

**STAFFORD COUNTY PLANNING COMMISSION**  
**WORK SESSION MINUTES**  
**September 17, 2008**

The work session of the Stafford County Planning Commission of Wednesday, September 17, 2008, was called to order at 5:34 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, Roberts, Stinnette, Baker, Stepowany, Zuraf, Hess, Schultis and Baral

Declarations of Disqualification

None

NEW BUSINESS

1. Presentation on Comprehensive Plan Update

Mike Zuraf gave a PowerPoint presentation on the Comprehensive Plan update. He stated he would give a brief overview of the comp plan and look at the background as well as the format of the plan and some of the key features. He stated the process began in April 2006 at which time the County hired a consultant to assist with the comprehensive plan and a steering committee was formed. He stated the plan was drafted and presented to the Planning Commission in May of 2007 and the Planning Commission worked on the plan the remainder of 2007 and in 2008 the direction of the plan shifted as a new Comprehensive Plan Sub-Committee was formed and continued to work on the revisions of the plan.

Ms. Kirkman asked that the minutes reflect Mr. Mitchell arrived at 5:36 pm.

Mr. Zuraf stated over the past several months in 2008 the sub-committee held meetings and on September 10, 2008 voted 2-1 to forward the Comprehensive Plan draft on to the full Planning Commission. He stated the plan had five chapters and an appendix, with Chapter 1, Introduction, Chapter 2, The Foundation for the Future, which included the goals, objectives and policies which were the points that would guide the future growth of the County, Chapter 3, Land Use Plan, Chapter 4, a chapter that looked at the public costs of growth and he would explain more at a later time. He stated Chapter 5, The People and the Place, which was mainly the existing conditions and growth trends and the Appendix had background data, reports and public input that was received. He stated he would like to focus on the Goals, Objectives and Policies of the plan which provided the framework for the physical development of the county. Chapter 2 had nine primary goals which were divided into 43 objectives and 170 policies. He stated he would not review all the objectives and policies, but would touch on the goals and some of the objectives. The goals were divided into nine topics that ranged from issues such as sustainability, environment, health safety and welfare, housing, transportation, economic development, education and heritage resources. He stated goal one was to manage growth and development in a sustainable manner, which would direct growth to the Urban Services Area (USA), preserving rural and agricultural areas. He stated he would encourage everyone to read through Chapter 2 to get the picture of the objectives involved with the goals and policies. He stated goal two was to insure that growth and development was managed in a fiscally responsible manner. He stated it had objectives that would utilize the Level of Service (LOS) standards to appropriately gauge the amount of public facilities that

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may be needed. Goal three was looking at the environment, which was to preserve and protect the natural and environmental resources in Stafford and the objectives would be to preserve and protect air quality by preventing pollution of surface and groundwater resources. He stated goal four dealt with health, safety and welfare which would insure the health, safety and well-being of Stafford residents by protecting drinking water sources, minimizing flood hazard impacts and being cautious of steep slope areas when development occurs. Goal five, as simply stated, would be to promote affordable and quality housing, which would identify opportunities for public/private partnerships to increase affordable housing. He stated goal six would deal with transportation and that goal was to create a system of transportation which would provide a safe, rapid and affordable means for people and products to move safely in and through Stafford County. Goal seven dealt with economic development and would support the economic vitality of Stafford County through land use policies. He stated goal eight dealt with education and would support Stafford County as a community for superior education and goal nine, which dealt with heritage resources, would promote the heritage of Stafford County and maintain a sense of place by identifying, protecting, preserving and interpreting Stafford County's historical and cultural resources. He stated the goals were broken down into more detailed objectives and policies and the objectives were more specific strategies that would help to accomplish the goals and the policies were more operational actions for the purpose of short term implementation. He stated a key part of the comp plan was Chapter 3, which was the Land Use Plan, and he went over some of the key points which would include and urban service boundary that had been revised to promote commercial uses and discourage residential development on agriculturally zoned land. He stated the land use plan would include a phased expansion of the USA which was different from past or current plans and more specific urban development areas were designated and would be phased into the plan in 2011. He stated the future land uses would match the current zoning of properties and would be more parcel specific and not split parcels as the current plan did. He stated commercial business and industrial corridors were designated in the center of the county around the regional airport and US Route 1, which were being referred to business land use and the plan would recommend at least three acre lot sizes in agricultural areas of the county, which were outside of the USA. He showed graphics which identified the USA area of the county with the ten year phase expansion areas. He stated within the USA were areas defined as urban development areas which follows a state code provision that required Stafford County to designate the urban development areas. He stated the intent was to allow for high density development in both residential and commercial and accommodate ten years of projected growth. He stated those four areas include Boswells Corner, Aquia Town Center, the Courthouse area and the Southern gateway area which was along Route 17, west of Interstate 95. He stated the plan did recommend future land use designations to follow current zoning of properties, since the zoning could accommodate twenty years of projected growth. He stated he would note the plan did not recommend increasing land use intensity with the exception of the urban development areas and land that was designated business in the center part of the county. He stated Chapter 4, Public costs of growth, was also an element of the plan and the purpose was to insure as the county grows the LOS being provided would be maintained in a fiscally responsible manner. He stated that was accomplished by identifying desirable service levels for different types of public facilities and part of Chapter 4 had a section titled Level of Service Standards where each type of facility would spell out a desirable service level would be and identifying the associated costs of public facilities per residential unit to provide acceptable LOS. He stated there were identifications of actions which may mitigate public facility costs, such as proffers and comprehensive impact fees. He stated there were projections of future public facility needs in the section titled the Public Facilities Plan. He stated at this point the Commission would need to review the document and both the Planning Commission and the Board of Supervisors would hold a public hearing. He stated at a point when the planning was approved, a big step would be following through with

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implementation. Chapter 2 has a section titled Implementation which states the county would establish specific actions to assure the goals, objectives and policies would be achieved. He stated it was specific that within sixty days of approval, staff would start implementation actions to the Planning Commission for their review. He stated the comp plan document and maps could be accessed on the county website at [www.co.stafford.va.us](http://www.co.stafford.va.us) and gave detailed instructions how to access the Comprehensive Plan revision.

Mr. Di Peppe stated members of the Planning Commission received the document last Friday and stated in his opinion, would need more time to review. He stated the Commission would be holding a special meeting on September 24, 2008, but he would now open the item for discussion by the Planning Commission members.

Mr. Howard stated he had lots of questions, for clarification. He asked Mr. Zuraf about the sustainability with two examples, one of water and sewer and the second road improvements. He asked were there any other examples of sustainability when discussion occurred concerning creating the foundation for the future. He stated more specifically he was referring to page 13 and asked was there any discussion for sustainability for mass transportation separate from roads.

Mr. Zuraf stated the transportation policies were kept separate from the sustainability section. He stated that was more the land use side of the discussion under goal one, sustainability.

Mr. Howard asked about the fiscal responsibility on page 21, in the overall land use plan or in the fiscal analysis provided throughout the document, was the open space reduction, which would occur with the new land use map in residential and commercial. He asked how that would impact the document.

Mr. Zuraf stated he was not sure he understood the questions.

Mr. Howard state, as a county, based on the proposed land use map there would be less buildable space on both residential and commercial development. He asked how that would factor into the financial model or did it factor in.

Ms. Kirkman stated the financial impact model and the calculations that were in the chapter concerning public cost of growth and development were based on the future land use plan map and did take into account exactly what was shown on the map.

Mr. Howard asked if there was a delta that was identified in terms of a number if the current map as it exists today verses the proposed land use.

Ms. Kirkman stated the financial impact model that was developed was based on the proposed land use map, which actually designates much larger areas of the county for commercial, business and industrial uses. She stated those uses bring in more revenue than the cost to the county. She stated it did reduce the areas of residential growth, which cost more to the county than the revenues they bring in. She stated the proposed land use map would be a much sounder financial model than the previous map, but the financial impact model itself, as with all the models, was based on the future land use map.

Mr. Howard stated there was no question that residential uses costs the county more that commercial uses, but the amount of commercial was also being reduced. He stated his question was how that was factored in.

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Ms. Kirkman stated on the future land use map the business, industrial and commercial was greatly expanded.

Mr. Di Peppe stated there had been great concern in the community that the new land use plan would cripple commercial development, and if you confirm with the Economic Development Office the county could absorb a million square feet of commercial development a year. He stated based on a million square feet a year that would be twenty million square feet as a minimum over the next twenty years. He stated the new plan had one hundred sixty eight million square feet, which would be one hundred fifty years of potential.

Mr. Howard stated recognizing he received the document on Friday, it appears to him that the amount of acreage for commercial development was being reduced as was residential.

Ms. Kirkman asked Mr. Zuraf if he would show the current land use map and obtain the amount of acreage designated for future commercial, business and industrial use and compare it to the proposed map, she thought that would answer the questions, with the facts.

Mr. Di Peppe stated every new house built cost more in services that what was collected in property taxes. He stated the committee noticed the present by-right zoning was more that could possible be done in twenty years.

Mr. Howard stated on page 22 there does appear to be some flexibility in the model. He asked if that would be an annual process.

Mr. Zuraf stated, he thought, that would be in the implementation element after the policy was adopted, the time line would be more specific.

Mr. Di Peppe stated it was state law that the document had to be updated every five years and the Board at any time could make comprehensive amendment changes.

Mr. Howard stated on the transportation piece, on page 39 states “the county shall establish incentives for development proposals to include support for alternative modes of transportation including bus, rail, commuter parking and car/van pooling” He asked what type of incentives.

Ms. Kirkman stated he was referring to policy 6.2.1, and the process would be, once the Board would adopt the Comprehensive Plan, then staff would have sixty days to bring to the Planning Commission a draft of an implementation plan. She stated an implementation plan would be the specific action steps that the Commission would take to accomplish the policy. She stated at that time the Commission would get into the specifics as to what the incentives might be.

Mr. Howard stated once the plan was adopted.

Ms. Kirkman stated once the policy was adopted. She stated all of the policies were broad, and do not contain things like time lines or specific actions.

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Mr. Howard stated on page 181 and 183 in the appendix, there was some methodology shown regarding the calculation of capital costs and a similar methodology for the breakdown of libraries, fire and rescue and so on. He asked if he could have a refresher on the methodology.

Joey Hess explained in detail to the Commission the methodology for Parks and Receptions, Schools and Fire and Rescue.

Ms. Kirkman stated if the Fire and Rescue stations were located with public water and sewer, the land size could be reduced. She stated if a new station were to be located outside the USA the cost would be higher because of the increased land acquisition required to accommodate the drainfield.

Mr. Howard asked if there was any discussion concerning consolidating buildings, or a more strategic location.

Mr. Hess stated it had been discussed.

Ms. Kirkman stated the Committee did attempt to co-locate services, but there was no mechanism to put a dollar figure on that scenario.

Mr. Di Peppe stated, in his opinion, a consideration for Fire and Rescue would be the spacing for response times.

Mr. Howard asked if the population projections used the worst case scenario, because it was not growing at the same rate it was.

Mr. Hess stated the population projections stayed the same. He stated the Committee used information provided by Virginia Employment Commission (VEC) and the census.

Mr. Di Peppe stated the VEC provided stated numbers for growth projections that had to be used.

Ms. Kirkman stated the population growth was based on a straight line projection. She stated, in her opinion, Mr. Howard was referring to the reality. She stated some years the population growth would be less than other years, in a straight line projection, but over the course of twenty years the numbers should be close. She stated the 1988 Comprehensive Plan population projection was within a couple thousand twenty years later.

Mr. Howard stated that would validate the methodology in terms of the population growth, because the population factors in to many of the numbers.

Ms. Kirkman stated there would be some variability from year to year, and it was difficult to predict the variation, but over the course of twenty years, this number should be close.

Mr. Howard stated page 220 referenced the focus group and asked if there were notes from 2006 the Commission could view.

Mr. Di Peppe stated he thought the information was included in the appendix.

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Mr. Howard stated there was a lot of information on the survey, but he did not see the focus group notes specifically.

Mr. Zuraf stated if all comments had been included the document would be twice the current size, because there was a lot of public input received. He stated the Committee felt a summary would be appropriate to include in the comp plan document. He stated all the specific comments were separate and could be provided to the Commission.

Mr. Howard stated he would like to look at those comments. He stated his last question was how many households were currently in Stafford County.

Mr. Zuraf stated there was an estimated 43,596 households.

Ms. Kirkman stated as a member of the Committee and author of large portions of the document, she stated she did not have questions, but wanted to make a comment. She stated she felt it was important to introduce the chapter regarding the cost of public growth and development and to make sure the Committee included goals including fiscal responsibility regarding the management of growth and development. She stated based on the research by staff, each new single family home costs the county close to \$93,000 for capital infrastructure. She stated it was clear why property taxes keep rising and, in her opinion, the first step in correcting that problem was understanding the extent of the problem. She stated she felt it was important to recognize the fiscal impact of land use decisions.

Mr. Mitchell stated he thought everyone would have to look at the document and study the document and get a better grasp.

Mr. Rhodes stated he understood, for the next session the Commission would come back with information regarding the before and after numbers for units in the zoning areas. He asked if that information could also be on the map as well as tabular form. He stated in his opinion having the information on the map would be informative. He stated the Commission would meet September 24, 2008 at 7 o'clock to focus on the discussion regarding the Comprehensive Plan.

Mr. Di Peppe stated also the impact fees.

Mr. Harvey stated the Commission would also have transportation and hoped to have that ready for the mail out.

Mr. Rhodes asked after next Wednesday, what was the timeline of activity.

Mr. Zuraf stated if the Commission was ready to authorize a public hearing, it could potentially go to the second meeting in October.

Mr. Harvey stated October 15, 2008.

Ms. Kirkman stated because of a Board Resolution the Commission had to do whatever possible to stick to that schedule.

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Mrs. Carlone stated this was the most comprehensive of any Comprehensive Plan the County has ever had. She stated she would be interested in the comparisons of the businesses and asked if that information would be available next Wednesday.

Mr. Zuraf stated yes. He stated the Commission also received a Financial Impact Model (FIM) which was a slip sheet, page 87 and 88. He stated there were some minor revisions and would need to be inserted into the draft.

Mr. Di Peppe stated he would like to thank everyone who worked on the Comprehensive Plan, the original steering committee, the sub-committee, the citizens and staff. He stated later Ms. Kirkman and Mr. Mitchell were on the sub-committee and he would like to thank them for their hard work. He stated there was a lot of work putting all the elements together and have it make sense and work and readable. He stated Ms. Kirkman did a tremendous amount of editing and rewriting. He suggested the Commission take their time and look at the document and would have another chance to ask questions.

Mr. Harvey stated if any of the Commission members had any questions please forward the questions on to staff to allow them time to be prepared with a complete response.

Mr. Rhodes asked if there was a point of contact.

Mr. Harvey stated Mike.

UNFINISHED BUSINESS:

2. RC2700647; Reclassification - Celebrate Virginia/MLR Associates, LLC - A proposed reclassification from A-1, Agricultural, to B-2, Urban Commercial and M-1, Light Industrial, Zoning Districts to allow for the development of an office, retail shopping center, and communications facility on Assessor's Parcels 44-99, 44-100A, 44-101A, 44-101C and 44-101E consisting of 23.008 acres, located on the south side of Warrenton Road approximately 500 feet east of Celebrate Virginia Parkway within the Hartwood Election District. **(Time Limit: September 30, 2008) (History - Deferred at July 2, 2008 Regular Meeting to September 3, 2008 Work Session) (Deferred at September 3, 2008 Work Session to September 17, 2008 Work Session)**
  
3. CUP2700648; Conditional Use Permit - Celebrate Virginia/MLR Associates, LLC - A request for a Conditional Use Permit to allow six (6) drive-through facilities and one (1) carwash facility within the Highway Corridor Overlay Zoning District on Assessor's Parcels 44-99, 44-101A, 44-101C and 44-101E consisting of 22.903 acres and to allow an existing communications facility in an M-1, Light Industrial, Zoning District located on Assessor's Parcel 44-100A consisting of 0.105 acres, located on the south side of Warrenton Road approximately 500 feet east of Celebrate Virginia Parkway within the Hartwood Election District. **(Time Limit: September 30, 2008) (History - Deferred at July 2, 2008 Regular Meeting to September 3, 2008 Work Session) (Deferred at September 3, 2008 Work Session to September 17, 2008 Work Session)**

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Mr. Di Peppe stated they had a letter requesting the extension to be granted, which the Planning Commission asked for. The letter asked for a deferral to October in order to better accommodate the Planning Commission questions.

Ms. Roberts stated the Commission would need a motion to defer to October, because the first motion was to defer to September 17, 2008.

Mr. Di Peppe asked if the Commission would need separate motions for the reclassification and CUP.

Ms. Roberts stated they could do it all at one time.

Mrs. Carlone made a motion to defer RC2700647 and CUP2700648 until October 1, 2008.

Mr. Rhodes seconded.

The motion to defer passed 6-0 (Mr. Fields was absent).

ORDINANCE COMMITTEE

Mr. Di Peppe stated there was a request from staff to move item 7 up to be the first ordinance considered because Mr. Banks, who was the floodplain program engineer for the Department of Conservation and Recreation (DCR) had come up from Richmond. He stated as a courtesy the Commission would move item 7 to be heard now and recognize Mr. Stepowany.

7. Flood Hazard Overlay District

Mr. Stepowany stated he would defer to Mr. Baral, the Stormwater Management Administrator and Mr. Banks from the DCR.

Rishi Baral stated this would be a revision to the Zoning Ordinance. He stated some changes were required to allow the county to become a member of Community Rating System (CRS), which would allow the citizens of the county to receive relief in floodplain insurance premium. He stated any property in a flood zone would need flood insurance. He stated Charlie Banks was a floodplain engineer with DCR and would give the Commission more information.

Mr. Banks stated the community rating system was part of the National Flood Insurance Program. He stated currently the county was in the National Flood Insurance Program at Level 10. He stated if the county were to improve their rating, by applying and qualifying, up to a Level 9, every policy holder of flood insurance would receive a five percent reduction in their policy costs. He stated the county would have to obtain a minimum of 500 points in the system to qualify one level and the system goes up to a Level 1, which would qualify the policy holders for a forth-five percent reduction in policy costs. He stated taking the first step would be very good because citizens in the county with flood insurance would see a reduction in costs.

Mrs. Carlone asked if Mr. Banks had a handout.

Mr. Di Peppe stated there was information on OC7, for proposed ordinance.

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Mr. Howard asked the location of the flood plain in the county.

Mr. Banks stated the flood insurance rate map in the County offices would show the flood plain delineated on the map. He stated there were different types of floodplains, from an approximate zone, to a detailed study, to a floodway, and thought all three were in Stafford County. He stated the base flood elevation would be marked on the map and explained base flood elevations would be the height of the water in a one hundred year or one percent chance flood and the GIS office in the county can match those delineations with parcels in the county.

Mr. Howard asked if the county were to pass this ordinance, would any projects be impacted.

Mr. Baral stated the floodplain delineations would not be changed. He stated once the County would become a member of CRS, the citizens would receive a premium reduction. He stated in order to become a member FEMA requires the Zoning Ordinance to be changed.

Mr. Howard stated the wording change was to be like the wording in the National Code.

Mr. Baral stated correct.

Ms. Kirkman stated these changes would be technical.

Mr. Baral stated there would be no changes in the field.

Mr. Di Peppe stated it would allow the County to conform and allow the citizens to receive discounts.

Mr. Baral stated that was the hope. He stated it would be a tremendous amount of work for staff to compile documentations.

Mr. Howard stated this was the only thing which stops the county from having that designation.

Mr. Baral stated the County can not go to Level 1. He stated, to his knowledge, there was only one county in the nation at a Level 1. He stated the first step would be Level 9.

Ms. Kirkman asked if the county has all the maps required to do the studies.

Mr. Baral stated the county does have maps prepared by FEMA.

Ms. Kirkman asked why people were coming before the Board of Zoning Appeals stating they have now done the delineation and we realize that.....

Mr. Baral stated when an applicant was putting in a crossing in a FEMA floodplain it would effect the existing study.

Mr. Di Peppe asked Mr. Stepowany to explain the ordinance.

Mr. Stepowany stated he would prefer Mr. Baral discuss the changes to the ordinance.

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Mr. Di Peppe stated the actual changes were the words that were underlined.

Mr. Baral explained the changes to the ordinance in detail for the Commission. He stated Mr. Banks reviewed the Zoning Ordinance and made suggested changes.

Mr. Howard made a motion to move forward to the full Commission.

Ms. Kirkman seconded.

The motion to move the ordinance forward to the regular meeting passed 6-0 (Mr. Fields absent)

4. Electronic Billboards

Jamie Stepowany stated the Electronic Billboard Ordinance O08-69 was previously approved by the Planning Commission and moved forward to the Board for a public hearing. He stated the Board deferred the item to a sub-committee to discuss the concerns of the Ordinance. The Board of Supervisors approved Resolution R08-413, to refer this item back to the Planning Commission to discuss some of the concerns of the sub-committee and authorized the Planning Commission to make changes to the original Ordinance if necessary. He stated the Ordinance dealt with different part of the sign industry. He stated the main concern was the electronic, television, computer type, high definition type of billboard and asked why those were allowed. He stated Virginia Department of Transportation (VDOT) had control of the billboards and if the billboards were non-conforming, in VDOT standards, they would be allowed to be modified fifty percent. He stated VDOT would have to certify the Stafford County Zoning Ordinance as it relates to area, space and lighting for signs, and it was discovered that was not accomplished. He stated there were other amendments, which came through the process of dealing with the electronic signs. He stated some of the Board members did not have issues with some of the signs, but did have concerns with the electronic signs and the question how to prohibit some sign types and allow others and the Ordinance must be certified by VDOT. He stated it was suggested by the sub-committee to split the proposals up whether it be one ordinance, two ordinances or three separate ordinances and explained that was where the Commission was, with three proposals. He explained the first proposal was dealing with electronic billboards and after meeting with the sub-committee that ordinance was broken into two definitions. He stated Electronic Bulletin Board (EBB) terminology was from a Federal Highway Report provided to the Commission. He stated the other type of sign was Light Emitting Diode (LED) and explained the difference in the signs. He stated EBB signs were multi-colored, like a television which could change images and text and LED signs were single colored lights with a dark background. He stated the sub-committee felt the LED signs were appropriate in some areas, such as a gas station displaying their prices, and not appropriate in others, such as a historic districts. He stated the prohibited types of signs were revised and explained in detail to the Commission the changes made to the Ordinance. He explained proposal two, which included what was needed to get VDOT approval and read the requirements to the Commission and explained what was allowed and was not allowed.

Ms. Kirkman asked in the context of 28-25 and 28-123, types permitted, what was the definition of sign.

Mr. Stepowany stated there was a current definition of sign.

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Ms. Kirkman asked the current definition that would refer to this Ordinance and asked if it would include LED signs.

Mr. Stepowany read “a sign was any device, fixture, place card or structure that uses any color, form, graphic illumination symbol or writing to advertise or announce the purpose of or identify the purpose of a person or entity, or to communicate information of any kind to the public. Any such device, fixture, place card or structure less than two square feet in size is excluded from this definition”.

Ms. Kirkman stated if LED signs were inappropriate for model home signs, would that need to be specified, because the definition read could include LED signs.

Mr. Stepowany stated any type of sign could be an LED sign.

Mr. Rhodes stated 28-123, referenced in paragraph 7, temporary sales sign, was not referenced any other place and asked if that was for a reason.

Mr. Stepowany stated that section was just a number change.

Mr. Rhodes asked if temporary sales sign was listed in the other zoning districts.

Mr. Stepowany stated he would have to do some research.

Mr. Rhodes stated it was interested that it would be allowed in the A-1 zoning district and no other zoning district. He thought maybe it was missed earlier and maybe just being added not.

Mr. Stepowany stated 28-124 ends 1) home occupation, 2) public signs, 3) subdivisions, 4) temporary event signs 5) general advertising and 6) model home sign.

Mr. Rhodes asked if a temporary sale sign was the same as a temporary event sign.

Mr. Stepowany stated no, in 28-123 temporary event sign was number 5 and temporary sale sign was number 8.

Mr. Rhodes stated temporary sale sign would not be permitted in the A-2 or R-1 zoning districts.

Mr. Stepowany stated it was not recommending adding those to the other zoning district, but the instructions from VDOT was to prohibit general advertising signs in the A-1, A-2 and R-1 zoning districts and to determine where model home sign were to be located. He stated for some reason temporary sale sign was not listed and read the definition of temporary sale sign to the Commission. He stated temporary sale signs were listed in Section 28-126 and 28-127. He explained proposal three were other amendments to the Zoning Ordinance approved by the Ordinance Committee and other recommendations. He stated the Planning Commission recommended allowing subdivision signs for each section of the subdivision, not just the main subdivision sign which was also recommended by the Sheriff's for Department Crime Prevention Through Environmental Design (CPTED). He stated temporary event sign definition has regulations which were recommended to be removed and put in the actual sign regulations. He stated the County Attorney's office modified Sections 28-136, repair and removal of signs Section 28-138, servability clause and Section 28-139, substitution clause which were

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incorporated in the Electronic Billboard Ordinance. He stated the Commission could keep all the contents in one ordinance, two ordinances or three ordinances.

Mr. Di Peppe stated the thought this might be a good place to stop discussion and reconvene in the regular meeting. He stated he would like to adjourn the Ordinance Committee and the Work Session and pick up at the regular meeting.

Ms. Kirkman suggested the Chairman find out staff's recommendation concerning moving this forward and check with the Committee to see if they agree.

Mr. Di Peppe asked Mr. Stepowany for staff's recommendations.

Mr. Stepowany stated staff would recommend two ordinances, the original ordinance with the Electronic Billboard issues and the VDOT certification and the second ordinance would be a new ordinance which would include the other amendments which have already been approved by the Ordinance Committee.

Ms. Kirkman stated staff was proposing the Committee move forward proposals one and two as one ordinance and proposal three as a separate ordinance.

Mr. Stepowany stated correct.

Mr. Di Peppe stated he would like to allow the Commission time to think about this discussion and reconvene at the regular meeting. He stated there would be time for discussion and questions.

5. Discuss Restricting Vehicles from Being Used as Business Signs
6. Reservoir Protection Overlay District
8. Definitions for Major and Minor Site Plan and Security Requirements for Site Plan
9. A-1 Lot Yield
10. Impact Fees

**ADJOURNMENT**

Mr. Di Peppe adjourned the meeting at 7:02 p.m.

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Peter Fields, Chairman  
Planning Commission

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The regular meeting of the Stafford County Planning Commission of Wednesday, September 17, 2008, was called to order at 7:35 p.m. by Vice-Chairman Archer Di Peppe in the Board of Supervisors Chambers of the Stafford County Administration Center.

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

MEMBERS ABSENT: Fields

STAFF PRESENT: Harvey, Roberts, Stinnette and Stepowany

DECLARATIONS OF DISQUALIFICATIONS:

None

PUBLIC PRESENTATIONS:

None

PUBLIC HEARINGS:

1. Amendment to Zoning Ordinance - Amendment to Section 28-185, Conditional use permits and Section 28-205, Notice, of the Zoning Ordinance, pursuant to O08-71. The amendment will require the bottom of the public hearing notice sign to be a minimum of fifteen (15) inches from the ground instead of two and one-half (2½) feet.

Jamie Stepowany presented the staff report. He stated public hearing notice signs must be 2 ½ feet above the ground (30 inches). This was added to the Zoning Ordinance to provide direction for the applicant. Recently an ordinance was passed requiring representatives of the Planning Commission, which was the Department of Planning and Zoning, were required to post public hearing notice signs for all public hearings with the Planning Commission and Board of Supervisors. Planning and Zoning had access to materials and equipment to post signs where the bottom of the sign may be fifteen (15) inches from the ground. He showed photographs of the signs. He stated Ordinance O08-71 would amend Sections 28-185 and 28-205 by reducing the minimum height of thirty (30) inches to fifteen (15) inches above the ground for the public hearing notice signs. Staff believed the proposed amendment would allow Planning and Zoning to comply with the Zoning Ordinance and staff recommended approval of the proposed Ordinance.

Mrs. Carlone stated she was glad to see this because of complaints from people not being able to see the signs.

Mr. Di Peppe opened the public hearing

With no one coming forward the public hearing was closed.

Mr. Mitchell made a motion to recommend approval of O08-71 to the Board of Supervisors.

Mr. Rhodes seconded.

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

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2. Amendment to Zoning Ordinance - Amendment to Section 28-37, Nonlisted uses, of the Zoning Ordinance, pursuant to O08-72. The amendment will no longer permit an application for a Conditional Use Permit when a use is not listed in any zoning districts in Table 3.1. The use may only be permitted after appropriate amendment to the text of the zoning ordinance.

Jamie Stepowany presented the staff report. He stated uses not specifically listed in Table 3.1 were permitted by the issuance of a Conditional Use Permit. The issuance of the CUP was based on the merits of the application and not the appropriateness of the zoning district it was located in. The Board of Supervisors had dealt with nonlisted uses by requiring the issuance of a CUP or by an amendment to the Zoning Ordinance. The Planning Commission desires an amendment to the Zoning Ordinance to determine the appropriate zoning districts and permissibility of a nonlisted use. He stated Ordinance O08-72 would amend Section 28-37. It would remove the current regulation pertaining to uses which were not specifically permitted in Table 3.1 but may be permitted by the issuance of a CUP. It also would specify that a use was prohibited if it was not listed in that zoning district. As a result, an amendment to the Zoning Ordinance was required for a use not listed in a specific zoning district. He stated the proposed amendment would clarify the process by recognizing nonlisted uses and establish a consistent process determining the appropriate zoning district and permissibility of a nonlisted use. Staff recommended approval of the proposed amendment.

Mr. Howard asked where the definitions in table 3.1 were. He stated they were looking at an Ordinance that he was not familiar with.

Mr. Stepowany stated in Section 28-35.

Mr. Howard stated if the Ordinance was saying if it was not listed

Mr. Stepowany stated currently if the use was not listed in any district then an applicant could submit an application for the issuance of a CUP in the zoning district they desire to have. The Planning Commission had reviewed and made recommendations on a couple of these CUPs, one being the Teen Challenge which was a CUP for the Teen Challenge at a specific property because that type of use was not listed. Another was the mulch and stone sale as that was not listed. Since it was not listed anywhere in any of the uses tables in 3.1, an applicant could come in for a CUP or the Board of Supervisors may request an amendment to the Zoning Ordinance which they did for the stone and mulch sale where they requested to have it listed as a permitted use in the A-1 zoning district. He stated if it was listed in one zoning district, you were not authorized to get a CUP to have it in another. That was the current requirement. He stated if it was a type of use that was only listed in B-2, you could not come in and get a CUP in B-1 unless it was listed as being allowed by a CUP in B-1.

Mr. Howard stated they would have to go for a rezoning instead.

Mr. Stepowany stated that was correct and they would have to go for a rezoning or a text amendment through the Board of Supervisors to make it a type of use in B-1.

Mr. Howard stated they would no longer permit anyone to submit an application for a CUP for a use that was not listed in one of those uses. He asked what the difference was from a rezoning perspective to a CUP perspective.

Mr. Stepowany stated he wanted to clarify that there were two scenarios. The rezoning was if it was listed in one zoning. He stated they had to do that for Cox Communications.

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Ms. Kirkman stated to clarify that would happen now and it would still happen in the future.

Mr. Stepowany stated yes that would happen now and it would still happen. Cox Communication was zoned B-1 and they thought it was zoned R-1 but they wanted to expand their communication facility and communication facilities were not permitted in the R-1 or B-1 zoning district so they came in for a rezoning to A-2 so they could expand. He stated that was the current process. The CUP would be like for the Teen Challenge or the stone and mulch sales which were not listed in any of the use tables in 3.1. The non-listed use section allowed a use that was not listed anywhere to apply for a CUP and whichever property they were interested in was the basis for their CUP. He stated what this amendment would require was that a use would have to be listed in the zoning ordinance within the specific zoning district to be permitted or require a CUP or a special exception. He asked if that made sense.

Mr. Howard stated yes but he did not think that was the way Mr. Stepowany was initially stating it. The amendment no longer would permit an application for a CUP that was not listed in 3.1.

Mr. Stepowany stated that was correct.

Mr. Di Peppe stated as a rationale he was assuming from a staff point if it was not listed anywhere they could come ask for a CUP and put anything anywhere if it was not listed. This was kind of tightening it up so that they could be more specific about what particular activities they would want in each particular zoning district and not have something come in and if this was not listed anywhere, they would get to ask for it anywhere.

Ms. Kirkman stated she could give a couple examples. They had an issue 4 years ago around tattoo parlors because they were not listed anywhere they could be applied for in any district under a CUP. Last year the Zoning Administrator made a determination where there had been an inquiry about what would be needed to locate a Federal Prisoner Re-entry Program. Because that was not a listed use anywhere, the Zoning Administrator's determination was that they could apply for a CUP. They really did have this kind of gaping hole in their Zoning Ordinance where if they did not specify the use in one of their districts, no matter how noxious the use may be, someone could apply for a CUP and, as they had been advised by the attorneys both here and as she had seen at the Board level, it was pretty hard to turn down CUPs and often there was litigation if they did. She stated this was to tighten it up so that it would make it clear what the land uses were. If there was a need to be identified over time for a type of use that had not been thought of in advance, that could be rectified through a text amendment to the Zoning Ordinance to add the list to Table 3.1. It would have to be initiated by staff, the Planning Commission or the Board and sometimes they would have an applicant that would initiate it.

Mr. Howard asked how an applicant would initiate it.

Mr. Stepowany stated he would initiate it based on the applicant's request.

Mr. Harvey stated by State Code it was either the Planning Commission or the Board of Supervisors that would initiate a zoning text amendment. Staff could present information to the Commissioner of the Board and they would make a determination if it would be worthy of going through a public hearing process, like the Commission currently did with their ordinance committee.

Mr. Di Peppe opened the public hearing.

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With no one coming forward the public hearing was closed.

Mr. Rhodes made a motion recommend approval of O08-72 and move forward to the Board of Supervisors.

Mrs. Carlone seconded.

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

**UNFINISHED BUSINESS:**

3. RC2700647; Reclassification - Celebrate Virginia/MLR Associates, LLC - A proposed reclassification from A-1, Agricultural, to B-2, Urban Commercial and M-1, Light Industrial, Zoning Districts to allow for the development of an office, retail shopping center, and communications facility on Assessor's Parcels 44-99, 44-100A, 44-101A, 44-101C and 44-101E consisting of 23.008 acres, located on the south side of Warrenton Road approximately 500 feet east of Celebrate Virginia Parkway within the Hartwood Election District. **(Time Limit: September 30, 2008) (History - Deferred at July 2, 2008 Regular Meeting to September 3, 2008 Work Session) (Deferred at September 3, 2008 Work Session to September 17, 2008 Work Session)**
  
4. CUP2700648; Conditional Use Permit - Celebrate Virginia/MLR Associates, LLC - A request for a Conditional Use Permit to allow six (6) drive-through facilities and one (1) carwash facility within the Highway Corridor Overlay Zoning District on Assessor's Parcels 44-99, 44-101A, 44-101C and 44-101E consisting of 22.903 acres and to allow an existing communications facility in an M-1, Light Industrial, Zoning District located on Assessor's Parcel 44-100A consisting of 0.105 acres, located on the south side of Warrenton Road approximately 500 feet east of Celebrate Virginia Parkway within the Hartwood Election District. **(Time Limit: September 30, 2008) (History - Deferred at July 2, 2008 Regular Meeting to September 3, 2008 Work Session) (Deferred at September 3, 2008 Work Session to September 17, 2008 Work Session)**

Mr. Di Peppe stated number 3 and number 4 had been deferred.

5. 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 O08-68. The amendment establishes density requirements for the A-1, Agricultural and A-2, Rural Residential zoning districts in the same manner that density requirements were to be determined for all other residential districts. The allocated density for the A-1 zoning district would be set at 0.33 dwelling unit per one (1) acre and the allocated density for the A-2 zoning district would be set at 1.0 dwelling unit per one (1) acre. To calculate the 'maximum net density' for a particular parcel, the land owner/developer would be required to apply the formula provided for in Stafford County Code Section 28-38(h) which provides: Subtract the areas of all wetlands, floodplains and slopes greater than thirty-five (35) percent from the gross area of the site to obtain the net area. Multiply the net area of the site by the allocated density to obtain the maximum number of lots permitted for the site. Application of this ordinance could potentially reduce the number of developable residential lots for new developments in the A-1 and A-2 zoning districts where parcels contain significant areas of wetlands, floodplains and/or

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slopes greater than thirty-five (35) percent grade. **(Deferred at September 3, 2008 Regular Meeting to September 17, 2008 Regular Meeting)**

Mr. Harvey stated the Commission conducted a public hearing at their last meeting concerning this issue. He stated the item was deferred based on questions concerning notice and items the public raised.

Mr. Rhodes stated he thought the Commission would come back and have further discussion. He stated the legal issue had been given in the memorandum.

Mr. Harvey stated staff had compiled a draft list of questions and answers that were raised at the public hearing. He stated staff could go through those questions and answers.

Mr. Di Peppe stated that would be fine.

Andrea Hornung explained staff went through the minutes and wrote down the questions and began reading the questions and answers to the Commission. She read:

- 1) Q – How soon would the ordinance for allocated density take effect?  
A – It would take effect when the Board of Supervisors approved the ordinance and set the effective date.
- 2) Q – Would the ordinance be retroactive and impact lots already developed?  
A - No, it would only apply to newly created lots or subdivisions of land and as stated previously, it would apply after the Board of Supervisors approved and set the effective date.
- 3) Q – What are the purpose, urgency, need and benefit of the ordinance?  
A - In order to maintain consistency within the ordinance. Currently A-1 and A-2 zoning districts are the only zoning districts that do not have allocated density calculations. The current practice of determining allocated density does not exist in A-1 and A-2 zoning districts and other districts in the zoning ordinance have an allocated density calculation requirement for residential components. Also there was no specified time frame for the ordinance to be adopted and would be the decision of the Board of Superiors as to how and when the ordinance would be adopted.
- 4) Q – Would this create sprawl?  
A – This would be subjective, because many might consider development on one or three acres as sprawl. Staff believes it would not drastically change the lot yield.
- 5) Q – Why should the county adopt another regulation exceeding state requirements?  
A – This does not exceed the state requirements because the stated does not regulate local land use regulations.
- 6) Q – Do we need another regulations?  
A - The Planning Commission believes that maintaining consistency within the Zoning Ordinance was important in how business was done. If achieving this goal would accomplish through new regulations then yes it would be needed.
- 7) Q – Will the county compensate the landowner for the diminished value of land?  
A – Staff did consult with the Commission of Revenue concerning these questions. Your tax assessment would be reduced if by adopting the ordinance there was a reduction in the lot yield that would reduce the marked value of the property.
- 8) Q – Where is the financial impact statement?  
A – The county has not initiated a study to determine impacts on the tax base and assessments may change if a reduction in the lot yield was determined as stated in questions 7.
- 9) Q – How much land would be affected?

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A – The lots in the A-1 zoning district that could potentially be affected are those in excess of six acres and lots in the A-2 zoning district that could potentially be affected are those in excess of two acres.

Mrs. Hornung stated that completes the questions and answers.

Mr. Di Peppe stated in reference to question 9, were the citizens asking how much land would be affected. He stated he was not sure if staff could answer how many lots would be affected.

Mrs. Hornung stated that could be answered in two ways. The first being the way it was answered and the second, in looking at the existing build out done in the comp plan in June, there were 15,221 acres in the A-1 zoning district and 3,221 in the A-2 zoning district inside the Urban Service Area (USA).

Ms. Kirkman stated those numbers could not be used to answer the questions. She stated that acreage was not divided out by what could be further subdivided.

Mr. Di Peppe stated he thought the Commission would need to find some way to answer the question.

Mrs. Hornung stated staff was looking at the land that was currently zoned as A-1 zoning district acreage and the number of lots available would be a large exercise that may be difficult. She stated staff was estimating how much land, as far as the lots in the A-1 and a-2 zoning districts and the current acreage provided in a chart for the comp plan buildout.

Ms. Kirkman stated this question could be answered very simply by going to the real estate records. She stated she would be happy to provide that information to the Commission.

Mr. Di Peppe stated that would be great.

Mr. Rhodes asked if Mrs. Hornung could answer the question.

Mr. Di Peppe asked Mrs. Hornung to continue.

Mrs. Hornung stated the A-1 zoning district acres not in the USA, were estimated in June 2008 at 73,863 and the A-2 zoning district estimation was 11,584. She stated the total acreage, including in and out of the USA, in the A-1 zoning district was approximately 89,084 acres and in the A-2 zoning district approximately 14,805 acres.

Ms. Kirkman stated that number could not be used because it included existing three acre lots which could not be further subdivided. She stated nonconforming one acre lots were also included that have not been built on. She stated staff should know those numbers were the wrong numbers to use for the calculations.

Mr. Rhodes stated he wanted to hear the numbers and asked Mrs. Hornung to continue, and she answered the question.

Mr. Di Peppe stated he agreed. He stated when the Commission held the public hearing, there were citizens that were very upset and had questions. He stated the Commission told the citizens they would answer their questions. He stated, in his opinion, the answer to question 9 was not the answer the citizens was looking for and he wanted the answer to be correct. He stated he spoke with Scott

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Mayausky, and he has offered to come before the Commission and do a full presentation and explain exactly how this would affect the land values and the taxes for the landowners. He asked the Commission if they had any questions pertaining to the nine questions and/or answers staff presented.

Mr. Howard stated several of the landowners did ask about the tax, and in his opinion that question was not answered based on the terms of the future value of the land. He stated when the value of the property was being assessed, how did the tax rate apply to properties currently in the A-1 and A-2 zoning.

Mrs. Hornung stated she would be glad to have Mr. Mayausky answer.

Mr. Howard stated the second issue raised by the public was if the landowner tried to sell their property their profits would be lowered. He asked if the Commission was addressing those questions and felt those questions could be answered in the future.

Ms. Kirkman stated she thought the Commission did need to hear from Mr. Mayausky before they agreed on an appropriate answer to question 7, it was her understanding that when assessments were done, lot yield was not taken into account.

Mr. Di Peppe stated he would like to get the questions and answers on the county website. He asked the Commission if there were any problems with any questions other than question 9. He stated staff could leave the current answer to question 9 with a caveat stating more information would follow once the Commission received a presentation from the Commissioner of Revenue.

Ms. Kirkman stated she was not comfortable with the response to question 7. She stated she did not feel the Commission should try to correct the answer, but wait until information was received from Mr. Mayausky. She suggested either that question 7 not go on the website or hold off on all the questions being posted.

Mr. Howard stated the landowners tax assessment would be reduced, if the landowner could prove their lot yield had been reduced. He stated he was not sure why the Commission would not post that answer.

Ms. Kirkman stated she was not sure the answer was accurate. She stated, in her opinion, Mr. Mayausky should inform the Commission.

Mr. Howard stated he would call for a point of order because he had the floor and was speaking and was interrupted.

Mr. Di Peppe told Mr. Howard to continue.

Mr. Howard stated he thought it was deceptive to not have all the answers as produced at the meeting tonight. He stated all the answers were read and anyone watching heard the answers. He stated to omit or amend because someone did not necessarily agree or disagree was the correct answer. He suggested to note that more information would be forthcoming after additional research was performed would be the appropriate way to move forward.

Mr. Di Peppe asked staff what additional information could be added to question 7 that might clarify the answer.

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Mrs. Hornung stated the questions and answers were sent to Mr. Mayausky. She stated Mr. Harvey, Mr. Mayausky and staff crafted the answers together so they would be clear for the citizens. She stated Mr. Mayausky agreed with the answer. She stated some of the answers were subjective, and staff along with Mr. Mayausky and Mr. Harvey tried to capture the questions and answer to the best of their ability.

Mr. Di Peppe asked Ms. Kirkman if there was something about the answer to question 7 that she thought may be misleading or incorrect.

Ms. Kirkman stated, in her opinion, the answer was somewhat misleading because the lot yield was not part of the calculation that was used in the algorithm for determining assessments. She stated assessments were based on market value.

Mr. Di Peppe stated the question was, would the county compensate the landowner for diminished value of the land. He stated he felt the county was honestly answering that question. He stated if the landowner proves that the land can not be subdivided for as many houses or can not get as much money for the land now, the county was saying we will not tax you as highly on the land. He stated, in his opinion that was a reasonable statement.

Mr. Howard made a motion that the Commission approve the allocated density questions from the September 3, 2008 meeting, as presented this evening, be posted on the website for the public to read, to include an asterisk on question 9 with more information to follow.

Mr. Mitchell seconded.

Mrs. Carlone stated if there was any questions about the methodology of the assessment, there should be some type of remark.

Mr. Rhodes stated Mr. Mayausky looked at the language and was accepted.

Mrs. Carlone stated there was a question about how the assessments were made. She asked if anyone could answer Ms. Kirkman's concern.

Mr. Di Peppe stated staff could answer the question again, but in his opinion the question was how would the county compensate the landowner. And the answer from the county was, if your land value was reduced, you taxes would be reduced.

The motion to post the nine questions as presented on the website with an asterisk on question 9, noting more information would follow passed 6-0 (Mr. Fields absent).

Mrs. Carlone asked when Mr. Mayausky would be making a presentation to the Commission.

Mr. Di Peppe stated he was hoping to have Mr. Mayausky at the first October meeting because the special meeting scheduled next week was full.

Mr. Harvey verified the next regular meeting would be October 1, 2008

Ms. Kirkman asked what the schedule looked like.

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Mr. Harvey stated presently at the October 1, 2008 work session, the Commission had Celebrate Virginia as a carryover and any Ordinance Committee information that was not dealt with tonight or any new issues that may arise for the Commission. He stated the work session was light.

Mr. Di Peppe asked Mr. Harvey if he would try to have Mr. Mayausky make a presentation for the October 1, 2008 work session.

Mr. Harvey stated yes.

Mr. Howard asked if the Commission would need to move that the amendment for Zoning Ordinance 28-35 be moved to the October 1, 2008 work session, since it was on the agenda as unfinished business.

Mr. Di Peppe stated he thought there were some people that wanted to make some comments, then the Commission would entertain that motion.

Mr. Di Peppe stated he would like the Commission members to make statements or raise concerns concerning the proposed ordinance.

Mr. Rhodes stated he did not see the ordinance making a significant difference. He stated he understood the staff recommendation to make it consistent. He stated when you make .33 dwelling units per acre you do get .99 dwelling units for a three acre lot and mathematically the Commission was reducing the yield. He stated the Commission was also adding the burden of the professional engineer and survey that would be necessary to assess the different variations on each of the lots. He stated that would be an added burden just to make it consistent. He stated he would need a better explanation to understand why the Commission would want to add the cost and mathematically take away a small portion of land.

Mr. Howard stated to add to the comments made by Mr. Rhodes, no matter how the math was done there would be some type of reduction of buildable land. He stated, in his opinion, the ordinance would force property owners to forfeit the potential buildable acreage. He stated the Ordinance would add engineering costs to the property owner in the A-1 and A-2 zoning districts. He stated, in his opinion, spending time discussing this ordinance would have been better spent discussing the comp plan. He stated he did not understand why this ordinance was presented at this time and was glad the Commission was exploring it thoroughly.

Mr. Di Peppe stated he would entertain a motion.

Mr. Howard made a motion to move the Amendment to the Zoning Ordinance, Section 28-35, table of uses and standards, O08-68 to the October 1, 2008 work session.

Mr. Rhodes seconded.

The motion to move the ordinance to the October 1, 2008 work session passed 6-0 (Mr. Fields absent).

Mr. Di Peppe stated the Commission would now go back to Ordinance Committee. He stated at the end of the work session, Mr. Stepowany was discussing alternatives of how to move the sign ordinance forward.

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Mr. Stepowany stated that was correct, he was looking for direction from the Commission.

Mr. Rhodes stated he was fine with the recommendation of the two proposals going forward. He stated he would highlight if there was a need to have temporary sales signs in the A-1 zoning districts, there would be a need for temporary sales signs for Sections 28-124 and 28-125 as a permissible sign in those zoning districts.

Mr. Di Peppe stated he agreed with staff recommendation and Mr. Rhodes concerning proposal one and two in one ordinance and proposal three as a second ordinance. He asked if any of the Commission members had any comments on Mr. Rhodes suggestion concerning the temporary signs.

Mr. Rhodes stated he would like to make a motion that the Commission put proposal one and two together and proposal three as a separate item.

Mr. Mitchell seconded.

The motion to separate the three proposals into two ordinances, with proposal one and two being the first ordinance and proposal three being the second ordinance passed 6-0 (Mr. Fields absent).

Mr. Kirkman asked if the motion was required to have the special language.

Mr. Stepowany stated this ordinance was referred to the Planning Commission by resolution, and the language was not required.

Mr. Rhodes asked if both would have the same ordinance number.

Mr. Stepowany stated proposal one and two would have the same ordinance number and proposal three would have a new ordinance number. He stated the resolution gave the Planning Commission the authority to make changes and modifications. He stated he had a standard form that Mr. Di Peppe would read to move the items forward to public hearing.

Mr. Rhodes stated he thought it would not hurt anything to use the statement.

Mr. Stepowany stated he would have to prepare the statement and asked if the Commission would want to hold off and do all the ordinances at one time.

Mr. Di Peppe stated that would be okay.

Mr. Rhodes made a motion to move forward for public hearing the Ordinance O08-69, Electronic Billboards, which reflects proposals one and two.

Mrs. Carlone seconded.

The motion to move Ordinance O08-69 forward passed 6-0 (Mr. Fields absent).

Mr. Stepowany stated item 5 from the Ordinance Committee was concerning vehicles being used as business signs. He stated the proposal recommended certain types prohibited in all zoning districts. He stated because this ordinance would be in the same Zoning Ordinance as the Electronic Billboards, these would be subparagraphs 12 and 13 not 8 and 9 in Section 28-122, certain types prohibited in all

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districts. He stated subsection 12 would be, any sign attached to, painted or displayed on a commercial vehicle that was an arrow or other directional symbol, that provided direction to a use provided on the lot on which the commercial vehicle was parked or to an adjacent lot. He stated subsection 13 would be any sign attached to, painted or displayed on a commercial vehicle that was parked twenty-five feet or less from any public street line and was located on the same lot or adjacent lot as an establishment to which the sign identifies. He stated that was the proposed amendments the Committee had been discussing. He stated staff would also recommend the following amendment in Section 28-25, definitions of specific terms for commercial vehicles. He stated staff recommends deleting the word "not" in the line "any vehicle with the gross weight of more than 10,500 pounds which was owned, leased or operated by the occupant of the property by which it was parked". He stated there were certain zoning districts and uses that permit commercial vehicles on their property, this ordinance permits commercial vehicles even if it had a sign, on the property provided it was twenty-five feet from the street. He stated by removing the word "not" the vehicle could belong to someone else and be parked on your property. He stated that was a consistent problem zoning enforcement had in dealing with A-1 zoning districts where other friends or acquaintances of property owners in the A-1 zoning district were allowed to have someone else park their commercial vehicle on their property, because the ordinance stated the vehicle does not have to be owned by the landowner. He stated it would identify the only vehicle that could park on the property was a vehicle associated with the property.

Mr. Rhodes asked how would subparagraph 13 work with strip malls that did not have twenty-five feet from the road. He asked if there was any flexibility if there was no option. He stated if you were to go down Garrisonville Road, past Mount. Ararat Church there was a Valero as you were heading west. He stated there were a couple small businesses and if one business had a vehicle, like a locksmith, with a painted van there was not twenty-five feet from the road.

Mr. Stepowany stated a van was not a commercial vehicle.

Mr. Rhodes stated if it was a locksmith panel truck, he was wondering how this would affect that business.

Mr. Di Peppe stated that was why the weight was listed.

Mr. Rhodes stated he did not know how big 10,500 pounds would make a vehicle.

Mr. Stepowany stated an average car was 3,500 pounds. He stated he did not know if it would be a twelve foot moving van or a sixteen foot moving van. He stated he did not know.

Mr. Rhodes stated he thought there were good intentions with the ordinance, but was looking at unintended consequences. He stated there were a lot of small businesses in the County and some of the businesses have not necessarily huge vehicles, but large vehicles.

Mr. Howard stated to give an example depends on what was being carried. He stated his Excursion weight was 8,800 pounds and that was a personal family vehicle. He stated that was his concern initially, because there were businesses, such as a daycare center with a painting on the side which can only park on the front.

Mr. Di Peppe stated he understood the unintended consequences that Mr. Rhodes and Mr. Howard were referring to. He stated almost all of the people in the business community abide by the sign regulations, but there were some that were getting around the regulations by putting signs on large

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trucks. He stated the Committee would like to find a way to regulate those vehicles. He gave an example of a truck in his district, parked on the grass near the street, advertising the business. He stated he and Mr. Stepowany rode out into the County, US Route 1, Garrisonville Road, Route 3 and Route 17 to look at the business. He stated that was a concern, if someone did not have the room. He asked Ms. Kirkman if someone did not have room, could they appeal to the Board of Zoning Appeals (BZA) and request relief.

Ms. Kirkman stated the citizen could request a variance from the Zoning Ordinance. She stated there was certain criterion to be met, such as something unique about the lot. She stated in this case the uniqueness would be unlike other lots where there was no other possible parking.

Mr. Di Peppe asked the cost.

Ms. Kirkman stated she was not sure.

Mr. Harvey stated he thought for commercial, it was approximately \$650.

Mr. Di Peppe stated he did not want the cost to be burdensome

Mr. Stepowany stated the Committee could exempt buses or passenger vans.

Mr. Howard stated he did not think there were a lot of exceptions, but there were some. He asked if the ordinance was changed to indicate providing there was no other parking available.

Mrs. Roberts stated she was speaking with Mr. Harvey concerning "to the extent practical or possible" they will park twenty-five feet from the street.

Mr. Di Peppe stated he did not want to cause the business problems, but also did not want to leave such a loophole the ordinance would be ineffective. He stated there might be a handful of business that it would affect, but he did not see any when he and Mr. Stepowany went out in the count.

Mr. Rhodes stated there were businesses in the Widewater area that were right on the road.

Mr. De Peppe stated when they went out into the county, they went up to Quantico. He stated those places on the road also had available parking on the side or in the rear of the property.

Ms. Kirkman stated she though the only instance where adequate parking was not available would be a nonconforming lot. She stated all the commercial lots being built now have adequate space to meet the ordinance.

Mr. Harvey stated all the modern situations would have adequate parking space.

Ms. Kirkman suggested the ordinance having a statement included to say "shall not apply to legally nonconforming lots".

Mr. Di Peppe asked would those on nonconforming lots be allowed to use a truck as a sign.

Ms. Kirkman stated you can not write the perfect ordinance.

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Mr. Di Peppe stated that was why he suggested the variance from the BZA.

Mr. Stepowany stated the only other suggestion he could offer, would be to model the ordinance after Fairfax. He stated staff would be more than happy to contact Fairfax and see how the ordinance has impacted them.

Ms. Kirkman stated her understanding of the process would be if someone was not in compliance with the ordinance that staff did not go out looking for zoning violations. All code enforcement was based on a complaint basis. Once the complaint was made, staff would go to the business and ask them to come into compliance and work with the property owner to come into compliance. If there were no alternative, staff would work with the property owner to apply for a variance.

Mr. Di Peppe asked the Committee if they would like to hold this item to allow staff time to look into the Fairfax ordinance.

Mr. Rhodes stated he would like to make a motion to hold this ordinance in Committee to get more information.

Mr. Mitchell seconded.

The motion to hold this ordinance in Committee passed 6-0 (Mr. Fields absent).

Ms. Kirkman asked if the Commission would consider deferring Ordinance Committee items 6, 8 and 9 to the October 1, 2008 meeting.

Mr. Di Peppe asked staff if items 8 and 9 were critical with the staff.

Mrs. Hornung stated the reason for the major and minor site plan definition was because the current definition was not clear on the minor site plan. She explained to the Committee in detail the difference in a major and minor site plan. She stated in order to bring the major site plan into compliance with the stormwater management, anything greater than 2,500 square feet of land disturbance, which currently requires a stormwater concept plan would be a major site plan. She stated it would make it clarify as to when a major or minor site plan was submitted.

Mr. Di Peppe asked if there was a problem to defer this to the October 1, 2008 meeting.

Mrs. Hornung stated there was no timeline. She explained the second part concerning the security requirements. She stated because the ordinance currently stated the site plan could not be approved until the securities were posted sometimes plans sit around for two or more years, because of the market. She stated to be consistent with the existing security policy, staff wanted to remove the security requirement at site plan approval and move it to the land disturbing permit time, which had been done in the past.

Ms. Kirkman asked if that could wait.

Mrs. Hornung stated yes.

Mr. Di Peppe stated the Committee would still have to work on item 10.

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Ms. Kirkman stated she would suggest item 10 be moved to September 24, 2008, because it was related to the comp plan. She asked the Committee their thoughts on those suggestions.

Mr. Di Peppe stated Ms. Kirkman was suggesting to hold items 6, 8 and 9 in Committee and be addressed at the October 1, 2008 meeting. He asked if anyone had an objection to the suggestion. He asked if a motion was required.

Ms. Kirkman stated a motion was not necessary, if there was no objection.

Mr. Di Peppe stated Ms. Kirkman suggested moving item 10 to the August 24, 2008 meeting and asked the Committee if there was any objection.

Mr. Howard stated he would prefer to move item 10 to October 1, 2008 as well.

Mr. Di Peppe stated the Board needs to have an ordinance on public impact fees and that has been requested.

Ms. Kirkman stated it was also tied to the comp plan. She stated if Mr. Howard objected to holding item 10 to the August 24, 2008 meeting the Committee could start work on it now.

Mr. Di Peppe asked Mr. Howard if that would be okay to hold it over to the August 24, 2008 meeting.

Mr. Howard stated he did not know enough about the ordinance, and suggested the Committee could start work on it now.

Mr. Di Peppe asked for a presentation on item 10.

Mr. Stepowany asked Mr. Harvey if he could explain item 10, the public facilities impact fees.

Mr. Harvey stated he would give the Ordinance Committee some context. He stated Mrs. Roberts had gone to her office to see if she could get additional information for the Committee. He stated the Board of Supervisors had referred a proposed amendment to the Comprehensive Plan to the Planning Commission regarding public facilities impact fees that would be associated with the adoption of the Urban Transportation Service Districts (UTSD). He stated those impact fees were required by State Code to be in the Comprehensive Plan as well as the methodology and costs. He stated that would be a subject for the Planning Commission to discuss next Wednesday in context with the overall Comprehensive Plan. He stated the Ordinance before the Commission was prepared by the County Attorney's office which would establish public facilities impact fees based upon the standards set forth in the Comprehensive Plan. He stated at some point in time there would have to be public hearings on both the Comprehensive Plan and the Impact Fee Ordinance.

Ms. Kirkman asked if the Attorney's office prepared the Ordinance in response to a Board request.

Mr. Harvey stated they prepared it in preparation of the Boards continuing to make progress towards the UTSD. He stated the impact part was one component, but there were many other moving parts involved with other departments.

Ms. Kirkman asked if the Board adopt the preliminary UTSD. She asked if Mr. Harvey could give the Commission an update.

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Mr. Harvey stated the Board made a recommendation of a map to send to the Commonwealth Transportation Board for their review, because the State Code required the County and the Commonwealth Transportation Board would have to reach an agreement on the boundaries of the UTSD and what roads would be maintained by the county and/or VDOT in those areas. He stated the Board did caveat the map forwarded on to the Commonwealth Transportation Board which stated they had not made a decision whether or not they would move forward or not and reserve that right for a later date as they continue to move through the process. He stated the UTSD was a mechanism for the county to take over public streets, which would entail receiving a payment from VDOT on an annual basis for the cost to maintain the streets. He stated there were currently two counties in the Commonwealth that maintain their own streets and that was Arlington County and Henrico County. He stated the map that was developed had two Urban Transportation Service Districts that were based on a threshold of a minimum density of one dwelling unit per acre existing on the ground. He stated it was contemplated that every so many years the County would re-negotiate the boundaries with the Commonwealth Transportation Board. He stated the impact fee was authorized under the legislation and the Commission had before them the vehicle to start. He stated the Ordinance would be required to be adopted by the end of 2008, but the fees could be assessed at the time the Board would see fit, it was not specified that the fees would go into effect immediately or delayed. He stated that would ultimately be a Board policy decision on how to proceed. He stated the code specified that the fees would have to be charged for the cost of capital facilities associated with development of homes. The comprehensive impact fees would only apply to agricultural zoned properties that were subdivided after the effective date of the ordinance, and would effect by-right agricultural subdivisions if the Board were to adopt the Urban Transportation Service District and the Impact Fee Ordinance.

Mr. Di Peppe stated the Board would need the ordinance ready if they did decide to move forward with everything and it would be ready by the end of the year.

Mr. Rhodes asked if the Ordinance would have to be in place by a time certain.

Mr. Di Peppe stated yes, the end of December.

Mr. Harvey stated December 31, 2008.

Mr. Di Peppe stated they were asking the Commission to prepare the Ordinance incase the Board were to move forward.

Mr. Rhodes asked how the fee structure would be determined.

Ms. Kirkman stated the enabling legislation specified that the capital cost had to be done in the Comprehensive Plan and to be coherent they should move forward with the Comprehensive Plan. She stated this came out of Chapter 4 and staff did research based on the Levels of Service (LOS) and the capital costs. She stated basically the same methodology to develop the proffer guidelines was used.

Mr. Rhodes stated stormwater collection retention and detention treatment and disposal facilities cost nothing per residential unit.

Mr. Harvey stated currently the County does not have any capital facilities of that nature. He stated before the county could assess a fee, something would have to be identified in the capital facilities program, or the County would be required to maintain storm drainage or provide shore line protection programs.

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Ms. Kirkman stated this would create a place holder should the County decide to do that in the future.

Mr. Rhodes asked if the Commission could restate in summary the calculation of the residential unit for subparagraph one of the proposed ordinance, roads, streets, bridges \$46,975.

Mr. Harvey stated the methodology looked at the existing lane miles in the county and looked at the number of households in the county and came up with a "X" number of lane miles per household. He stated that incremental lane mile per household number and multiplied it by what VDOT used as a figure for cost of constructing one lane mile of road, was how the figure was obtained. He stated it takes a LOS standard for each incremental house the same number of lane miles would remain constant.

Mr. Rhodes stated he would not be prepared to act on this tonight, he would have to read this section further.

Mr. Di Peppe asked the Commission if anyone had any problem with moving this item to the September 24, 2008 meeting.

Mr. Rhodes made a motion to defer item 10 to the September 24, 2008 special meeting when the Commission would be discussing the Comprehensive Plan.

Ms. Kirkman seconded.

The motion to move the ordinance for item 10 to the special meeting for September 24, 2008 passed 4-2. (Mr. Howard and Mr. Mitchell voted no) (Mr. Fields absent).

Ms. Kirkman suggested the Commission take the ordinance and read it in conjunction with Chapter 4 of the Comprehensive Plan.

**NEW BUSINESS**

6. Presentation on Comprehensive Plan Update

Mr. Di Peppe stated the presentation on the Comprehensive Plan was done.

**MINUTES**

April 16, 2008 Work Session

April 16, 2008 Regular Meeting

May 7, 2008 Work Session

May 7, 2008 Regular Meeting

May 21, 2008 Work Session

May 21, 2008 Regular Meeting

Mr. Mitchell made a motion to accept all work session and Planning Commission minutes as submitted.

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Ms. Kirkman stated she had some corrections on some of the minutes. She stated she could not vote on all of the minutes because she only got copies of minutes for May 21, 2008.

Mr. Rhodes stated there was a separate package that came out last Friday and asked Ms. Kirkman if she received two packages.

Ms. Kirkman stated she only received one package.

Mr. Rhodes stated the second package had the other minutes.

Mr. Howard stated he could not vote on the April 16, 2008 minutes because he was not present.

Mrs. Carlone stated she did not receive all of the minutes.

Mr. Di Peppe stated since everyone did not have an opportunity to read the minutes the minutes would be tabled until the meeting scheduled September 24, 2008.

Ms. Kirkman stated she would like to table the minutes until the October 1, 2008 meeting.

Mr. Di Peppe stated that would be up to Mr. Fields.

**PLANNING DIRECTOR'S REPORT**

Mr. Harvey stated at their meeting yesterday, the Board of Supervisors took up a continuation of the public hearing on the rezoning for Young Chefs Academy on Garrisonville Road and approved the application after modifications to the proffers. He stated the Board also approved the Conditional Use Permit for Dominion substation on Mountainview Road. He stated he previously discussed the issues with the UTSD so that concludes his report.

**COUNTY ATTORNEY'S REPORT**

No Report

**SECRETARY'S REPORT**

No Report

**STANDING COMMITTEE REPORTS**

Mr. Rhodes stated the Commission received a package of information for discussion concerning the Transportation discussion at the October 1, 2008.

Mr. Harvey state the Six Year Improvement Plan (SYIP) would be a regular agenda item.

Mr. Rhodes made a motion for approval for public hearing with the Planning Commission for an Ordinance to amend Sections 28-25, 28-123, 28-124 28-127 and 28-136 of the Zoning Ordinance and establishes Section 28-138 and 28-139 of the Zoning Ordinance. The amendment modifies the definition and regulations for subdivision and temporary event signs, modifies the regulations for the removal and repair of signs, establishes severability and substitution clause for the sign regulations.

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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. Mitchell seconded.

The motion passed 6-0 (Mr. Fields absent).

Mr. Rhodes made a motion for approval for public hearing with the Planning Commission for and Ordinance to amend Sections 28-25 and 28-57 of the Zoning Ordinance. The amendment establishes regulations pertaining to flood hazard overlay district. 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. Mitchell seconded.

The motion passed 6-0 (Mr. Fields absent).

**SPECIAL COMMITTEE REPORTS**

**CHAIRMAN'S REPORT**

Mr. Di Peppe stated Mr. Fields will be back for the September 24, 2008.

**ADJOURNMENT**

With no further business the meeting was adjourned at 9:09 p.m.

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Peter Fields, Chairman  
Planning Commission