your desks, reprinted versions of the County Code for Subdivision and Zoning, Stormwater and Erosion Control as well as the Code of Virginia as it applies to 15.2. He stated our office currently use the online version of the Ordinances, as they get updated periodically and wanted to make sure the commission had an updated version. He stated at the meeting yesterday, the Board passed Ordinance O08-38 with modifications as pertaining to lot shape, specifically they passed the definitions dealing with the front, rear and side lot lines, how to calculate the 5 to 1 open space ratio and efforts to prevent elongation of lots. He stated they held off on action pertaining to minimum buildable area for lots greater than one acre in size. He stated some of the discussion was concerning a provision of fifteen percent slope calculation and since the Board took up the Potomac River Overlay after this was initiated through the Planning Commission, staff changed the recommendation to request they hold off on that provision to make sure we did not have any incongruent situations between what may happen with Potomac River Overlay and this Ordinance. He stated the Board deferred action on that part, and the parts that were approved, they moved forward, and grandfathered all applications currently in process. He stated Ordinance O08-37, dealing with floodway encroachments, the Board passed the Ordinance which refers it back to the Board of Zoning Appeals for Special Exception, and they passed Ordinance O08-51, which requires the Planning Commission and its representative, i.e. the planning department, to send out the abutting owner notification and post the signs for any rezoning or Conditional Use Permit. The Board passed Ordinance O08-42 with modifications, which created a definition of family, they modified the draft to allow up to four unrelated persons living together as a housekeeping unit, and also modified the Ordinance to allow two single parents and their children to live together as a housekeeping unit. He stated Ordinance O08-42 has an immediate effective date. He stated the Board also discussed UTSD and authorized staff to begin drafting a memorandum of understanding with the Commonwealth Transportation Board for the potential for the County to take over maintenance of some of the secondary roads in the county. He stated the Board did reserve the right to not move forward if they decide later this was not desirable.

Ms. Kirkman asked if he could provide to all the Commission members the draft of the UTSD boundaries and stated she would like to express her concerns about some of the boundaries. She stated the last draft she saw included Aquia Harbour in the UTSD, which implied that at some point in the future the County may take over those private roads which do not meet VDOT standards. She stated there was a section on the tip of the Widewater peninsula that was included because it has a density of one house per acre and there was a similar area out by Lake Arrowhead.

Mr. Harvey stated he would provide the map to the Planning Commission and stated the map depicts the areas that are eligible and meet the UTSD minimum threshold of one house per acre. He stated the UTSD boundary would be negotiated between the County and VDOT, those boundaries would likely be different than what was shown on the map. He stated in his assumption there would be two, north stafford and south stafford UTSD.

Ms. Kirkman stated another component besides the UTSD was the comprehensive impact fees in the Agricultural area outside the UTSD. She stated there was a requirement for the UTSD where you are required to have, as an element of the comprehensive plan, the method for calculating capitol costs for the purposes of the comprehensive impact fees.

Mr. Fields stated he had a preliminary meeting with staff outlining how the scope of Chapter 896 committee would work. He stated one of the first things to be done would have someone from Henrico and/or Arlington to come and talk about what it means to have your own roads.

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COUNTY ATTORNEY'S REPORT

Mr. Judy stated he passed out a couple of items to each member of the Commission, explaining the teal folder contains a memo regarding the CPEAV seminar he attended last month and included copies of all the handouts. He gave the Commission a lengthy description of the seminar and the materials included in the folder along with the legislation discussed. He stated the second memo was a legal opinion, which half was now moot, since the Board passed the definition of side lot lines last night. He stated this was in response to a request for a legal opinion on Sections 22-146 and 28-38H and he would leave that for the Commission to review. He stated it was his understanding when the Commission meets on July 2, 2008 this would be discussed. He stated lastly he wanted to advise the Commission he would be on vacation and the two other attorneys from the office would be out of town, so no one from the County Attorney's office would be attending the June 25, 2008 special meeting.

Mr. Fields stated the meeting was primarily to review and opine on the transportation referendum.

Ms. Kirkman stated there may be some comp plan pieces, but they would be draft, not any decision making items.

Mr. Di Peppe stated he thought the Commission was going to consider setting a public hearing on the final draft.

Ms. Kirkman stated the public hearing has been set and she believes the Commission has as late as the July 2, 2008 meeting to actually finalize.

Mr. Harvey stated the ad would run July 2, 2008 and July 9, 2008

Ms. Kirkman stated then we have until July 2, 2008.

Mr. Harvey stated it would be a day late, the ad runs in the morning and someone could potentially come in and ask for the document. He stated what he recalls from talking to Mike, if we did authorize the public hearing July 2, 2008, we would hold a special meeting for the fourth Wednesday in July.

Ms. Kirkman stated a decision does have to be made next week, which means the Commission may be in a position of only sending parts of the comprehensive plan forward.

After a brief discussion between Mr. Fields and Ms. Kirkman concerning the necessity of having legal council at the June 25, 2008, Mr. Fields stated he felt it was a necessity to have council available.

Mr. Judy stated he would speak with Mr. Howard tomorrow.

SECRETARY'S REPORT

No Report

STANDING COMMITTEE REPORTS

Mr. Di Peppe stated the Commission had an update concerning the comp plan at the work session. He stated he was not sure he agreed with Ms. Kirkman to move the comp plan, as he has been working on

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the plan for two years and would like to see the entire plan move forward. He stated he felt it was problematic to move it forward in pieces. He stated the Ordinance committee did discuss three ordinances, and were going to obtain additional information and input from staff on the first two. He stated he would like to make a motion on the third to move forward to public hearing. He stated "I make a motion for approval for a public hearing with the Planning Commission for an ordinance to amend Section 28-37 of the Zoning Ordinance. The amendment established regulations pertaining to non-listed uses. 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".

Mr. Rhodes seconded.

The motion passed 7-0.

Mr. Di Peppe stated he would like to remind everyone there would be another meeting of the sub-committee of the comprehensive plan next Monday evening at 6 o'clock in the Activities Center here at the Courthouse.

Mr. Stepowany stated under ordinance committee, Mr. Harvey asked him to make an announcement for another proposed ordinance for considerations. He stated it was brought to Mr. Harvey's attention that VDOT was changing their street guidelines and staff would like to evaluate the reverse frontage ordinance and how it would relate to a proposed change in the VDOT street guidelines. He stated VDOT would no longer accept small cul-de-sacs that serve few lots into the state road system and if we require reverse frontage they may create small cul-de-sacs to serve a couple of lots, therefore we may have a regulation that would be in conflict with VDOT guidelines. He stated staff would like to evaluate to see if we need to propose any changes to the most recently approved reverse frontage ordinance.

Mr. Fields asked if any of the Commission members had an objection to the request of staff.

Mrs. Carlone stated no, and asked if this might affect the reverse frontage ordinance.

Mr. Stepowany stated yes..

Mr. Harvey stated VDOT was still finalizing their subdivision street acceptance standards but in order for VDOT to accept a street it would have to be tied into two existing state roads. He stated rural areas with low volume cul-de-sacs would no longer be accepted. He stated staff would need to find out more details, but his concern was if we have situations where developers would not be allowed to propose a public street that serves a limited number of lots, they would propose the lots have road frontage on the existing state road with individual driveway access. He stated the way the ordinance was currently written, it looks problematic because in the context of a major subdivision it has the Director of Planning and Zoning making the determination whether to approve or not approve a public street, on a preliminary plan which was part of a major subdivision the approval authority lies with the Planning Commission. He stated in his opinion, the ordinance was a little out of balance as currently written. In the context of a minor subdivision it may make more sense, but we need to consider the potential ramifications of the new VDOT policy and how it may affect how land was subdivided in the future along our state roads.

Ms. Kirkman stated she would want to see the VDOT language that specifically prohibits that, and in her opinion, this was about some access management issues and had a hard time thinking VDOT would think it was preferable to have seven shared driveways onto a road verses one access point. She stated

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she did not want to do away with the reverse frontage too hastily, and would like to make sure the real problem was being addressed.

Mr. Fields stated, in his opinion, all staff was saying they want to do an analysis of how our ordinances and our objectives may intersect with VDOT.

Mr. Harvey stated sometimes you pass a regulation and come out with unintended consequences and ends of looking like something totally different.

Ms. Kirkman stated as the chair of transportation committee she has been attending the Boards committee meeting on the transportation bond. She stated Mr. Harvey had passed out a draft of the proposal which was the primary purpose of the special meeting next week. She stated she would like the Commission to understand the roll next week was to make recommendations and remind everyone the Board was trying to address two types of transportation improvements. She stated one was flow projects, which seem to be the larger projects and the second was safety projects, which come off the youth drive task force recommendations. She suggested the Commission keep in mind when reviewing, the Board has worked hard to keep the transportation bond down to \$70 million and it was important to them to get this passed. She suggested if anyone comes with a recommendation for an addition, they should also have a recommendation for deletion. She stated, in her opinion, it was important to keep in mind that just because a project was on the bond list did not mean that it would be completed or funded in its entirety from the bond proceeds. She explained the two columns on the list and the difference in the bond funding and non bond funding.

Mr. Rhodes asked Ms. Kirkman if she could comment briefly on the pedestrian projects.

Ms. Kirkman stated she did not bring the folder and the Board deliberately left the names off the list. She stated she thought the three projects were in the Garrisonville area.

Mr. Harvey stated they were what was known as the north stafford pedestrian trails project, which have some T21 and ICE T funding towards those projects. The Board committee wanted to make sure they were not committing specifically to those projects that if any other pedestrian "hot spots" come up they could have funds available to fix those problems.

Mr. Fields asked if the 1.6 million reflect the total cost for the project or just the county twenty per cent match of the total project.

Ms. Kirkman stated that was the total cost. She stated she thought what got dumped into the pedestrian was really not trails, but sidewalks. She stated what got dumped there was everything left over after the road projects, but it was not yet to 70 million.

Mr. Fields stated he attended the joint meeting of the committee, and asked if there had been discussion if we were to implement Chapter 896. He stated some of the revenue from the state would be used on these bonds, because 896 was maintenance money, not construction money.

Mr. Harvey stated he did not recall any discussion on that issue.

SPECIAL COMMITTEE REPORTS

No Report

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CHAIRMAN'S REPORT

Mr. Fields stated there has been some discussion about a potential public hearing with the Board of Supervisors. He asked Mr. Harvey if the Board discussed that issue at the meeting last night.

Mr. Harvey stated no, he was going to mention that the Board had asked the Commission to attend the July 1, 2008 meeting to make a presentation on the status of the comprehensive plan.

Mr. Fields stated as Chairman of the Planning Commission he would be there.

Mr. Di Peppe stated he would be there.

ADJOURNMENT

With no further business the meeting was adjourned at 8:36 p.m.

Peter Fields, Chairman
Planning Commission